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DISPUTE BETWEEN BOLIVIA AND PARAGUAY

APPEAL OF THE BOLIVIAN GOVERNMENT

UNDER ARTICLE 15 OF THE COVENANT

EXTRACTS

FROM THE

RECORDS

OF THE

FIFTEENTH ORDINARY SESSION

OF THE

ASSEMBLY

Plenary Meetings of the Assembly.

Minutes of the First Committee.

Minutes of the Sixth Committee.

GENEVA 1934.

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A. NOTE BY THE SECRETARY-GENERAL.

As the complete records of the discussions, both in the Council and during the fifteenth ordinary session of the Assembly (September 1934), in connection with the dispute between Bolivia and Paraguay, and all the documents relating thereto,¹ have been published in the *Official Journal*, the following list of the volumes in which those records appear is given for convenience of reference :

Council :

- | | |
|--------------------------------|---|
| September 1932
(page 1573). | Documents communicated in July, August and September 1932. |
| November 1932. | Minutes of Council meeting held on September 23rd, 1932, and Annexes (sixty-eighth session of the Council). |
| December 1932
(Part II). | Minutes of Council meetings held on October 3rd, 15th, November 25th, December 6th and 17th, 1932, and Annexes (sixty-ninth session of the Council). |
| February 1933. | Minutes of Council meeting held on February 3rd, 1933, and Annexes (seventieth session of the Council). |
| April 1933
(Part II). | Minutes of Council meeting held on March 8th, 1933, and Annexes (seventy-first session of the Council). |
| June 1933
(Part II). | Minutes of the Council meetings held on May 15th and 20th, 1933, and Annexes (seventy-second session of the Council). |
| September 1933
(Part II). | Minutes of Council meetings held on July 3rd and August 3rd, 1933, and Annexes (seventy-fourth and seventy-fifth sessions of the Council). |
| November 1933
(Part II). | Minutes of Council meetings held on September 28th and October 12th, 1933, and Annexes (seventy-sixth and seventy-seventh sessions of the Council). |
| February 1934
(Part II). | Minutes of Council meeting held on January 20th, 1934, and Annexes (seventy-eighth session of the Council). |
| July 1934
(Part I). | Minutes of seventy-ninth session of Council, held from May 14th to 19th, 1934, and of eightieth session, held from May 30th to June 4th, 1934, and Annexes. |
| November 1934
(Part II). | Minutes of eighty-first session of Council, held from September 7th to 15th, 1934, and of eighty-second session, held from September 19th to 28th, 1934, and Annexes. |

Assembly :

Special Supplement No. 124.

¹ It has been considered inadvisable, owing to its length, to republish in the *Official Journal* the report of the Chaco Commission (document C.154.M.64.1934.VII).

**B. EXTRACTS FROM THE RECORDS OF THE PLENARY MEETINGS
OF THE FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY.**

FIRST MEETING.

Held on Monday, September 10th, 1934, at 10.30 a.m.

President : M. SANDLER (Sweden).

.....

8. Dispute between Bolivia and Paraguay : Appeal by the Bolivian Government under Article 15 of the Covenant : Inclusion of this Question in the Agenda on the Basis of the Council Resolution of September 7th, 1934.

The PRESIDENT. [*Translation.*]—The delegations will have read document A.23.1934.VII, in which the Secretary-General communicated to the Assembly the resolution adopted by the Council on September 7th, 1934, concerning the dispute between Bolivia and Paraguay. The resolution reads as follows :

“ I. The Council,

“ In view of the report of the Committee, dated June 14th, 1934 (document C.263.M.112.1934.VII) ;

“ Seeing that the request of the Bolivian Government, under the provisions of paragraph 9 of Article 15 of the Covenant, that the dispute between Bolivia and Paraguay be referred to the Assembly was made within the period of fourteen days provided for in the said paragraph :

“ Decides that the said dispute is referred to the Assembly, in accordance with Article 15, paragraph 9, of the Covenant.

“ II. The duties which the Council may have to fulfil in accordance with the Covenant remain unaffected by the present decision.”

The dispute between Bolivia and Paraguay is thus referred to the Assembly on the basis of a request from the Bolivian Government under Article 15, paragraph 9, of the Covenant. In accordance with this Council resolution, the Assembly is thus called upon to add this question to those already on the agenda of the present session.

If there are no observations, this will be taken as agreed.

Agreed.

.....

SIXTH MEETING.

Held on Friday, September 14th, 1934, at 4.30 p.m.

President : M. SANDLER (Sweden).

27. Dispute between Bolivia and Paraguay: Appeal by the Bolivian Government under Article 15 of the Covenant : Communication by the Delegate of the Argentine Republic.

The PRESIDENT. [*Translation.*]—Before beginning our agenda, I call upon the first delegate of the Argentine Republic, who has a communication to make to the Assembly with reference to the conflict between Bolivia and Paraguay.

M. CANTILLO (Argentine Republic). [*Translation.*]—In my speech on Wednesday,¹ when referring to my country's general policy, I had occasion to recall the constant efforts made by my Government to put an end to the war in the Chaco.

To-day I have to give the Assembly certain additional information on this important question.

¹ See records of the third plenary meeting of the Assembly, *Official Journal*, Special Supplement No. 125.

Without discussing in detail—that would take up too much of our time—the many steps taken by my Government to bring about a pacific settlement of the conflict, I may say that, ever since the first encounters in the Chaco, in 1932, the Argentine Chancellory has concerned itself with this problem and given it its most serious consideration.

It strongly supported the action of the Commission of Neutrals at Washington ; it then associated itself with the other neighbouring countries ; it maintained the principle that in America territorial disputes cannot be settled by force of arms—a principle which found expression in the declaration signed by nineteen American States on August 3rd, 1932. It called the Mendoza meeting, at which the Argentine and Chilian Ministers for Foreign Affairs agreed on a formula of arbitration to be laid before the belligerents. There followed, among many other efforts, in which the Argentine Republic always played a part, the Conference at Montevideo, the support given to the Commission sent by the Council of the League—a whole series of efforts, inspired by the same feeling of confraternity and good-neighbourliness, which included a comprehensive survey of the economic factors that the conflict has brought into play.

Lastly, on July 12th last, there was the presentation of a plan for peace, generously and loyally supported by the United States of America and by Brazil. That plan, based upon principles solemnly proclaimed by the American countries and fully in keeping with their traditions, was accepted in principle by the two belligerents, who expressed their readiness to submit the subject of the dispute to a procedure of conciliation, and subsequently—should this be necessary—to arbitration by the Permanent Court of International Justice at The Hague. When, however, the moment came to define their acceptance of principle, the same divergence of views reappeared on either side.

The Argentine Republic, when attempting to find formulas of agreement and when collaborating in other similar efforts, has acted with the greatest impartiality, taking care to secure the approval of the parties and scrupulously respecting their sovereignty, and has always offered its good offices within the framework and in the spirit of the Covenant.

It submitted the plan for peace to which I have just referred, at a moment when neither the Council nor the Assembly was in session, but it duly advised the Council and the Committee of Three semi-officially of what it was doing.

To-day the Assembly is in session, and my country, as a Member of the Council, considers it its duty to lay before you the plan which, in July last, was submitted by it to the belligerents, in collaboration with the United States of Brazil and the United States of America.

The bases of that plan are as follows :

“ Whereas the Governments of Bolivia and of Paraguay have acceded to the Declaration of August 3rd, 1932, renouncing all territorial acquisitions obtained by force of arms ;

“ Whereas the two Governments have also subscribed to the Pact of Non-Aggression and Conciliation of Rio de Janeiro, under which the parties renounce war as an instrument for the settlement of international disputes, and the settlement of disputes of any kind must be effected only by the pacific means which have the sanction of international law ;

“ Whereas, independently of these general declarations, it is an undoubted fact that in America disputes relating to frontier questions have always been settled, in principle, by pacific means ;

“ Whereas, in consideration of these instruments, which involve the good faith and honour of the signatories, and in consideration of the aforesaid antecedents, the war in the Chaco has no *raison d'être*, since it is incompatible with the obligation assumed and with the antecedents referred to and may not have in view any object inconsistent with the rules of law ;

“ Whereas the Treaty of Rio was unreservedly accepted during the war and in consequence the dispute that led to the conflict must belong to the category to which it applies ;

“ Whereas the American Republics, by jointly and collectively entering into an undertaking under the aforesaid instruments, *ipso facto* sanctioned the principle that no war on that continent can be a matter of indifference to them ; and, either singly or in groups or together, they have entered into an undertaking to employ the lawful means at their disposal to prevent or arrest such war, a conception strengthened by the fact that they have ratified the Hague Convention for the Pacific Settlement of International Disputes, which expressly authorises the employment of good offices or mediation at any stage of the dispute :

“ The Governments of interpreting the joint will of the American Republics, as expressed in the aforesaid instruments, make the following proposals and submit them for the consideration of Paraguay and Bolivia :

“ (1) Bolivia and Paraguay ratify their intention to renounce all territorial conquests ;

“ (2) Bolivia and Paraguay declare that, in the present war, they do not propose to acquire territories which rightly come within the jurisdiction of one or other country ;

“ (3) They declare also that any dispute still pending and not yet settled that may have been the cause of the conflict shall be settled by legal procedure ;

“ (4) In virtue of the foregoing considerations, the war in the Chaco shall be concluded at the earliest possible date ;

“ (5) Bolivia and Paraguay declare that they will appoint at the earliest possible date Plenipotentiaries who will meet in the city of Buenos Aires and come to an

agreement as to the final cessation of hostilities and the measures of security necessary to ensure that result ;

“ (6) The Plenipotentiaries shall be authorised to set up the Conciliation Commission referred to in Article VI of the Pact of Non-Aggression of Rio de Janeiro, and that Commission shall apply, in the solution of the conflict, the procedure established in the said article, since the conflict in the Chaco can, by reason of its special character, be satisfactorily settled by a process of conciliation, which permits of considering factors of equity and mutual utility and other factors difficult to take into consideration under a system of purely legal arbitration ;

“ (7) Should the conclusion arrived at prove ineffective, Bolivia and Paraguay undertake to submit the question to the arbitral award of the Permanent Court of International Justice, such arbitral award to be given within a period of three months, which may be extended by agreement between the parties.”

These were the bases of agreement laid before the two countries by the Argentine Republic, Brazil and the United States of America.

I will not say that the negotiations entered into, in connection with the plan submitted to the belligerents, have actually failed, but they have not yet reached a successful conclusion.

I have brought these facts to the notice of the Assembly in order that the latter may take them into account when pursuing, with all the weight of its authority, the work of pacification to which my Government, with the assistance of the two great American countries, has once more been devoting its best efforts.

.....

C. EXTRACTS FROM THE MINUTES OF THE FIRST COMMITTEE.

SECOND MEETING.

Held on Tuesday, September 18th, 1934, at 10.30 a.m.

Chairman : Count RACZYŃSKI (Poland) ;
later, M. LIMBURG (Netherlands) (Vice-Chairman).

5. **Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion.**

The CHAIRMAN read the following letter, dated September 17th, 1934, addressed to him by the Chairman of the Sixth Committee :

“ I have the honour to inform you that, after consulting the General Committee of the Assembly, the Sixth Committee has decided to ask the First Committee to be good enough to examine the legal doubts expressed by the representative of Paraguay regarding the integral application of Article 15 of the Covenant to the dispute between Bolivia and Paraguay, in the existing circumstances.

“ At the third meeting of the Sixth Committee, held on September 15th, the representative of Paraguay made the following observation :¹

“ ‘ My country’s deference to the League and the Assembly cannot, however, prevent the Paraguayan Government from communicating to the latter its doubts as to the manner in which the question has been submitted to the Assembly and the possibility for the Assembly of applying Article 15 in its integrity, under the conditions at present obtaining in the conflict between Bolivia and Paraguay.’

“ The Minutes of this meeting of September 15th will, of course, be placed at the disposal of the First Committee.

“ I venture to add that the Sixth Committee would greatly appreciate it if the First Committee would kindly regard the question thus referred to it as urgent.

(Signed) Salvador DE MADARIAGA,
Chairman of the Sixth Committee.”

The Chairman added that the text of the letter and of the Paraguayan delegate’s declaration, which existed at present only in French, would be distributed to delegates as soon as possible in English.

Mr. OFFICER (Australia), rising on a point of order, protested against the Committee being asked to discuss an important legal question when the relevant texts were only available in one language. He realised, however, the urgency of the question and would not press the matter of form.

The CHAIRMAN said that he fully appreciated the importance of submitting texts in both the League languages. He pointed out that the present meeting of the First Committee was only a preliminary meeting, at which he had thought that it would be possible to hear the statements of the delegates of Bolivia and Paraguay.

M. CABALLERO DE BEDOYA (Paraguay) stated that, in the Paraguayan Government’s view, the application to the conflict between Bolivia and Paraguay of Article 15 of the Covenant in its integrity, under the conditions then prevailing, and in view of the manner in which the question had been referred to the Council and the Assembly by Bolivia, raised one rather serious question of interpretation : that of the partial non-applicability of the article in question.

The Paraguayan Government questioned whether the provisions of Article 15 of the Covenant could, as the Bolivian Government claimed, be applied literally and in their integrity, either during the phase of conciliation or during that of recommendations in accordance with the procedure laid down in that article, in the case of an actual war which had notoriously persisted for upwards of two years, a war which, moreover, had been legally declared between two Members of the League of Nations, particularly when the Council had itself already taken cognisance of that war as it were *sponte sua*—that is to say, without either of the parties to the dispute having submitted such a request—and that in virtue of Article 11. The Paraguayan Government felt justified in directing the friendly attention

¹ See page 57.

of members of the First Committee to that legal problem, which required to be settled in the general interest of fixing legal rules which should govern the application of the constitutional provisions of the Covenant.

It appeared, indeed, indispensable to define the conditions for the application of that article. It was in the essential interests of the international community that those conditions should be defined, in order that the States Members might have a clear conception of the extent of their undertakings and their rights. In acting thus, the Paraguayan Government was not trying for selfish ends of its own to evade by subterfuges any procedure for pacific settlement instituted under the Covenant. Paraguay, an unconditional signatory of Article 36 of the Statute of the Permanent Court of International Justice at The Hague, had already accepted unreservedly the plan recently proposed by the Argentine Republic, Brazil and the United States of America,¹ and was above such a suspicion. On the contrary, she hoped to hasten the termination of a war which had been imposed on her and which she wished—as earnestly as anyone might—to see at an end, being of opinion that the defining of the rules of international law constituted progress in itself and that any progress in that sphere must serve the cause of international peace.

M. Caballero de Bedoya desired to make a statement on the facts and on the legal position. He would first briefly recall the facts :

The Council, it would be remembered, had taken cognisance of the dispute in virtue of Article 11 of the Covenant. While the procedure of conciliation instituted on the basis of that article was in operation, the Bolivian delegate, at the Council meeting on May 31st, 1934,² had first invoked Article 13 of the Covenant and asked for “the organisation of a tribunal with a view to the settlement of the dispute”, and then, a few minutes later, had laid before the Council a request for the application of Article 15 of the Covenant.

The following day, on June 1st,³ while noting the Council's acceptance of the Bolivian representative's application, the Paraguayan representative had felt obliged to point out the premature nature of the statement made by the Bolivian representative as to the failure of the attempts at conciliation on the basis of Article 11, which would authorise him to ask for the application of Article 15. He had, at the same time, insisted on the dilatory character of the request of the Bolivian Government, which was anxious to obviate all risk—in the event of the continuance of hostilities—of the Council approving uniform measures of embargo on arms and implements of war.

On June 11th,⁴ M. Caballero de Bedoya had had the honour to submit to the Council, on his Government's instructions, certain reservations concerning the possibility, from a legal standpoint, of applying the procedure of Article 15 in its entirety in a case in which there was not merely a dispute likely to lead to a rupture, but a war legally declared by the Government of a State which had been the victim of an aggression, as was the case with Paraguay.

In the first place, a legal analysis of Article 15 of the Covenant showed that three conditions must be fulfilled before that article could be applied. First, a dispute must have arisen between Members of the League likely to lead to a rupture, and, secondly, such dispute must not have been submitted to arbitration or judicial settlement; lastly, notice of the existence of the dispute must have been given to the Secretary-General by one of the parties.

A mere perusal of these conditions proved clearly that the Bolivo-Paraguayan dispute did not come within the category of disputes referred to in Article 15 of the Covenant, since there had, in fact, been a rupture which had led to that very state of war legally declared, and hostilities were known to have been in progress for upwards of two years. For such a case, the Covenant provided the procedure laid down in Article 11, the field of application of which was much wider, covering as it did both the threat of war, which formed the subject of Article 15, and war itself. For that reason, when war had been declared, it was impossible to proceed from Article 11 to Article 15.

An examination of the conditions required for the application of Article 15 showed then that there was one condition which was primordial, and failing which it would be absolutely impossible to apply that article, at all events in its entirety, namely, the absence of any armed conflict and, *a fortiori*, of any officially declared war.

The application of Article 15 in its entirety presupposed simply a menace to the state of peace. Before Article 15 could be applied in its entirety, there must previously have been a cessation of hostilities, accompanied by measures of conservation, including firm guarantees of security which should make such cessation effective.

Article 15 considered exclusively the case of a state of peace maintained or brought about by the cessation of existing hostilities. It was in regard to that point that the conditions of application of Article 15 differed from those of Article 11, which permitted of the intervention of the Council or the Assembly at any stage of the conflict, even when a state of declared war existed or when the rupture was recognised as equivalent to a war.

The Council itself had had occasion to lay stress on that difference when, in its resolution of January 20th, 1934,⁵ in answer to the doubts expressed by the Chaco Commission (which was then at Buenos Aires), it had specified that the maintenance of hostilities did not constitute an obstacle to the Commission's pursuit of its work of conciliation.

¹ See page 9.

² See *Official Journal*, July 1934 (Part I), pages 778 and 783.

³ See *Official Journal*, July 1934 (Part I), page 785.

⁴ See *Official Journal*, July 1934 (Part I), page 846.

⁵ See *Official Journal*, February 1934 (Part II), page 243.

That perfectly legitimate argument based on Article 11, which contemplated the case of war in addition to the threat of war, was not admissible in the hypothesis set forth in Article 15. The conditions necessary for the application of Article 15 did not at present exist.

At the meeting of the Council on June 1st, 1934,¹ Mr. Eden, the United Kingdom representative, had stated that he could not "agree that, in peculiar circumstances such as these, when neither party has invoked any article of the Covenant and when hostilities have been in progress for two years, either party had the right to insist that the Council should proceed under Article 15".

The Paraguayan Government was happy to endorse that point of view expressed by the United Kingdom representative—namely, whether a party could invoke Article 15 in a case of which the Council, in the absence of any request from the parties, had itself taken cognisance on the basis of Article 11.

One preliminary condition—namely, the cessation of hostilities, guaranteed by adequate measures of security and followed, if necessary, by the withdrawal of the declaration of war—was thus indispensable in order to make possible and ensure the application of Article 15 in its entirety.

The Paraguayan Government was gratified to find that the conditions deemed necessary for the application of Article 15 thus confirmed the argument which it had consistently maintained since the outbreak of the conflict—that is, that the cessation of hostilities must precede the institution of any form of procedure for the pacific settlement of the dispute.

The Paraguayan Government accordingly desired to direct the Assembly's special attention to the impossibility in law of applying the procedure of Article 15 before the preliminary conditions of the cessation of hostilities and security, indispensable for the application of that article, had been fulfilled.

Of the two phases of the procedure laid down in Article 15—that of conciliation prescribed in paragraph 3 and that of the recommendation referred to in paragraph 4—only the first, which reproduced the procedure of Article 11, could therefore be applied in the event of a state of hostilities existing between the parties.

On the basis of Article 15, the Council or the Assembly, in view of the state of hostilities still existing between the parties, could not legally go beyond the phase of conciliation and enter upon the next phase contemplated under paragraph 4: a state of war requiring the application of Articles 16 and 10 of the Covenant for the determination of responsibilities and of the aggressor, with a view to sanctions.

The Bolivian representative had also invoked the application of Article 15 as a roundabout way of bringing into play Article 13, which, according to him, offered the only means of settling the substance of the whole of the Bolivo-Paraguayan problem by making the decision binding on the parties to the dispute. "And it is because I believe", he had said at the meeting of the Council on May 31st last, "that this procedure provides various possibilities of putting Article 13 into force that I have the honour, on behalf of my Government, to call for the application of Article 15".

It would be clear, however, to anyone commenting on the Covenant that, as those provisions now stood, Article 15 did not provide for such a possibility. Article 15 did not permit of contemplating a solution similar to that of Article 13. A reference to what had been done with a view to bringing the Covenant of the League of Nations into harmony with the Briand-Kellogg Pact was sufficient to justify the Paraguayan Government's assertion. The proposal of the Committee of Eleven that even recommendations of the Council or Assembly unanimously agreed to under the terms of paragraph 6 of Article 15 should be binding had come to nothing.² It was clear that, in the circumstances, Article 15 did not at present offer, as a means of assisting in the solution of the dispute, the possibilities claimed by the Bolivian representative.

Experience of the recent application of Article 15 served to confirm that conclusion. It was perfectly clear that the substitution of the procedure under Article 15 for that of Article 11, in the dispute between Colombia and Peru—quite apart from the question whether it was legally permissible—had not yielded the results that might have been hoped for.

Furthermore, recommendations did not constitute *vis-à-vis* the parties a compulsory solution of the dispute, as was proved by Advisory Opinion No. 12 of November 21st, 1925, of the Permanent Court of International Justice, in connection with the question of the frontier between Iraq and Turkey.³ It was stated in that opinion that the Council, in virtue of the powers conferred on it by Article 15, "can only make recommendations which, even when made unanimously, do not of necessity settle the dispute".

Recourse to arbitration or judicial settlement—in that particular case to the Permanent Court of International Justice—offered, from the point of view of a settlement of the dispute, an undeniable advantage over Article 15. Only a settlement by the Court or by means of arbitration was final, whereas a settlement by the Council or Assembly was merely provisional. Even a unanimous report was not binding; one that was not unanimous left the parties free. Only arbitral awards or judicial decisions were binding upon the parties (last paragraph, Article 13).

The Paraguayan Government therefore held to its view that, instead of following the circuitous, dilatory and useless course represented by Article 15, whereby it was impossible to settle authoritatively the substance of the question, the Bolivian Government could

¹ See *Official Journal*, July 1934 (Part I), page 786.

² Document A.8.1930.V.

³ Publications of the Permanent Court of International Justice: Series B, No. 12, page 27.

best express its intention, many times repeated, of "finding a judge" by acceding to the Optional Clause of the Statute of the Permanent Court of International Justice, which involved the acceptance of the compulsory jurisdiction of the Court. When the war was at its height, on May 11th, 1933, Paraguay had *unconditionally* ratified the Optional Clause, recognising the Court's jurisdiction as laid down in Article 36 of its Statute. The statement submitted by the Bolivian Government, on September 4th, 1934, in virtue of Article 15, paragraph 2, of the Covenant, began by saying that :¹

"In appealing to Article 15 of the Covenant, Bolivia, which deeply deplores the prolongation of the Chaco conflict, has no other aim in view than to obtain a final settlement of the dispute which will firmly establish peace on a just basis."

If such were the Bolivian Government's view, the method it has chosen was hardly likely to lead to the desired result, as had just been seen, since it met with difficulties of a legal nature. Accordingly, if a solution were not found by those means, Bolivia would have only herself to blame.

In order to sum up the scope of the question which had been referred to the First Committee, M. Caballero de Bedoya desired to conclude his statement by making the following declaration :

"Paraguay, a country which is suffering cruelly from a war that has been imposed upon her and has already recently accepted unreservedly the plan proposed by the Argentine Republic, Brazil and the United States of America for the peaceful settlement of her dispute with Bolivia, desires to proclaim her readiness to participate with the same goodwill in any similar attempt which the Assembly may desire to make for the settlement of this dispute.

"Paraguay, being anxious above all to put an end to bloodshed, calls upon the League of Nations, in conformity with the high mission laid upon it under Articles 3, 4 and 11 of the Covenant, to take measures calculated to re-establish and ensure effective guarantees of peace, which has now been broken.

"Should it prove impossible to settle the dispute by friendly means in conformity with Article 15, paragraph 3, which reproduces the procedure of Article 11, the Paraguayan Government would point out that its unconditional acceptance of the compulsory jurisdiction of the Permanent Court (Article 36) already defines its position in relation to the Bolivo-Paraguayan dispute and that, in consequence, it agrees that the dispute shall be submitted to the Court or to arbitration.

"Should all these means of pacific settlement be rejected, or should it be impossible to obtain the effective and guaranteed cessation of hostilities, the Paraguayan Government desires to raise now the question whether the provisions of Article 15, paragraphs 4 *et seq.*, of the Covenant can be applied in their entirety by the Assembly in the case of a war actually proceeding which has been legally declared between two Members of the League, more especially when the Council has already taken cognisance of that war under Article 11."

M. RAY (Bolivia) stated that, at the third meeting of the Sixth Committee, after hearing Paraguay's objections as to the applicability of Article 15 in its entirety, the Mexican delegate,² the Chairman of the Committee of the Council, had pointed out that a decision had already been taken in the matter by the Council : on June 1st, 1934,³ the Council had unhesitatingly and unreservedly decided that Article 15 was applicable.

Thus the contention now advanced in the First Committee was contrary to a decision of the Council and tended, further, to withdraw the matter from the competence of the First Committee and of the Assembly. Very strong arguments would be required to substantiate such a contention. What were those arguments ?

The Paraguayan delegate had claimed, in the first place, to make a distinction between paragraph 3 and paragraph 4 of Article 15 ; his Government accepted paragraph 3, the procedure of conciliation, and rejected paragraph 4, the procedure of recommendation. It might seem paradoxical that a state of war should be invoked as an argument for retaining only that stage of a procedure which related to conciliation. There was no need to stress that point. Article 15 formed a whole ; there could be no authority for dismembering it in arbitrary fashion. Moreover, it was highly important that it should not be dismembered, for the chances of success under the procedure of conciliation laid down in paragraph 3 depended very largely on the possibility of going on, in case of failure, to the procedure of recommendation laid down in paragraph 4.

As regards that procedure, the Committee had been told that the Bolivian Government regarded Article 15 as a means of reaching an arbitral or judicial settlement in conformity with the recommendation of Article 13 of the Covenant. The Committee knew, and the Bolivian Government knew, that the procedure of Article 15 did not lead to a compulsory solution of the dispute ; but Bolivia accepted the criticism that, by invoking Article 15, she had thought to increase the chances of a pacific settlement on a legal basis.

As to the possibility of a settlement by the intervention of the Permanent Court of International Justice, the Committee knew that the Bolivian Government had agreed, in its conversations with the Chaco Commission, to the institution of such a procedure before the Court. Not the slightest criticism could be levelled against Bolivia on that score.

The Paraguayan delegate had claimed, moreover, to draw a distinction between Article 11 and Article 15 : the first would apply only in the case of preventing or arresting war ; the second would apply only to the settlement of disputes in time of peace. But it had always been admitted in the League that both articles could apply concurrently. The two hypotheses did not, indeed, fall within two separate domains. The purpose of the Covenant, as expressed

¹ See Annex I.

² See page 61.

³ See *Official Journal*, July 1934 (Part I), page 784.

in Articles 10 to 17, was one and the same ; its purpose, to borrow the words of the preamble, was to achieve international peace by the maintenance of justice. The real guarantee of peace was the settlement of disputes. That was why, even when a question was referred to the Council under Article 11, the Council almost invariably endeavoured to make the parties agree to a settlement of the dispute.

But Article 11 did not offer decisive resources ; and that was why there had been added to the Covenant Articles 12 to 15 relating specifically to the settlement of disputes, articles which, without going as far as compulsory arbitration, imposed on Members of the League definite obligations from which they could not escape.

The objection had been raised, however, that Article 15 had been invoked too late, since hostilities had already been proceeding for several years. The explanation of that fact would be found in the report of the Chaco Commission¹—namely, the succession and duration of a number of procedures which might legitimately have been expected to lead to a settlement of the dispute. It was only when the Bolivian Government had realised the impossibility of reaching agreement that it had decided to have recourse to Article 15 of the Covenant as a last resource.

The existence of *de facto* hostilities could not constitute an obstacle to the application of that article. In the most outstanding case in which a question had been referred to the League organs under Article 15, hostilities had already been proceeding for a very long time between the two States parties to the dispute ; the Council and the Assembly alike had decided that the procedure of Article 15 should none the less pursue its course.

As to the question of the previous cessation of hostilities, M. Ray desired simply to recall the statements made by the Bolivian delegate at the third meeting of the Sixth Committee.² War broke out ; hostilities continued ; was it possible to demand that the victim of the aggression should lay down arms, without being assured at the same time that there would be a fair settlement of the conflict ? The Bolivian Government agreed to the principle of simultaneity ; it asked that the procedure should be applied rapidly and in its entirety, in order that a decision on the two points might lead at an early date to the cessation of bloodshed. That object could not be achieved by raising difficulties of procedure such as had just been raised.

In point of fact, the only circumstance which was peculiar to the present case and which had been brought forward in the Committee was, to employ the Paraguayan delegate's expression, the existence of a "legally declared war". It was Paraguay that had declared war on May 10th, 1934 ; and it was Paraguay which now claimed to quote that declaration of war as a pretext for evading the application of Article 15.

Even if it were necessary to accept so audacious an argument, even if it had to be admitted that, by declaring war, Paraguay had made the application of Article 15 impossible, it was not to Article 11 that they would turn ; it would be necessary to envisage a text far severer in character—that of Article 16.

Even if the Committee did not think fit at the present juncture actually to draw that conclusion, it must at all events admit the radical inefficacy of the argument and decide that the procedure of Article 15 should follow its normal course. It was essential that a rapid decision should be taken in the matter. M. Ray would venture, in conclusion, to recall in that connection, with all deference to the Committee, the desire expressed by the Chairman of the Sixth Committee that the First Committee should regard the question referred to it as calling urgently for a decision.

COUNT PIOLA CASELLI (Italy) observed that, though the question referred by the Sixth Committee to the First Committee was a legal question of general application concerning the interpretation of Article 15 of the Covenant, it was essential that he should recall one fact relating to the procedure which had previously been adopted before the Council in the present conflict.

In the course of that procedure, the Italian delegation had maintained that it was necessary, as far as possible, to examine the actual substance of the divergence between the two cases put forward by the Governments parties to the conflict, and to decide which of the two countries was the aggressor and which the victim of the aggression.

In pursuance of that principle, which was in accordance with the well-known ideas of the Italian Government in the matter of international conflicts, the Italian delegation had urged, and it had been agreed, that the Commission of Conciliation which had then been appointed should be given powers of investigation ; and again, in the question of the measures of embargo called for against Bolivia and Paraguay alike, that delegation had in a certain measure reserved its Government's freedom of decision.

The subsequent development of the conflict proved, in his opinion, that it was hardly possible to arrive at any honourable form of conciliation between the parties until an organ of the League, or a board of arbitrators, or the Permanent Court of International Justice, had expressed an opinion as to the justice of one or other of the conflicting cases.

Referring next to the interpretation of Article 15 of the Covenant, Count Piola Caselli thought that the doubts expressed by Paraguay were very well founded, if the letter only of that article were adopted.

It was perfectly true that the case contemplated by Article 15 was merely that of a threat of rupture between two countries and not that of an actual rupture or *a fortiori* a situation such as existed between Bolivia and Paraguay, a situation which approximated to a state of war, if it were not war in actual fact.

¹ Document C.154.M.64.1934.VII.

² See page 52.

That hypothesis had certainly not been contemplated by the authors of the Covenant when framing Article 15. That was clear also from the fact that Article 15 did not provide for or lay down any procedure—obviously necessary and urgent—with a view to the temporary suspension of hostilities, pending the results of the application of measures under that article.

But the great jurist whose place Count Piola Caselli had now taken on the Committee had taught him that the Covenant was a document of a very special character, in the interpretation of which the rules ordinarily applicable to laws and conventions could not be applied. The Covenant was primarily a political document, which set forth certain ideas and laid down certain principles. Viewed from that angle, it was inconceivable that the procedure of Article 15 should be applicable when a threat of war existed and should cease to be applicable when that threat materialised into an actual rupture.

If the procedure of Article 15, as it appeared from the text, were a procedure more serious and effective in scope than the procedure of Article 11, it should *a fortiori* be applied when the conflict had broken out. In that case, the League organs to which the Covenant entrusted the duty of endeavouring to ensure the reign of peace and justice among the associated countries must be able to exercise, not only some power of conciliation, but a power of investigation and recommendation.

If Article 15 were not applicable in a case such as the present case of a sanguinary conflict between two countries, it would be necessary to have recourse to Article 16, which had never yet been applied by reason of the serious difficulties it involved.

Paraguay had declared her willingness to accept Article 15 as a procedure of conciliation, but not as a procedure of investigation and recommendation by the Council or the majority of the Assembly. The whole aim and special scope of Article 15, however, consisted precisely in that power of investigation and recommendation. It was that power in the hands of a political organ of the highest authority, an organ which must be deemed independent and impartial, such as the Council or the Assembly of the League of Nations, that could determine world opinion as to the aggressor and the victim of an aggression and on which side the right and reason of international justice were to be found, so that the parties might subsequently be reconciled on fair terms, while it would in any case justify the attitude adopted towards the parties by the countries Members of the League.

The Italian delegation was accordingly of opinion, as regards the general issue and legal aspect of the question, that the procedure authorised by Article 15 of the Covenant, in the case of a threat of rupture, was *a fortiori* applicable in the case of an open threat, and even more emphatically when acts of hostility or war were proceeding between the two parties to the conflict.

M. UNDÉN (Sweden) expressed the view that the legal question brought up before the First Committee raised an important and at the same time a delicate issue. In order that the Committee might examine different arguments in favour of the conflicting theses, it would, he thought, be of interest to know exactly what was the position of the delegate of Paraguay. It appeared that the latter had submitted legal arguments which, in his view, would prevent the application of Article 15. The difficulties might easily be eliminated if Paraguay voluntarily accepted the procedure of that article. M. Undén accordingly desired to ask the Paraguayan delegate whether the statement he had just made was to be understood as signifying that his Government was not prepared to withdraw its legal objections to the application of Article 15.

On the other hand, the Covenant stipulated that Article 15 was not applicable if the dispute had been submitted to arbitration. According to the Paraguayan delegate's statement, the Bolivian Government had not ratified the Optional Clause of the Statute of the Hague Court. M. Undén enquired whether that information was correct, and what was the Bolivian Government's attitude in the matter.

M. RAY (Bolivia) replied that political circumstances had hitherto prevented the Bolivian Government from ratifying the Statute of the Permanent Court of International Justice at The Hague and the Optional Clause, but that, in regard to the present conflict, the Bolivian Government had agreed, on more than one occasion—more particularly during the conversations with the Committee of the Council—to the jurisdiction of the Court. In his view, then, the question did not arise.

M. CABALLERO DE BEDOYA (Paraguay) thought that there was an obvious contradiction between the views which the Bolivian delegate had just put forward and those he had maintained in the interpretation of Article 15 of the Covenant in his book "Commentaire du Pacte de la Société des Nations" (page 473), where, referring to the conditions for the application of Article 15, paragraph 1, he specified three conditions which must be fulfilled: (1) there must be a dispute likely to lead to a rupture; (2) there must be no arbitral or judicial procedure already instituted; (3) notice of the dispute must have been given to the Secretary-General.

Replying to the delegate of Sweden, he stated, with reference to his declaration, that it was in the event that all means of conciliation failed and the cessation of hostilities was not achieved that the Paraguayan Government desired to raise the question whether Article 15, and more particularly paragraph 4, could apply when war had been officially declared and when the Council had already taken cognisance of the question in virtue of Article 11.

Mr. BECKETT (United Kingdom) said that he did not propose to express an opinion at the moment on the applicability of Article 15. He, and probably other members of the Committee, wanted time to reflect on the arguments they had heard. He enquired whether the Chairman proposed to open a discussion on the further procedure to be adopted by the Committee.

The CHAIRMAN replied that the question of procedure must depend to some extent on the general discussion, since it might perhaps become clear from the statements made what was the general opinion of the Committee on the question now before it. The general discussion not having been completed, it would be continued at the Committee's next meeting.

M. COSTA DU RELS (Bolivia) stated that the Bolivian delegation had no objection to the procedure proposed by the Chairman, but that it desired respectfully to remind the Committee that the Sixth Committee had asked it to regard the question as urgent. The Sixth Committee might, indeed, be prevented from finding a solution which would end the war at present proceeding. Bolivia, moreover, desired that the conflict should be settled as rapidly as possible.

Mr. OFFICER (Australia) suggested that a sub-committee be appointed at once to correlate the views that had just been put forward by the delegates of Bolivia and Paraguay and by other members of the Committee, and to present a short report at the next meeting. That procedure would expedite a decision by the First Committee and enable the Sixth Committee to pursue its discussion.

The CHAIRMAN was not opposed to that suggestion. He thought, moreover, that, if he was rightly informed, the Sixth Committee might continue its work, since the Paraguayan Government had agreed to the procedure of conciliation laid down in Article 15, paragraph 3. The examination by the First Committee of the question referred to it was thus not quite so urgent as it might seem.

M. BASDEVANT (France) said that, without going into the question of substance, he desired to support the Chairman's suggestion that the Assembly could act on the basis of Article 15, paragraph 3, which would enable the Sixth Committee to continue its discussion at once without waiting for the First Committee's decision. He thought that the Chairman might be asked to inform the Sixth Committee of the First Committee's views in the matter, as the procedure now proposed would have the advantage of enabling the Sixth Committee and the First Committee to work concurrently and would allow delegates to think over the very important points raised by the delegate of Paraguay.

*The Committee approved the suggestion of M. Basdevant. It requested its Chairman to communicate with the Chairman of the Sixth Committee accordingly.*¹

THIRD MEETING.

Held on Thursday, September 20th, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

6. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion (continuation).

Mr. BECKETT (United Kingdom) said that he would like to offer a few short remarks on the important question of the interpretation of Article 15 which had been raised by the delegate of Paraguay—namely, whether Article 15 applied when there had been an outbreak of hostilities.

The delegate of Paraguay had based his arguments upon a literal interpretation of the words in the first paragraph of the article: "any dispute likely to lead to a rupture", and his principal argument had been that a dispute which had actually led to a rupture did not come within the words "likely to lead to a rupture". Mr. Beckett suggested that that interpretation, even as a literal one, was not really correct. What was the object of the insertion in Article 15 of the words "likely to lead to a rupture"? He suggested that the object was to exclude from the article disputes which were not of a grave character. In order to come under Article 15, a dispute must be sufficiently grave to render it likely to lead to a rupture. Surely a dispute which had actually led to a rupture was sufficiently grave to be likely to lead to one, and that was the argument upon the literal interpretation of the words which Mr. Beckett would like to put before the Committee.

He quite agreed with an observation which had been made that, in interpreting the Covenant, it was not right to base oneself entirely on a purely literal interpretation. He did not think one could go contrary to a literal interpretation of a text; but, if a text were open to two different constructions as a matter of literal interpretation, it was surely right, then, to examine the consequences of the two possible views upon the literal interpretation. He suggested that the consequence of a literal interpretation which excluded from Article 15 disputes that had actually led to a rupture was somewhat curious and almost paradoxical. First of all, the word was "rupture", not "hostilities". A rupture meant, not merely the outbreak of hostilities, but also the cessation of diplomatic relations. If, therefore, the text were taken literally, it excluded all cases of dispute between two countries where diplomatic

¹ See page 62.

relations had already ceased. Therefore, a case might arise where two countries, on account of a quarrel, had ceased diplomatic relations, and, without resorting to hostilities in any way, had remained without diplomatic relations for two years. The consequence of that literal interpretation suggested by the delegate of Paraguay would be that that dispute could not come before the Council or Assembly under Article 15. To take, again, the case where there had been an outbreak of hostilities, but those hostilities had ceased, though the parties were still not in diplomatic relations. He rather gathered that the delegate of Paraguay thought that, where hostilities had ceased, the case would come under Article 15, but that was not so under the literal interpretation which the delegate of Paraguay had suggested to the Committee.

If that view were correct, it meant that one of the two most important organs of the League—namely, the Assembly—had no right under the Covenant to exercise its powers of conciliation in the case of a dispute which had led to a rupture. Article 11 gave the Council power when war had broken out, but the Assembly was not mentioned in Article 11. If the interpretation of Paraguay were accepted, the Assembly could never exercise its powers of conciliation in those most serious disputes when a rupture had actually taken place.

It had been said that, when hostilities had broken out, Article 16 was to be applied, and that that was the article which much always be applied in such a case; but, on reading Article 16, it would be found that that article only applied when it was determined that one State, X or Y, had resorted to war in disregard of its covenant under Articles 12, 13 or 15.

He was sure that, at that stage, he did not need to labour the point that the determination as to whether in a given case X or Y had broken Articles 12, 13 or 15 might be an extraordinarily complicated problem. Article 15 provided a means of investigation. Why should it be excluded? It was perfectly possible that there might be an instance where the responsibilities between the two Powers in hostility were equal. Why was conciliation—conciliation by the Assembly—not desirable in a dispute when hostilities had actually broken out? Surely it was even more desirable in a case of that kind.

He could not believe that the Covenant intended to exclude the Assembly from exercising its powers in a case where hostilities had broken out, when the Covenant under Article 11 expressly gave the Council powers in such a case.

There were, of course, two other arguments. There was, in the first place, the question whether the point had not been decided by the Council, because the Council had, in fact, accepted jurisdiction under Article 15 and then referred the matter to the Assembly. That point clearly had considerable weight, but he felt, personally, that perhaps it would not be altogether satisfactory if the First Committee were to base itself entirely on that ground. The question of the interpretation of the article of the Covenant had been raised in the Assembly, and it might not be altogether satisfactory if the Assembly and its First Committee were to rely entirely, in that argument, upon what the Council had done. There was also a second question. The delegate of Paraguay, if Mr. Beckett understood him rightly, seemed to have recognised that the first three paragraphs of Article 15 did apply. But it was perfectly clear, Mr. Beckett thought, that it was either the whole article or nothing. Again, clearly it was a strong argument; but he did not wish personally to base himself entirely upon that.

M. VIȘOIANU (Roumania) wished to make a few brief observations, which he would endeavour to keep within the scope of the question as submitted and within the competence of the First Committee.

The Roumanian delegates would certainly have occasion to examine the political aspects of the question under discussion, as they had done in connection with other matters, and to express their views upon them.

M. Visoianu, for his part, would confine himself to considerations closely related to the two main objections that had been raised to the simultaneous application of Article 15 and Article 11. His observations would, however, be considerably abridged in consequence of the explanations given by the United Kingdom delegate, with whose interpretation he was in complete agreement. The Roumanian delegate was of opinion that the text of that article, which provided that a dispute must be likely to lead to a rupture before the organs of the League could take cognisance of it under Article 15, indicated only a minimum and not a maximum degree of gravity; in other words, the Council was competent to act on the basis of Article 15 when a dispute was, at the very least, likely to lead to a rupture. But that did not mean that, when the dispute was so grave that its development had already led to a rupture, the organs of the League were not competent to act on the basis of Article 15.

He agreed with the United Kingdom delegate that the intention of those who had framed that article had been to institute certain minimum precautions, so as to exclude disputes of negligible importance from discussion under Article 15, and to prevent impatient plaintiffs from appealing to the Council or Assembly in regard to disputes of lesser gravity, for which a solution might be found by different means.

His second observation concerned more especially the simultaneous application of Articles 11 and 15. Successive Roumanian delegates had had frequent opportunities of expressing their views on that point. They had done so in purely theoretical discussions remote from practical preoccupations such as might have demanded special consideration of existing conflicts; in particular, they had done so in connection with the discussions in the Committee set up with a view to bringing the League Covenant into harmony with the Briand-Kellogg Pact—and even before that. The organs of the League had themselves had occasion to express their opinion; and, apart from the recent applications, in connection with which,

on practical grounds, theoretical and doctrinal considerations had had to yield to expediency, the Council had itself had occasion to consider the question on more general lines.

M. Visoianu referred to a report¹ approved by the Committee of the Council on March 15th, 1927. A special Committee had been set up to consider methods or regulations which would enable the Council to take such decisions as might be necessary to enforce the obligations of the Covenant as expeditiously as possible. As the title suggested, the purpose was of a general nature; but, at the same time, the starting-point was a particular interpretation of Article 11 in relation to the other articles directed, perhaps, towards the same object. On that occasion, the question of the simultaneous application of Article 15 and Article 11 had been considered, and the Committee had expressed itself as follows:

“If the action to be taken under Article 11, paragraph 1, is of particular concern to States which are not members of the Council, such States must, under the terms of paragraph 5 of Article 4, be given a seat at the Council.”

Particular importance attached to the second part of the paragraph:

“The procedure instituted under Article 11 in no way implies the exclusion of procedure taken under other provisions of the Covenant. The Åland Islands question, for example, was referred to the Council by the British Empire in virtue of Article 11; this did not, however, prevent the Council from declaring itself competent under Article 4, paragraph 4, and at the same time applying, as far as possible, Articles 12, 15 and 17.”

That argument was even further strengthened by the manner in which it was developed. He did not propose to read the relevant passage.

Such, from the legal standpoint, was the Roumanian delegation's position. On previous occasions, when it had been necessary to consider the application of Article 15, his delegation had also been of opinion that that application could not be impeded, or even precluded, except in regard to certain domains for which a special procedure was explicitly provided by some other article of the Covenant.

The Roumanian delegation had ventured to offer the foregoing observations, primarily in order to assist, to the best of its ability, in the interpretation of the two articles in question, but also because it was anxious that the two parties should be deprived of no legal means of arriving at a settlement of the existing dispute before the competent organs of the League. His remarks had been made in a spirit of equal friendliness and respect for both parties.

M. BASDEVANT (France) observed that, at the previous meeting, the delegate of Paraguay had enunciated with great force and precision the objections which, in his view, might be raised to the application, in the particular case referred to the Committee, of Article 15 of the Covenant. The point at issue was the application of that article in its entirety. The delegate of Paraguay had raised before the Assembly, and in the Sixth Committee, the question whether that text should be applied in the present instance. Was it his intention, on behalf of his Government, to submit a peremptory objection to that application, or had his purpose been simply to raise a question deserving of consideration? Perhaps the second interpretation corresponded more nearly to his intention, and, at certain moments, to the formulas which he had employed? However that might be, the First Committee was called upon to continue its examination and to decide whether the application of Article 15 in its entirety was possible.

The Committee had heard the very definite statement of the objections which the delegate of Paraguay had raised to the application of Article 15. The delegates had had time to reflect on the matter. Those objections, as had already been pointed out during the present meeting, rested essentially on an exegetic interpretation of Article 15 of the Covenant and, even more specifically, on certain expressions used here and there in that text.

Viewing the matter from that angle—an exegetic interpretation—he had had the impression, at the previous meeting, when listening to the delegate of Paraguay, that there was some force in the arguments invoked by the latter. At the present meeting, however, the Committee—still on the basis of Article 15, taken as it stood, without exegetic interpretation—had heard serious objections raised to the interpretation submitted by the delegate of Paraguay. Those objections had been developed in particular by Mr. Beckett. M. Basdevant did not propose to revert to that aspect; he proposed also to leave on one side the strictly exegetic interpretation. At the previous meeting—indeed, at a very opportune moment, before the Committee had begun to reflect on the complex questions now submitted to it—Senator Piola Caselli had directed the Committee's attention to the necessity of not interpreting the Covenant as a civil law would be interpreted. The Italian delegate had spoken with his great authority as a jurist and, in support of his opinion, had recalled the authority of a man whose memory would always be kept alive in the First Committee—the late Senator Vittorio Scialoja. M. Basdevant proposed to follow the advice as to method which had been given with such wisdom and authority, and he desired, in the very brief observations that he was about to submit, to go back to the principles of which Article 15 was the expression.

Moreover, he found an expression of those principles in the Covenant itself—and he did not propose for one moment to depart from the Covenant. Two principles enunciated in the Covenant were utilised, for the special case of disputes likely to lead to a rupture, in Article 15. One of those principles was set forth in Article 3, paragraph 3, of the Covenant:

“The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

¹ Document C.169.M.119.1927.IX.

That was the general duty of the Assembly—to deal with questions affecting the peace of the world. And Article 15 showed how, in regard to certain disputes, the Assembly was to fulfil the general function conferred on it by Article 3, paragraph 3.

The second principle—another essential principle—was set forth in Article 12, paragraph 1, of the Covenant :

“ The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council [There might be added : “ or by the Assembly ”.] and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council [There might be added : “ or by the Assembly ”.] ”

There were thus two principles : On the one hand, the general competence of the Assembly to deal with questions that concerned the peace of the world ; on the other, the obligation incumbent upon Members of the League not to resort to war before certain procedures had been exhausted, and more particularly before the framing of the report by the Council. There was, on the one hand, the rôle of the Assembly or the Council, the rôle of the League of Nations ; and, on the other, the duty of the States Members.

What was the situation to-day ? Hostilities had broken out. They had broken out before the prescribed interval had elapsed, and even before the report had been made by the Council or the Assembly, without the Members of the League who were implicated in those hostilities having had—in accordance with the tenor of Article 12—recourse to the procedure laid down in Article 15 of the Covenant.

That being so, was it possible that the competence conferred on the Assembly and the powers laid down in Article 15 should be withdrawn from the Assembly by the action of one or other of the parties to the dispute, or by the action of both those parties, when such action was contrary to the undertaking entered into under Article 12 ? To put the question in those terms was, M. Basdevant thought, to settle it. And that in substance was how the question presented itself in reality.

A consideration of the principles governing Article 15, which should be recalled, and the formula for which he had taken from the Covenant itself, impelled him to declare, further, that it was not possible that the powers conferred on the Assembly for the maintenance of peace should be withdrawn from it by an act of which the least that he could say was that it was not in conformity with the obligations ensuing from the Covenant of the League.

He would add that the power that the Assembly derived from Article 15 was, in the last resort, if it had not been possible to reach a settlement of the dispute by conciliation, the power to make a recommendation as laid down in Article 15, paragraph 4. Was the present case one in which the power of recommendation enunciated in general terms by Article 15 should be refused to the Assembly ?

If Article 15 were read with reference, not to one or other of its provisions only, but as a whole, it would be found that only in a single hypothesis was the power of recommendation refused to the Assembly or the Council. That hypothesis was set forth in Article 15, paragraph 8 ; it was the case of a dispute that arose out of a matter which, by international law, was solely within the domestic competence of one of the parties. The Committee was not dealing at the moment with a case of that description ; but M. Basdevant wished to point out that in such a case, and in such a case only, the power of recommendation was refused to the Assembly and the Council. They had no right, then, by means of an interpretation, to refuse to the Assembly, in another hypothesis, the power of recommendation which Article 15 conferred on it in general terms.

He would add one last consideration. He had just laid stress on the mission of the League and the competence of the Assembly, and the duty of the States implicated in the dispute. But, at the same time, the States implicated in the dispute were not the only States in the League ; there were all the other States, and the authors of the Covenant had enunciated certain duties devolving upon them and given them guidance as to their conduct. Those duties and the conduct prescribed were set forth in Article 15, paragraph 6, of the Covenant, as follows :

“ If a report by the Council is unanimously agreed to by members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League [and not only the parties to the dispute] agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.”

Now those Members of the League which were not involved in the dispute desired to know what should be their attitude, their line of conduct, and what exactly was their duty. It was the Assembly that would inform them by its recommendation, by the terms of its report ; and that recommendation and the terms of that report they would be called upon to compare with the conduct of the parties which were implicated in the dispute, after which they would apply the provisions of paragraph 6. They would act in conformity with those provisions. But they were entitled to know what exactly were their obligations in that connection, and it was by the exercise of the power which the Assembly possessed, in virtue of Article 15 considered as a whole, that they would be informed on that point. They were entitled to call upon the Assembly to tell them which was the straight line that they were under an obligation to follow. For all those reasons, to which he would add the considerations submitted by previous speakers, and after having duly reflected on the very complex problem referred to the Committee—he quite appreciated why the matter should have been submitted to it—he felt that the First Committee's reply to the Sixth Committee should be that there was no legal obstacle to the application in its entirety of Article 15 in the dispute which had been laid before the Assembly.

M. GORGÉ (Switzerland) said that, when listening to the Paraguayan delegate's speech recently, he had received an impression similar to that just described by Professor Basdevant. The argument appeared impeccable in the light of a literal interpretation or, if the term were preferred, an exegetic interpretation.

There could be no question that the procedure under Article 15 was designed, at all events so far as was revealed by the actual terms, solely for disputes likely to lead to a rupture. Did that mean that the procedure could not be applied if the rupture were no longer imminent but had actually taken place? If certain action could be taken when peace was in danger, surely that same action could be taken when peace was broken and war had broken out. In his view, everything depended on what was the essential aim of Article 15. What was the fundamental mission of Article 15? However paradoxical it might seem, that mission was not to smooth over a dispute; for, as the members were aware, the procedure did not necessarily bring about a final settlement of the dispute, even when the Council's or the Assembly's report was unanimous. It was, he admitted, a means of pacific settlement, but that was only a secondary aspect. The parties were always entitled to ignore the unanimous opinions of the Council and Assembly. The singular feature of the procedure was that it might prove successful, even while leaving the dispute in being. Successful in what? In preventing war. The procedure under Article 15 was first and foremost a method of preventing war. It was primarily directed, not against the dispute, but against its possible consequences. But, if the real object of the procedure were to prevent bloodshed, was it reasonable to maintain that the procedure was no longer applicable when bloodshed had already occurred? Appeal was made to the letter of the Covenant, to an article which, as Senator Piola Caselli had said, had doubtless been somewhat hastily drafted—when the whole point was to silence the guns.

When an endeavour was made to capture the monster of war in the net, it was said that the net had a hole in it. Appeal was made to the letter of a text. The letter was all very well, but there was the spirit. When the letter and the spirit conflicted, the spirit must of necessity triumph. After all, the letter without the spirit was nothing. The argument *a contrario* sometimes offered fruitful resources; but, when the literal interpretation did violence to the logical interpretation, he rejected the first and kept to the second.

What did Article 15 actually say? Literally interpreted, it said that, when two States were divided by a serious dispute, likely to lead to a rupture, one of them might compel the other to submit to a procedure which, when it reached the stage of a recommendation, deprived both parties of the possibility of nullifying the decisions of the Council or Assembly. The result would be that, when those same two countries had already come to blows, when they were no longer in a state of tension but in a state of war, one of them alone could no longer have recourse to action by the Council or the Assembly. When the dispute was serious, the League would say: I will deal with this. When war had actually broken out, it would say: I cannot do anything. That consequence might appear to ensue from the Covenant, but M. Gorgé refused to believe that that had been intentional. Such a deduction would be incompatible with the Covenant, incompatible with its *ratio legis*, incompatible with its essence, and, above all, incompatible with its aims.

The procedure under Article 15 was a procedure which undoubtedly had drawbacks and even involved risks for the States parties to the conflict. It might lead to results which would have important legal consequences for them and which they would be powerless to prevent, since a unanimous recommendation might be made, against their will, and compel them not to resort to arms. A State which, for one reason or another, was unwilling to expose itself to such drawbacks and risks would have a convenient means of escaping from a procedure that implied the alienation of its freedom of action. It would always have it in its power to declare war. War being declared, there would no longer be a dispute likely to lead to a rupture; there would no longer be any possibility of appealing to Article 15; the reef would have been successfully circumnavigated.

Was that really the meaning that it was desired to attach to Article 15? Was it to become, by a strange turn of the wheel, an encouragement to violence, an encouragement to war? Was it to be an incentive to war instead of a check? Surely it was better to admit quite frankly, quite calmly, in accordance with the arguments that had been so well expressed by the delegates of the United Kingdom, Roumania and France—arguments which he did not propose to repeat—that, if the procedure under Article 15 had been created to prevent war, *a fortiori*—that was the Italian delegate's argument—it could be and should be applied for the purpose of checking hostilities.

It would be objected, it had been objected, that there were other means of stopping war. There were Articles 11 and 13; in particular, there was Article 16. They were, indeed, means of preventing or stopping war. But was that any reason for rejecting Article 15, which the League was asked to apply without delay? He thought not.

Article 11 might offer a salutary means of putting an end to war; but the extremely generous, flexible and elastic procedure under Article 11 had one grave defect. It was governed, as was known, by the unanimity rule. The war might cease, but only provided both parties consented. That was what he might call a procedure of persuasion. It contained no element of coercion. It had been used for the past two years, and all its resources had been exploited. The result was known. The parties had stood upon their positions; war was raging, and men were killing one another. There was no need to labour the point.

Article 13 was what might be called an optional article. It did not really contain anything more than a declaration of principle. Its application likewise presupposed the consent of both parties. It indicated a means of settlement—namely, arbitration. The Assembly might recommend arbitration, but could not impose it, because, according to the Covenant, arbitration was not compulsory. In any case, the procedure of arbitration would only be,

in M. Gorgé's view, a second-stage or second-degree procedure. It would bring about a final settlement of the conflict. But before a settlement could be thought of, the bloodshed must be stopped. The judges might step in, and he thought they ought to step in ; but, before that, there was something more urgent to be done—namely, to strangle the war. The first thing was to stop the disastrous loss of life ; afterwards, the ways of restoring peace could be considered.

As to Article 16, which had also been mentioned, in his view there could be no question, at all events in the present case, of applying it automatically. The text was clear :

“ Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League.”

Its application therefore presupposed an event which in itself was quite simple—a definite aggression. But, in the case with which the Committee was concerned, which was the State that had violated Article 12 of the Covenant ? Which was the aggressor ? Bolivia claimed that the aggressor was Paraguay ; Paraguay asserted with equal force that it was Bolivia. There was a divergence of opinion on that capital point. Where did the truth lie ? He hoped that the Bolivian delegate would not take it amiss if he said that he was not yet convinced of Paraguay's responsibility, and that the Paraguayan delegate would not complain if he admitted that he did not know whether Bolivia had actually committed an aggression. The truth was that he simply did not know. The parties had laid their complaints before the League. The relevant papers had been furnished. They would have to be examined before any decision was taken ; they would have to be studied before the question were asked whether Article 16 was applicable. Very possibly—and on that point everyone no doubt shared, to some extent, the sceptical feeling expressed by the Italian delegate at the previous meeting—the application of Article 16 implied a spirit of solidarity and co-operation which was at present beyond the strength of the League of Nations. He would like to point out, however, that, even if Article 16 seemed to be applicable in practice, it would nevertheless be necessary to give it a preliminary trial, unless, heavily tried by an exhausting war, ravaged internally by poverty, those two countries—faced by the immensity of their misery and ruin—ended by becoming reconciled, sacrificing, in one last effort of courage and abnegation, the theses that they had upheld with equal faith and eloquence.

How was that trial to be conducted ? How must they act within the framework of Article 16 ? The aggressor must be determined. By what procedure ? By a procedure of unanimity such as was provided in Article 11 ? That was impossible, since neither State could be expected to regard itself voluntarily as the aggressor. It was quite obvious that the parties could not in any case take part in the delivery of judgment. That being so, there was really only one procedure that was applicable—the procedure under Article 15, which, in its decisive stage, the stage of the recommendation, excluded the vote of the parties. To prepare for the application of Article 16 with the direct collaboration of the parties would be, if he might venture to say so, an absurdity. Since Article 16 referred to violations of Articles 12, 13 and 15, why not resort to the very procedure—that of Article 15—which Article 16 was designed to safeguard ?

As would be seen, whether the arguments were based on Article 15 or on Article 16, the conclusion was the same—the procedure provided for the settlement of disputes likely to lead to a rupture could and should, *a fortiori*, apply to disputes which had degenerated into declared hostilities.

M. Gorgé would like to make one final point. The Covenant was an imperfect instrument, and those who, like himself, had had the not very enviable privilege of working in the small Committee that had drawn up the recommendation regarding the unhappy affair of Manchuria, had frequently had occasion to note and proclaim that fact. Its imperfection was a fact, and nothing could be done for the moment to alter it. The Covenant had its obscurities and its gaps, but it was a treaty, and they could not, on their own authority, make in connection with any one particular case the improvements that would be desirable in the interests of peace.

No more could be got out of the Covenant than there was in it ; but, in the interests of peace, everything that it could be made to yield must be extracted. The Covenant, that monument of law, was faulty in its architecture and its construction. It was a work of the human mind. It might be criticised ; but none the less, if only its spirit—its philosophy—were followed, it was a marvellous instrument. Phidias and Praxiteles, working with a mere chisel, had produced divine works of art. The League, with its implement, the defects of which were all too apparent, could in its turn produce masterpieces ; but if it were to do so, too much attention must not be paid to the defects of the implement ; it was necessary to concentrate on the work to be done.

In the present case, what was to be done ? What was the task before the Assembly ? To stop the war ; to stop the destruction and carnage by every possible means. Once again the eyes of the world were upon the League. Was the world going to be discouraged once again ? The world had suffered disappointment ; it must not be angered. It was not by speeches that the League would be saved. On the contrary, unnecessary speeches had diminished its prestige. What public opinion wanted and expected was not speeches but action. It was unnecessary to say it, but the point could never be over-emphasised.

There was a war in progress that was ruining and devastating two countries which were equally dear to the League. That war, with its known and its hidden dramas, with its sacrifices out of all proportion to the interests at stake, wrung the hearts of all honest men, of all who were shaken to the depths of their being by the thought that, during the past two years,

hundreds and thousands of human lives had been flung away—in the name of law—for the sake of a few acres of land or a river bank.

That war, which, like all wars, was a challenge to human reason, the Assembly had been asked to bring to an end. All mankind demanded it. It was its duty to do so. Was it going to seek to evade that imperative duty? Would it coldly answer the anguished world that it was powerless to act because there was a clause in Article 15 of the Covenant which applied only to disputes likely to lead to a rupture? Would it say that that was the letter of the law—and so much the worse for peace? What would the peoples think, the peoples who, in the last resort, were the judges?

He must apologise for having resorted finally to a line of argument scarcely suited to a Committee so learned as the First Committee, which was generally concerned with questions of law. He had introduced a touch of sentiment. He had given more thought to the dead in the Chaco than to the text of Article 15. But when war swept two civilised peoples into a tornado of hatred and death, when the guns never ceased churning up human flesh, and the gravediggers, spade in hand, unendingly performed their sad office, members of the Committee must be mindful more than ever of the fact that they were not at Byzantium but at Geneva.

M. POLITIS (Greece) observed that, after hearing the learned statements made before the Committee, he might be tempted to think that everything had been said on the subject and that he need simply say that he was in complete agreement with the opinion of previous speakers. He thought, however, that it would be well to consider the question from a purely legal standpoint, and to decide, on the basis of principles—and without reference to the details of the affair out of which the Sixth Committee's request for an opinion had arisen—how best the First Committee could frame its answer.

He felt that the Committee must give a legal opinion with all the serenity of view which wise men were wont to show when called upon to decide a dispute. The question referred to the Committee might be formulated in very simple terms: Was Article 15 of the Covenant applicable in the special hypothesis in which the parties to the dispute were already at war and that war had been officially declared?

Doubts had been expressed on that point, because the actual wording of the text did not, at first sight, appear to provide for such a hypothesis. It referred, indeed, to disputes likely to lead to a rupture—which presupposed a threat of war and not war itself. Paragraph 6 of Article 15 laid down that, in a certain hypothesis, the parties agreed that they would not go to war—which implied that war had not yet broken out. Lastly, that literal interpretation appeared to be confirmed by a comparison of Article 11 with Article 15 of the Covenant, since, unlike Article 15, Article 11 did not simply provide for the threat of war; it expressly covered the case of war.

What was the value of those arguments? If the Covenant were to be applied with the arid accuracy of a literal interpretation, the position might seem somewhat doubtful; but, if, as he thought should be done, the Committee went deep into things and concentrated on the real spirit of the Covenant, it quickly came to the conclusion that those arguments were more than weak; they were, he would venture to say, devoid of legal value.

M. Politis desired first to note, and the point, he thought, was deserving of special attention, that the expression "any dispute likely to lead to a rupture" which appeared in Article 15 was not peculiar to that article. It was found in exactly the same terms—"any dispute likely to lead to a rupture"—in Article 12; and it was probable that, in that text, the expression bore the same meaning and had the same bearing as in Article 15. In both those texts it had been inserted in view of the general preoccupation of the Covenant with a view to organising the prevention of war; it signified, in both cases, that only disputes of a certain gravity were to be dealt with, disputes such as imperilled or might imperil peace. The Covenant did not concern itself with minor disputes, but remained indifferent to them; like the Roman Praetor, the Covenant *de minimis non curat*.

If the expression employed in those two texts eliminated unimportant disputes, did it also exclude the most serious disputes? To admit that would be, he thought, to forget the chief purpose of the League. It could not be objected that, if the intention had been to include in Article 15 the most serious hypotheses, and, in particular, the most serious of all—war declared—that could have and should have been stated expressly. Such an objection would not, he thought, be well founded, for the Covenant, like every general law, could only contemplate what jurists would describe as a *plerumque fit*, a usual case, a logical case, a case which would normally come to mind.

The authors of the Covenant, indeed, had not thought that States which, when they became Members of the League, had undertaken to follow a certain specific procedure, would fail to comply with that procedure. They could not have supposed that those States would violate their undertaking by having recourse to war, before having exhausted all the means that the Covenant offered them for preventing it, and that was why, in his opinion, they had not thought it necessary to mention expressly the case of war, either in Article 15 or in Article 12.

But, it might be asked, why was that not so in the case of Article 11? Why did Article 11 not refer simply to a threat of war? Why did it also mention—in explicit terms—war itself? The considerable difference which existed, in every respect, between Article 11 on the one hand, and Article 12, and, above all, Article 15, on the other, must not be forgotten. The purpose of Article 11 was not so much to organise a procedure as to lay down a general rule, a rule which introduced the greatest innovation to be found in the Covenant.

It must not be forgotten that, until the Covenant came into force, it was regarded as incontestable that the right of war was an emanation of sovereignty, an unrestricted right, unconditional, admitting of no control. As opposed to that view, the Covenant introduced an

innovation which might be described as revolutionary, in deciding that henceforth the right of war should be made subject to certain limitations. Those limitations were described in the preamble as a necessary means, a first means, of achieving international peace and security. That, then, was the primary object in view in framing Article 11. It meant that henceforth a war was not the particular affair of the States that were fighting ; it was an affair of general interest ; it was an affair of interest to the whole of the international community. Article 11, then, had in view essentially the exercise of a collective effort with a view to the effective safeguarding of peace. It did not institute a special debate between the parties to the dispute. It placed at the disposal of all the Members of the League a form of public action. And the very elasticity with which it was framed was intended to ensure that that collective effort should not assume any character of constraint, that it should appear in the form of persuasion, in order to induce the parties to accept, by joint agreement, a friendly settlement of their dispute.

The situation in Articles 12 and 15 was entirely different. There, procedures were set up. They formed as it were a barrier—at all events a provisional barrier—against resort to war. Those procedures were provided to meet a normal case, to meet the threat of war. They were not provided explicitly for the case of war. But they did apply to war ; they must *a fortiori* apply to it. For, if it were right that war should be prevented, it was infinitely more important that, when, by some mischance, it broke out, it should end as speedily as possible. It was in the highest interests of the international community that, when the peace was broken, it should be re-established at the earliest possible date.

To exclude, in that extreme case, the application of pacific procedures, and more particularly that of Article 15, would be—he would stress that point in particular—to admit that the Covenant had thereby authorised Members of the League to evade the procedures to which he had just referred. That, he thought, was the real essence of the question, the capital argument for the application of Article 15.

It was claimed that Article 11 could supply the deficiency, that the necessity for applying Article 15 in the extreme case of war was not justified, since Article 11 would serve. But that line of argument was faulty, for the system of Article 11 was manifestly inferior to that of Article 15. It did not go beyond conciliation and it necessitated the agreement of the parties, whereas Article 15 could lead, without the assent of the parties, to a settlement which, though not binding as to substance, nevertheless involved a certain number of legal effects of the greatest importance. Legal effects in regard to the parties ; since Article 15 prohibited States, both the parties and the other Members of the League, from going to war with a country which complied with the recommendations of the unanimous report of the Council or the Assembly. Legal effects *vis-à-vis* third parties also ; since the unanimous report would have the effect of restricting their freedom of intervention. They would be obliged, after a unanimous report of the Council, to discriminate between the parties. Their intervention would have to be for the benefit of the State which complied with the recommendations of the report.

If the report were unanimous, the parties would thus be obliged not to resort to war one against the other, if both complied with the recommendations of the report. And, if war had broken out, the unanimous report would have the legal effect of obliging them at once to put an end to hostilities. As to third parties, it would have the effect of enlightening them as to the situation and imposing upon them the duty of adapting their attitude to the action taken by the parties to the dispute with regard to the report of the Council or the Assembly. M. Basdevant had mentioned that point just before ; M. Politis did not think it necessary to dwell on it at greater length.

He desired to submit a final argument for the application in its entirety of Article 15 in the extreme case with which the Committee was dealing. If Article 15 were rejected, the consequence would be very grave ; since neither the Council nor the Assembly would and since war had broken out, contrary to the undertakings entered into by the parties, more particularly the general undertaking embodied in Article 12, it followed that Article 16 was immediately applicable.

He had been surprised on reading in the Minutes of the third meeting of the Sixth Committee¹ communicated to the Committee on the previous day that the Paraguayan Government was in complete agreement with that conclusion. He found in that document the following passage :

“ In the event of war involving a violation of the Covenant, it is no longer Article 15, paragraph 4, that can be applied, but Article 16 and the sanctions named therein.”

M. Politis appreciated the logic of that statement. But the Paraguayan Government appeared to him less logical when it added : “. . . which implies the determination of responsibilities”, suggesting that that investigation might take place independently of Article 15. That was where the reasoning was defective. An investigation regarding responsibility would indeed be necessary ; but it could not properly take place except within the framework of Article 15. Indeed, the purpose of Article 15, in the second phase of the procedure, was to establish either the responsibilities already assumed by action in the past or those that might be incurred in the future by the subsequent attitude of the States parties to the conflict.

¹ See page 58.

Should the procedure result in the adoption of a unanimous report, there were two alternatives : either the parties would comply with it, and then hostilities must cease immediately ; or one of them at least would not comply with it, and then it would be demonstrated that it had violated its undertakings, that it had incurred the gravest responsibilities, and that it deserved the application, by the Members of the League, of the sanctions laid down in Article 16.

It was no doubt desirable that the procedure of Article 15 should stop at its first phase, that the Council or Assembly should succeed in inducing the parties to agree to a friendly settlement of their dispute. But the hope of such a success would rest on a securer foundation if it were strengthened by the prospect that, should that attempt at conciliation prove abortive, it might prove possible to adopt a report unanimously. The fear of such an eventuality would stimulate the spirit of conciliation in the parties to the conflict. As the Government of Paraguay had admitted before the Sixth Committee, it would always be to the interest of the parties to enlighten public opinion, by a frank and open debate before the Assembly, as to the justice of their cause.

That argument completed those that M. Politis had presented in order to explain why he personally was still convinced that a sound interpretation of the Covenant, confirming the supreme interests of peace, made it incumbent upon the First Committee to reply unhesitatingly to the question referred to it and to reply in the affirmative.

Mr. HEARNE (Irish Free State) agreed with the views expressed by the previous speakers. The First Committee rarely found in its discussions such general agreement as it appeared to have found that morning, and if a practically unanimous conclusion could be reached—as seemed possible—that would give a certain moral authority to the reply which it was proposed to send to the Sixth Committee on the question referred to the First Committee by the former. The value of a particular interpretation of a text such as the Committee was examining depended largely, if not entirely, upon the nature of the consequences to which that interpretation might lead. Mr. Hearne found himself quite unable to subscribe to a view of the meaning of Article 15 which would have the effect of ousting the jurisdiction of the Assembly when the dispute was so grave that hostilities had actually broken out. He agreed with Mr. Beckett that the words “likely to lead to a rupture” did not refer to a particular stage or moment, or, to use M. Politis’ word, to a particular “phase” in the development of the dispute, but rather to the character of the dispute. The words “likely to lead to a rupture” in Article 15 referred, he thought, to the logical rather than to the chronological order—in other words, to the order of things and not to the order of time.

He could not think that it had been the intention of the parties to the Covenant to set up an international law whereby a dispute otherwise within the jurisdiction of the Assembly could be removed from that jurisdiction by reason of the fact that the dispute had reached a certain degree of gravity. That interpretation would clearly stultify the meaning of Article 15 of the Covenant, which related to disputes, and frustrate the intention of the authors. They could not give a literal interpretation to any article of the Covenant which would bear down upon the general sense and intention of that instrument as a whole.

Mr. Hearne supported the view of Count Piola Caselli and M. Basdevant that the Covenant ought not to be interpreted as if it were a literal law ; he agreed with M. Gorgé that the Pact was an imperfect instrument, merely the dry bones of a regime to which decisions such as those the Committee was about to take gave life and efficacy. The Covenant was a treaty, and should be construed in such a way as to give effect to the broad intention of its authors. For his part, he saw no legal objection whatever to the application of Article 15 to the Bolivo-Paraguayan dispute.

M. UNDÉN (Sweden) observed that the delegate of Paraguay had quoted the terms of Article 15 in support of his contention that the procedure laid down could not be applied once hostilities had begun. Previous speakers had already replied, and he would like to support their line of argument. He wished, however, to add one further consideration.

Article 15 of the Covenant laid on the Members of the League the obligation of submitting their disputes to the Council at a stage previous to rupture. Article 15 could not be interpreted in such a way that a State would be free to release itself from the obligations under that article by resort to force contrary to the Covenant. Consequently, in any case, State X, the State which had first resorted to force, could not quote its own acts of force as a reason for objecting to the application of the procedure of Article 15. M. Undén desired to recall, in that connection, the precedent offered by the Sino-Japanese conflict and the application on that occasion of the procedure of Article 15 by the Assembly.

He wished to consider next another more important argument submitted by the delegate of Paraguay. That argument concerned the right of a Member who had been attacked to the support of the other Members, the support that was mentioned in Article 16. The delegate of Paraguay had maintained, if M. Undén had understood him correctly, that the application of Article 15 would constitute an obstacle to the immediate application of sanctions against the aggressor. In order that the Council might recommend the application of sanctions, it must first be determined who was the aggressor and, as previous speakers had pointed out, the Council had not, in the case under consideration, been able to establish which of the parties had first been guilty of attacking the other.

One of the reasons of that difficulty which the Council had not yet been able to overcome was to be found no doubt in the actual nature of the territorial dispute which divided the

parties. The two States were disputing one another's right to a vast territory, and it was not only the sovereignty over that territory that had been contested, but also, in part, the *de facto* possession. In order to determine which of the States had committed the first violation of the territory of the other party, it was necessary to determine first which of the States had, previous to hostilities, exercised sovereignty and *de facto* possession over the territory in question. That point it had not been possible to determine. In the circumstances, then, the Council was compelled to act starting from the hypothesis that neither of the parties could at present demand the application of sanctions. Neither of the parties could claim that it was being deprived, by the application of the procedure of Article 15, of the support of the other Members of the League, according to the terms of Article 16, the one State being entitled to such support and the League being under an obligation to give it that support.

M. Undén had, therefore, come to the conclusion, like his colleagues, that the arguments put forward by the delegate of Paraguay were not decisive and that the application of Article 15 in its entirety was called for.

M. RIVAS-VICUÑA (Chile) desired first to stress the importance that Chile attached to the Bolivo-Paraguayan dispute. Before the conflict, during the conflict and at every juncture, Chile had been prepared first to seek some means of preventing it and then of bringing it to an end. Chile had co-operated in all the efforts of the neighbouring States and in those of the Pan-American Union; she had been represented in all the commissions and sub-committees that had dealt with the question and had been ready, as always, to collaborate with the League. She still desired to maintain that interest and was prepared to assist in the framing of the resolution to be adopted by the League.

He had stated the previous day, in the Sixth Committee, and desired to repeat, that what chiefly concerned the Chilean Government was to put an end to the conflict and to apply the Covenant. He desired to state also that his country had viewed with great satisfaction the interest that was taken in the matter in Europe and the scrupulous care with which the eminent jurists on the First Committee had given their opinion, after exhaustive study, on a problem which concerned Latin-America more particularly but which in the last resort concerned the whole world. Such an attitude showed that the idea of the universality of the League was deeply rooted in every heart.

He was not prepared to follow the eminent jurists who had taken part in the discussion in the First Committee. He desired to note, however, that Paraguay, in view of Bolivia's request for the application of Article 15 of the Covenant, had expressed certain doubts as to whether Article 15 or Article 11 was applicable to the present case. Every doubt must be duly respected and taken into consideration. The Covenant, in his opinion, was an instrument of the greatest value to mankind, and comprised a body of measures designed with a view to maintaining world peace. He saw no contradiction between Article 15 and Article 11. From Article 10 onwards, the Covenant, in his view, provided a whole system relating to conflicts that might arise between States.

Article 10 provided as follows :

“ The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.”

That was the starting-point of a whole system relating to conflicts that might arise.

Article 11 went into details and considered the case of a declaration of war and a threat of war whether immediately affecting any of the Members of the League or not. Article 11 conferred competence on the Council in the matter.

Articles 12 and 13 related to arbitration or judicial settlement. Article 14 provided for the establishment of the Permanent Court of International Justice, and Article 15 dealt with the procedure that was to be applied if the dispute were not submitted to arbitration or judicial settlement. Article 16 referred to sanctions.

There was, in his view, no fundamental difference between those articles; together, they formed a complete whole, a system, a method. Whether there was a threat of war, actual war or a conflict likely to lead to war, the situation was the same; the Council must deal with the affair. What would the Council do? In the case of a war—according to the view of the delegate of Paraguay—it would seek to reconcile the parties, to make them agree to the procedure of arbitration or judicial settlement; it would itself take cognisance of the question or refer it to the Assembly. It would endeavour to maintain or restore peace. M. Rivas-Vicuña felt, then, that there was no contradiction in that system. There was a starting-point; there was the application of various procedures.

He felt that the doubt expressed by the delegate of Paraguay as to the applicability of Articles 11 or 15 was not justified, as things stood. First the Council and then the Assembly had taken cognisance of the question. What could the League do? Apply the articles of the Covenant from Article 13 or Article 14 onwards? Had any procedure of arbitration been instituted? Had a judicial settlement been agreed on? The answer was in the negative. Starting, then, from Articles 10 and 11, they came to the application of Article 15. There was no possible doubt on that point. All the jurists were agreed, and the moment had come for the Committee itself—without further delay or study—to pass a resolution at that very meeting in order to hasten the settlement of the conflict by informing the Sixth Committee that Article 15 was applicable. Every successive day, every minute, meant that the blood of two peoples, who should love one another as brothers, was being shed. His chief purpose

in proposing that procedure was that a solution should be found which would not only satisfy mankind but would re-establish the bonds that should unite all the American countries and all the countries of the world in a feeling of brotherly love.

The CHAIRMAN said that, but for the fact of his being in the chair, he might perhaps have wished to make a speech in his capacity of delegate of the Netherlands. For the time being, he would confine himself to a brief statement, since, generally speaking, he concurred in the arguments put forward by the various speakers. The members of the Committee were, he thought, all agreed in considering that it was logical to apply Article 15 in a case in which a rupture had already occurred. Were there any factors of interpretation that ran counter to logic? The answer was in the negative. On the other hand, there were arguments based on general interpretation which ran counter to the other system. Those arguments had already been enumerated and he would confine himself to repeating one of primordial importance—namely, that, if the interpretation of the delegate of Paraguay were accepted, it would be possible to evade Article 15 by declaring war.

He desired next to consider the various methods of interpretation.

1. To take, first, civil law. An example might be found in the French Code of Civil Procedure—and also in the Netherlands Code of Civil Procedure—where it was provided that the debtor's goods might be seized when there was a danger of their being unlawfully removed. Would anyone argue that seizure was no longer applicable when the debtor was already engaged in removing his goods? Merely to raise that question was to settle it.

2. To take, next, criminal procedure. The Code of Criminal Procedure conferred the right to place an accused person (*inculpé*) under arrest before trial (*arrestation préventive*), among other cases, when there was the danger of flight. Would anyone say that an accused person could not be arrested when he had already taken flight? Again, merely to raise that question was to settle it.

The position was the same under public law, under constitutional law, if the Covenant were regarded—as there was justification for doing—as the League's Constitution. Was there any matter in which a more extensive interpretation was to be found than under constitutional law? He need not remind the Committee what the English law, with its conventions, had done with Magna Carta and the Act of Settlement. Under the regime of the different constitutions—even the rather strict constitutions of various countries—the whole parliamentary system had evolved.

The first member of the Committee who had spoken on the question was Count Piola Caselli, who, he would venture to say in conclusion, had shown himself a worthy successor of the Roman jurist Celsus: *Scire leges non est hoc verba earum tenere sed vim ac potestatem*.

M. CABALLERO DE BEDOYA (Paraguay) thanked the eminent jurists, members of the Committee, for their learned and eloquent statements. They had, he felt sure, contributed towards a solution of the eminently juridical problem which had been raised in connection with the observations of the Paraguayan delegation.

It would be doing the Paraguayan Government an injustice to suppose that it had called for that discussion with the object of evading its obligations. It had not been its intention to restrict the competence of the Assembly. The smaller nations could not in any case think of restricting it in any way whatsoever. It was, indeed, the guarantee of their rights.

He desired, nevertheless, to add to the discussion the opinion of M. Barandon, a former member of the Legal Section of the League Secretariat, which would be found on page 134 of his work, *Le Système Juridique de la Société des Nations pour la Prévention de la Guerre*:

“ In future, this application is limited to cases involving a danger of a breach. The motive of this provision is to be found in the more general conceptions governing the relations between Articles 13 and 15 of the Covenant on the one hand and Article 12 on the other hand. These are provisions relating to the prevention of war which, taken in conjunction with the provisions for peaceful settlement, concern only disputes involving a danger to peace. The fact that the danger of a breach is not mentioned in Article 13 and is only referred to in Article 15 is explained by the further fact that the procedure for mediation before the Council constitutes the *ultima ratio* in cases which are exceptionally serious and of a political character but do not admit of arbitration.”

And further on one read:

“ The first condition involving the application of the procedure governed by Article 15 of the Covenant is that the dispute arising between States Members of the League shall involve a danger of a breach.”

It would appear, then, that it was not solely in virtue of Article 15 that the Assembly was competent, but in virtue of its general competence, as defined, in particular, in paragraph 3 of Article 3, a point which nobody contested.

That competence of the Assembly (it would appear from the discussion) was not based on a literal interpretation of Article 15 but on a consideration—supplementally or conjointly—of the other articles of the Covenant which had not been invoked by the party that had brought the dispute before the Assembly. The point which the Paraguayan delegate desired to make was that the application of Article 15 presupposed the previous cessation of hostilities by the enforcement of adequate conservatory measures. That precisely was the difference between the conditions of application of Article 11 and Article 15. He referred to a work by M. Philippe.¹

¹ *Le Rôle du Conseil de la Société des Nations dans le Règlement pacifique des Différends internationaux* (1928), page 64.

On the question of the Greco-Bulgarian frontier incident in October 1925, which had been brought before the Council under Articles 10 and 11 of the Covenant, Philipse wrote :

“ After the application of measures for the arrest of hostilities adopted in the spirit of Article 11, a procedure resembling rather that of Article 15 was employed at the request and with the approval of the two parties to the dispute.”

There was thus a previous cessation of hostilities before Article 15 could be applied. The discussions on the previous day, first in the Council and then in the Sixth Committee, all concurred in recommending the previous and effective cessation of hostilities as an indispensable prelude to a pacific settlement and deprived of their *raison d'être* the legal objections and fears formulated with regard to Article 15. My Government therefore hopes that the Assembly will endeavour, in the first place, to put an end to hostilities.

The CHAIRMAN thought that he was right in stating that the large majority of the Committee appeared to be of opinion that Article 15 was applicable. The discussion on the subject could, he thought, be closed.

7. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Appointment of Rapporteurs.

The Committee appointed as Rapporteurs M. POLITIS (Greece) and M. UNDÉN (Sweden).

8. Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and War Material to the Two Parties: Request of the Sixth Committee for a Legal Opinion from the First Committee.

The CHAIRMAN stated that he had just received from the Chairman of the Sixth Committee a letter, dated September 20th, 1934, which read as follows :

“ I have the honour to acknowledge receipt of your letter of September 18th, drawing my attention to the fact that, the delegate of Paraguay accepting the procedure laid down in paragraph 3 of Article 15 of the Covenant, the Sixth Committee could, without awaiting any conclusions which the First Committee might submit to it in connection with the application of certain other paragraphs of that article, continue its examination of the question, and, in particular, apply the provisions of paragraph 3.

“ The Sixth Committee continued its study of the dispute at its meeting yesterday. In the course of the discussions, certain delegations referred to the question of prohibiting the supply of arms and war material to Bolivia and Paraguay, the discussion of which, according to the report adopted by the Council on September 19th, has now been accorded its natural place in the discussions of the Sixth Committee.

“ The Italian delegation, having pointed out that there arose in this connection¹ ‘ a point of principle which requires consideration from the standpoint of pure law and, in particular, from that of the interpretation of the Covenant ’, the Sixth Committee would be grateful to the First Committee if it would examine that question of principle.

“ I venture to add that the Sixth Committee would be extremely obliged if the First Committee would inform it of the results of its examination as soon as possible.

*(Signed) S. DE MADARIAGA,
Chairman of the Sixth Committee.*”

The Committee decided to place the question on its agenda.

FOURTH MEETING.

Held on Friday, September 21st, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

9. Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and War Material to the Two Parties: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion.

The CHAIRMAN referred to the question arising out of the letter from the Chairman of the Sixth Committee which he had read at the previous meeting and in which he desired to stress the following passage :

“ The Italian delegation having pointed out that there arose in this connection a ‘ point of principle which requires consideration from the standpoint of pure law and, in particular, from that of the interpretation of the Covenant ’, the Sixth Committee would be grateful to the First Committee if it would examine that question of principle.”

¹ See page 72.

He desired also to point out that the documents relating to the question were too numerous to be distributed, while considerations of impartiality had prevented the Secretariat from making a selection from among them. Those documents would always be at the disposal of the delegates.

Count PIOLA CASELLI (Italy) said that, since the question had been raised by the Italian delegation, he considered it his duty to make a statement, but he craved the Committee's attention and indulgence, as it was a complex and difficult question. Indeed, it was one of those questions in which—as lawyers so often found—it was necessary to make an analysis and to go into considerations which seemed to run counter to the apparently legitimate trend of public feeling. He would venture to draw an analogy between that question and one which had arisen a few years before in North America, when, owing to the ravages of alcohol, public opinion had demanded its prohibition. Such a prohibition, it had seemed, might form the subject of legislative and administrative measures which apparently were not calculated to meet with any difficulty in application. The results were, however, a matter of common knowledge.

Italy's position in regard to the Bolivo-Paraguayan conflict was simple, in that, as might be seen from the documents of which a list had been given to the Committee,¹ Italy had acceded to the embargo and had even announced that she had already been enforcing embargo measures since July—complete measures, that was to say, without even taking current contracts into account, whereas other countries had made reservations on that point. Nevertheless, Italy's accession had not been given without certain reservations of another kind, to which he had already referred at the meeting of September 18th, 1934.²

The statement of the Italian delegate before the Sixth Committee on September 19th, 1934,³ should be taken in conjunction with the remarks made by the head of the Italian delegation at the Council meeting on the same day,⁴ when the Council had examined a protest by Bolivia against the application of the embargo. It had been decided that the question should be submitted to the Assembly, like all the other questions relating to that dispute.

On that occasion, the head of the Italian delegation had made the following statement :

“ I have no difficulty in accepting the Rapporteur's conclusions. The whole dispute between Bolivia and Paraguay having now been referred to the Assembly, the question raised in the Bolivian delegate's note concerning the embargo on exports of arms to the two countries might also be considered in the Assembly.

“ The Italian Government's view on the matter has already been defined in our note of July 20th, 1934. We hold that, in principle, the embargo on supplies of war materials to the belligerent countries cannot be regarded as a measure which should be adopted outside the procedures laid down in the Covenant for the settlement of a dispute or until a decision has been taken as to which State or States are to be condemned as responsible for the conflict.

“ The Italian Government accordingly reserves its right to restate this view when the question is examined again, either in the Assembly or in the Council.”

The object of Count Piola Caselli's present remarks was to explain certain points, without going into the substance of the question, while, of course, reserving the right to speak again, if necessary, in defence of the Italian Government's views.

The points that might be examined by the Committee seemed to fall into two categories : first, the general question of principle relating to the embargo, quite apart from the conflict in regard to which an embargo was now demanded ; secondly, the question of the embargo in relation to that conflict.

The question of principle could, he thought, be considered under three aspects : Were there, generally speaking, any conditions to be laid down for the application of the embargo ? If so, those conditions might, in his opinion, be examined in themselves, first objectively and then subjectively. In the third place, they could be examined in relation to the articles of the Covenant.

Embargo : an old word and a new thing. It was a word which would be found in every elementary treatise on international law, but in connection with measures which had nothing to do with the question under review. Embargo : the seizure, detention and sequestration of a vessel or its cargo or even the detention of the crew. It was a measure adopted after a declaration of war, or even before, by one of the countries parties to the conflict as against the other, or even sometimes as against neutral countries. In the present case, on the contrary, it was a measure which was without definite precedent internationally, and which concerned the trade in arms.

The idea of the embargo had been launched in England three years previously, if Count Piola Caselli was not mistaken, as a new measure of international coercion demanded by public opinion, to be applied in order to prevent and frustrate armed conflicts or to put an end to such conflicts when they arose. It had been adopted by the United Kingdom Government in the Sino-Japanese dispute as against both countries. But—the delegate of the United Kingdom would correct him if he were wrong—no action had been taken on that proposal and the United Kingdom Government had withdrawn the embargo ; it had, indeed, observed that the only result of the embargo had been to penalise the United Kingdom's manufacture and trade in

¹ For the communications received from Members of the League of Nations on the question of the embargo, see *Official Journal*, July 1934 (Part I) ; November 1934 (Part II).

² See page 15.

³ See page 72.

⁴ See *Official Journal*, November 1934 (Part II).

arms for the benefit of other countries which had desired to continue such manufacture and trade in favour of the belligerents.

He remembered that public opinion, which had protested through the Press against that measure, had pointed out that the embargo applied to two countries in which it would have had totally different consequences. Japan was a country which produced arms and in whose case the efficacy of that measure could only be limited in extent; whereas, in the case of China, which did not manufacture arms, it might have had very considerable effects.

The proposal with regard to an embargo had then been made by the United Kingdom and French delegations and subsequently by the Committee of Three, before the League, in connection with the Bolivo-Paraguayan dispute. He had at the time been acting as President of the Council. That measure, which had seemed novel and the scope of which he had been unable to determine, had immediately raised objections and doubts in his mind which he had endeavoured to formulate. The Italian delegation,¹ which shared those doubts and hesitations, while agreeing to accede to the embargo as a measure coming within the sovereign authority of the Government, had nevertheless reserved the right to withdraw its accession if circumstances seemed to demand it, and had stated that it was acceding as a quite exceptional measure. The same reservation had been repeated by the Italian Government, which emphasised its view that, in principle, the embargo on supplies of war materials to the belligerent countries could not be regarded as a measure which should be adopted outside of the procedures laid down in the Covenant for the settlement of a dispute or until a decision had been taken as to which State or States were to be condemned as responsible for the conflict.

An embargo as a general measure of security had its *raison d'être*, regarded objectively, not in the form of isolated acts by different countries, but in the form of concerted action by a certain number of countries to prevent the manufacture of and trade in arms for belligerents. It seemed to him, indeed, that it ought to comply with the condition which, in international law, a blockade must fulfil; it must be effective and, therefore, it must take the form of concerted action. It had been suggested that the accession of the principal arms producing and exporting countries would be sufficient. It appeared, however, from the documents before the Committee that that agreement was not yet complete, at all events as regards its execution. Difficulties had arisen. In any case, even if the agreement of those fifteen States which were the principal producers and exporters of arms could be secured, it might still be asked if that was sufficient to render the embargo effective.

The first result of the embargo had naturally been to increase the economic value of arms and consequently to give a greater impetus to their manufacture and export. Were the countries which did not manufacture arms, but which naturally had stocks of arms, not inclined to take advantage of that situation to replenish their war material—that had been proved—by sending to the belligerent countries all the material which they desired to replace?

The question might, therefore, be asked whether, to be really effective, an embargo ought not to be made universal. How, moreover, was the embargo to be put into force? By orders, by prohibitions imposed on arms factories, and by effective supervision of ports. But was such supervision adequate? Was it possible to be sure of the final destination of a cargo? Might not the cargo, consigned to a particular port, subsequently arrive at a port belonging to a belligerent?

Moreover, if he remembered rightly, the proposed prohibition did not apply to transit. How, then, could the efficacy of the embargo be ensured if there was no right of inspection in transit? How, moreover, could a cargo of arms be supervised on arrival in a belligerent country without resort to other accessory measures, such as a blockade of the coast, or agreements with neighbouring countries? The last-named difficulty had been encountered in the present case of the conflict between Bolivia and Paraguay. Thus, from an objective standpoint, the embargo gave rise to such objections, apart from the question of smuggling, that it was not irrelevant to ask whether the difficulties that might arise and the lack of success attending the measures taken did not make its practical usefulness open to doubt.

In the second place, the Italian delegation had explicitly raised the question whether an embargo could be admitted without having previously established the responsibility of the belligerent countries to which it was applied. Any measure calculated to prevent war might well be viewed with favour, but it was not possible to prevent the conflict arising or forbid a country to take up arms in legitimate self-defence. The question then arose whether the application of the embargo might not have consequences at variance with international justice, unless the responsibility for the conflict had been previously determined.

An embargo enforced against both the opposing countries, without going into the details of the dispute or the substance of the question dividing them, might be regarded as constituting a menace to national security. That was the consideration to which the Italian delegation desired to draw the Committee's special attention so far as concerned an embargo proposed as a general measure which might any day be applied in a specific case when a dispute had arisen or there was a threat of war. In that connection it was necessary, it seemed, to examine whether the proposal for an organised embargo without restriction or condition or particular regulations, and without the determination of responsibilities, would not be incompatible with Article 10 of the Covenant, which provided that:

“The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.”

¹ See *Official Journal*, November 1934 (Part II), Annex V, B, communications Nos. 5 and 5(a).

It must also be remembered that Article 8, paragraph 5, recognises the right to manufacture the munitions and implements of war necessary for national safety.

As a measure recommended by the League, an embargo would in any case have to come within the framework of the Covenant and have some connection with the application of a provision of the Covenant.

The embargo which had been agreed to and in part executed in the case of the conflict between Bolivia and Paraguay had been asked for when, in application of the procedure laid down in Article 11, the dispute had been brought before the Council. Article 11, like Article 16, had, as everyone was aware, formed the subject of studies by the League, more particularly in 1926 and 1927, with a generic indication of the decisions which the Council or League could take in order to arrest a conflict, a threat of war or even war itself when declared. There had even, with regard to Article 11, been some talk of certain naval demonstrations. For his part, however, he had not found anything in those proposals that could be held to justify the application of so serious a measure of coercion as the embargo. The question of law submitted at his delegation's request to the Committee was, then, also whether and in what conditions an embargo could, in general application of Article 11, be recommended by the League.

In the matter of intervention by the League, the second procedure, which was quite distinct, was that of Article 15. There was also Article 16. Article 15, which he regarded as very effective in determining public opinion as to the responsibilities of the parties to the dispute and which, if, as he hoped, conciliation proved possible between the parties, might furnish guidance in drawing up the terms of the settlement, nevertheless stopped short at a recommendation in the event of conciliation proving to be impossible. The delegate of Greece, who was so well qualified to speak, had, however, told the Committee the day before that Article 15 prepared the way for the application of Article 16; that is, if, notwithstanding the recommendation of the Council or the Assembly, one or both of the parties to the dispute continued hostilities, Article 16 then became applicable. The question, then, was whether and under what conditions an embargo in application of Article 16 of the Covenant could be contemplated.

Count Piola Caselli had submitted all his observations to the Committee with the object of directing its attention to the seriousness and complexity of that question, the settlement of which might, in the future, produce results of the highest importance. He wondered whether, on the question of principle, it would not be well to have investigations carried out by experts and jurists, with the object of determining how such an international measure of constraint (which might obviously contribute towards efforts for the maintenance of peace) could be provided for and regulated.

As regards the present dispute, the Bolivian delegation had explained in the Council and in the Committees all its arguments in support of its contention that the embargo ought not to be applied. He would not repeat them. The point of view which the Italian delegation desired to submit was indirectly connected with the reservation made and repeated by it, to the effect that, in principle, the application of the embargo ought to follow upon an examination of the question of responsibilities. The League of Nations had happily adopted that course, which the Italian delegation had recommended from the outset, but on which, until the previous day, he had feared that they were hesitating to embark. All the speeches at the last meeting, indeed, had shown that the majority, perhaps, indeed, all the members, of the Committee agreed in urging that it was time to go into the substance of the dispute. In spite of the difficulties which such an examination might present, it was time to examine both the substance of the cases of both parties to the dispute and the responsibilities that those same parties had assumed by their conduct during the two years of hostilities.

If, then, such an examination were about to be made with a view to a recommendation, if the embargo were to be and remain a measure within the framework of the Covenant, arising out of the application of Article 15—for the present stage of the procedure was that laid down in Article 15—the question that might be asked was, in his opinion, whether it was not necessary, before enforcing the embargo, to await the result of the attempt at conciliation or the recommendation to be adopted by the Council. Those seemed to him to be, from a strictly legal point of view, the questions that arose in connection with the objections raised in the Sixth Committee by the Italian delegation and those were the questions which he ventured to submit for discussion in the First Committee.

Mr. BECKETT (United Kingdom) pointed out that hostilities were contrary to the Covenant, which was designed to secure international peace and security. The object of embargoes on the export of arms was to stop or shorten hostilities. That object was certainly one which was in accordance with all the ideas underlying the Covenant, and that was why, he thought, the proposal for an embargo which had been made in the dispute then under discussion had been accepted by so many Members of the League, had been considered by the Committee of Three, and was in a sense suggested by the report of the Chaco Commission. The Government of the United Kingdom had taken the initiative in suggesting an embargo on the export of arms as a measure which it thought might assist in achieving the main object of the Covenant—namely, the prevention of hostilities.

The United Kingdom delegation fully appreciated the course which had been taken by the Italian delegation and the spirit in which Count Piola Caselli had presented the question. It was clearly absolutely right that a measure which was proposed for achieving one of the main objects of the Covenant should be considered in all its various aspects, and also that it should be considered by the principal organ of the League—the Assembly—and on its legal side by the Legal Committee of the Assembly. The United Kingdom delegation therefore welcomed an investigation of the matter, and had every confidence in the spirit in which the First Committee

would investigate, on its legal side, a proposal which, everybody admitted, had an entire and worthy object.

It was in that spirit that the United Kingdom delegation would collaborate in the investigation of a question which the United Kingdom had initiated. He did not think that his Government had ever suggested that an embargo on the export of arms was a measure suitable in every case where hostilities arose, but it was obviously a question to be considered in what cases it was suitable. He did not intend to present arguments on the purely legal side. He preferred to hear first the views of his colleagues on the subject.

M. UNDÉN (Sweden) said that, long before the United Kingdom Government had raised the question of an embargo, and before the Council had made its recommendation, Sweden had refused to grant export licences for war material. The Swedish Government had not thought for one moment that such an attitude could give rise to criticism of any kind.

He had understood that the objections submitted by the Italian delegate referred to the League's power to apply the embargo, and not to the right of the various Members of the League severally to adopt such a policy. He thought that the question should be examined, on the one hand, from the point of view of the competence of the League organs and, on the other, in its relation to the parties to a dispute which were both Members of the League, and, as such, enjoyed the rights arising out of the Covenant.

As regards the League, he found nothing in the provisions of the Covenant that prevented the League organs from contemplating and recommending an embargo as a measure for the preservation of peace, provided that such a measure was not prejudicial to the rights of a Member of the League.

With regard to the second aspect of the problem, he thought that all the members of the Committee would agree that State X, in the present dispute unknown, which was guilty of a breach of the Covenant, would not be entitled to complain of the embargo. But the State which had been attacked might complain of a measure which would prevent it from obtaining war material, a measure taken in place of those mentioned in Article 16 of the Covenant, a measure which did not provide it with the support of the other States Members of the League.

On the other hand, the policy of supplying war material to both parties to the dispute was just as prejudicial to the State which was the victim of aggression as the policy recommended by the Council. In the present case, it was not known which was the aggressor State. He thought, therefore, that the embargo was justified from every point of view, and stated that his country would have no scruples about applying it.

M. BASDEVANT (France) was of opinion that the various hypotheses that might present themselves, if one referred to the Covenant, were as follows :

First, taking the case of Article 16—that was to say, the case which appeared to be simplest—the question of the arms embargo, at all events under one of its aspects, could present no difficulty. A State was recognised as having violated the Covenant, as having failed in the obligations specified in Articles 12, 13, 14 and 15. Article 16 laid down certain measures that must be taken against that State, and provided more particularly that Members of the League

“ undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.”

It was clear from that text that such a rupture was compulsory and implied *a fortiori* a prohibition to engage in trade in arms. No question arose on that score, at all events when it was a question of trade in arms destined for the aggressor. At most, one might pause to consider—but he thought there need be no very serious hesitation—whether, in such a hypothesis, a Member of the League would retain the right to prohibit trade in arms destined for the State which had been a victim of aggression, when it was perfectly clear that it was that State that was the victim and Article 16 was applicable.

The second hypothesis was that in which the rupture of the Covenant had not yet occurred or was not recognised, manifest, proved. That was the hypothesis that obtained in the procedure laid down in Article 15 or rather in the event of the procedure of Article 15 having been followed to its extreme limit—that was to say, until the recommendation had been made on the basis of paragraph 4. There, the Council, or the Assembly, had made known the circumstances of the dispute and had made known also the solutions that it recommended as being most equitable and best adapted to the case.

It was permissible to think that, among such recommendations, the Council or the Assembly might include some provision referring, not only strictly to a settlement of the dispute, but also to the line of conduct to be adopted by the third Powers, Members of the League of Nations, and that on that point the Council or the Assembly might, if necessary, in certain circumstances—that would depend very much on concrete cases—make recommendations on trade in arms. The recommendations that it might make would depend on the circumstances and, in that connection, account must be taken of the considerations just submitted by the Italian delegate as to the conditions in which an arms embargo might be effective and also the practical difficulties of the problem. However that might be, there were concrete questions, special questions to be settled according to *de facto* considerations ; but the power of the Assembly or the Council in the matter hardly appeared to be open to dispute.

There remained a third hypothesis—he would apologise for having taken the cases in inverse chronological order, for the purposes of presenting his argument—the hypothesis in which, in a difficult international situation, the Council or the Assembly might have taken cognisance on the basis of Article 11.

Here, in what did the difficulty of the problem consist? The difficulty lay in the rule according to which the decision must be unanimous. The almost certain effect of that rule was that unanimity could not in practice be obtained on a problem such as the arms embargo. That was precisely the difficulty that had arisen when the conflict with which the Assembly was at that moment concerned had been dealt with by the Council on the basis of Article 11, and that difficulty had been got over by obtaining an autonomous decision from the several Governments—an autonomous, but at the same time a concerted, decision. In that case, each Government had acted with a realisation of its responsibilities and taking into account, of course, its obligations, more particularly its obligations as a Member of the League.

In a hypothesis of that kind, how should the question be settled, with due reference both to the principles of the Covenant and the principles of international justice?

As Senator Piola Caselli had so rightly pointed out, in the presence of an armed conflict it was not always possible to give as a hard and fast solution, which would always be valid, the imposition of an arms embargo. That could not be done, because if, in the presence of such a conflict, it were immediately said, as it were automatically, that an embargo would be placed on arms, practical solutions would be reached which were absolutely contrary to the principles of the Covenant (more particularly, Article 10) and contrary to justice, because they would be ignoring the right of legitimate defence. If a country were in a state of legitimate defence, it was right that it should defend itself. The hostilities that it was sustaining were not, so far as it was concerned, contrary to the Covenant. They constituted, on its part, an essential duty, and actually, in a hypothesis of that kind, the application of an arms embargo might prove unfair and injurious to that State.

Accordingly, M. Basdevant shared entirely the Italian delegate's opinion that the arms embargo could not be regarded as a formula applicable to all conflicts and that it was essential, in a conflict, to determine who was the aggressor, who was wrong and who was right, who was in a state of legitimate defence and who was not in that position. That was an incontestable principle, so incontestable that legitimate defence was taken for granted in the Briand-Kellogg Pact; it was understood by unanimous agreement. Those, he thought, were the principles governing the matter.

Why, in the concrete case with which the Assembly was at present concerned, why, in the Chaco affair, had the arms embargo been applied to both parties? The reason had been given in the Sixth Committee and in the First Committee. The essential idea that had emerged from the discussion in the Sixth Committee and from the speeches made there, speeches which had been concordant and varied only in points of detail, was that the Members of the League considered the outbreak, or at all events the prolongation of that armed conflict, of those hostilities, in South America to be unreasonable. That, it might truly be said, was the profound conviction of the Members of the League. The prolongation of that armed conflict was unreasonable on either side. There was nothing to justify it. On the previous day, in the First Committee, M. Undén—with his great competence as a jurist and with his high sense of responsibility as an international arbitrator—had said: "We have before us two parties, neither of which has proved as yet that the other is the aggressor." That was the *de facto* situation, the situation with which the League was faced, and it was that particular situation, peculiar to the case before the Assembly, that explained and justified the arms embargo on which a large number of the Members of the League had agreed. That justified it, provided and as long as the hypothesis envisaged by M. Undén on the previous day still applied, and it was the League's duty not to let things remain indefinitely at that stage of the procedure.

Consequently, it seemed to the French delegation desirable, as far as possible, to expedite the examination of the substance of the affair, in order to permit of the correct and complete application of the provisions of the Covenant; and, in saying that, he really felt that the provision which would be applied and which would cover everything, which would, in consequence, leave the other provisions on one side, was the obligation laid down in paragraph 3 of Article 15—namely, the settlement of the dispute by the conciliation and mediation of the Assembly.

M. GORGÉ (Switzerland) wondered if it would not be better to circumscribe the question. The first thing to do was to determine how the problem actually presented itself. Senator Piola Caselli had put it before the Committee first of all in its entirety and then in relation to the special case—that of Bolivia and Paraguay—now before the Assembly. M. Gorgé wondered if it were the task of the Committee to enquire, at that juncture, whether, generally speaking, the League could, in a given case, take measures of embargo. That was an interesting but vast and complex problem. The Committee ought, therefore, at present to confine itself to the concrete case referred to it. Thus, there would be no need to attempt a sort of review of the Covenant and of Articles 11, 15 and 16 for the purpose of considering all the legal possibilities arising from those articles. Such a review would take the Committee very far.

It was a question, more simply, of considering what had been done in the matter. The Council or, if it were preferred, the Committee of Three, as had been recalled, had adopted a recommendation on the basis of Article 11. It was on the basis of that article that the Committee should, in his view, discuss the matter; it should leave the future and the past alone and concern itself with the present.

The recommendation was to the effect that measures of embargo should be taken against both the belligerent countries. On what basis? On the basis of Article II. The Swiss Government had acceded without hesitation to the Council's recommendation, and there was a certain merit in its action, since in Switzerland there was no law under which it was possible to decree an export prohibition in regard to those two countries. Switzerland had been obliged to have recourse to an article of the Constitution, as she had been waiting for the results of the work of the Disarmament Conference in order that she might base her future legislation concerning the manufacture of and trade in arms on an international convention.

The Federal Council had not entertained the doubts expressed by the Italian delegate. It was undeniable that the procedure contemplated under Article II was, above all, a procedure of persuasion; but, without wishing to express a final opinion, M. Gorgé was not altogether in agreement with M. Basdevant's view that Article II was always governed by the rule of unanimity.

He admitted that, generally speaking, when the Council had to take a decision under Article II, it must do so conjointly with the parties concerned. Article II read as follows:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Should that provision, the full scope of which the Committee would appreciate, really be interpreted as meaning that a measure adopted on the basis of Article II always required unanimity? For his part, he doubted it. Unanimity was the rule, but there might, it seemed, be exceptions, more particularly in the case of measures that did not require the co-operation of the parties. The embargo was a typical case in that respect, since it was applied without the co-operation of the parties. M. Gorgé confessed that he could not see anything illegitimate or illicit about a measure which consisted in taking, against the wishes of belligerents, action that was deemed wise and effectual to safeguard the peace of nations. To lay down the principle that measures taken on the basis of Article II to safeguard peace must be approved by the parties would be to deprive that important article of the Covenant of a great part of its value.

When the Council's recommendation had become known to the Swiss Government, it had said: The members of the Council are unanimous; they are entitled to take a decision binding upon the League; they have unanimously adopted a measure on the basis of Article II. The parties are not in agreement, but the measure envisaged is not one that is imposed on the parties. It is not, as a matter of fact, a measure analogous to those contemplated in the case of the Sino-Japanese dispute. Japan had been requested to co-operate. In the present case, nothing is asked of the parties. The parties have merely been told: We have to take measures calculated effectively to safeguard the peace of nations, and, on the basis of Article II, in so far as the Council is unanimous, and without asking the opinion of the parties, we are taking certain measures and we shall enforce them. That was why the Swiss Government had had no serious legal scruples and little hesitation in giving effect to the recommendation of the Council. In short, if it were desired to get something useful done, the Committee should, he thought, keep to that basis; it would do well to circumscribe the discussion on the scope of Article II, considered in relation to the concrete case referred to the Committee.

The Committee, or perhaps a sub-committee, would have to examine very carefully whether the Council could not, in a perfectly lawful and legitimate manner, take measures such as those under Article II without having to obtain the assent of the parties.

The delegate of Italy, after demonstrating all the difficulties entailed by the application of the embargo, had come to the conclusion that, in order to be operative, an embargo must, in practice, receive the unanimous co-operation of the non-belligerent States. He had envisaged a complete system, and the moment a fissure appeared the system fell to pieces. He had even considered the case of a country which, though it did not manufacture arms, might still play an important rôle, since such a country might, with a view to renewing its stock of arms, send its old rifles to countries that were in particular need of them. Those were important questions of fact which showed the difficulties encountered in applying an embargo, but the legal question was unaffected.

The Council had been unanimous in proposing an embargo. The embargo was a measure which it was extremely difficult to apply. The whole point was to determine whether or not it was applicable in practice. If the Council had doubts on that score, and if it thought that all States should take part in such a measure, it might decide accordingly; but if, on the contrary, the Council thought that it was not necessary to seek the co-operation of all States Members of the League, M. Gorgé did not personally infer that the Council could no longer base its action on Article II. Acting under Article II, the Council could, it seemed, in so far as it was unanimous, rightly adopt measures of that nature. If it thought that even the fourteen States composing the Council could of themselves assume responsibility for measures which it proposed unanimously, M. Gorgé would not object to those measures being taken on behalf of the League of Nations on the basis of Article II.

It might be objected that, if it were to be applied in the particular case under consideration, Article II must be applied on a basis that, if not universal, was at least general. That was what had been done in the present case. The Council had addressed itself to the other Members of the League. The great majority had supported the Council; but, there again, M. Gorgé did not consider that it was absolutely necessary to have unanimity. The Council adopted measures; it made sure of the general opinion of the League. If a large majority of the States agreed to support the Council, that was an added guarantee in favour of the enforcement

of the measures it desired to take. If Article 11 were to be interpreted to mean that in every case unanimity was necessary, even without the co-operation of the parties, he thought that that article would be devoid of all meaning. It would be a mistake to go too far in that direction. Supposing that fifty States were in favour of such a measure, would the veto of one State in Europe or America suspend the whole effect of the arrangements made for the purpose of effectually safeguarding the peace of nations ?

M. Gorgé thought that it was desirable, highly desirable, that the question should be examined from that angle. But, for the moment, the point was not to justify the measure taken on the basis of Article 12 or Article 15 or Article 4. Such a discussion would tend to be entirely theoretical in character. For the moment, the question was whether the Council might perhaps have been forcing the sense and scope of Article 11 in proposing, against the wishes of Bolivia, that States Members of the League should apply embargo measures to the belligerents.

M. LIANG (China) observed that the attitude of the Chinese Government on this question had already been made known—namely, that, although China was in general ready to accept any recommendation by the Council to Members of the League to adopt an embargo on arms as an interim conservatory measure in a serious conflict between two States Members of the League, she was of the opinion that, in the event of one of the parties to the dispute accepting a recommendation of the Council or the Assembly for the settlement of the dispute, the measure of embargo should not be adopted by the Members of the League against such party.

It had been urged that an embargo should be put on arms in order to hasten the end of the conflict. It was thought that that would be the quickest way to extinguish resistance. He could not appreciate the argument that the purpose of the Covenant was only, by any and every means, to restore or preserve peace. In order to have a real peace, justice must be ensured. He did not think that the purpose of the Covenant was for all the States producing arms to place an embargo on the export of arms to both parties, irrespective of the merits of the case. Article 8 of the Covenant, paragraph 5, read as follows :

“ The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented ”.

Then came the safeguarding clause :

“ due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.”

That was the clause which, he urged, bore out the spirit of the Covenant—namely, not to prevent conflict by simply preventing defenders from obtaining sufficient munitions to continue their resistance.

Measures taken by Members of the League in a spirit of apparent justice might bring about consequences of great injustice. M. Gorgé had said that, under Article 11, unanimity of the Council was perhaps not necessary. M. Liang did not know whether that interpretation was correct or not ; but, in the case of the Sino-Japanese dispute, it had not been China that had refused co-operation, as M. Gorgé had seemed to suggest. In the case of the Sino-Japanese conflict, of course, the aggressor had been declared by the Assembly of the League, but, unfortunately, Article 16 had not been followed. Great pressure had been brought to bear on China not to bring up the question of the application of Article 16. It had not been the fault of the Chinese Government that that article had not been applied. China had wanted to apply Article 16, which was the proper course to follow after the Assembly had duly passed the recommendation in proper form and with unanimity. That article had not been applied, but China had not been to blame. China had been very shy in speaking about Article 16, but that article was being brought up in the present issue.

Was everyone satisfied, in the case of the conflict between Bolivia and Paraguay, that the question of the aggressor had been established ? That was the first question. In the Sino-Japanese dispute it had been established, yet the League had been able to do nothing. In the case now under discussion nothing had been established. Why should such a question be brought up when it had not been clearly established who was the guilty party, and how could Article 16 be applied ? Some eminent jurists in the First Committee had seemed to suggest the application of other articles, such as Article 15, Article 11 and so on ; but was the League justified, under those articles, in bringing up the question of an embargo, which clearly must have effects upon the course of the conflict ?

The Chinese delegation took the view of the Italian delegation. It was in the fullest agreement with the Italian delegate that, until the League had ascertained who was the guilty party, the question of an embargo should not be brought up. In the event of either of the parties to the conflict being found to have broken the Covenant, then the embargo should apply only to that guilty party. He would only add, as the delegate of a country which had had bitter experience during the past three years, that his delegation had not much confidence in the efficacy of such a measure.

M. POLITIS (Greece) said that what had moved him to speak was the way in which the question had been put. The Committee was being consulted on a question of principle and being asked to examine a point of pure law, more particularly from the angle of the interpretation of the League Covenant. If it had been a matter of studying the question in actual fact, as it presented itself in the case now before the Assembly, or of examining it in its various complex aspects, he would not have been so bold as to express an opinion on the spur of the moment. Since, however, the question was one of principle, to be examined from the point

of view of pure law and more particularly in its bearings on the interpretation of the Covenant, it was perhaps easier to form an opinion.

The note from the Italian Government, to which Baron Aloisi had referred in the Council some days previously, contained two statements : the first was that the prohibition to export arms to a belligerent—in other words, an embargo—could not be decided upon apart from League procedure ; and the second, that the embargo could not be decided upon without the previous determination of responsibility, or, as it was put in the note, of the State or States which must be held responsible for the hostilities which were being pursued. He would like to explain his views on those two points.

Were States actually bound to refrain from imposing an embargo until the League organs had been able to examine the question ? He very much doubted whether that was the case, since the export of arms from a country was absolutely free and came entirely within its sovereign rights. A country might decide, as a general measure, to prohibit completely, when a war was going on, the export of arms and war material from its territory. During recent wars—at the end of the nineteenth and the beginning of the twentieth centuries—various States had adopted such measures in order to strengthen their position as neutrals.

The prohibition might also, in the exercise of a country's sovereign rights, be limited in its application, whether as regards the goods to be exported—this or that category of arms, but not all arms ; this or that category of war material, but not all war material—or as regards the countries affected, one particular country or one class of countries, but not all countries. It appeared to him to be within the autonomous right of each State to adopt any such measure, and the fact that a State was a Member of the League did not seem at first sight to constitute an insuperable obstacle to the exercise of that right.

He might perhaps have one reservation to make, but it was not one of pure law : in his opinion, such freedom of action must be unrestricted, if the dispute had not come before the League. If, on the other hand, the dispute had been submitted to the League, a country which was contemplating the adoption of such a measure had, he would not say a legal obligation, but a moral duty, to ascertain what policy the League was proposing to follow, in order to bring its action into line with that of the international community. But, from a purely legal standpoint, and especially in the hypothesis of the dispute not having been referred to the League, he considered that each State was free to act as it thought fit and to decide either to prohibit the export of arms and war material or to restrict that prohibition to export to some particular country.

To consider the next hypothesis : the League had taken cognisance of the dispute and the question had been duly brought before the organ which was to deal with it—the Council or the Assembly. He would leave on one side for the moment the question of the article of the Covenant under which the question had been submitted to that body—whether Article 11, Article 15 or Article 10, which provided that, in case of aggression or threat of aggression, the Council would advise upon the means by which the obligations of Members of the League to respect and preserve the independence and territorial integrity of the Members were to be fulfilled. No matter which article had been invoked, the question might arise of how the embargo was to be imposed.

What was an embargo ? In M. Politis' view, it was not a sanction or a penalty which it was sought to inflict upon a guilty party ; it was simply a provisional conservatory measure designed to deprive countries which were fighting one another—rightly or wrongly, whether as aggressor or defender—of the possibility, if they did not produce war material, of continuing hostilities. That was the general aspect of the question. Could such a measure be taken by the body to which the dispute had been submitted ? He could not find any text that would enable it to take a decision binding on the Members of the League. It could only make a recommendation. It might say that, in view of the facts before it, it considered it desirable that States Members of the League should decide to prohibit the export of arms and war material from their territory to all the belligerents or to some of them only.

How could that recommendation be made ? Like M. Gorgé, M. Politis did not think that the participation of the States involved in the dispute was necessary for the adoption of such a recommendation, since the embargo was not a sanction or a penalty inflicted on some particular State. It was a provisional conservatory measure. It would, obviously, be prejudicial to the combatant States ; it might even in certain cases appear somewhat unjust towards the State which was actually defending itself against an aggressor. But it could not be described as a measure directed against that State. It was imposed in the interests of peace and the rapid cessation of hostilities. On the basis of Article 11, although in principle, according to the text, no decision could be reached without unanimity, including the votes of the parties concerned, the point now was not to take a decision, but to make a recommendation that could be put into effect without applying to the States which were the subject of it, a recommendation that could be made by the Council or the Assembly, as the case might be, without the assent of the belligerents.

There remained the second question, at first sight more disquieting. It had been argued that such a measure should not be taken until the aggressor had been determined, the responsibility fixed and the guilty party ascertained. If those considerations were to be borne in mind and a recommendation to impose an embargo was to be conditional upon the previous fixing of responsibilities, he was very much afraid that that provisional conservatory measure would rarely be adopted.

Without going into all the facts, he felt bound, as regards the dispute for which a further request for an advisory opinion had been received, to point out that, although those two

countries had been fighting for the past two years, he had not heard any of the experts who had studied the question say definitely : This country is the aggressor, the other the victim of aggression. Doubt appeared to subsist in the minds of the most competent experts as to which country was really responsible for the conflict. That might often be the case, and, notwithstanding the rules which had been accepted by certain States for the quasi-automatic determination of the aggressor, doubts might always exist, rendering the application of the rules impossible and making it necessary that the international body appointed to determine the question of responsibility should possess very wide powers in determining the question, powers which would also involve a duty, since that competent body could hardly say : There is some doubt ; I can reach no decision. The functions of such a body were practically those of a court of law. At some moment or other it must be able to view the matter clearly and decide where the responsibility lay. It was inconceivable that any international body entrusted with such a task should be able, to use an expression commonly employed in municipal practice, to non-suit both parties. Must it be concluded, then, that it was impossible, so long as any doubt remained, to take conservatory or provisional measures ? Were hostilities to be allowed to continue under cover of that doubt ? M. Politis did not think that would be a satisfactory solution.

He had come to the conclusion, therefore, that, for the League organ to recommend the imposition of an embargo, it was not essential to determine previously who was the aggressor. Such a solution might possibly involve a measure of injustice, since, notwithstanding the element of doubt that remained, the truth which was not revealed to human eyes must after all exist ; one of the two States must be more guilty than the other ; one rather than the other must be in a state of legitimate defence. Consequently, while to recommend an embargo and apply it to both States would be a just measure to take against the aggressor, it would manifestly be unjust towards the victim of the aggression.

But what was to be done ? Was such a consideration to prevent the adoption of the proposed conservatory and provisional measure ? Would justice be done and would the victim of the aggression be in a better position if its adversary, the alleged aggressor, was already in possession of sufficient armaments to enable it to continue the hostilities and if that adversary was, like itself, at liberty to obtain further supplies ? He did not think that that consideration of aggression was, in principle, as a rule of law, sufficient to prevent the adoption of the provisional conservatory measure.

If it were decided to discuss considerations of that kind—whether the embargo must be preceded by the determination of the aggressor—M. Politis would direct the Committee's attention to the fact that, at present, under the existing system of the League, as normally interpreted, there was no body with competence to determine the aggressor compulsorily and *erga omnes*.

He did not feel that it was necessary to revert to the lengthy discussions in the Committee on the interpretation of Article 16. He thought he was right in saying, however, that the interpretation which found most favour was that the Council could give some indication. The Council would make a recommendation, when it said who was the aggressor, and each State Member of the League was completely free either to follow that recommendation or to take a different view as to the responsibility for the war. That interpretation was, he thought, in itself open to criticism, not as being contrary to the Covenant, but as a solution by which the League was governed, because better solutions were conceivable. In view of that interpretation, however, he would put the following question to the Committee : If you continue to make the adoption of a conservatory measure such as the embargo dependent upon the determination of the aggressor, would not that in reality render such a measure impossible and permit each State to refrain from carrying out the Council's recommendation until it had itself become convinced that the aggressor designated by the Council was really the aggressor ?

That brought M. Politis to the conclusion that each State was free to regulate its exports of armaments as it thought fit ; that, when an armed conflict had been brought before some organ of the League, that organ had a perfect right to make a recommendation without consulting the parties, and that it could do so precisely because the embargo was a provisional conservatory measure that was to be taken before it had been possible accurately to determine the aggressor. That was his reply in the domain of pure law to the question put to the Committee.

M. SKYLSTAD (Norway) said that the Norwegian delegation fully shared the views expressed by the Swedish delegate regarding the right of individual States to adopt, on the League's recommendation, measures with a view to imposing an embargo on the export of arms and war material, provided that the embargo applied to both parties to the dispute. In its opinion, there was no doubt whatsoever as to the legality of such a measure.

M. RAY (Bolivia) said that he might not have considered it necessary to speak had it not been for one fact, to which the Chairman had drawn the Committee's attention when opening the debate—namely, that, in the interests of impartiality and in view of the mass of material relating to the question, the Secretariat had refrained from distributing the relevant documents to the members of the Committee.

Although the First Committee was dealing with a question of pure law, and although it was on that question of pure law that the Sixth Committee had consulted it, he did not think it was really possible or right to detach the abstract question of law from the circumstances of the case, and the Bolivian delegation would not, he felt, be carrying out its duty, either to its country or to the League, if it failed to put forward certain concrete and positive facts which were possibly not present to the minds of members of the Committee. On the general question

of law submitted to the Committee, he would be brief, as the Italian delegate had gone exhaustively into the various aspects. He proposed therefore simply to refer to certain points mentioned by the different speakers.

If he had understood him rightly, M. Gorgé, in his statement, had spoken as if a decision had already been taken by the Council on the basis of Article 11. Unless M. Ray was mistaken, no such decision had been taken; that fact constituted a serious matter in law. Assuming for a moment that the argument of substance put forward by M. Gorgé, and supported by M. Politis, were correct and that, on the basis of Article 11, the Council had the right to adopt measures relating to an embargo, in the nature of conservatory measures and not in the nature of penalties, he still considered it necessary for the parties to be heard on the substance of the question and the circumstances of the case.

Before the Council could take a decision regarding an embargo or the expediency of that measure, it would first have to study the general questions to which attention had been drawn by the delegate of Italy and again by M. Politis. But it would also have to examine the precise circumstances of the dispute and to judge whether the embargo could be enforced on sufficiently general lines. It would have to see whether it could be established by a decision taken individually by the several States. Lastly, it would have—and that was the fundamental point—to examine a question of fact which affected all the legal problems raised in the Committee—namely, whether, under the appearance of abstract equality, the embargo would not actually weigh unequally on both parties or whether, by reason of geographical or political circumstances, it would not weigh solely or mainly on one of them.

In the hypothesis now under consideration, and proceeding on the assumption that there was no question of penalties or guilt, but that the proposed measures were conservatory measures, care must be taken to see that they actually were of that character, that they did not weigh, perhaps heavily, on the future course of events. For, if such measures were taken purely as conservatory measures, the Assembly or the Council would one day have to pronounce on the substance of the question. As M. Politis had already observed, the measures were to be taken pending a final solution. Let it be supposed that that solution was reached; let it be supposed that the Council or the Assembly was able to assert that State X was the guilty party. A few months earlier—say six months, the time-limit laid down in the Covenant—an embargo had been imposed. Let it be supposed for a moment that these measures had weighed heavily on one State only and that, while the procedure was pursuing its course, that State had been utterly crushed; the League would then be faced with a very heavy responsibility. Would the Council or the Assembly then be prepared to say: "By so-called conservatory measures, we have decided the fate of the war. The war has gone against the party which we now declare innocent. We are about to restore legal order. We are about to re-establish justice which our conservatory measures have imperilled"? M. Ray would simply like the Committee to examine that aspect of the question.

What was the legal situation with which the Committee was faced in the conflict before the Assembly? Certain expressions had been used during the discussion to which he felt obliged to direct the Committee's attention.

Certain delegations had said, for instance: "In principle, we agree that an embargo could not be imposed outside the procedures laid down in the Covenant and without the previous determination of the aggressor; but, in the present instance, as an exceptional case, we consider that circumstances justify an exception to the rule." That was a disturbing assertion. If the Covenant really contained provisions stipulating that a definite procedure should be followed for a serious measure such as an embargo, if it were admitted that that procedure must be applied before the measures of embargo were imposed, was it right to say: In view of the particular circumstances of the case, we shall leave the Covenant out of the question; generally speaking, the Covenant lays down such and such a procedure, but, in this particular case, we think that it should not be applied? M. Ray wished, without expressing an opinion, to draw the Committee's attention to that point. If he might be allowed to make a distinction between the countries represented on the Committee, he would ask the representatives of what were often called the smaller States specially to reflect on it.

The Covenant was the safeguard of all the Members of the League. It was, more particularly, the safeguard of the smaller States. Was it not a dangerous thing to lay down the principle that the rules of the Covenant, if they were recognised as such, if they were admitted to have some particular meaning and purport, might nevertheless be set aside in certain cases?

Another expression had been used which had caused him some uneasiness. When referring to the extremely painful and difficult situation—it must be recognised as such—with which the Council was coping, someone had said: "We have gone into the matter; we have done all we could, we have got round the difficulty". M. Ray was quite prepared to admit that certain provisions of the Covenant needed to be interpreted and possibly supplemented. He was quite prepared, to use an expression employed by M. Gorgé, to reject any "Byzantine" interpretation of the provisions of the Covenant. Those provisions should, he felt, be interpreted in a perfectly reasonable and human manner; but certain of them were somewhat vague and indefinite, and consequently offered ample scope for exegetic treatment and interpretation. But there were certain fundamental provisions of such importance that they had undoubtedly influenced the decisions of all the States which had acceded to the Covenant. Among those provisions were the two most important texts to which the Committee's attention had been directed at that meeting.

There was, first, the text of Article 16—for he did not propose to examine for the moment the question whether measures of embargo were sanctions or conservatory measures. He would merely note that, in the view of not one delegation only—the documents at the Secretariat

proved that that opinion was shared by at least one other—those measures were actually in the nature of sanctions. Now, a decision or a recommendation relating to sanctions or similar measures was of so grave a nature that, as the Committee was aware, speakers had often hesitated even to mention Article 16. That essential provision of the Covenant had been surrounded with a sort of halo, had formed the subject of a sort of taboo, and it was when such a redoubtable, such a terrible text was in question that the suggestion was made : We can interpret ; we can find something outside it ; we can try to find something equivalent !

There was also another provision which was possibly even more fundamental in character and of which a great deal had been heard. That was the text of Article 5 of the Covenant, which provided that the agreement of all the Members of the League was required. He was quite aware that, to enable the League to accomplish its purpose, exceptions must be made to that rule ; but such exceptions were provided for in certain stipulations either of the Covenant or of other international agreements. And where there was no formal stipulation providing for an exception, it was, he thought, a very serious matter to introduce such an exception by an interpretative reading or by a supplement to the Covenant. On that point, again, he did not wish to express an opinion. He simply desired to submit to the Committee for consideration a question which, in his eyes, was of the utmost importance from the standpoint of the problem referred to it.

It had been his intention to recall the very grave reasons of fact which had compelled Bolivia to bring up the question of the embargo as a matter calling for the Assembly's urgent consideration. He was prepared, in view of the lateness of the hour, to postpone the remainder of his statement to the next meeting of the Committee.

The continuation of the discussion was adjourned to the next meeting.

FIFTH MEETING.

Held on Saturday, September 22nd, 1934, at 3.30 p.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

10. **Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and of War Material to the Two Parties : Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion (continuation).**

M. RAY (Bolivia) reminded the Committee that the most enthusiastic supporters of the embargo had recognised that such a measure was conceivable only if applied to both parties on equal terms. What was meant by equality ? Abstract equality, existing only in the wording of the relevant decrees ? He thought not. Or complete equality, presupposing absolute similarity in the conditions ? That, again, was clearly not meant, for it would be demanding the impossible. In his opinion, what was really intended was reasonable similarity, sufficient analogy, in the situation of the two parties.

Now, if the circumstances of the two parties to the present dispute were considered, the striking dissymmetry in their geographical situation was immediately apparent. He desired very briefly to indicate the essential features, as already described to the Council and the Sixth Committee. Bolivia was a completely land-locked country, a country to which access was particularly difficult. Paraguay, on the other hand, had very ready access to the sea by means of great waterways—the Rio Paraguay, the Rio Paraná and the Rio de la Plata—waterways which, it was important to note, were not under the control of any exclusive national jurisdiction.

In the circumstances, the inequality of the situation from the point of view of supplies of arms and war material was most striking. That was why the Bolivian delegate had said, in the Sixth Committee,¹ a few days earlier, that, if an embargo on arms were in principle decreed, Bolivia would be blockaded, whereas Paraguay would not.

It was sought to rebut this argument by maintaining that the point was not access to the belligerent countries, but measures to be taken by and in the countries exporting arms and ammunition. He did not think that there was any need for him to reply to that objection, since a complete reply would be found in the various statements that had been made ; for instance, in that of the Norwegian delegate in the Sixth Committee,² and, in particular—developed at considerable length—in Senator Piola Caselli's speech in the First Committee the previous day.³ Whatever measures of prohibition were taken by the different countries, it was perfectly obvious that quantities of arms could still reach the belligerents by indirect channels. It was perfectly obvious—since every country was involved in the arms trade—that, with the lure of gain, there was bound to be an enormous amount of contraband traffic.

Now, who would benefit by those indirect and clandestine consignments ? Undoubtedly, the country that had ample means of access to the sea ; whereas the country which was land-

¹ See page 74.

² See page 64.

³ See page 29.

locked, in the interior, would, in fact, feel the full weight of the embargo. And thus, in the conflict now referred to the Assembly, the special circumstances of the case, in his opinion, made it quite unfair to impose an embargo on both parties, before there had been any sort of judgment as to their responsibilities. Nevertheless, there would be justification for alarm if such a consideration, peculiar to that case, were found to conflict with the considerations that would arise as a general rule, in the abstract case, for instance, recently envisaged by M. Undén. He felt, however, that there was, in fact, no such contradiction ; on the contrary, the two kinds of consideration were in harmony.

To consider, for a moment, the abstract case. Two States, X and Y, were at war, were engaged in hostilities. Doubt existed as to which was the aggressor. It was decided to impose an embargo. M. Ray maintained that, irrespective of the particular circumstances of the case, there was every likelihood that the embargo would bear more heavily on the victim than on the aggressor. It was self-evident. In the international sphere, aggression was usually premeditated. In nearly every case, therefore, it would be the aggressor who would, beforehand, have accumulated stocks of arms, concluded contracts, built munition factories at home, and so on. It would, on the other hand, be the victim that would be taken by surprise and really paralysed by the embargo, without having been able to take preventive measures. Moreover, the guiltier the aggressor, the better prepared he would be and the less he would feel the effects of the embargo ; whereas, the more innocent the victim, the more completely would he have been taken by surprise and the more heavily would the embargo weigh upon him. Thus, it would appear that the considerations that might determine the Committee's decision in the particular case under review coincided with those which might govern the general attitude if they paused to consider the subsequent effect on judicial practice of the precedent set up by an individual case.

It had been said : These are simply conservatory measures. The day before, when listening to M. Politis, M. Ray had had a vision—no doubt, like many other delegates—of the international society of the future taking shape before him. When the League of Nations was fully organised, when it possessed powers of compulsion and an executive force, he felt sure that the international judge who was required to adjudicate upon a dispute would, at the very outset of the conflict, have to take conservatory measures, and no doubt very drastic conservatory measures, which would have the happy effect of ensuring alike the maintenance of peace and the triumph of law.

But, unhappily, that ideal was still very far from being realised, and, in the actual circumstances, those measures which were termed conservatory would conserve nothing at all. The League of Nations could not act upon the course of events. The war would continue, and, while the League procedure was still going on, that war might even reach a decisive issue. What then ? The upshot was not in doubt. It would be *væ victis*, and the loser would remain the loser. Therefore, since the enforcement of real conservatory measures could not be secured, he felt that it was not possible to take, under that name, measures such as the embargo now under discussion.

Passing next to the legal points that had been referred to the Committee for examination, M. Ray emphasised the fact that the question in its entirety had been referred to the Assembly. As yet, no legal decision had been taken in the matter by the League of Nations. The last resolution of the Council on the question was that of May 19th, 1934,¹ the essential passage of which read as follows :

“ . . . the Council begs the Committee of Three at once to resume the examination of this question and to proceed to the consultations that are indispensable in order that measures may be taken, if need be, during the next extraordinary session.”

That special session had been held ; the measures under consideration had not been decided on by the Council. As everyone was aware, the Committee of Three had continued its consultations—that is, the negotiations preparatory to the embargo. On September 17th,² the Bolivian delegation had asked that the Council should resume its examination of the question. On September 19th, the question had, indeed, been brought before the Council, which had decided to refer it to the Assembly ; in so doing, however, it was evident that it recognised once again that the question was not yet settled, since it was entrusting the task of settling it to the Assembly. The reason why M. Ray had stressed that point, which was very obvious, was simply that, at the meeting on the previous day, a statement had been made which might seem to show that some doubt had remained in the minds of certain delegations.

What exactly had been done up to date ? At the previous meeting, M. Basdevant had explained the position exactly : various Governments had taken an autonomous but concerted decision. As to the right of the individual State, acting in virtue of its sovereignty, he thought there could be no possible doubt ; he entirely concurred in the opinion of M. Basdevant and M. Politis. But he would add that, at the present stage of the Committee's deliberations, that decision could not be brought forward as the application of a policy decided upon or recommended by the League.

As to the real character of the measures of embargo taken thus far, he would ask the Committee's permission to express his views very fully and perhaps a little indiscreetly. He found a large group of countries, countries great and small, which had agreed to material sacrifices that were very real and perhaps important to some of them ; he could not for one instant believe that those countries were making such personal sacrifices in a state of indifference to law. Believing as he did that³ between their attitude and the strict rules of

¹ See *Official Journal*, July 1934 (Part I), page 766.

² See *Official Journal*, November 1934 (Part II), Annex IV, Communication No. 6.

law there was, not a divergence, but some uncertainty, some doubt, he proposed to advance a hypothesis ; and if by chance that hypothesis proved correct, there might perhaps be less difference than appeared at first sight between the attitude adopted by the States which had decided on the embargo and those which had questioned its legitimacy in principle under the conditions upon which it had been decided.

M. Ray wondered whether all those measures of embargo had not, in the minds of their authors, been essentially nominal in character, something in the nature of the system of *astreintes* in French law. The League of Nations had taken cognisance of the matter ; it would announce its decision. Hostilities had been going on for a very long time between the parties. Already there was almost a vague atmosphere of condemnation *vis-à-vis* the two belligerents. Members of the League said : “ We must settle the matter and the parties must realise that we are determined to settle it ; but if we wait for the last moment of the procedure, will it be time enough then to take measures of embargo, or rather to take preparatory steps with a view to such measures ? ” And it was decided to do something in advance. It was decided to make preparations beforehand which might at the last moment facilitate the actual decision to impose an embargo. M. Ray did not know whether his hypothesis was correct. If it were, then it would be perfectly true that, so far, in substance, there had really been nothing but preparatory measures, and that the League’s decision, as voiced by its legal and regularly constituted organs, still had to be taken.

If an embargo were decided on, on what text could such a decision be based ? There was no need for him to emphasise the general interest from the point of view of other cases, from the point of view of League jurisprudence, of texts such as Article 11 conferring competence on the Council ; but he thought that, for the moment, the League should confine itself to examining simply those texts of the Covenant which conferred competence on the Assembly.

What were the texts in point ? There was the text of Article 3, paragraph 3 ; that was a general text which read :

“ The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

On the basis of a text such as that, under what conditions could measures of embargo be taken ? So far as M. Ray was concerned, no doubt whatsoever existed that unanimity was an essential condition. He supposed that it would not occur to anyone to imagine that a question of such fundamental gravity could be classed in the category of questions of procedure and, indeed, such an idea had not occurred to anyone either in the Council or in the discussions in the First Committee.

Another text that might be considered was that of Article 15. But here a distinction must be made. At what moment in the application of Article 15 could the question of an embargo arise ? Would it be at the beginning of the procedure ? He did not think so. In the text of Article 15, there was no rule relating to that point for the beginning of the procedure and, in any case, no exception to the rule of unanimity. If, then, the possibility of a decision to impose an embargo could be contemplated in connection with Article 15, he thought that it would be in virtue of paragraph 4 and the following paragraphs. In other words, it was when the League came to adopt its report, when it made its recommendations, that it could, as an accessory measure, adopt measures of embargo. Had it the power to do so ? On that point he admitted that he could not reply definitely either in the affirmative or in the negative. Those delegates who still recalled the terms of the report which had put an end to the Sino-Japanese conflict would no doubt remember the very embarrassed formulas by which that report had endeavoured to suggest certain measures to third parties. The reason was that the recommendation referred to in Article 15 was addressed, not exclusively, but in any case first and foremost, to the parties. Even as regards the parties, those recommendations were not binding ; consequently, *a fortiori* they would not be binding on third parties. As M. Politis had pointed out the previous day, if a recommendation to impose an embargo were made in virtue of paragraph 4 and the following paragraphs of Article 15, it would be a recommendation pure and simple which would not lay any real obligation on third parties.

Even in that form, M. Ray was not certain that Article 15 really provided for recommendations addressed to third parties. But the paragraphs of that article which he had in mind might, as regards the embargo, have a different and a more important bearing, which had been noted the day before by several speakers. The very nature of the recommendation to be adopted still left one essential possibility open—a possibility which would no doubt be decisive in determining the responsibility or culpability of the parties to the dispute and the subsequent attitude of the parties towards the report and the recommendation of the Council.

The recommendation with regard to an embargo, which it would seem might, according to the letter of the Covenant, be made in application of Article 16, would, in reality, have been prepared and would, as it were, already have virtually existed in the recommendation resulting from the discussions in virtue of paragraph 4 and the following paragraphs of Article 15.

That strictly legal conclusion, which was in conformity with the argument so brilliantly presented by the Italian delegation, seemed to M. Ray to be at the same time in perfect conformity with justice and equity. That conclusion would, in his view, provide the best, or at all events the likeliest, means of re-establishing, not simply any sort of peace, but, as Mr. de Valera had recently put it, a peace that was based upon justice. Accordingly, it seemed to him desirable that the First Committee should be able to give the Sixth Committee a really clear and definite answer.

At the beginning of that debate it had been pointed out that it was essential for Members of the League to avoid any attitude that might have the appearance of an attitude of indifference

towards peace. It seemed to him equally important, for the prestige and future of the League, that the latter should make a very deliberate effort to avoid a solution that might appear to ignore the claims of justice.

M. CABALLERO DE BEDOYA (Paraguay) said that, Paraguay having been specifically referred to by M. Ray, legal adviser to the Bolivian delegation, he desired to avail himself of his right of reply and to intervene in the present legal discussion. M. Ray had maintained that Paraguay would, in the event of a uniform embargo on arms and war material, be in a privileged position compared with Bolivia, owing to her geographical position and the existence in her territory of arms and munition factories and also by reason of her considerable stocks of war material.

In the first place, those arguments already put forward on several occasions during the discussion before the Council by the Bolivian delegate, M. Costa du Rels, were of an extra-judicial nature and could not be taken into account in a discussion on a question of pure law. When there was an effective and guaranteed cessation of hostilities, and the embargo measures were being strictly applied by the countries which exported arms and war material, arguments of that kind should, in his view, be ruled out. They could only be invoked by a belligerent with the idea of avoiding the cessation of hostilities until it had obtained, by force of arms, a definite advantage over its adversary.

He would take the Bolivian arguments point by point and reply to them as follows :

First, there were no war-material factories in Paraguay. Anyone who wished to satisfy himself on that point could simply refer to the passage on page 54 of the report of the Chaco Commission :¹

“ The arms and material of every kind are not manufactured locally, but are supplied to the belligerents by American and European countries.”

A uniform embargo would, therefore, particularly favour the country which possessed the larger stock of arms and war munitions. It would favour the country which, in order to carry out its aggressive intentions, had accumulated large reserves before and during the conflict. That did not apply to Paraguay. On that point, again, a passage in the report of the Chaco Commission (same page) was most enlightening. There it was stated that the Bolivian army “ had more arms and material than its adversary ”. Consequently, it was Paraguay and not Bolivia which would be placed at a disadvantage by an embargo applied equally to both belligerents.

Moreover, Paraguay, to cope with the invasion, had with slender resources been compelled hastily to call up an irregular army, inferior in numbers to that of Bolivia. There, again, the report of the Chaco Commission was most instructive. It stated (also on page 54) as follows :

“ The Paraguayan army, which was very small and had very few arms and little material, was formed during the period of operations by the enlistment of brave but untrained volunteers, who improved day by day under the direction of native-born officers, who also received their training on the battlefield.”

Paraguay could not therefore be suspected of premeditated aggression.

He now came to the second point, relating to the privileged geographical situation of one of the belligerents. According to the delegate of Bolivia, that country, owing to her geographical position, was to some extent isolated from the rest of the world, which was not, it was alleged, the case with Paraguay, though she, too, was an inland country, like Switzerland or Czechoslovakia. There, again, he regretted to have to say that the statement was inaccurate. Bolivia possessed, apart from facilities on the Atlantic coast by means of the tributaries of the Amazon, means of access and communications with the outside world on the Pacific which were more rapid, shorter, more convenient, safer and better developed than those possessed by Paraguay. Those facilities for communication by rail made up for the absence of a waterway—if that really was an advantage, from the point of view of Paraguay, for the Rio Paraguay was not navigable for sea-going vessels and could only be utilised by shallow-draught vessels, and even then only during part of the year, owing to seasonal variations.

Still proceeding objectively with his refutation of the Bolivian delegate's arguments, he ventured to quote a passage from the speech delivered on September 7th, 1921, at the second Assembly of the League of Nations by the first delegate of Chile, M. Edwards, on the occasion of Bolivia's request for the revision of the Treaty of Peace of October 20th, 1904, a request based, *inter alia*, on the very fact that Bolivia had no access to the sea. At that time, Bolivia had only had designs on the Pacific. It was no doubt because she had not obtained satisfaction in that quarter that she had desired, at Paraguay's expense, to obtain access to the Atlantic by the Paraguay River. M. Edwards had said on that occasion :

“ Bolivia to-day has far better access to the sea than she had before the war of 1879. [That is, the delegate of Paraguay added, when she had a Pacific seaboard.] At that time she exercised no more than nominal sovereignty over a lonely stretch of coast separated from the seat of her Government by mountains which no railway traversed. Chile, whom Bolivia accuses of having deprived her of the sea, undertook by the Treaty of Peace of 1904 to give her easy access to the ocean, and Chile has brought the productive regions of Bolivia into closer relations with the coast by entirely constructing a railway and facilitating the construction of a whole system of lines, at a cost to herself of over £6,000,000.”

¹ Document C.154.M.64.1934.VII.

The facility with which Bolivia had used and was still using that freedom of transit during the present war in order to introduce through Chile the war material which she purchased abroad only served to corroborate M. Edwards' assertions. The Paraguayan delegate also drew attention to the fact that in the matter of freedom of transit Bolivia engaged the same advantage as Peru.

Count PIOLA CASELLI (Italy) pointed out that the main reason why the Italian delegation had been instrumental in having the question of the embargo discussed in the First Committee was, as stated in the Sixth Committee, on grounds of pure law, in connection—as he had already remarked—with the statement made by the Head of the Italian delegation on the Council as follows :¹

“ The Italian Government's view on the matter has already been defined in our note of July 20th, 1934. We hold that, in principle, the embargo on supplies of war materials to the belligerent countries cannot be regarded as a measure which should be adopted outside of the procedures laid down in the Covenant for the settlement of a dispute or until a decision has been taken as to which State or States are to be condemned as responsible for the conflict.”

At the previous meeting, after having examined the question of principle, he had referred also to the conflict between Bolivia and Paraguay and had wondered whether it was not advisable, before maintaining the embargo, to await the result of the attempt at conciliation or the resolution which the Council would ultimately adopt. He desired, however, to keep the two questions entirely distinct from one another—the question of pure law which concerned the embargo in general, and the question which related simply to the dispute between Bolivia and Paraguay.

As regards the second question, he would merely say that the query at the end of his speech had been answered by various other speakers in the course of the discussion. It had been explained that the countries which had acceded to the embargo had taken that decision in the exercise of their territorial sovereignty and thus not directly in connection with any provision of the Covenant.

For its part, the Italian Government had expressly stated that it was acceding to the embargo on consideration of the quite exceptional situation in this dispute, and its action was to be regarded as coming within its territorial sovereignty, while it reserved the right to withdraw the measures in question if circumstances made it desirable that it should do so. For the moment, the Italian Government did not intend to withdraw that accession and on that point Count Piola Caselli had nothing to add.

With regard to the question of law, his Government, as he had stated, considered it particularly important for the future to establish as definite rules as possible in the matter of the embargo and to fix the main points that he had already enumerated—namely, that the embargo must be carried out in relation to a procedure laid down in the Covenant, and that an investigation must first be made into the responsibilities of the parties to the dispute. He was grateful to members of the Committee who had submitted their views on that question of pure law, and, in particular, to the United Kingdom delegation, which had stated that it recognised the difficulties arising out of the question of the embargo and that it desired to associate itself with the Italian delegation's proposal to make a careful study of the question. The results of those discussions showed that, as regards the question before the Committee, there were certain points on which it seemed likely that agreement would be reached and others in connection with which some considerable divergence of views was apparent.

While the imposition of the embargo came within the sphere of the territorial sovereignty of each State—that point might be regarded as established—it was equally true, in the case of an embargo applied by the concerted action of Members of the League, to say that the evolution of the will of the State could be regarded as the outcome of the obligation that the State assumed under the Covenant. By that he meant that the evolution of that will must be connected with the obligation assumed by Members of the League as such to try, as far as possible by joint action, to achieve international peace and secure the maintenance of international justice. If that obligation were considered on the one hand, and, on the other, the necessity of action which, if the embargo was to be effective, should not be individual but collective and concerted, the inference was that, in the case of a dispute referred to the League, the embargo must always be regarded as the application of a will, the evolution or determination of which had the character of an act that was essentially collective and originated in the League. The embargo became a *casus fœderis* within the meaning of the Covenant and must come within the scope of the procedure laid down in the Covenant and must comply with the forms prescribed in that procedure. Consequently, it must be recommended as the expression of the will of the Members of the League in the form of a resolution drawn up in conformity with the articles of the Covenant.

What provisions, then, of the Covenant could be invoked in the matter? It would seem from the discussion that the provisions of Article 16 or of Article 11 might be applicable. But was formal action by the Council really necessary in the situation created by the Bolivo-Paraguayan conflict? There had been some hesitation in recognising that, and no formal action had been taken. He thought that, in future, formal action must always be taken by the Council, since that was a guarantee for all the Members of the League.

The difficulty that presented itself in regard to the application of Article 11—several speakers had alluded to it—was the question of unanimity in the Council's decision. In that connection, he fully shared the view that the Covenant must be interpreted according to legal

¹ See Minutes of the first meeting of the eighty-second session of the Council. (*Official Journal*, November 1934 (Part II).)

principles. It would have to be decided whether the provisions of Article 4, paragraph 5, and of Article 5, stating that decisions of the Council required the agreement of all the Members of the League represented at the meeting, and that the countries concerned in the question must sit on the Council, must really be interpreted to mean that the consent of the countries concerned was indispensable to secure unanimity.

Count Piola Caselli was inclined to think that, besides that rule, which could be interpreted literally, account must also be taken of the general principle of law summed up in the adage *nemo iudex in causa propria*, and that it was open to debate whether, for the purposes of unanimity, the parties should sit on the Council.

The other questions of a technical kind which had already been mentioned also required consideration. They related to the manifest necessity, emphasised in the recent discussions in the Council, of rendering a concerted embargo, like a blockade, effective. How could an effective embargo be organised? Was the participation of all the arms-producing countries sufficient? He had already expressed doubts on the subject of that solution. Moreover, there was the question whether the measure should stop at a mere prohibition *vis-à-vis* national producers or whether it should not extend to supervision of transit, the right of search and certain measures of peaceful blockade.

These were questions that required examination, as did those of a third category relating to the investigation into previous responsibility, which the Italian delegation considered an essential condition for the application of an embargo. During the discussion a number of speakers had referred exclusively to the question of the Bolivo-Paraguayan conflict. On the question of pure law, the Committee had heard the opinions of two eminent jurists—the delegate of France, who had formally stated that, in his view, the determination of responsibility was a necessary preliminary, and the delegate of Greece, who had propounded the theory that the embargo might be regarded as a conservatory measure that could be taken irrespective of an investigation of the question of previous responsibility.

He wondered whether the objections to the enquiry concerning previous responsibility did not arise from the fact that the question had been partially and incompletely dealt with. Obviously, there were cases in which the situation of the parties might authorise a presumption, a provisional judgment, to the effect that both parties had failed in the duties imposed upon them by the Covenant.

But, apart from such a situation, how could it be maintained that in serious cases where there was, on the one side, an aggressor, a country which produced arms, and, on the other, a country which had been attacked and which did not produce arms—as was the case in the Sino-Japanese dispute—how could it be said that an embargo was a measure of a purely conservatory character? How could it be maintained that, even before hostilities had broken out, intervention in the form of an embargo preventing the weaker State from defending itself against the threat that menaced it was simply a conservatory measure? And in more serious cases, where the threat had materialised into hostilities and even invasion of the national territory, in cases which came under Article 10, how could it be claimed that that measure of embargo was merely a measure conserving a *de facto* and *de jure* situation?

The Italian delegation still adhered wholly to the view that an embargo must always, to a greater or lesser extent and to a more or less absolute degree, be preceded by a judgment, an appreciation of the situation of the parties from the standpoint of the obligations they had assumed under the Covenant.

In Count Piola Caselli's opinion, the questions which had arisen or which might arise, and which were of a very special and delicate nature from the standpoint of international law, called for a comprehensive and thorough examination. He therefore proposed that, if possible, the question should be referred to a committee of enquiry, whose work should not be restricted to the period of the Assembly but which would go fully into every aspect of the question, with a view to findings that could be accepted by all.

The question of pure law was not necessarily related to the question of the dispute between Bolivia and Paraguay—he would like to repeat that—and, in his opinion, the First Committee, in its reply to the Sixth Committee regarding the legality of the embargo as individually authorised on that occasion by the autonomous will of the Members of the League, must make it clear that the question could be solved independently of the purely legal issues raised in the course of the discussions.

M. GAJARDO (Chile) said that, in order to make his delegation's position in the discussion quite clear, he would like to offer a few brief observations on the embargo on arms and war material intended for Bolivia and Paraguay, a question on which the First Committee had been asked by the Sixth Committee for a legal opinion following on the Italian delegation's request. He wished to point out the following facts:

When the Committee of Three of the Council had decided, on the initiative of the United Kingdom representative, to resume the consultations held in 1933 regarding the embargo, the Chairman of that Committee had applied to, among others, the Chilean Government, whose help was considered indispensable by certain Governments in view of its position as a State adjacent to one of the belligerents. The Chilean Government's reply was as follows (document C.218.M.86.1934.VII):¹

[Translation from the Spanish.]

“ In reply to the telegram from the Chairman of the Chaco Committee of the Council, I have the pleasure to inform you that my Government would participate with all other Powers in an agreement to prohibit the export and re-export of arms to Bolivia and

¹ See *Official Journal*, July 1934 (Part I), page 830.

Paraguay. As regards the transit of arms, my Government will carry out all its international obligations deriving from the resolutions on this matter which may be adopted by the competent organs of the League and from its existing treaties. I think it necessary to add that my Government does not consider it advisable (to adopt) measures dealing with the transit of arms until measures dealing with export have been adopted and effectively applied, since export is the cause and transit merely the consequence.—Miguel CRUCHAGA, *Minister for Foreign Affairs.*”

Shortly afterwards, on June 1st, the Chairman of the Committee of Three had asked the Chilian Government for certain explanations concerning that reply, in order to ascertain which were the Powers upon whose acceptance its own was conditional. The Chilian Government had sent the following reply (document C.218(g).M.86(g).1934.VII) :¹

[*Translation from the Spanish.*]

“ In reply to your communication of June 1st, requesting me, on behalf of the Chairman of the Committee of Three, to ask my Government whether, in accordance with the replies received up to that date from the Governments that had been consulted, it considered that the condition which it had laid down in its reply to the Chairman of the Committee of Three, dated May 22nd, 1934, of ‘ an agreement of all the Powers to prohibit the export and re-export of arms to Bolivia and Paraguay ’, was fulfilled, I have the honour to communicate the following to you, under instructions which I have just received from my Government :

“ In accordance with its reply of May 22nd, 1934, to the questions asked it on the previous day by the Chaco Committee of the League of Nations, the Chilian Government, which abides by the whole of that reply, will forbid the export and re-export of arms to Bolivia and Paraguay, on condition that all the other Powers consulted by the Chairman of the Committee of Three also do so, including, that is, Germany, Italy and Japan, which, according to information which has reached Chile, do not yet seem definitely disposed to order the prohibition of the export and re-export of arms to the two belligerent countries.

(*Signed*) Enrique GAJARDO,

*Head of the Permanent Bureau of Chile
accredited to the League of Nations.*”

Lastly, quite recently a third telegram had been sent to the Chilian Government by the Chairman of the Committee of Three as the result of a further step taken by the United Kingdom Government. The Chilian Government had sent a reply on July 26th, as follows (document C.322.M.146.1934.VII) :²

[*Translation from the Spanish.*]

“ In reply to your telegram of yesterday’s date, I hasten to inform you that my Government fully adheres to its replies dated May 22nd and June 9th to your previous consultations on the same matter. Consequently, and provided that the condition mentioned in those replies is fulfilled, my Government would participate in the immediate action to which you refer with a view to prohibiting export and re-export of armaments to Bolivia and Paraguay, on the understanding that it will recover its freedom of action in the matter if the above-mentioned condition is not completely fulfilled by the application of the same measures by all the other Powers.—Miguel CRUCHAGA, *Chilian Minister for Foreign Affairs.*”

The Chilian Government’s attitude had not changed. It was still the same now that the dispute had been referred to the Assembly under Article 15. Chile was ready to fulfil her duties towards the League, as a Member of the League, and urged that, if the measure concerning the embargo were taken in virtue of provisions of the Covenant, it should be accepted by all the Members of the League and, more particularly, by the Powers mentioned in the Chilian Government’s replies which had just been quoted.

M. VISOIANU (Roumania) expressed the opinion that the question submitted to the Committee, on the initiative of the Italian delegation, was both a delicate and a serious one. It was a delicate one from the legal point of view, as the Italian delegate had shown ; and it was serious, on account of the consequences that might ensue in the event of concrete application. The divergence of view between the parties concerned revealed in itself how serious the question was viewed from that angle.

The statements that had been made in the Committee might perhaps give the delegations sufficient food for thought and provide useful indications for the work of the committee which it was proposed to set up. M. Visoianu did not intend to offer any new arguments, but desired to note, in particular, the statement made by the French delegate, M. Basdevant, who, in the three hypotheses he had considered, had covered practically all the cases that could be imagined as coming within the framework of the present provisions of the Covenant. M. Visoianu would confine himself, therefore, to saying that the Roumanian delegation approved M. Basdevant’s statement and the conclusions he had reached.

What was of immediate importance in the discussion was not so much to express an opinion from the standpoint of future legislation on the embargo as to determine which provisions of the Covenant would enable measures of embargo to be applied and the extent to which they could be applied. In that connection, he desired to point out that embargo

¹ See *Official Journal*, July 1934 (Part I), page 830.

² See *Official Journal*, November 1934 (Part II), Annex V. D. Communication No. 5.

measures might find a juridical basis in the Covenant in its present form and also under different conditions. Article II of the Covenant clearly empowered the Council to order measures of embargo ; but, as had been pointed out, that article required unanimity, including the votes of the parties. The difficulty would be, not to find a basis for such measures, but to apply Article II with due regard to circumstances. The Council of the League had had occasion several times, more particularly in 1927, to consider what possibilities Article II offered it. It had then drawn up a list—by no means exhaustive—of such cases. Neither in Article II nor in that list was there any specific mention of measures of embargo, but that did not mean that on the basis of that article the Council would have no power to order them.

Measures of embargo could also be ordered on the basis of Article 15, in accordance with the procedure therein laid down, with the possibility of reaching a decision without the votes of the parties, as the outcome of the measures of investigation mentioned in the article.

It would not be correct to say that the provisions of Article 15 referred only to the parties concerned. Several paragraphs of Article 15—in particular, paragraphs 6 and 7—enabled the Council or the Assembly—of course, after the measures of investigation—to take measures in regard to Members of the League other than the parties concerned. Other articles of the Covenant certainly gave the Council and Assembly legal power to order measures of embargo. The question, however, obviously remained a somewhat delicate one, and, in order to determine accurately and precisely in what circumstances the Covenant would enable the League, the Assembly or the Council to take measures of embargo, it might perhaps be desirable to set up a committee. The Roumanian delegation was, however, in favour of limiting the committee's terms of reference to a study of the juridical possibilities of ordering measures of embargo on the basis and within the scope of the Covenant in its present form.

M. EGORIEW (Union of Soviet Socialist Republics) said that he did not propose to repeat the arguments that had been so brilliantly presented in support of the embargo on arms destined for Bolivia and Paraguay. He simply wished to emphasise the necessity of interpreting the Covenant of the League as an instrument for the maintenance of peace. In the present case the measure contemplated must prevent or hinder the continuation of hostilities which had been going on for the past two years. For that reason, the Soviet delegate supported the view that the application of the embargo was permissible.

The CHAIRMAN declared the general discussion closed.

He desired to endorse the suggestion made by the delegate of Italy—namely, that the Committee should first of all define its views on the question of the embargo as applied to recent months, and should then propose either to the Council or to the Sixth Committee that a committee of experts be appointed. He would ask the First Committee to give its opinion on that question at its next meeting. In the meantime, the Bureau would prepare a draft letter to the Sixth Committee and would submit that draft to the First Committee.

The Chairman's proposal was approved.

II. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute : Examination of the Opinion to be given to the Sixth Committee (Annex IV).

M. POLITIS (Greece), Rapporteur, commented on the draft and pointed out various changes that the Rapporteurs wished to make—in particular, the addition to Part II, paragraph (c), of the following sentence :

“ The exclusion of the application of Article 15 would only be conceivable in the hypothesis of a State Member of the League of Nations which is the victim of an aggression applying to the Council under Article 10 of the Covenant.”

That would involve amending the conclusion to read :

“ For the reasons above stated, the Committee is of opinion that, *subject to the reservation made in regard to the eventuality provided for by Article 10, Article 10, Article 15 of the Covenant is applicable in its entirety even in a case where the parties are at war.*”

That addition was intended to cover a very embarrassing hypothesis which might present itself and which would come under Article 10 of the Covenant. An aggression occurred ; and—in order to make the argument clearer—suppose that it was a flagrant aggression and the State guilty of it was hypocritical enough to bring the matter before the Council under Article 15, speculating on the length of the procedure, which would enable it to crush the victim of the aggression at its ease. It was obvious that, if the application, in every hypothesis, of Article 15 were to lead to such a result, the system would be both absurd and unjust. That hypothesis must therefore be provided for, and it was necessary to ensure, if the victim of the aggression applied to the Council under Article 10, that there was no risk of his being told in reply : Wait until the entire procedure of Article 15 has been enforced, and we will see what can be done.

In case of an aggression, and in the example given of flagrant aggression, the Council's duty under the very terms of Article 10 was to advise upon the most suitable means by which the obligation named in that article should be fulfilled.

M. GORGÉ (Switzerland), while declaring his readiness to accept unreservedly the draft as a whole submitted by M. Politis and M. Undén, suggested various formal changes. He proposed that the last sentence in Part II, paragraph (c),¹ should be amended to read :

“ It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, which the parties cannot bring to a standstill when it reaches the phase of the recommendation.”

The application of Article 15, in correlation with Article 16, should therefore be characterised by a procedure which the parties could not bring to a standstill when it reached the phase of the recommendation.

In the hypothesis of flagrant aggression mentioned by M. Politis, M. Gorgé did not wish the Committee to appear, in a case such as that, to be excluding the intervention of the Assembly on the pretext, for instance, that Article 10 was applicable. In his opinion, the two procedures were not mutually exclusive, and, in the case mentioned by M. Politis, they might be combined. He could quite well imagine a State the victim of an aggression laying the matter before the Assembly without the Council being thereby prevented from applying Article 10. The procedure under Article 15 involved long delays—a point which M. Politis had so rightly stressed. But M. Gorgé did not think that, while that procedure was being applied, the Council was unable at the same time to employ the measures provided for in Article 10.

Such being the case, he proposed that the addition made by M. Politis at the end of Part II, paragraph (c), should be amended to read :

“ Article 15 would not necessarily apply in the event of a Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10.”

The CHAIRMAN thought M. Gorgé was right in his view that Article 10 did not necessarily exclude the application of Article 15, more particularly in the case of flagrant aggression ; he desired to point out, however, that, in its letter to the Sixth Committee, the First Committee was not required to consider the relationship between Article 10 and Article 15.

M. POLITIS (Greece), Rapporteur, stated that he did not concur in the Chairman's opinion on the question of substance. He thought it impossible that the Committee should not make some allusion—however brief—to Article 10. The very circumstances of the question made it incumbent to do so. The Committee had been asked whether Article 15 was applicable in its entirety in a case where the parties were at war. It replied : Yes. But, if it did not add a reservation concerning Article 10, a misunderstanding was possible. The casual reader might say : The Committee was of opinion that, in the hypothesis actually considered, and in all cases, Article 15 is applicable in its entirety. That, however, was not the view of the Committee and, indeed, the latter could not hold such a view when its attention was drawn to the case of Article 10.

Moreover, it would not be replying fully to the objection in paragraph (c) of Part I of the draft opinion, which read :

“ The doubt felt is thought to be corroborated by the consideration that, in the contemplated case, it should be Article 16 rather than Article 15 which should be applied, and that this could not be done immediately if it was necessary as a preliminary to follow the procedure laid down in Article 15.”

The Committee was replying to that objection by paragraph (c) of Part II. But its reply would be incomplete if it made no mention whatsoever of Article 10.

After having reviewed several texts, M. Politis accepted M. Gorgé's proposal, which was also approved by his co-Rapporteur, M. Undén.

The Committee adopted the following text :

“ It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, paragraph 4, which the parties cannot bring to a standstill. Article 15 would not, however, necessarily apply in the event of a Member of the League of Nations which was a victim of an aggression applying to the Council in virtue of Article 10.”

M. CABALLERO DE BEDOYA (Paraguay) said he had noted with great interest the draft prepared in reply to the Sixth Committee's request to the First Committee for an opinion regarding the application in its entirety of Article 15 of the Covenant in a case where the parties were at war.

He had expressed legal doubts concerning the application of Article 15 in its entirety under the actual conditions of the Bolivo-Paraguayan conflict. The First Committee's opinion was an attempt to reply to his objections. But he was not authorised to state that his Government's doubts and scruples were now dispelled. The Paraguayan delegation duly

¹ Original text as proposed in the draft opinion :

“ The enquiry into this question of responsibility may be greatly facilitated by applying Article 15, which provides for a procedure the second phase of which may result in showing that a party to the dispute is already at fault or the circumstances in which a party will be at fault.”

noted the Committee's opinion, which authorised the application of Article 15 with a view to the cessation of hostilities. It also noted the statement that Article 15 would not necessarily apply in the event of a State Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10 of the Covenant. Without formally and officially accepting the procedure under Article 15, M. Caballero de Bedoya could assure the Committee that he would do nothing to obstruct the course of that procedure.

The CHAIRMAN said that the Committee took due note of the Paraguayan delegate's statement.

The Committee adopted the draft opinion as amended (Annex IV) and decided to send it to the Sixth Committee, in reply to the latter's request for an opinion.

SIXTH MEETING.

Held on Monday, September 24th, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

12. Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and of War Material to the Two Parties: Examination of the Opinion to be given to the Sixth Committee (Annex V).

The CHAIRMAN announced that, in accordance with the Committee's decision taken on the previous day, the Bureau had prepared a draft reply to the Chairman of the Sixth Committee on the question of the embargo, stating that the embargo had been decided upon by certain Members of the League and that it had been imposed outside the framework of the Covenant and in virtue of the sovereign rights of those States.

The question of principle underlying the prohibition of the supply of arms and war material within the framework of the Covenant raised problems so complex that the First Committee could not hope to settle them in the course of a few days' discussion.

M. GORGÉ (Switzerland) said that he was prepared to accept the draft opinion as a whole, in the preparation of which he had collaborated. He doubted, however, whether it was correct to say that no decision had been taken by the Council directing that there should be a prohibition to supply arms or war material to Bolivia and Paraguay, seeing that the decision had been taken by the Committee of Three. From a legal standpoint, it would be possible to examine the question of the capacity in which the Committee of Three had acted, whether it had not been in virtue of a sort of delegation of powers by the Council, and whether, since the Council covered the Committee of Three, the decision in question was not, legally speaking—though no formal resolution had been passed—nevertheless a decision of the Council. The Swiss Government, in adopting its decision, had obviously taken into account what had happened at Geneva, and, when informed of a recommendation of the Committee of Three, manifestly approved by the other members of the Council, had been of opinion that it was dealing with a recommendation which went rather further than a recommendation from three Members.

He felt, again, that the realities were not taken sufficiently into account in the paragraph which read :

“ It follows that the Members of the League of Nations which have imposed the prohibition did so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant.”

In the case of Switzerland, in point of fact, the measures taken had not been outside the framework of the Covenant ; they owed their inspiration to the Covenant. Switzerland had felt that she was complying with a duty required of her in the name of solidarity, as indicated in Article 11 of the Covenant, the article on the basis of which, more or less exactly, the dispute was being dealt with at Geneva.

In order to satisfy, on the one hand, the States which had not been guided by the Covenant and, on the other, those which had taken their decision on the basis of that instrument, he proposed that the text be amended to read :

“ It follows that the Members of the League of Nations which have imposed the prohibition were able to do so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant.”

As to the task of the committee of enquiry which the First Committee proposed should be set up, it seemed clear from the discussions that the legal problem involved was of particular importance. The Council would probably not be prepared to accept responsibility for settling it, and would in all likelihood refer the findings of the special committee to the Assembly. If that were so, it should be clearly stated in the opinion.

His personal view had been that the First Committee might simply have referred the whole problem to the next Assembly ; but it had been pointed out to him that it was not impossible that, before the next Assembly, another case might occur which would perhaps make it necessary again to contemplate measures of embargo, without waiting for the next Assembly. As the question was both important and perhaps urgent, he was quite prepared to admit that it might be wise to submit it for examination, without too much delay, to a committee appointed by the Council, it being understood that the Assembly would have the final say in the matter.

Mr. BECKETT (United Kingdom) said that he accepted the report as a whole and simply wished to note one or two small points, which were really matters of phrasing. He suggested that in Section I, paragraph 3, which read :

“ No decision directing that there should be such a prohibition has been taken by the Council ”,

the word “ recommending ” was more appropriate than “ directing ”. All the members were agreed that a decision of the Council, if taken, would not have obligatory force for everybody.

In Section I, paragraph 4, one idea seemed to have been repeated. Instead of saying :

“ It follows that the Members of the League of Nations which have imposed the prohibition did so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant ”,

it was, he thought, sufficient—and, on the lines of M. Gorgé's remarks, rather more accurate—simply to say that Members of the League which had imposed the prohibition had done so, or had been able to do so, not in application of any of the articles of the Covenant. The words “ outside the framework of the Covenant ” repeated the same idea, or, if they did not, they said a little too much.

The imposition of the embargo had been a concerted act, though performed in the exercise of the individual sovereignty of States, and its legal character was derived from its having been so done. He desired accordingly to propose an amendment in Section I, paragraph 5, to read :¹

“ The establishment of the prohibition by these Members of the League, though concerted, was a lawful act performed in the exercise of their sovereignty and without infringing any provision of the Covenant.”

A further addition, at the end of that paragraph, would make the sentence read :

“ It was motivated by anxiety in the particular case to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for Members of the League to promote.”

M. TUDELA (Peru) said that the Peruvian delegation also desired to make clear its attitude in the debate concerning the embargo on arms and war material for the two countries engaged in the Chaco conflict. The Peruvian Government desired, first, to state that it was prepared, as in the past, to participate in any attempt to bring the present hostilities to an honourable conclusion. Peru had taken part in the efforts of mediation made by the States neighbours of the two parties to the conflict : the Argentine Republic and Brazil on the Atlantic side, who were neighbours of Paraguay, and Chile and Peru on the Pacific side as neighbours of Bolivia. It was to the interest of those four countries—as would be readily understood—from a general as well as a local standpoint, to ensure that peace should be re-established in that sector of the American continent, and they would certainly spare no effort towards that end. Peru accordingly confirmed her decision not to refuse her collaboration, if that were desired.

As to the embargo itself, Peru was prepared to fulfil her duties as a Member of the League, being convinced that the decisions that might be adopted would ensure the efficacy of the measure by prohibiting the export of arms and war material to the belligerent countries. It was the countries which manufactured arms and war material and those which had stocks to get rid of that should enter into the most explicit undertakings in the matter. For the States neighbours of those inland belligerents, with whom they had concluded special commercial treaties based on a guarantee of freedom of transit, the situation created by the embargo was particularly difficult. The problem should in any case be settled by uniform action on the part of all the neighbouring countries, such action being, of course, inspired by feelings of friendship towards the countries at war. He would stress the point that the essential thing was to prohibit the export of arms and war material.

As to the question of principle, which had to be examined from the standpoint of pure law and more particularly of the interpretation of the Covenant—namely, the question of the prohibition of supplies of arms and war material to the belligerent parties, within the framework of the Covenant of the League—the Peruvian Government was in full agreement with the suggestion that a special committee should be appointed to study the matter.

The CHAIRMAN said that, although the general discussion had been closed, the First Committee would take note of the statement made by the delegate of Peru.

¹ Original text as proposed in the draft opinion :

“ The establishment of the prohibition by these Members of the League was a lawful act performed in the exercise of their sovereignty which does not conflict with any provision of the Covenant. It was motivated by anxiety in the particular case to contribute in the general interest towards putting an end to a war.”

Count PIOLA CASELLI (Italy) desired only in part to associate himself with the observations and suggestions put forward by the Swiss and the United Kingdom delegates.

One sentence in the draft opinion seemed to him calculated to prejudice unnecessarily—particularly if, after the word “prohibition”, there were added the words “though concerted”—as regards substance, the questions raised with regard to the regulation of the embargo; he referred to the sentence in the last paragraph but one of Section I as follows: “The establishment of the prohibition by these Members of the League was a lawful act performed in the exercise of their sovereignty which does not conflict with any provision of the Covenant.” In that connection, he desired to recall certain ideas which he had weighed one against the other in his statement at the previous meeting. The first was this: if Article II were applied in its entirety, if the embargo were regarded as an act of the League, it was clear that such an act must be the outcome of a resolution taken by the League organs; whence the necessity for a recommendation by the Council.

The second idea, which offset the first, was that, in a situation which had been recognised from the outset to be quite exceptional, the fact that a formal resolution had not been passed by the Council was entirely justified, since the States Members of the League had only acceded to the embargo by an act of sovereignty, in the exercise of their own individual judgment, and could always withdraw that measure. In the Italian Government’s reply, particular stress had been laid on the right to go back on that decision and on the fact that the question of the embargo in the conflict between Bolivia and Paraguay could be entirely separated from the general question of the conditions in which an embargo might be authorised.

He felt that it would be well, therefore, for the First Committee, in giving its opinion, to confine itself to the essential point—namely, the clause declaring that accession had been, or that it had been possible for it to be, the result of action that could be taken by the countries Members of the League without applying any article of the League Covenant.

M. RIVAS-VICUÑA (Chile) stated that he was in agreement with the Italian delegate’s observations and with the views expressed by the Peruvian delegate.

M. SKYLSTAD (Norway) proposed that, in order to avoid all ambiguity, the word “formal” be inserted before the word “prohibition” in paragraph 3 of Section I. All the delegates, he thought, agreed that no formal prohibition had been prescribed by the Council, but that, on the other hand, by its resolution of May 19th, 1934, the Council had taken the initiative in recommending the embargo.

M. EGORIEV (Union of Soviet Socialist Republics) stated that he was prepared to accept the draft opinion, with the additions and amendments proposed by the United Kingdom delegate.

No delegate having expressed the opinion that the Covenant had been violated, there seemed to him to be no point in saying that the prohibition decided upon by the States Members of the League was not contrary to any provision of the Covenant—a fact which was implicitly admitted, as was the right of the States to take such a measure.

Finally, in the last paragraph of Section I, the Committee seemed to him rather exceeding its powers and to be touching on paragraph 3 of Article 3 of the Covenant.

M. WESTMAN (Sweden) supported the proposals of the Swiss and United Kingdom delegations. He would have some difficulty in endorsing the suggestions of the Italian delegate, feeling as he did that the essential point was the sentence in which it was noted that the countries which had prohibited the export of arms had not violated any provision of the Covenant. He would have no objection to that sentence appearing in conjunction with the statement that Members of the League which had decreed such a prohibition had been able to take those measures, in that particular instance, without applying any of the provisions of the Covenant.

M. GORGÉ (Switzerland) supported the proposal of the Norwegian delegate that the refusal should state that there had been no “formal” decision of the Council, that expression, in his view, being more consistent with the facts. Decisions in the matter had been taken at Geneva. These were not formal resolutions of the Council, but it would hardly do to give the impression that the Council had played no part in the affair.

M. BASDEVANT (France) pointed out that the construction of the draft opinion was such that there was no need for the detail suggested by the Norwegian and Swiss delegates. The first paragraph of Section I showed what the Council had done, and the second what had been done by the Committee of Three, while the last paragraph noted that no decision had been taken by the Council. The situation was thus put very clearly.

M. SKYLSTAD (Norway) wished to maintain his suggestion that the word “formal” be inserted before “decision” only if the Committee adopted the United Kingdom delegate’s proposal. The Council, as was clear from the first paragraph, had taken an initiative, with a view to measures of embargo being adopted; it was a sort of recommendation on its part, but it was not a formal decision.

The CHAIRMAN pointed out that every recommendation of the Council was a formal recommendation. A recommendation of the Council was a recommendation within the meaning of the Covenant, and required no qualification.

The Committee approved the wording proposed by M. Basdevant, as follows:

“No further decision has been taken by the Council.”

The Committee also approved the proposal of M. Gorgé that the end of Section II should be amended to read :

“ If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a committee for the purpose, which would present its conclusions to the Council and to the Assembly.”

The CHAIRMAN, at the request of the Soviet delegate, explained what was meant by the sentence :

“ It rests with the Assembly to appreciate whether, in the recommendation which it may be led to adopt under the provisions of Article 15, it would be desirable to insert provisions dealing with the matter.”

It meant that, when the Assembly came to deal with the substance of the conflict between Bolivia and Paraguay, it could make all sorts of recommendations, including recommendations concerning the embargo.

After an exchange of views, *the Committee adopted, for the fourth paragraph of Section I, the following text :*

“ It follows that the Members of the League of Nations which have imposed the prohibition could take this measure in the particular case without any application of an article of the Covenant. They were acting lawfully in the exercise of their sovereignty and without infringing any provision of the Covenant. They were actuated by anxiety to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for the Members of the League to promote.”

The words “ in that particular case ” were introduced at the request of the Italian delegation, Count Piola Caselli having pointed out that, while the Italian Government had acceded to the embargo and followed the procedure established at the League, it had done so in order to comply with a universal sentiment and world opinion. Whatever might be the tenor of the recommendation made by the Assembly, the conflict which had now been referred to it offered an exceptional situation of extreme gravity justifying the measure taken on the basis of a legal principle but lying outside the usual smaller arguments of detail and interpretation — a situation which was summed up in the Latin adage : *Salus publica suprema lex esto*. In that case the imposition of an embargo was an act which, at all events in its international moral expression, pointed to the existence of an absolute determination on the part of humanity as a whole that that sanguinary conflict should be brought to an end.

The Committee adopted the draft opinion (Annex V) as amended, and decided to send it to the Sixth Committee, in reply to the latter's request for an opinion.

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D. EXTRACTS FROM THE MINUTES OF THE SIXTH COMMITTEE

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SECOND MEETING.

Held on Wednesday, September 12th, 1934, at 11 a.m.

Chairman : M. DE MADARIAGA (Spain).

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8. **Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Communication by the Chairman.**

The CHAIRMAN reminded the Committee that the Secretariat had distributed the voluminous documentation on this subject.¹ Some of these documents were of particular importance ; first and foremost, the report of the Commission which the Council had sent to the spot (document C.154.M.64.1934.VII). Both parties had submitted observations on this report. The comments of the Bolivian Government had been published in the *Official Journal* of July 1934, pages 822 *et seq.* ; those of the Paraguayan Government had been distributed (document C.314.M.140.1934.VII).²

In addition to these observations, the dispute having been laid before the Assembly under Article 15 of the League Covenant, both parties had stated their case. These statements, which had to be published simultaneously, were being printed and would be distributed shortly (documents A.19.1934.VII and A.22.1934.VII).³ The Committee would doubtless agree that it could not begin to discuss this question until it had before it the statements of the two parties. Consequently, he proposed that the discussion should be opened at the meeting on Friday, September 14th.

The Chairman's proposal was adopted.

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THIRD MEETING.

Held on Saturday, September 15th, 1934, at 4 p.m.

Chairman : M. DE MADARIAGA (Spain).

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12. **Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : General Discussion.**

The CHAIRMAN.—The dispute between Bolivia and Paraguay having been submitted to the Assembly at the request of Bolivia, I call upon the Bolivian delegate to be good enough to make a statement on the subject.

M. COSTA DU RELS (Bolivia).—After the long and patient efforts expended in this lamentable affair of the Chaco, both by the League and by a group of friendly American countries, I would beg you to accord me your courteous and considerate attention. I will be brief, because so distant and old a dispute is bound to produce feelings of lassitude. Our country, however, is anxious to avoid precisely those solutions of mental weariness which might, beneath the semblance of equal treatment, consecrate an injustice.

¹ For a complete list of the documentation already published on the dispute, see page 7.

² See *Official Journal*, November 1934 (Part II), Annex I.

³ See Annexes I and II.

It is not the intention of the Covenant that in a dispute both parties should finally be non-suited. On the contrary, its intention is that the dispute should be examined, discussed and settled. Only thus can the great moral force represented by the League be placed at the service of that reign of law, and this, in these troublous times, is indispensable for the maintenance of world peace.

The Bolivian delegation, which I have the honour to represent in this Committee, proposes to submit its Government's views in very simple terms.

At the outset, before adequate knowledge had been obtained of this very exceptional conflict, there seemed to be a tendency to blame Bolivia for not having agreed on the cessation of hostilities before all else. Perhaps I may refer to an occurrence that must still be fairly fresh in the minds of some delegations here present. A country is invaded without the least justification. The country resists invasion, but maintaining, above all, full confidence in its titles to sovereignty, desires to submit these titles to an impartial judge. Has that country not the right, before laying down its arms, to make sure that the case shall be heard in a way that must lead to a legal and final solution? I beg you to envisage this question, not as some distant occurrence, but as a matter which might affect your own countries in the same way. If you do so, there can be no doubt as to the tenor of your reply. It is, therefore, quite natural that the various mediators should have taken the same view. Referring only to recent times, I would remind you that the idea was adopted in the Act of Mendoza in February 1933,¹ in the proposal of the neighbouring States of August 25th, 1933,² in the Brazilian proposal of September 7th of the same year,³ and, finally—a point of more intimate interest to the delegations here present—by the League of Nations Commission itself. This idea is embodied both in the draft Agreement of December 12th, 1933,⁴ and in the draft Treaty,⁵ which forms the conclusion of the report.

Consequently, my country could not contemplate the acceptance of a mere truce, particularly as its experience of the truce of 1933, which allowed the adversary to seize certain important strategic points secretly and by force, is proof that a truce would only be a stop-gap and a menace to the future.

I will not trespass on your patience. I will not recapitulate the whole series of negotiations and efforts to achieve conciliation which have taken place. You will find an impartial, though summary, statement of these facts in the Commission's report and in certain additional documents which my Government has had the honour to communicate to the Council and to the Assembly.

I would merely mention a few indisputable and characteristic facts to prove that my country has, for over half a century, been endeavouring to secure a settlement by conciliation at the sacrifice of its rights and interests and that even in recent years, in this conflict that is unfortunately somewhat obscured by the effect of distance, my country has always concurred in efforts to secure a pacific solution. I need not say much with regard to past history. The facts are set out in the Commission's report and in the very numerous documents I have the honour to communicate to the Assembly through the Secretary-General of the League. Most of Paraguay's encroachments on the western bank of the River Paraguay were carried out quietly and secretly. There were, however, one or two incidents the violence of which were even then a portent of the happenings of to-day.

I need merely refer to one very serious incident. At the time when Bolivia was paralysed by the consequences of a terrible war, Paraguay availed herself of the opportunity to extend her secret occupation by brute force. A gunboat was sent up to the open Bolivian port of Puerto Pacheco (Bahia Negra). A detachment of troops landed without a shot being fired, captured the Bolivian authorities and hoisted the Paraguayan flag. This act placed in the hands of our adversary the whole navigable course of the Upper Paraguay. Bolivia, weak and mutilated, could only protest and recall her diplomatic representative. She hoped to obtain through friendly channels the restitution of the territories of which she had been despoiled. Active diplomatic pourparlers between Bolivia and Paraguay regarding the Chaco had begun in 1879. During the subsequent fifty-five years my country's peaceful and conciliatory sentiments have, even if not successful, always been clear and unswerving. Fourteen important diplomatic missions, under the leadership of distinguished Bolivian statesmen, have been sent to the Paraguayan capital, and no circumstances, however unfortunate, have been able to discourage these measures of goodwill. On the Paraguayan side, only one diplomatic mission—that headed by M. Moreno—has ever been sent to negotiate the settlement of the Chaco problem. There have, I admit, been one or two other missions, but their life was so short that they are not worth mentioning.

Three treaties have been signed between Bolivia and Paraguay. None of these has been ratified by Paraguay. The same is not true of Bolivia, although, as the Commission's report also notes, each successive settlement was more advantageous to Paraguay than the previous one. It is for you, Gentlemen, to draw the unavoidable conclusions.

I must, however, come to present times. Should I raise the question of the responsibilities of the war at the very time when we are endeavouring to obtain a settlement by conciliation? Bolivia, I repeat, has no fears on this point. May I remind you of certain facts which are set out in the Commission's report?

"The first of the manifold serious incidents", according to this report, occurred on February 26th, 1927. Where? At the Bolivian outpost Sorpresa, into which a Paraguayan

¹ See *Official Journal*, April 1933 (Part II), page 633, and document C.154.M.64.1934.VII, page 29.

² See *Official Journal*, November 1933 (Part II), page 1582.

³ See *Official Journal*, November 1933 (Part II), pages 1585-1586.

⁴ Document C.154.M.64.1934.VII.

⁵ Document C.154.M.64.1934.VII, page 42.

patrol penetrated by stratagem. Let us leave aside the substance of the law, let us even admit the principle, which our adversary has so often invoked, of the unassailable nature of the facts themselves. According to this principle, the first attack was launched against a Bolivian post. Nevertheless, Bolivia, so far from insisting on these circumstances, made every endeavour through the Buenos Aires conferences to reach a settlement. Paraguay, ever faithful to her traditional tactics, raised a previous question, in order, as always, to avoid a substantive solution.

In December 1928, much more serious incidents occurred, to which I need not refer at any length. They have been submitted to an impartial tribunal, so that I need merely remind you of the decision of the Commission appointed by the International American Conference as set out in the report of the League of Nations Commission : " The attack by the Paraguayans on the Bolivian outpost of Vanguardia preceded the attack by the Bolivians on the Paraguayan outpost of Boquerón ; it was Paraguay's action which caused Bolivia's reaction ". Once again, and in spite of the aggression of which she was admittedly the victim, Bolivia agreed to continue negotiations, in the hope that the elusive basic settlement would at last be reached.

Military incidents occurred again in 1931 and 1932. These frequent incidents in a country practically unexplored and without any delimited frontiers (because the only natural and historical frontier is the River Paraguay) could easily have been settled, since the losses on both sides were very slight. What did Paraguay do ? Did she refer the incident of the Lopez outpost to the Committee of Neutrals then sitting in Washington, before whom she could, through diplomatic channels, have argued the justifiability of her cause ? Not at all. The facts are otherwise, and the Commission's report is explicit on this point. You will note that Paraguay was not content to develop the incident from a military point of view, but suddenly withdrew her delegates from the Washington Conference. The Committee of Neutrals judged this attitude as follows in a note addressed to the Paraguayan Government :

" The fact of avoiding discussion by ordering the withdrawal of delegates can only be interpreted as an intention to continue the war and entrust the future of the Chaco situation to the decision of arms."

Such an attitude must necessarily correspond with a given line of thought, a previously conceived and well-considered plan. I need not dwell on the manner in which Paraguayan opinion has been fanned to flame for a number of years. I must, however, mention very briefly a few suggestive details and, in particular, a speech delivered from the platform of the Paraguayan Senate by Senator Mendez-Benitez on May 27th, 1931. The latter, in order to prove to his fellow-citizens how his country had been preparing for a future war, revealed certain figures which are highly significant :

" The rising curve of the Government's efforts is clearly shown in the Department of War annex to our most recent budgets :

	Piastres
1923-24.. .. .	22,000,000
1924-25.. .. .	45,000,000
1925-26.. .. .	44,000,000
1926-27.. .. .	47,000,000
1928-29.. .. .	67,000,000
1930-31.. .. .	86,000,000."

We therefore note that, in seven years, Paraguay's war budget has increased from 22,000,000 to 86,000,000 piastres. So that, indeed, the curve is rising.

The Paraguayan Senator terminated his speech as follows :

" . . . and Paraguay, with a revenue which does not exceed 270,000,000 piastres, is devoting 31.59 per cent of her budget to military expenditure."

This statement by the Paraguayan Senator makes all further comment unnecessary.

During the last few years, alternative or simultaneous efforts have also, as you are aware, been made by the organs of the League of Nations and by American organs to bring about a settlement. Both parties have sometimes been blamed for not resorting spontaneously to the procedure for the settlement of conflicts defined in the Covenant.

The Commission's report (page 5) explains this fact very simply : The absence of action in accordance with the procedure of the League of Nations is due to the fact that " for a long time efforts were made to settle it by negotiations conducted by American States ". That is the only reason for which this difficult question has not already been laid before the League. Among the procedures before other international organs, I may mention the plan of the Committee of Neutrals, which, previous to the Commission's draft Treaty, was one of the few constructive plans for a settlement submitted by an international organ. This plan was so reasonable that it was submitted to the Council of the League on December 17th, 1932,¹ was approved by the Council, and was described by the President of the Council as " honourable and just ". What did Paraguay do ? She purely and simply rejected the plan.

Permit me to say, in the circumstances, that my country will never agree to its attitude being assimilated to that of its adversary. The latter has never itself appealed to the League. My country, on the contrary, on two occasions, invoked the articles of the Covenant, when it saw that the situation was becoming yet more serious.

¹ See *Official Journal*, December 1932 (Part II), pages 1986 and 1997.

In the first place, as you will remember, on May 10th, 1933,¹ at the very moment when the efforts for peace were being resumed at Washington, Paraguay dared to take the serious step of declaring war. Attempts have been made in certain circles to minimise the scope of that act by saying that war already existed. To-day we are perfectly informed as to the true intentions of the Paraguayan Government. On September 7th last,² at the Council table, the delegate of Paraguay actually made a reservation concerning "the possibility of applying in its entirety the procedure in Article 15", referring to "the present state of war *legally declared*". Thus, in order to make Article 15 of the Covenant inapplicable—we are at present still within the framework of that article—it would have been sufficient for a Member of the League to "declare war legally", in order to make every effort entirely inoperative. To-day, more than ever, my Government feels that it was justified, in May 1933, in replying to Paraguay's legal declaration of war by invoking Article 16 of the Covenant before the Council.³

But what my Government desires is neither chicanery nor violence, but a legal solution of the dispute, a fundamental solution such as we have been seeking for the last fifty-five years. That is why, when it saw the chances of settlement, which had seemed to it possible on several occasions—at Washington, at Rio, at Buenos Aires—one by one disappearing, it decided to institute before the League of Nations the final procedure laid down in the Covenant: the procedure of Article 15.⁴

It is not correct, then, to say that the two parties have shown the same indifference towards the League procedures; my country, on two occasions, invoked those procedures. It maintains its confidence in their tutelary force, which it is for you to apply.

I should be abusing your patience were I to set forth, even in summary form, the actual substance of the dispute. You, moreover, are already acquainted with the facts of that dispute. My country possesses titles of sovereignty; it demands the verification of those titles; it adds that it has never allowed them to become lost by limitation; it has never ceased to claim its rights and to exercise them as far as possible. Paraguay is endeavouring to accredit the idea of its rights dating centuries back, to which Upper Peru had never raised any objection.

But I am convinced that the wisdom of the Assembly will itself reject this kind of argument, which exhibits the dispute in a false light. During the colonial period there were neither Bolivians nor Paraguayans; there were simply Spaniards. The Spanish possessions formed a whole. In the event of rivalry or incursions, the action taken was never in the nature of a conflict between States; the conflict was settled—as happened on several occasions—by the Sovereign or his representative. Thus, on May 21st, 1801, the Marquis de Avilès, as Viceroy, when giving instructions to his successor, declared that "the Governor of the Province of Paraguay must not under any pretext invade the Chaco without previous authorisation". It was only at the beginning of the nineteenth century that the administrative divisions established by the Crown gave place to real nations, whence the American principle of *uti possidetis juris* of 1810. Moreover, there is one definite fact which dominates this whole debate and which is, indeed, at the root of it: for centuries, save for a few rare exceptions, the greater part of the Chaco remained a vast desert, the penetration of which was extremely difficult and slow, and over which it was wholly impossible to exercise that kind of uninterrupted possession which Paraguay has sometimes claimed to invoke. You need only consult the Commission's report (page 14) to see that, even in the opinion of Paraguayan writers, the Chaco remained unexplored until a very few years ago. Paraguayan activities, which have been presented to us as dating back several centuries, actually date back only a few years. And it is those activities that are at the root of the present conflict. That is the whole question. The statement which my Government has had the honour to address to the Assembly,⁵ through the Secretary-General, will show you, on the one hand, that Bolivia has never failed to protest against Paraguayan encroachments and, further, that she has repeatedly—despite the difficulties resulting from the nature of the country and certain tragic circumstances in her own history—exercised her ownership over this portion of her national heritage.

The legal question of the examination of titles is too delicate to be touched on here. You have too sure a sense of realities to be content with translations or interpretations of extracts. Those texts must be not only studied and explained in the light of the colonial and administrative history of the former Spanish possessions in South America, they must in every case be verified and commented on by competent persons.

All the various organs that have been good enough to help in the search for a solution have agreed on one point: the legal award must be entrusted—unless a friendly agreement can be reached between the parties—to an impartial tribunal, which can have leisure to examine the titles. This was the opinion finally arrived at by the League Commission.

The practical question that arises is the organisation of a procedure whereby it may be possible to reach a final settlement of the dispute. That necessity lies at the root of my Government's preoccupations. We are obliged to submit one claim, the legitimacy of which you will undoubtedly find it difficult to dispute: what we seek, in addition to some means for settling the substance of the dispute, are measures of security, which cannot be left to the arbitrary decision of one of the parties.

¹ See *Official Journal*, June 1933 (Part II), page 754.

² See *Official Journal*, November 1934 (Part II).

³ See *Official Journal*, June 1933 (Part II), page 758.

⁴ See *Official Journal*, July 1934 (Part I), pages 783, 846 and 848.

⁵ Document A.22.1934.VII (Annex I).

The zone in dispute, over which neither victory nor force can create rights, must be placed in the hands of an international body, in order to facilitate the execution of the award, when the moment arrives. If the two parties think that they have interests in that zone, what better safeguard can there be than that of impartial third parties ?

There is, lastly, one final point on which Bolivia desires to submit a few observations. The Commission thought fit, while recognising the necessity of a legal discussion, to exclude certain regions from the terms of the dispute. It seemed to it that it could thus facilitate an arrangement by demanding from the two parties two equal sacrifices. Bolivia has no objections to raise to that suggestion ; but, as at the meeting of the Council on May 31st, 1934,¹ she desires to submit two observations.

In the first place, if, in the interests of conciliation, she agrees to a compromise, her acceptance will be strictly conditional. It will become operative only on the absolute condition that the procedure leads to a successful conclusion. To borrow the expression used by the Commission in this connection, my country will not thereby be weakening in any way its legal arguments or titles ; but, on the other hand, since the principle of agreement depends upon mutual sacrifices—the principle underlying any form of conciliation—my country has the right to ask that there shall be real equivalence between the sacrifices demanded of the two parties.

But, should any arrangement of this sort prove impossible, owing to the unwillingness of one of the adversaries, we agree to submit to arbitration the whole of the territory in dispute, which has been so precisely delimited by the maximum claims of the two parties. You are acquainted with the particulars of that delimitation from the Paraguayan delegate's letter of June 6th, 1933, and, in particular, from the conclusions of the Committee of the Council. If there is to be any restriction as regards the contested territory submitted to judgment, the two parties must derive equal benefit from such restriction.

Setting aside the political and economic interests which for the last thirty years have become dangerously associated with the problem of the Chaco, that problem, at first sight so complex and thorny, can be reduced to a very simple formula. But a problem of this kind is simple only if it is viewed fairly and frankly. And here, in the League of Nations, whatever some pessimists may say, a problem such as that with which we are dealing cannot be envisaged in any other way, if there is to be a strict observance of Article 15 of the Covenant applied in its entirety.

In order to define my views more clearly, I propose to give you a brief summary of the whole problem :

Two nations are disputing, in the heart of Latin America, a territory which is exactly delimited by the maximum claims of the two adversaries, as set forth in official documents whose authenticity admits of no dispute. Let an impartial judge, on the basis of the principle which prevailed at the time of the formation of those two nations—the *uti possidetis juris* of 1810—and of the declaration of the American nations of August 3rd, 1932, say which has the better legal title over the contested territory. In the meantime, hostilities must cease, and measures of conservation dictated by some impartial international body will safeguard both the interests of the parties and the primordial interests of peace, thus ensuring the proper policing of the whole of the disputed territory.

Now let us look at the adverse point of view, set forth in the Paraguayan document submitted to the consideration of the Assembly.²

Paraguay demands the cessation of hostilities, the occupation of the territory by her and by her alone, on the pretext of police measures, the exclusion of three-quarters of the contested territory from any arbitral " compromise ", and the adjournment to the Greek calends of the settlement of the substance of the dispute.

One cannot refuse to acknowledge one positive advantage in such a point of view : that of settling the problem in advance in favour of one of the parties. It will be for the Assembly to judge.

I have finished. It is possible that I may have occasion to address you again, but already I feel certain that you—as representatives of States great or small, but all equal in their desire to do justice, whether those States are European, Asiatic or American, whether their interests are near or remote as regards that part of Spanish America where the sound of conflict is heard—you, I say, will not fail in the performance of your task. Bolivia has faith in you ; she has faith in your wisdom ; she has faith in your equity ; she has faith in your comprehension. In vain she has sought for fifty-five years a radical solution of this problem. May she find it within the general framework of the Covenant, with all the guarantees that the Covenant provides for the execution of any award that may be given.

M. CABALLERO DE BEDOYA (Paraguay).—I desire first to inform the Committee that the Government of the Republic of Paraguay has unreservedly accepted the plan for the pacification of the Chaco proposed by the Argentine Republic, Brazil and the United States, a plan which was read yesterday to the Assembly by the delegate of the Argentine Republic.³

This statement will be sufficient reply to the complaints formulated by the Bolivian delegate against Paraguay's policy.

As regards the pre-war budget of Paraguay, the increase is quite normal, the sum in question amounting to only about seven million Swiss francs which, you will agree, for a country that is said to be so heavily armed, is enough for only very small purchases of arms. Indeed, if we take the figures given by the Bolivian delegate himself, the

¹ See *Official Journal*, July 1934 (Part I), page 771.

² Document A.19.1934.VII (Annex II).

³ See page 9.

entire budget of Paraguay amounted to only 23 million Swiss francs in 1931. No criticism then can be levelled against Paraguay when we consider the measures which she has to take in the interests of her own security, in view of the warlike intentions of Bolivia, which has been rearming for a quarter of a century with financial assistance from abroad, whereas, during that time, Paraguay was engaged in civil wars in which she lost such inadequate war material as she possessed. Moreover, the League of Nations need only order an investigation among firms supplying arms and implements of war to be reassured on this point, as we had occasion to suggest in a note to the Council. In any case, details of the armaments of the two countries are to be found in the League of Nations *Armaments Year-Book* for 1933.

I shall reply further to one other objection before embarking on the substance of the debate. It is only right that the policing of the Chaco should be placed in the hands of those who have material interests to safeguard in that region—that is to say, the Paraguayans.

The Bolivian Government has referred its dispute with Paraguay to the Assembly, basing its application on Article 15, paragraph 9, of the Covenant. The Government of the Republic of Paraguay welcomes the opportunity that is given it to defend its rights before the Assembly, this great world tribunal. Accordingly, at the beginning of August, it forwarded to the Secretariat a complete statement of the Paraguayan case, with all the relevant facts and documents in support. This text, drawn up at Asunción, has just been distributed.¹

My country's deference to the League and the Assembly cannot, however, prevent the Paraguayan Government from communicating to the latter its doubts as to the manner in which the question has been submitted to the Assembly and the possibility, for the Assembly, of applying Article 15 of the Covenant in its integrity, under the conditions at present obtaining in the conflict between Bolivia and Paraguay.

The Paraguayan Government considers itself justified in directing the attention of the Members of the Assembly to one legal problem which should be settled, not only in its own interest, but in the general interest—namely, the fixing of rules which shall govern the application of the fundamental provisions of our great charter, the Covenant of the League.

It desires to state that it has no wish to take refuge in legal discussions, either with the object of circumventing any of the prohibitions contained in the Covenant or in order to evade any procedure for pacific settlement set up under that instrument. On the contrary, it trusts that its observations of a legal character will help to enlighten the Assembly and to hasten the settlement of a sanguinary dispute of which it has been the victim and which it wishes—as earnestly as anyone may—to see at an end.

Allow me briefly to recall the facts.

The Council, it will be remembered, took cognisance of the dispute in virtue of Article 11 of the Covenant. While the procedure of conciliation instituted on the basis of that article was in operation, the Bolivian delegate, at the Council meeting on May 31st of this year, first invoked Article 13 of the Covenant and asked for “the organisation of a tribunal with a view to the settlement of the dispute”, and then, a few minutes later, laid before the Council a request for the application of Article 15 of the Covenant.²

The following day, on June 1st,³ while noting the Council's acceptance of the Bolivian delegate's application, I felt obliged to point out the premature nature of the statement made unilaterally by the Bolivian representative as to the failure of the attempts at conciliation made on the basis of Article 11. I insisted at the same time on the dilatory character of the request of the Bolivian Government, which was anxious to obviate all risk—in the event of the continuance of hostilities—of the Council approving uniform measures of embargo on arms and implements of war as decided by different countries acting independently in virtue of their domestic competence and with a sense of their responsibilities as neutrals—a preoccupation which, in the Bolivian Government's view, eclipses any other disinterested or pacific purpose.

The pretext invoked by the Bolivian representative for demanding the application of Article 15 was Paraguay's alleged opposition to the procedure of Article 11.

I was obliged to protest against this purely gratuitous insinuation at that same meeting, in the following terms :

“ I should like to say that Paraguay has never opposed the application of Article 11. Intentions are attributed to us which we do not possess.”⁴

On June 11th,⁵ I had the honour to submit to the Council, on my Government's instructions, certain reservations concerning the possibility, from a legal standpoint, of applying the procedure of Article 15 in its integrity, in a case in which there was not merely a dispute likely to lead to a rupture, but a war legally declared by the Government of a State which had been the victim of an aggression, as is the case with Paraguay.

I subsequently had occasion to renew those same reservations when I learnt, on June 21st, 1934,⁶ of the Bolivian Government's decision to lay the dispute before the Assembly and when later I handed to the Secretariat a statement of Paraguay's case on August 3rd, 1934.

¹ Document A.19.1934.VII (Annex II).

² See *Official Journal*, July 1934 (Part I), pages 778 and 783.

³ See *Official Journal*, July 1934 (Part I), page 785.

⁴ See *Official Journal*, July 1934 (Part I), page 783.

⁵ See *Official Journal*, July 1934 (Part I), page 846.

⁶ See *Official Journal*, July 1934 (Part I), page 849.

In the first place, a legal analysis of Article 15 of the Covenant shows that three conditions must be fulfilled before that article can be applied. First, a dispute must have arisen between Members of the League likely to lead to a rupture ; secondly, such dispute must not have been submitted to arbitration or judicial settlement ; and, lastly, notice of the existence of the dispute must have been given to the Secretary-General by one of the parties.

A mere perusal of the first two conditions, particularly of the first, proves clearly that the dispute between our two countries does not come within the category of disputes referred to in Article 15 of the Covenant, since there has, in fact, been a rupture which has led to this state of war legally declared, and hostilities are known to have been in progress for upwards of two years. For such a case, the Covenant provides the procedure laid down in Article 11, the field of application of which is much wider, covering as it does both the threat of war, which forms the subject of Article 15, and war itself.

In a word, Article 11 refers to the threat of war and, further, to any war ; whereas Article 15 concerns only the threat of war or the state of tension created by a dispute that may lead to a rupture. For that reason, when war has been declared, it is impossible to proceed from Article 11 to Article 15.

An examination of the conditions required for the application of Article 15 shows, then, that there is one condition which is primordial, and failing which it would be absolutely impossible to apply that article, at all events in its entirety—namely, the absence of any armed conflict and, *a fortiori*, of any war legally declared.

The application of Article 15 in its entirety presupposes simply a menace to the state of peace. If a state of war exists, Article 15 no longer applies. The action of the Council or the Assembly cannot, in that case, be called into play by invoking Article 15. The matter has gone beyond the scope of that article.

The Paraguayan Government considers that, before the total application of Article 15 can be regular, there must previously have been a cessation of hostilities, accompanied by measures of conservation, including firm guarantees of security which shall make such cessation effective. Article 15 covers exclusively the case of a state of peace maintained or brought about by the cessation of existing hostilities.

It is in regard to that point that the conditions of application of Article 15 differ from those of Article 11, which permit of the intervention of the Council or the Assembly at any stage of the conflict, even when a state of declared war exists or when the rupture is recognised as equivalent to a war. The Council itself had occasion to refer to this difference when, in its resolution of January 20th last,¹ in answer to the doubts expressed by the Chaco Commission, it specified that the maintenance of hostilities did not constitute an obstacle to the Commission's pursuit of its work of conciliation.

This perfectly legitimate argument, based on Article 11, which contemplates the case of war in addition to the threat of war, is not admissible in the hypothesis set forth in Article 15, which, being intended expressly and exclusively to apply to a dispute likely to lead to a rupture, can only apply in the plenitude of its procedure when the dispute is still of a pacific nature.

The conditions necessary for the application of Article 15 do not, then, at present exist.

This point was very clearly expressed by Mr. Eden, the United Kingdom representative, when he stated at the meeting of the Council on June 1st, 1934,² that he could not "agree that, in peculiar circumstances such as these, when neither party has invoked any article of the Covenant and when hostilities have been in progress for two years, either party has the right to insist that the Council should proceed under Article 15".

One preliminary condition, namely, the cessation of hostilities, guaranteed by adequate measures of security, and followed by the concomitant withdrawal of the existing declaration of war is thus indispensable in order to make possible and ensure the application of Article 15 in its entirety.

The Paraguayan Government is gratified to find that the conditions necessary for the application of Article 15 thus confirm the argument which it has consistently maintained since the outbreak of the conflict—that is, that the cessation of hostilities shall precede the institution of any form of arbitral procedure.

The Paraguayan Government accordingly desires to direct the Assembly's special attention to the impossibility in law of applying the procedure of Article 15 before the preliminary conditions of the cessation of hostilities and security, indispensable for the application of that article, have been fulfilled.

Of the two phases of the procedure laid down in Article 15—that of conciliation prescribed in paragraph 3 and that of the recommendation referred to in paragraph 4, which does not require the concurrence of the parties—only the first, which reproduces the procedure of Article 11, can be applied in the event of a state of hostilities existing between the parties.

On the basis of Article 15, the Council or the Assembly, in view of the state of hostilities still existing between the parties, cannot legally go beyond the phase of conciliation and enter upon the next phase contemplated under paragraph 4, always with due reservations as to the contingency of Article 16 being applied.

The procedure of conciliation laid down in paragraph 3 cannot be converted into the procedure of recommendation of paragraph 4. Such being the case, Article 11 is amply sufficient ; it permits of envisaging a solution identical with that of Article 15.

In the event of war involving a violation of the Covenant, it is no longer Article 15, paragraph 4, that can be applied, but Article 16 and the sanctions named therein, which implies

¹ See *Official Journal*, February 1934 (Part II), page 243.

² See *Official Journal*, July 1934 (Part I), page 786.

the determination of responsibilities. For the problem of aggression the Covenant has the procedure laid down in Article 10, while jurisprudence can refer to the Politis Report of the Committee on Security of the Disarmament Conference.

Paraguay will assist wholeheartedly in the determination of responsibilities. One cannot imagine that Bolivia will object to the matter being cleared up or that it was any desire to prevent it that caused her to appeal under Article 15.

Bolivia and Paraguay owe it to the world to justify their conduct.

The League of Nations again has a duty : it must not confound the aggressor and the object of the aggression. "The aggressor is the enemy of mankind", Sir Austen Chamberlain said. We would add that an aggressor who remains unpunished is also the mortal enemy of the League of Nations. The League owes it to itself to identify and punish such an aggressor.

The Bolivian representative also invokes the application of Article 15 as a roundabout way of bringing into play Article 13, which, according to him, offers the only means of settling the substance of the whole of the Bolivo-Paraguayan problem by making the decision binding on the parties to the dispute.

"And it is because I believe", he said at the meeting of the Council on May 31st last,¹ "that this procedure provides various possibilities of putting Article 13 into force that I have the honour, on behalf of my Government, to call for the application of Article 15."

It will be clear, however, to anyone commenting on the Covenant that, as these provisions now stand, Article 15 does not provide for such a possibility.

Article 15 does not permit of contemplating a solution similar to that of Article 13. A reference to what has been done with a view to bringing the Covenant of the League of Nations into harmony with the Briand-Kellogg Pact is sufficient to justify our assertion. The proposal of the Committee of Eleven that even recommendations of the Council or Assembly unanimously agreed to under the terms of paragraph 6 of Article 15 should be binding came to nothing.

It is clear that, in these circumstances, Article 15 does not at present offer, as a means of assisting in the solution of the dispute, the possibilities claimed by the Bolivian representative.

Experience of the recent application of Article 15 serves to confirm this conclusion. It is perfectly clear, without stressing this point, that the substitution of the procedure under Article 15 for that of Article 11, in the dispute between Colombia and Peru—quite apart from the question whether it was legally permissible—did not yield the results that had been hoped for.

Furthermore, the recommendations do not constitute *vis-à-vis* the parties a compulsory solution of the dispute, as is proved by Advisory Opinion No. 12 of November 21st, 1925, of the Permanent Court of International Justice, in connection with the question of the frontier between Iraq and Turkey.

It is stated in this opinion that the Council, in virtue of the powers conferred on it by Article 15, "can only make recommendations which, even when made unanimously, do not of necessity settle the dispute" (page 27).

Recourse to arbitration or judicial settlement—in this particular case to the Permanent Court of International Justice—offers, from the point of view of a settlement of the dispute, an undeniable advantage over Article 15. Only a settlement by the Court or by means of arbitration is final, whereas a settlement by the Council or Assembly is merely provisional.

Even a unanimous report is not binding ; one that is not unanimous leaves the parties free.

Only arbitral awards or judicial decisions are binding upon the parties (last paragraph, Article 13).

As the substantive question cannot be compulsorily settled under Article 15, the problem of aggression must necessarily be taken into consideration by the Council or the Assembly.

The Paraguayan Government therefore holds to its view that, instead of following the circuitous path leading nowhere, represented by Article 15, the Bolivian Government could best express its intention, many times repeated, of finding a judge by acceding to the Optional Clause of the Statute of the Permanent Court of International Justice, which involves the acceptance of the compulsory jurisdiction of the Court.

On May 11th, 1933, when the war was at its height, Paraguay *unconditionally* ratified the Optional Clause, recognising the Court's jurisdiction as laid down in Article 36 of its Statute.

The statement submitted by the Bolivian Government in virtue of Article 15 begins by saying that :²

"In appealing to Article 15 of the Covenant, Bolivia, which deeply deplores the prolongation of the Chaco conflict, has no other aim in view than to obtain a final settlement of the dispute which will firmly establish peace on a just basis."

If such is the Bolivian Government's view, the method it has chosen is hardly likely to lead to the desired result, as we have just seen, *unless it decides to agree to the previous cessation of hostilities, with guarantees*, which Paraguay is asking the Assembly to use its influence to secure as an essential preliminary to a pacific settlement.

After this legal survey, I should like now to give you a summary, as brief as possible, of the various proofs on which the Paraguayan contention is based, as set forth in the Paraguayan Government's memorandum and the verbal and written statements made by the Paraguayan delegation before the Council on several occasions.

¹ See *Official Journal*, July 1934 (Part I), page 783.

² Document A.22.1934.VII (Annex I).

In the first place, this contention is based on historical and colonial titles emanating from the Spanish authority ; in the second place, on possession from time immemorial exercised in virtue of these titles, on the public, peaceful, uninterrupted and undisputed exercise of Paraguayan sovereignty for the last century over the whole of the Chaco ; and, in the third place, on treaties, on the *communis opinio* and the consent of the community of States to the exercise of this sovereignty, as definitely, consistently and constantly expressed by them, thus implying international recognition.

It is also based on public acts involving on the part of Bolivia the irrevocable abandonment of any subsequent claim to the Chaco, and, lastly, on the authority of the *res judicata* resulting from President Hayes's arbitral award of 1878.

As against this long series of historical facts, acts of sovereignty, acts of possession, declarations implying recognition, emanating both from Bolivia and from the Powers directly concerned (as enumerated in the statement of the Paraguayan case) and an arbitral award, there exists on the Bolivian side only an attempt at clandestine occupation (that of Puerto Pacheco) based on a subterfuge of no legal value—namely, the transfer of the concession granted by the Paraguayan Government to a private public works undertaking and the colonisation transfer effected by that undertaking for the benefit of the Bolivian Government.

In short, Paraguay is the discoverer, the conqueror, the evangelist, the coloniser and the possessor of the Chaco. She possesses it and is rightly entitled to it. According to American terminology, her *de jure uti possidetis* is accompanied by *de facto uti possidetis*.

As regards her " Audiencia " contention,¹ all Bolivia's arguments can be reduced to a *petitio principii*, which regards it as proved that Bolivia is the heir of a Court of Justice, whereas this fact remains to be proved, even on the assumption that the purely legal jurisdiction exercised by that Court within its proper sphere can be converted into a title of ownership. Bolivia's Act of Independence does not contain a single word regarding this Court of the Audiencia of Charcas.

Moreover, if this so-called " Audiencia " contention were regarded as justified, the extraordinary and absurd conclusion would be reached that Bolivia, in virtue of this contention, might just as well claim for herself, not only the Chaco, but also the whole of the territory which, in the earliest days of the colonial regime, was included in the area of the Charcas Tribunal—that is to say, the whole of Paraguay and a large part of the Argentine Republic and of the Chilean Republic.

There is one more thing I should like to say before I conclude.

By means of the statement and documents submitted to you we have, I think, proved that the League Covenant has been infringed by our adversary.

Bolivia and Paraguay are bound by the League Covenant, of which they are signatories, and are thus obliged to settle any dispute which may arise between them by pacific means. The Paraguayan Government has never refused to settle the dispute by that means. The seizure of the Chaco territory by force at the cost of a war which had been premeditated for a long time past, whereby our opponent is endeavouring to satisfy its national ambitions, constitutes an unjustified infringement of the principles of international law and a flagrant violation of the Covenant, especially as it is stipulated therein that there shall be a preliminary examination of any dispute, failing which war is illegal on the part of the State which resorts to it.

There has thus been a unilateral infringement on Bolivia's part of the obligations which she assumed towards her co-Members of the League. Those obligations cannot be set aside by a signatory State on the sole ground that, according to its " legal conscience ", some particular territory belongs to it or that it is a question of life or death for it to " break down the barrier " preventing its access to the bank of a waterway, the River Paraguay.

There is no valid pretext which can justify the disturbance of the existing *de jure* and *de facto* possession by means of invasion.

It should be added that there is no justification either for the sudden breaking-off by the Bolivian Government of the diplomatic negotiations with a view to the legal settlement of the dispute, which were progressing normally, or for its infringement of the agreement reached in 1907, which was renewed from time to time, concerning the maintenance of the territorial *status quo*, under which the two parties were not to endeavour, while the negotiations were in progress, to make any change, by unilateral measures of surprise, in their possessions in the Chaco.

Conscious of our international obligations as a Member of the League of Nations, we confidently appeal to the League, requesting it to find a just and equitable solution which will put a stop to the war imposed upon us and will bring about a final settlement of the dispute.

M. COSTA DU RELS (Bolivia).—The Paraguayan delegation has just raised an objection to the procedure under Article 15 of the Covenant. As regards the substance of the question, the Bolivian delegation reserves the right to reply at the Committee's next meeting. I should also like to make the following statement :

The head of the Argentine delegation yesterday communicated to the Assembly the bases of mediation submitted on July 12th, 1934. To enable the Assembly to have at its disposal adequate, precise and clear information, I would ask the Chairman and the Committee to request the Argentine, Brazilian and United States Governments to be good enough to communicate to the League the whole of the correspondence exchanged between the mediators and the parties.

¹ See *Official Journal*, November 1933 (Part II), pages 1566 and 1573 ; February 1934 (Part II), page 252.

M. CASTILLO NAJERA (Mexico), Chairman of the Committee of the Council.—As regards the first point raised by the Paraguayan delegate, to which the Bolivian representative referred, I would remind you that, on the day after the Bolivian delegate requested the application of Article 15, namely, on June 1st, 1934, the Council accepted this procedure. The League Council subsequently made a further statement to the effect that Bolivia's request was in proper form. I do not think, therefore, that this is the time for the two parties to discuss the matter. The Council accepted the procedure as legal and referred the question to the Assembly.¹

The CHAIRMAN.—You have heard the statements of the two parties and the observations submitted by the Bolivian delegate and the Mexican delegate, who is Chairman of the Committee of the Council. Two special questions have been raised :

- (a) The objection in regard to competence submitted by the Paraguayan delegate ;
- (b) The mediation proposed by the Argentine Minister for Foreign Affairs, in collaboration with Brazil and the United States of America.

As regards the first question, it would, I think, be advisable for the delegations to think over the matter, so that we can take a decision at our next meeting. Between then and now, the officers of the Sixth Committee will also have had time to consider the question and to reach some conclusion.

With reference to the question of mediation, the Bolivian delegate asks us to approach the three mediatory countries so that all the correspondence exchanged on the matter may be communicated to us. The officers of the Sixth Committee will take the necessary steps to pass on this request to the mediatory Powers. I would add that, as the correspondence is probably also in the hands of the Powers which were the subject of the mediation, it is not three Powers but five who will be in a position to supply us with documents.

Moreover, as several delegations have expressed the desire to read over at their leisure the interesting statements we have just heard, I propose that the continuation of the discussion should be postponed until a later meeting.

The Chairman's proposals were adopted.

FOURTH MEETING.

Held on Monday, September 17th, 1934, at 4.30 p.m.

Chairman : M. DE MADARIAGA (Spain).

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15. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant. Reference of a Question of Competence to the First Committee.

The CHAIRMAN.—The Committee will now have to take a decision on a matter which I have discussed with the General Committee of the Assembly—namely, the dispute between Bolivia and Paraguay. A plea as to jurisdiction has been raised by the delegate of Paraguay.

I ask you to authorise me to submit this question, in your name, to the First Committee, which is the Legal Committee, in order that it may express its considered opinion. This need not prevent the continuation of the discussion.

The Chairman's proposal was adopted.

¹ See page 8.

FIFTH MEETING.

Held on Tuesday, September 18th, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

18. **Dispute between Bolivia and Paraguay: Appeal of the Bolivian Government under Article 15 of the Covenant: Statement by the Paraguayan Delegation.**

M. CABALLERO DE BEDOYA (Paraguay).—I merely wish to make a short statement to define the scope of the question which has been submitted to the First Committee in consequence of my recent observations.¹

Paraguay, suffering cruelly from a war imposed upon her, has recently accepted, without reservation, the plan proposed by the Argentine Republic, Brazil and the United States of America for the peaceful settlement of her dispute with Bolivia. She desires to state that she is prepared to participate with the same entire goodwill in any similar attempt which the Assembly may desire to make for the settlement of this dispute.

Being desirous, above all, of putting an end to the bloodshed, Paraguay requests the League of Nations to take immediately, in conformity with its noble mission as defined in Articles 3, 4 and 11 of the Covenant, such action as may be deemed likely to re-establish and effectively to safeguard the peace which has been disturbed.

If the dispute cannot be settled by friendly agreement, in conformity with paragraph 3 of Article 15, which restates the procedure of Article 11, the Government of Paraguay would remind the Committee that its unconditional acceptance of the compulsory jurisdiction of the Permanent Court of International Justice (Article 36) defines her position in the Bolivo-Paraguayan dispute, and that, consequently, she agrees that the dispute should be submitted to the Court or to arbitration.

But, should all these means of peaceful settlement fail, or should there be failure to secure an effective and guaranteed cessation of hostilities, the Paraguayan Government desires to raise forthwith the question whether the provisions of paragraphs 4 *et seq.* of Article 15 of the Covenant can be applied integrally by the Assembly to the case of an existing and legally declared war between two Members of the League; in particular, when the Council has already had the question of this war laid before it under Article 11.

The CHAIRMAN.—The Committee takes note of the declaration by the delegate of Paraguay. It will be transmitted to the First Committee, to which the question of jurisdiction has been referred by the decision reached yesterday.

SEVENTH MEETING.

Held on Wednesday, September 19th, 1934, at 3.45 p.m.

Chairman : M. DE MADARIAGA (Spain).

22. **Dispute between Bolivia and Paraguay: Appeal of the Bolivian Government under Article 15 of the Covenant: Question of Procedure: Communication from the Chairman of the First Committee.**

The CHAIRMAN read the following letter, dated September 18th, 1934, from the Chairman of the First Committee:

“ I have the honour to inform you that the First Committee is dealing with the question referred to it by your letter of yesterday's date.

“ The First Committee began its examination of this question this morning, and intends to pursue the matter as expeditiously as possible.²

“ It desires to draw your attention to the fact that the delegate for Paraguay agrees that the Assembly should first endeavour to obtain a settlement of the dispute, as laid

¹ See page 56.
² See page 11.

down in paragraph 3 of Article 15, and only expressed doubt concerning the application of certain other paragraphs of the said article. The Sixth Committee may, therefore, pursue its examination of the question and, in particular, apply the provisions of paragraph 3 of Article 15 without waiting for the conclusions which the First Committee will not fail to transmit to it.”

23. **Dispute between Bolivia and Paraguay : Question of the Liquidation by Bolivia and Paraguay of the Advances made from the Working Capital Fund : Communication from the Chairman of the Fourth Committee.**

The CHAIRMAN read the following letter, dated September 18th, 1934, from the Chairman of the Fourth Committee :

“ In its first report to the 1934 Assembly (document A.5.1934.X, paragraph 3(c)), the Supervisory Commission drew the attention of the Assembly to the present situation caused by certain charges against the Working Capital Fund.

“ In response to a suggestion made during the discussion of the above-mentioned report in the Fourth Committee,¹ I have the honour to communicate to you, for your information, the passage in question in the report of the Supervisory Commission and a return showing the present position of the Working Capital Fund.

“ It would appear that this information might be of use to the Sixth Committee when discussing any new measures which may be taken with respect to the States to which these advances were made.

“ ‘ Extract from the First Report of the Supervisory Commission to the 1934 Assembly (document A.5.1934).

“ ‘ . . . the Commission viewed with deep concern certain charges against the Working Capital Fund. It requests the Assembly to address a pressing appeal to the States—particularly to Bolivia and Paraguay as regards the Chaco Commission—to liquidate their share of these advances.’

“ ‘ Present Position of the Working Capital Fund.

“ ‘ The Working Capital Fund in the hands of the Secretary-General was, on August 31st, 1934, thus employed :

	Gold francs
(1) Advances to the Iraq Commission 1924 (balance to be paid by Turkish Government)	10,000.—
(2) Advances to the Danzig High Commissariat	42,068.05
(3) Expenses of Committees appointed to study the question of the use of the Port of Danzig by Poland	37,023.26
(4) Commission of Enquiry in Liberia	11,880.55
(5) Commission of Enquiry to the Chaco	302,120.59
(6) Settlement of the Assyrians of Iraq	19,510.70
	422,603.15
	Gold francs
Actual cash at bank	3,828,442.44
Loss on investments	253,957.17
	4,082,399.61
	4,505,002.76 ”

24. **Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : General Discussion (continuation).**

Mr. A. SKELTON (United Kingdom).—The Sixth Committee turns this afternoon to one of the most serious and urgent matters on its agenda. Two Members of the League are at war. Hostilities have been proceeding for over two years. Up to this moment, the most various and strenuous efforts to bring the conflict to an end have failed. I shall not attempt to describe these efforts in detail. The Commission of Neutrals at Washington and the limitrophe States, on various occasions, did all that, in the existing circumstances, could be done to bring both parties into the paths of peace.

The Committee is, of course, well aware of the strenuous activities of the League Council in this matter. It first gave to the Committee of Neutrals and to the neighbouring States its full support and co-operation. Then, when those efforts proved unavailing, it appointed a Commission² to proceed to the spot with the double duty of attempting to bring hostilities to an end and of drawing up a case for arbitration. The report of that Commission is before us.³ This report shows very clearly the thoroughness and impartiality with which the Commission attempted to carry out its task ; all must feel, I am sure, that no step towards this end was left untaken by it.

¹ See Minutes of the second meeting of the Fourth Committee.

² See *Official Journal*, September 1933 (Part II), page 1078.

³ Document C.154.M.64.1934.VII.

Unfortunately, the efforts of the Commission were unavailing to bring hostilities to a close.

But the appointment of the Commission was not in vain. Its members had, as all will recognise, a unique opportunity of studying the situation at first hand. Very remarkable amongst their conclusions is the statement that, while the armies engaged were using the most up-to-date war material, the arms and material of every kind were not manufactured locally, but were supplied to the belligerents by American and European countries. In conjunction with that statement should be kept in view the expression of opinion by the Commission that the neighbouring countries, more especially if the two belligerents refused to accept an honourable and just settlement, could exercise a strict control over the transit traffic as the complement of the control that other nations could exercise over exports.

It was in accordance with this conclusion that certain action was initiated by His Majesty's Government in the Council and led to results to which I will refer again in a moment.

In these circumstances, where, as we see, so many and such long-continued efforts to bring peace have been unsuccessful, the Council has now referred the question to the Assembly, and the Assembly in turn to us.

The last tribunal has been reached. If, before it, Bolivia and Paraguay will not reconcile their differences, do not let them suppose that they will have further and easier opportunities of making peace with the sympathy and help of the States which are gathered here. I express, I believe, the view of the whole Committee, that it is either peace to-day or a long and gloomy vista of blood spent and treasure wasted.

It is, above all, a case for prompt action. This is not the time or the place to enter into elaborate and ingenious argument and counter-argument. Two things must be achieved forthwith. Hostilities must cease, conciliation must not fail; and the seeds of conciliation have already been sown, since both parties have said that they are willing that the Permanent Court should decide the issue.

I desire to express the belief that conciliation will succeed. Indeed, I would refuse to enter in detail into the situation which would occur if this did not happen.

One word, and one word only, I would venture to direct to the delegates of Bolivia and Paraguay themselves, and let me speak it with frankness. They are doing what no Member of the League should do and what the League itself was instituted to prevent.

To my other colleagues I would venture on this point to make this observation. I have mentioned the expression of the Commission's opinion on the subject of the supply of arms to the belligerents. I must confess, Mr. Chairman, that, had no action been taken upon the report of the Commission, the League, if I may say so, would have been open to the accusation of extreme indifference to the cause of peace.

It was this consideration, amongst others, that induced His Majesty's Government to take the initiative and to call the attention of its colleagues in the Council to the conclusions of the report of the Commission in respect of the export of arms to the two belligerents.¹ What action has been taken? The Committee of Three, to which, as my colleagues know, the Council confided the task of watching over this dispute, and to whose able Chairman and members we are deeply indebted, took steps, on the instructions of the Council, to bring before the countries whose co-operation was essential the desirability of preventing the export or re-export of arms to either belligerent. In doing so, they were able to state that a number of Governments had already expressed their willingness to participate in this attempt to bring hostilities to an end by making further warfare impossible.

The Committee will see from the information laid before it by the Secretariat the extent to which this effort has already been successful.¹ The present situation thus disclosed is this: almost every "manufacturing" country has either taken, or is preparing to take, steps to prevent the supply to either belligerent of arms which it manufactures within its borders. His Majesty's Government in the United Kingdom for its part has for some months past suspended the issue of licences, and is now enforcing a complete suspension of such exports. There are certain countries which, although they have expressed their willingness *in principle* to take the necessary measures, have not yet done so. They cannot in my judgment escape the duty of taking every step to make hostilities impossible. I have no desire to be invidious, but I would in all earnestness appeal to those two or three countries which are not yet parties to the embargo to accept it forthwith. Every day's delay on the part of one single manufacturing country militates against the success of the general endeavour, and is an act of injustice to those who have already sacrificed individual interests in the cause of peace.

But when all is said, there is only one course to-day for Bolivia and Paraguay. Peace must be restored now.

M. HAMBRO (Norway).—I have nothing to add to what was said by the delegate of the United Kingdom, who expressed not only the views of my own delegation but, I am sure, of every delegation. The delegate of the United Kingdom, however, alluded to two or three countries that have not yet fulfilled the obligation which the Council wishes them to fulfil, and in that connection I should like to give an explanation and make a declaration.

¹ See *Official Journal*, July 1934 (Part I), pages 755, 762 and 827; November 1934 (Part II), Annex V.

What has been happening, as far as my country is concerned, is perfectly open and above-board. There have been no indirect dealings with either of the belligerents. A factory in Norway had certain contracts directly with one of the belligerent Powers, and we made no secret about it, since, when the contracts were made, they were perfectly legal and legitimate. What is legal and legitimate, however, may not always be in harmony with opinion.

When the first letter was addressed to it, the Norwegian Government declared¹ its willingness to co-operate with the League in any way, if other countries did likewise, because it was perfectly clear that many countries, though they had placed an embargo on the export of arms and munitions to the belligerent Powers, had made no effort to stop exports reaching them through indirect channels.

In Norway, the production and sale of arms and munitions is not free. It is under the absolute control of the Government. When the second letter was addressed to the Norwegian Government, the members of the Committee will remember that the date which had been mentioned in the Norwegian declaration (December 1st) for the stoppage of exports was annulled.² If anything can be effected by so doing, we are perfectly willing to stop exports at once.

The volume of the exports from Norway has not been very considerable, but in these matters it is not the volume which counts, from the point of view of the League, but the principle. Twenty-two countries have not been asked by the League to stop their production or exports, and there are a good many loopholes in the embargo, as all are aware.

The Norwegian Government, however, does not wish to advance pretexts of any kind. We desire to co-operate in every possible way to terminate the state of affairs so well described by Mr. Skelton. Not only have we withdrawn the time-limit, but, in spite of the fact that there are—as all know well—certain loopholes in the embargo which would make it easy for States to find a pretext for not stopping export absolutely by indirect ways, we are nevertheless prepared to stop exports.

We hope, indeed, that the affair now under discussion may provide the League with an opportunity for taking further steps to prevent the export of munitions and arms to countries even preparing for war. My Government is perfectly willing, if other States will do likewise, not only to prohibit the export of arms and munitions to the two belligerent countries, but to place all exports of arms and munitions under the control of the League of Nations. Furthermore, my Government is prepared to declare that, if a reasonable number of States will do likewise, it will place the whole production of arms and munitions in Norway under the control of the League of Nations. I would ask other delegations whether they can make similar declarations.

M. BASDEVANT (France).—I should like, simply and clearly, to associate myself with the speech made by the delegate of the United Kingdom. His words were severe, but for my part I consider them just. He has shown that, for a considerable time, a violent conflict has been in progress in the Chaco, a veritable war between States Members of the League, and that this situation is completely at variance with the Covenant.

Repeated efforts have been made to put an end to this dispute : by the Council of the League, by the Commission of Enquiry to the Chaco and, finally, by the persevering efforts of the adjacent States and other American States. In the view of any person who reads impartially the documents before us, a number of formulæ which have been suggested would appear to constitute the basis of solutions which might reasonably be acceptable. None of these efforts has succeeded as yet. It is necessary to speak frankly and to look the facts in the face. It must be confessed that, if these efforts have failed, it is because a proper spirit of conciliation has not been found in those whom I am forced to call the belligerents. We are entitled, in the name of the principles of the League, to demand this proper spirit of conciliation from them and it is their duty, while it is in their real interest, to show this spirit. We are making an effort to-day, and it must be understood that it is a supreme effort—I do not quite see how it can be repeated—to induce these two Members of the League to adopt this policy of conciliation and peace, and return to those good relations which we desire ; both their interest and their duty lie that way.

The United Kingdom delegate, feeling sure of the Committee's approval, made a strong appeal, and we ask, with him, that peace should at length be re-established in the Chaco. It must be said that the past is not encouraging. During this drawn-out dispute we have heard statements as to the merits of the case on either side and the objections to all the proposals for a compromise which have been put forward. But we are still waiting for a positive effort, an effort to effect a proper understanding in order to conform once more to the rules of the Covenant. My words also are severe ; in face of this dispute I am far from feeling optimistic. Nevertheless, in certain respects, recalling certain words which have been spoken, it is possible that a tendency to effect a *rapprochement* is becoming apparent. We have perceived, in a manner perhaps not entirely categorical, an indication on either side that there is a disposition to accept a solution of the dispute or that such a solution has been accepted

¹ See *Official Journal*, July 1934 (Part I), page 834.

² See *Official Journal*, 1934 (Part II) Annex V.

or would be accepted by a decision of the Permanent Court of International Justice, the highest authority of the League for the settlement of disputes. It is but a slight indication, which nevertheless I would not like to ignore. I cling to this possibility. I quite understand that there is a possibility of discussing shades of meaning and details. But I insist that a discussion of details must not be allowed to overshadow the essentials. I insist that, for higher reasons, both parties consent to leave the details on one side. I am well aware that difficulties have to be overcome in order to reach a compromise, but with a little goodwill one can triumph over these difficulties, and international practice is sufficiently well endowed to furnish the means of surmounting them. If one cannot oneself make an acceptable compromise, if one finds the difficulties too great, the task of making the compromise can be entrusted to an impartial third party. This procedure is provided for in the Hague Convention of 1907, in the preparation of which the two countries with which we are dealing to-day participated.

These difficulties of detail must be surmounted. They will be surmounted if there is to be found on both sides that goodwill which we expect from our friends, Bolivia and Paraguay, and which we expect insistently. It is the right and the duty of the League to use that insistence now.

A number of States Members of the League have shown that they intend to do their utmost to put an end to these deplorable hostilities. That explains the policy of the embargo on arms which they have put into operation. They have put this policy into force in spite of great difficulties, both legal and practical, and it must be counted among the merits of the Committee of the Council, to which I should like to pay tribute, that they have been able to a great extent to surmount those difficulties. If the Governments have decided, in spite of the objections which might arise, if the French Government has decided to support the United Kingdom Government's initiative in this respect, with a view to stopping the exportation of arms to Bolivia and Paraguay, it is because they desire to exercise their influence, by such means as are at their disposal, to induce both parties to lay down their arms. To-day we call upon them—and I am persuaded that the Committee will be unanimously with me on this point—to cease hostilities and put an end to the serious conflict which has arisen between them. I insist with the full force of my convictions, and I am sure that the Committee and the Assembly will also insist, that these two States must return as quickly as possible—I was about to say forthwith—to normal relations, to those relations of peace and goodwill and mutual comprehension which it is the duty of Members of the League to entertain for one another.

M. UNDÉN (Sweden).—I have nothing to add to the remarks made by the previous speakers in condemnation of the war which has been going on for the last two years between two Members of the League. I should, however, like to offer a few observations regarding the task of conciliation entrusted to our Committee. In order to establish a lasting peace in that part of the world it is first of all necessary that the dispute between the parties should be settled. The only means of reaching a solution is doubtless that recommended by the Commission sent by the Council to the scene of hostilities—that is to say, arbitration or judicial settlement.

The Commission's report shows that this solution was accepted in principle by both parties, but that the reservations and conditions they imposed rendered an agreement impossible. Yesterday, at the First Committee's meeting,¹ the representatives of the two parties stated once again that they accepted the idea of arbitration or judicial settlement. I venture to suggest, as the procedure for conciliation, that a sub-committee appointed by this Committee should endeavour to obtain immediately, within a fixed time-limit, the consent of the parties to the submission of the territorial dispute, unconditionally and without any reservations, to the Permanent Court of International Justice. If this attempt fails, the Assembly will be called upon to decide what is the next step to be taken. Should it decide to apply Article 15 in its entirety—a question which has not yet been finally settled—it might, in the course of the procedure, ask the Permanent Court for an advisory opinion on the territorial dispute underlying the conflict and then proceed to draw up the final recommendation. I venture to suggest, therefore, that a sub-committee should be appointed to draw up the terms of a text regarding the submission of the territorial dispute to the Court and ask both parties to give, within a very brief period, a definite reply to the question whether they do or do not agree to submission to the Court as a settlement of the dispute.

M. POLITIS (Greece).—I should like to associate myself with the previous speakers, who appealed so eloquently and convincingly to the two parties to display a conciliatory spirit. I have a profound sympathy for both countries and for all the republics of the American continent which I regard as the chief future repository of world civilisation.

When we examine the documents before us, there is one thing which strikes and may sadden us, but which also encourages the hope that conciliation may be possible. Here we have two countries which have been fighting each other for the last two years, contrary to one of the best traditions of the continent to which they belong, since anyone who has the slightest knowledge of diplomatic history and of the territorial structure of the South American Republics knows that all their territorial disputes have hitherto been settled by arbitration, a fact of which they may justly be proud.

By pursuing this armed conflict, which has already been going on for a long time now, in regard to a territorial dispute, the two countries have departed from that great American

¹ See page 11.

tradition. Moreover, those two countries have signed all the main international agreements concluded during the last fifteen years. As Members of the League they accepted the obligations of the Covenant, which requires them to submit their disputes to the procedures of pacific settlement and not to resort to force until those procedures have been exhausted. They both signed the Briand-Kellogg Pact, whereby they undertook to renounce war as an instrument of national policy. They both accepted the Declaration of 1932, whereby they undertook in no case to make any attempt to conquer territory by force of arms. Lastly, they both accepted the Rio Pact, the New World's latest contribution to international law, whereby they renewed the obligation assumed by them under the Briand-Kellogg Pact and agreed to submit their future disputes to pacific procedures and, in the first place, to a commission of conciliation.

Is it not amazing that, after undertaking so many obligations, after being reared to independence, in an environment where the procedure of arbitration for the settlement of territorial disputes is recognised as an American tradition, these two countries should still persist, in spite of all entreaties, in fighting each other? The explanation lies, I think, in the fact that they have a profound distrust of each other, which all the counsels of moderation and conciliation have so far been unable to overcome.

M. Undén just now recommended the immediate submission of the whole dispute to the Court. Personally, I am afraid that, if this advice were repeated after the similar advice given by the League's Commission of Enquiry, we should not only get no further, but should also run the risk of aggravating the dispute and increasing the misunderstanding between the two countries. Other proposals have been made, but it seems to me that we shall have to proceed by stages and that, in the end, the profound conviction will necessarily and logically be reached that the obvious solution is arbitration or the judicial settlement of the dispute.

I will now enumerate those stages, although, as I shall explain later, I am not putting them in their right order. In the first place, hostilities must cease without delay. Next, guarantees of security must be obtained so that assurances may be given to each of the two parties that it need have no fear that the other may break its word.

A procedure of conciliation should be instituted, for, notwithstanding my love of justice and my admiration for judicial procedure, I consider that a modest agreement is infinitely better than a legal settlement, however fine. In this particular case, it is not only rules of law that have to be determined in order to reach a satisfactory solution acceptable to the two parties and one which will ensure the development of peaceful relations between the two countries for a long time to come; the facts must also be borne in mind.

After examining all the documents relating to the case, I have reached the conclusion that the application, pure and simple, of the rules of law would lead to an unjust settlement. It is by recourse to equity that a solution can be found. If that is so, it becomes absolutely necessary, before going to the length of a judgment, that we should endeavour to obtain a solution by means of conciliation. To what body should it be entrusted? To the body to be set up by the sub-committee, which will probably be appointed as the outcome of our discussions? To the commission of conciliation contemplated in the Pact of Rio de Janeiro? To some other organ of conciliation? It does not much matter. The essential thing is that, after hostilities have ceased and the guarantees of security regarded as essential by both parties have been obtained, the conciliatory body should at once get to work, should propose to the parties the solution which it considers most equitable and, if that solution is not accepted, should draw up a submission on which the ensuing judicial procedure should be based. The case would then be submitted to the Hague Court for a final solution.

As I have already stated, I have mentioned these four stages for the sake of clearness. As a matter of fact, at least two of them should be combined—that is to say, the cessation of hostilities and the granting of guarantees of security should be simultaneous and the agreement regarding the procedure to be followed should also be concluded at the same time. This agreement should be divided into two parts: conciliation procedure and procedure for arbitration and judicial settlement.

The essential thing is that the two parties should, at the outset, accept the whole of this procedure in the form of a single agreement, so that no difficulties may arise later and there may be no fear of a resumption of hostilities and an aggravation of the dispute between the two parties.

These are the lines on which, I think, a solution might be found. What leads me to hope that it is possible is the fact that I have often heard the representatives of both countries say that they were anxious for a rapid solution based on justice. It is, of course, obvious that each party has its own particular view of justice; each considers that it has been the victim of aggression and that its rights have been infringed. That is the usual state of mind of all countries which are at issue. We must accept with the same loyalty the arguments advanced on both sides. We must compare them and induce the parties to accept a procedure which will lead to a settlement and must hope that, in the end, all the obligations they have assumed will be carried out and that, thanks to the goodwill of both countries, the League may be able to register a conspicuous success.

M. PATTERSON (Cuba).—Like the other delegations, and in accordance with the desire expressed by the Committee, the Cuban delegation hopes for the prompt cessation of hostilities. This sanguinary conflict has lasted too long and no further blood should be spilt on American soil, since America is the land of fraternity and not of discord.

The families of the valiant combatants of both nations are anxiously awaiting the intervention of the League, and particularly of the American peoples, to put an end to the fratricidal struggle which has cost, and is still costing, so many lives and is, at the same time,

destroying the economic and financial resources of nations born to understand and love one another, as members of a large, useful and civilised family.

Let us therefore unite our efforts to restore this longed-for peace and bring to the homes of our Bolivian and Paraguayan brothers the happiness to which they are entitled and which they expect of us in the form of a just and noble peace.

To this end, I should like to make the following proposals :

- (1) Immediate suspension of hostilities.
- (2) If the Committee appointed fails to obtain the result we all desire, the subject of the dispute should be submitted to the Court of International Justice.
- (3) The decision or judgment of the Court should be carried out without protest on the part of the belligerents, who should undertake to do so in advance and who, should they fail to carry out this obligation, would be liable to the penalties or measures imposed by the League or by the American nations that are only too anxious to co-operate in restoring peace between these two sister nations of the American continent.

M. OSUSKÝ (Czechoslovakia).—It is not only as a member of the Committee of the Council that Czechoslovakia is interested in the question submitted to the Sixth Committee. She takes an equal interest in it for her own sake, since, side by side with the acquisition of her independence which she obtained fifteen years ago, Czechoslovakia regards the setting up of the League as the greatest even in her recent history—not on account of the abstract ideals which the League represents in many people's minds, but on account of the rules of conduct to be observed between its Members which it has established and also on account of the procedure it has organised for the settlement of disputes between them.

I do not propose to tell the representatives of Bolivia and Paraguay what they should do in the interests of their countries ; but, while I have no right to give them advice, I certainly have the right—and it is possibly my duty—to appeal to their conscience to render service to a country such as my own. Although she has only been in existence for fifteen years, Czechoslovakia has had a very long history, and we have proved by experience that small countries such as my own and such as Paraguay and Bolivia have absolutely nothing to gain by the use of force.

Even if in some particular case advantage may be derived from a breach of the rules governing international relations, small States always pay for these infringements of the rules of the game, which it is to their interest scrupulously to observe.

It must not be thought that because the Chaco is a long distance away and is situated in another continent that this question has only an indirect interest for countries such as Czechoslovakia. On the contrary, it is of vital importance to us, because any infringement of the rules governing the relations between the Members of the League affects the very existence of a country such as ours. I will even say that any procedure for the settlement of a conflict, if it is faithfully and conscientiously followed, helps to strengthen the existence of a country like Czechoslovakia and to maintain peace.

I am appealing to my Paraguayan and Bolivian colleagues to render service, not only to their own country, but also to all the small countries such as my own, by observing the rules of the game, which we accepted of our own accord, and the procedure laid down in the League Covenant.

In my opinion, cases such as the one with which we are dealing show the importance of international solidarity between the Members of the League which has brought us together in the present instance. They also demonstrate the extent to which we can render service one to another.

If in the present dispute one side or the other may hope to gain territory—I need not go further into this question—I would ask you not to forget that you also are weakening or strengthening the existence and independence of the other Members of the League.

I am not referring to the great Powers, which are strong enough to defend themselves. I do not say that we have no means of defence, but the main hope of the small States lies in the observance of the rules of the game and of our self-imposed intellectual and moral discipline. If the small States fail to observe these rules, they will certainly be the first and perhaps the only ones to suffer.

I would therefore ask our Paraguayan and Bolivian colleagues not to forget that we also are seriously involved in their dispute.

A second question has been raised : that of the embargo. As representative of Czechoslovakia on the Council, I had occasion to point out, when the United Kingdom Government raised this question, that it was not altogether simple. If it is well organised, it may assist the cause of international morality ; otherwise, it may have a diametrically opposite result and, instead of helping to restore peace, may favour one party at the expense of the other. We are firmly resolved to do all we can, in collaboration with you, to utilise the instrument we have in our hands to bring about improved relations and to restore peace between the two parties to the dispute.

Lastly, the representative of Sweden has proposed a sub-committee. The idea is a good one, but I think the task he wishes to entrust to the sub-committee is rather too limited. We realise the drawbacks of negotiations for the purpose of gaining time and bringing about conciliation. Do not forget that the conflict has been going on for more than two years. We often hear it said that it is necessary to gain time in order to negotiate. But, now that we are about to attack this problem, we shall see that there are two sides to the question, because, by gaining time, we also enable the nations concerned to become so immersed in their

doctrines and opinions that it is difficult for them to extricate themselves. Now that more than two years have elapsed, it is necessary finally to overcome the difficulties in regard to questions which are not only of a technical but also of a humanitarian character, and, consequently, while I approve of the suggestion for a sub-committee, I think it would be expedient not to restrict its powers.

M. JIMÉNEZ (Mexico).—So far as my country is concerned, we have shown a sincere interest in the settlement of this dispute. We have made many efforts to bring the belligerents into conference, or, through our activities in the League of Nations, to induce them to put an end to this bloodshed between these two countries, brothers of ours. I do not think that anything new can be added to the speeches we have heard ; but I wish to say, on behalf of my delegation, that we are willing to adopt any resolution that will accomplish a settlement of the dispute.

M. MOTTA (Switzerland).—It is not without some misgiving that I take part in this discussion, because all the arguments which could be advanced to make the parties understand and feel that we ardently desire, in the interests of the countries themselves and of the League, that the word of peace should become a reality—all the arguments, I say, have been put forward. But I am also aware that this discussion might lose some of its significance if we did not all make ourselves heard in one form or another. Indeed, why did the League Council agree that the question should be referred, at the request of one of the parties, to the Assembly ? Because it felt that, as the number of States represented at the Assembly was far greater than the number represented on the Council, a new factor might be introduced, making for reconciliation and peace, if the Assembly also were to express its opinion. For that reason, I venture to speak, and I will add a few observations to the very eloquent remarks we have already heard.

May I say that, from the very outset, the Swiss delegation was among those which most firmly and earnestly desired that the Latin-American continent should co-operate fully with the League ? We have often heard the opposite view expressed, the view that it would be better to begin by organising the continents for themselves, and then to form them into an intercontinental League. It has been said that their interests are too varied, that their mentalities clash, that their aspirations, origins and general conceptions are too unlike for real universality to be achieved immediately. We have never held that view. From the beginning we felt it to be essential, of vital importance, that the League should be universal. That is why we have appreciated nothing so much as the active co-operation of the South-American continent with the League, and every time another State comes here we welcome it gladly. There is no need for me to say that, if to-morrow the great State which has just left us were to announce its intention of returning, it would be welcomed, not only with the enthusiasm with which its entry must rightfully be greeted, but with a feeling that, at that very moment, it had achieved one of the greatest and most worthy aims in its history.

I have special reasons for appealing to both States. You will, I know, think me sentimental, and it is often thought that purely sentimental arguments have little legal value. The President of one of the States that are at present fighting comes from my own canton in Italian Switzerland, where his cousins are still living. Two years ago, he sent me a special message, holding out over the ocean the hand of a former countryman, who had honoured the name of Switzerland overseas, and more especially the name of Italian Switzerland, of which I am a son. You can imagine how wholeheartedly, firmly and earnestly I desire that peace should be restored between the two countries as soon as possible. All wars are fratricidal, when one considers the essence of things ; but the war between these two countries, which are of the same religion and race, speak the same tongue, live side by side, is particularly fratricidal. That is why it must be brought to an end as soon as possible. Your very conscience must make the same appeal to you.

How is it to be done ? I am not in a position to decide what is the best method. We may have divergences of opinion, but perhaps I might venture, here also, to remind you of an example which our little country has sought to give. We also, accustomed for many years to other traditions, fearful that the independence of our country might be exposed to danger, contemplated the idea of arbitration with some apprehension, with a feeling that might sometimes amount to discomfort. Since the League has existed, however, our little country, whose whole strength is in moral force—material force is, of course, not unimportant, but it is not the principal force—has been anxious to set an example of arbitration, to accept it without reservation on all questions. Every time there has been any question of concluding an arbitration treaty with a State, we have said that we agree to arbitration with all its consequences without any reservation or limitation whatsoever. We felt that, by adopting that policy, we should not only be protecting the Confederation itself, but should be helping to protect all States, those of medium size, as well as the big ones.

As M. Osuský has said, the big States do not need this arbitration procedure ; they have force. But they do great credit to themselves when they subordinate the idea of force to the idea of law. We have concluded arbitration treaties which go as far as possible. We have concluded them with Italy, with Germany, with France. And we in Switzerland were glad and proud when France herself ratified, in the Senate, a treaty which had for a long time been awaiting ratification. We now feel that we are fully protected by the idea of law actualised

in the form of arbitration. That is why, in associating myself with M. Osuský's eloquent remarks, I venture to say to the representatives of Bolivia and Paraguay :

“ You have more to gain by agreeing to arbitration. Accept it, therefore ; agree unreservedly to judicial settlement. It is to your own interest to do so, and you have also an interest which is greater than your own—that of mankind, that of the League. Set this example, and you will do us all the greatest service. You would do very well if, having had the unfortunate idea of allowing blood to be shed between brothers, you came to a better understanding, and put an end to this bloodshed.”

I do not want to give the impression that I am taking up a final standpoint on a question of procedure. It is better to weigh all the reasons one against another, and perhaps the best procedure would be to appoint a sub-committee. I am sure that we should be able to arrive at the ideal of arbitration and judicial settlement, and at an idea with which I, personally, am in the greatest sympathy, and venture to recommend to the States at issue: that the matter be referred to the Permanent Court of International Justice, which would examine and settle the dispute in the tranquil course of its duties.

If the parties decide at this Assembly, and without loss of time, that the question be referred to the Court, the parties must come before the Assembly and tell us that bloodshed has ceased and that they are appealing to international justice. It is in that sense that, in the name of democratic justice, I address this appeal to the two parties.

M. CANTILO (Argentine Republic).—It is a great responsibility to speak after those who have just spoken, while the air is still vibrating with the Swiss delegate's speech, the strong weighty remarks of the Czechoslovak delegate, and the observations of that distinguished orator and master of law, M. Politis. But, as delegate of the Argentine Republic, a country near to Bolivia and Paraguay, not only on the geographical but also on the spiritual map of the world, by reason of affinities of every kind which bind us to the countries of America, and especially the neighbouring countries, I feel bound to concur enthusiastically in the views just expressed and the appeal just addressed to the belligerents.

Reference has been made here to all the steps taken in the interests of peace. There have actually been a very large number, and it can be said that all the neighbouring countries, the League of Nations, the whole world, have done their best to find a basis for agreement. The Argentine Republic, either directly on its own account or in association with other countries, has always taken part in those attempts.

I should like just to add, in order to fix the discussions accurately as to time that, as I told the Assembly,¹ the Argentine Republic made further proposals to the two belligerents on July 12th. Those proposals had the support and approval of the United States of America and Brazil, which adds to their weight. They are based on principles and precedents corresponding to what was so forcefully and clearly stated by M. Politis. They are based on the American tradition of arbitration, and that is a tradition in virtue of which we Argentinians have lost a vast amount of territory. They are based on the Rio Pact, on the Hague Conferences, on the legal and historical principles which M. Politis so forcefully and brilliantly described. That is a new fact. I may add that these bases have been accepted in principle by the two countries. There is, therefore, a glimmer of hope.

There was some difficulty when it came to passing from principles to more concrete matters. At the time when the negotiations were in progress, the Assembly met, and my country, which has always acted within the framework and spirit of the League, felt that it should submit the question to the League. I had, therefore, the honour to submit to the Assembly the other day the actual bases of the proposals made by the Argentine Republic. It only remains for me to express the recommendation that the hope to which I have referred may now become a reality, in one way or another, starting from these bases, and that the League will now intervene with all its force, prestige and moral authority.

M. GUANI (Uruguay).—I have listened with very deep emotion to what has been said here with reference to the dispute between Paraguay and Bolivia. My emotion is easy to explain by the fact that we are considering a struggle between two nations which belong to what we call the American family and which are neighbours and kinsmen of my country and of all the countries in the continent of America. I was struck too by the very eloquent words spoken by M. Politis and by M. Motta concerning the pacific procedures which we have invariably employed in the disputes that have sometimes arisen in our countries. It is true that arbitration has been a constant tradition in the life of our peoples. It is most painful that the belligerents should be affording us at this moment so saddening and heartrending a spectacle. Arbitration is enshrined in almost all American Constitutions as a compulsory clause. Arbitration, as my colleagues from the Argentine and Chile are well aware, put an end to one of the most serious conflicts in our history, that concerning the boundaries between Chile and the Argentine. That conflict, which was terminated by arbitration, is perpetuated by a monument commemorating the sentiment of peace that prevails in the continent of America. The guns that serve the purposes of war were melted down and converted into an immense statue of Christ which towers over the summit of the Andes as the symbol of American peace.

¹ See page 9.

With regard to the efforts and proposals recently made for the pacification of this part of America, I may remind you that, last December, we had a Pan-American Conference which was held at Montevideo and attended by representatives of all the nations in South, North and Central America. At the opening of the Conference, the head of the State I have the honour to represent, said that, in reality, the entire programme of the Conference, which was immense because it covered all classes of ideas, would be meaningless should the outcome of the Conference be other than peace in America. These efforts met with relative success. There was a truce, unfortunately too short a truce, and then hostilities were resumed. There is, therefore, no need to say that the delegation of Uruguay at once gives its support to any prompt solution capable of terminating this disaster which fills the whole American continent with tears of misery and blood.

Mr. DE VALERA (Irish Free State).—I would like to add my appeal to the appeals we have already heard from other delegations, were it not that I feel that all appeals are falling on deaf ears. For two years, at least, this conflict has been going on, and it is a source of grief and disappointment to all the nations in the League that the League should appear, when a serious situation is reached, so impotent to end war or to avert war.

That impotence was shown in the conflict between China and Japan, but our apparent impotence in this case is far more disastrous. After listening to the speeches that have been made here this afternoon, I am afraid that recognition on our part of the right to fight is too complete for us to hope that, without considerable change in our procedure regarding matters like this, the League of Nations can really be successful in stopping wars. I am not at all unmindful of the difficulties. I recognise them fully. I know that, in this case, the difficulties have been considerably increased by the fact that the hostilities are taking place on the American continent.

When, as President of the Council two years ago, I was made Chairman of the Committee of Three, this difficulty was brought very forcibly to my attention. This war was then going on and, in order that the position may be vividly brought before the minds of the Members of the Committee and before the public, if any report of our proceedings here should reach the public, I propose to read this paragraph of the report of the Chaco Commission which points out what this war really means to the people concerned :¹

“ The struggle in the Chaco is a singularly pitiless and horrible one. The soldiers are fighting in the bush far from centres of population, and in an exceedingly trying climate. The sick and wounded frequently receive inadequate attention, owing to the difficulty of improvising, with limited resources, a medical service proportionate to large effectives. Moreover, behind the lines, while the struggle goes on, both countries are growing poorer, and their future seems darker and darker. The young men are at the front, the universities are closed, and when it is remembered how greatly the two nations stand in need of all the forces represented by this younger generation—part of which has now been wiped out—to develop, to improve living conditions, popular education and public health, the Chaco war represents a veritable catastrophe to the advance of civilisation in that part of America.”

The Commission goes on to point out the difficulties which have to be faced and the impossibility of predicting that the effects of the catastrophe will remain localised. It adds :

“ To arrest the development of this catastrophe, the Commission considers that combined action by all the forces of peace, working together in harmony, is needed. It is essential that the system of interventions from many quarters should come to an end—that there should no longer be a doorway through which the parties can leave one procedure for another and experiment with a fresh formula when the negotiations take a turn unsatisfactory to them.”

There is a real danger here from the intervention from too many quarters and attempts by too many parties to make peace. The neighbouring nations are represented here in the League, while Brazil and the United States of America have indicated their willingness to help. Clearly, the proper course for the League of Nations is to go ahead with the procedure laid down in the Covenant.

The appointment of a sub-committee has been suggested. In my opinion, the sub-committee that ought to be established now is the one which will take the steps necessary to effect conciliation within a limited time. This war has been going on far too long. A limited time should be given the sub-committee to bring about conciliation, and if it fails to do so within that limited time, then the Assembly should itself take up the case, go forward and pronounce its judgment. There is no other way of bringing this dispute to an end.

As between the parties concerned a certain stage in regard to terms has been reached. In principle, at least, they are prepared to submit this matter to peaceful settlement. I hope they can be induced to leave the settlement of the substance of this dispute—that is the question of the limitation of their respective territories—to the Permanent Court of International Justice. It is obvious that the matter which has to be presented to the Court must be exactly determined. That is the second stage. Then there remains—what ought to be the easiest

¹ Document C.154.M.64.1934.VII, page 57.

part of the task—the arrangement for the suspension of hostilities pending the award, and the policing of a neutral zone. It should not be beyond the power of the League, if the contending parties cannot themselves arrange satisfactorily how this policing should be done, for the other Members of the League to arrange for it by a force organised, if necessary, by the League itself.

It seems to me that this dispute can be brought to an end quickly if we are determined to act up fully to our responsibility. I would not like either of the contending nations to think that we are concerned only with stopping the warfare somehow and are not concerned with the just determination of the dispute. Every one of us desires, not merely that the dispute should end, but that justice should be done. If everyone is earnest about it, in the way the members who have spoken so appealingly are, then this quarrel can be ended, and need not drag on until one of the two peoples is ruined or both are.

M. BIANCHERI (Italy).—The Italian delegation gladly and wholeheartedly associates itself with the pressing appeal made by previous speakers to Bolivia and Paraguay to reach agreement as soon as possible for the suspension of hostilities and the pacific solution of the dispute between them.

With regard to the embargo, to which various speakers have referred, I desire to confirm the view expressed by the Italian delegation in the Council this morning—namely, that this question raises a point of principle which requires consideration from the standpoint of pure law and, in particular, from that of the interpretation of the Covenant.¹

M. ESCALANTE (Venezuela).—The Venezuelan delegation has special reasons for joining wholeheartedly in the appeal made to the two parties by this Committee to-day to find a final formula for the termination of the terrible war that is draining the life blood of two Members of the League. Bolivia, as you all know, is one of the creations of Bolivar the Liberator, and Paraguay is one of the sister nations of America that preserves a greater measure of similarity with Venezuela both by reason of its national character and by reason of its heroism in the struggles for independence and freedom. It is with feelings of the utmost sorrow that we have witnessed for more than two years the distressing spectacle of this war which can only result in ruin to the belligerents. We too believe that the time has come to end it.

The real issue at stake in this debate is the attitude of the League with regard to the means of restoring peace between two belligerent Member States. Upon the outcome of our discussions depends the enhancement or the decline of the authority of the League, and the enhancement or the decline of the efficacy of the Covenant.

For the moment, we have no definite suggestion to make with regard to procedure, but I may say that our delegation will wholeheartedly support any procedure and any endeavour that must be made within the next few days to restore peace in the Chaco.

In conclusion, I may say that, in principle, our delegation very warmly supports the concrete suggestions made by the Irish Free State representative concerning procedure.

Mr. Louw (Union of South Africa).—I speak as the representative of a small State, which is far removed from European, American or Asiatic problems. South Africa has always taken the keenest interest in the League of Nations and one of the present members of its Ministry, General Smuts, was also one of the founders of the League. Last year you honoured South Africa by appointing its delegate as President of the League Assembly.

I am not going to discuss the dispute between Paraguay and Bolivia, nor am I going to add anything to the very eloquent appeals that have been made to-day to the two belligerents. We all hope those appeals will succeed.

The delegation of the Union of South Africa is concerned not only with the war which is being waged in South America, but we are particularly concerned with the prestige of the League of Nations. In my country, doubts have of late been expressed, both by the public and in the Press, regarding the efficacy and the utility of the League, and these doubts were engendered by the recent unfortunate events in the Far East.

To-day, the League is faced with another dispute between two smaller States, and the question which is being asked very pertinently in South Africa is what action the League is going to take. Is the League's action to be confined to the appointment of commissions of investigation, to appeals to the belligerents, or are more practical measures going to be taken? The world is watching expectantly and we in South Africa are wondering whether, in this conflict between two of its smaller Members, the League is going to show the world that it is in reality a real and effective instrument of peace. I venture to say that the dispute between Bolivia and Paraguay may yet prove to be a very important turning point in the history of the League, bringing either new life or a gradual fading into oblivion.

M. HAMBRO (Norway).—I join in the eloquent appeals that have just been made by many delegates from small countries, M. Motta, M. Osuský, Mr. de Valera and the South-African delegate, who have shown that the question for which a settlement is required is one of fundamental importance.

It is not merely that a conflict of this kind is easier to settle between small countries, but it is of great importance for the existence of the League that the small countries should be ready to set a good example, since, after all, it is easier for them to sacrifice certain interests

¹ See Minutes of the first meeting of the eighty-second session of the Council (*Official Journal*, November 1934 (Part II)).

of prestige which are not so serious as those at stake when big nations are involved. We must not allow questions of procedure to become an obstacle, and I urge the Chairman and officers of our Committee to submit to us at the next meeting a definite proposal for settling this question.

The CHAIRMAN.—Speaking as delegate of Spain, I desire to associate my country with the eloquent appeals made to Bolivia and Paraguay.

The interest our country takes in the matter is not inferior to that you take in it yourselves. We have the same interest in defending the Covenant as the small countries. Spain is a great country, measured by the moral, intellectual and civilising part she has played in the world throughout her age-long history ; but she is a small nation in the sense that she relies for her defence solely upon the law, although, if force ever has to be employed, she too will be ready to do her duty.

The description of a small country given here is perfectly appropriate to us in as much as we regard the League Covenant as the strongest safeguard of our interests.

We have too a deep interest in the observance of the Covenant, because we believe that the League is the natural conclusion of world evolution. We believe too that the Covenant is the formula of the future, because Article 11 means in the last analysis the establishment between nations of the principle that no nation can remain indifferent to what happens in the others.

For the foregoing reasons, the eloquent appeal made by Mr. de Valera and the passage he quoted from the Chaco Commission's report must have stirred your emotions. They stirred ours, in particular, because your special brand of impartiality, impartiality of the mind, is multiplied two-fold in our case by a deep emotional impartiality, the tragic impartiality of a mother watching a fight between two of her children. The blows exchanged between Bolivia and Paraguay fall hard on the heart of Spain and it can be said in all sincerity and without any exaggeration that Spain is the only country that has to suffer a two-fold sorrow.

We believe therefore that the time has come for us to see the problem finally settled. That is why in all humility, but with all the strength at our command, we wish to say that this matter gives rise to obligations of the utmost importance, both for the two countries involved and for the League, and for the mediators as well. For the two countries, because hostilities must cease ; hostilities between two States Members of the League represent a permanent breach of the Covenant. We cannot admit that, after fourteen years of life, the League should be too timid to call things by their true names. As long as hostilities last, conciliation will be impossible ; as long as hostilities last, it will be impossible for the States of the League, as I said this morning in the Council,¹ to have a clear moral and juridical conception of their duties with regard to the embargo, and it will be in truth impossible for us in Spain to supply arms to the two States.

There is also for the opponent States the manifest duty of showing their faith in Geneva and The Hague. That is also their highest interest, and they should lay aside the reservations and restrictions and all those more or less conditional and hypothetical declarations to which M. Basdevant referred. I hope that the struggle will not blind them to their own interest and that they will realise that Geneva and The Hague afford them far greater security than any military dispositions could do.

As regards the League, it has a perfectly plain duty. It is to have done with the whole business, but here I should like to say a few words in answer to the charges of slowness made against it. You need only remember that the League, whose attention was directed to the dispute at the very outset, also displayed self-denial by awaiting first the accomplishment of the benevolent action undertaken by certain voluntary peacemakers. It would have been at variance with the League's highest interest to arouse a suspicion that it placed its prestige as an organisation above the interests of peace. The League has always applied with praiseworthy moderation the old Spanish proverb—and I do not mean to imply any irony as regards the peacemakers—Let the miracle be performed, even if the devil himself performs it.

Unfortunately, the miracle has not been performed after months and months of waiting, and after long and fruitless efforts at mediation, the League had to make up its mind to take the business in hand. It appointed a Commission which was to be despatched to the spot.

What happened then ? Just when the Commission was about to set out, another proposal for mediation arrived signed this time by the two parties. That is the first and, alas, the last time that the parties have been in agreement. But this agreement by the two parties was an unfortunate one, because it only led to several months delay in the Chaco Commission starting work.

The Commission's report is a most admirable document. It is one of the most interesting and best informed reports that the League has produced and we here must pay a tribute to the Commission which so admirably discharged its task.

Then, however, we found that even this last effort was robbed of success, although it was supported and seconded by the very praiseworthy exertions of the Montevideo Conference.

While this was happening and after the question had been brought before the Council, a last offer of mediation came from outside the League, from three countries which are entitled to our gratitude on various accounts. The first is the United States of America, one of whose

¹ See Minutes of the first meeting of the eighty-second session of the Council (*Official Journal*, November 1934 (Part II)).

Presidents, President Wilson, was among the founders of the League. The second, Brazil, unfortunately not present among us to-day, has played a glorious part in the history of arbitration in America. It was in the Brazilian capital that, only the other day, the most recent effort was made for the conclusion of an arbitration treaty. The third country is the Argentine Republic, which has put forth this last exertion in the hope that the new pact of arbitration and conciliation between the countries may be transformed into a step towards a system better adapted to the general movement for arbitration and conciliation.

This attempt at mediation is of the utmost importance. The League must make use of it, but precisely because no three more devoted collaborators could be found, we are entitled to remind them, for we are assured that they will collaborate with us, of the danger lest simultaneous offers from two sides may prevent the success of both. The fundamental difference between efforts at mediation made outside Geneva and those made here is that the first are voluntary while the second are binding. We here work under a system contained in a charter which has binding force and which prevents us from extending the statutory time-limits. It is within a time-limit of six months that we have to find a solution for the dispute with which we are now concerned. The Governments of the United States of America, Brazil and the Argentine Republic are too well informed and have been co-operating far too long with Geneva to overlook this argument. I put it forward only as an answer to the doubts and fears expressed by Mr. de Valera. It is because I share those doubts and fears that I am anxious to seek encouragement for myself, for I am sure of the collaboration of the three Governments mentioned which will do nothing, either by way of commission or omission, that might prevent the League from succeeding in its endeavours within a very short space of time.

M. COSTA DU RELS (Bolivia).—From a sentiment of gratitude and loyalty towards the various members of this Assembly I feel bound to tell them that the moving words and brotherly appeal they have made to-day have gone straight to the heart of the Bolivian delegation.

In spontaneously bringing before the Assembly this sanguinary and distressing dispute my Government's only wish was to demonstrate its desire for a final settlement within the framework of the principles contained in the Covenant. My Government yields to no one in its anxiety for the cessation of the struggle. It fervently desires, not only that a stop should be put to obstacles of procedure, but also that, by a harmonious and speedy development of the principles contained in the Covenant, we should reach the only possible goal—namely, the cessation of the war.

Mr. de Valera, with his lucid vision and with all the wealth of experience he possesses in regard to the Chaco dispute—for he presided over the Committee of Three—has given a lucid description of the main principles involved. I feel sure that the sub-committee which will no doubt meet after it has received directions from the Sixth Committee will give all due consideration to Mr. de Valera's suggestions, since, in my delegation's view, they are very important.

I likewise concur in the eminently reasonable considerations developed by the Norwegian delegate. It would, indeed, be highly improper to come here merely to split hairs. The two parties have intimated their views. Our arguments are known—more than known. It is now for you, conscientiously, but with a clear vision, to judge between these two arguments and at last to see whether there cannot be found, within these at present widely divergent points of view, some spiritual essence by which they can be made to coincide. Having stated that I concur in M. Hambro's remarks, I may presume that, after hearing the two parties, the Assembly considers that this stage of the work of conciliation cannot be an end in itself but only a means, and that if, by some misfortune, the conciliation now initiated should be found impossible of achievement, the League will, for the sake of its prestige and of the respect it owes to its own charter, have to assume its responsibilities.

My Government is ready to collaborate loyally and wholeheartedly in all endeavours at conciliation on the part of the Committee to be appointed. I can assure you at once that it is not from our side that you will be confronted with arguments on points of procedure or on legal points such as might prevent the settlement of the problem. Hitherto, the countless solutions suggested at various stages by different international organisations have met with no success, but that is not a reason for saying that these efforts have been null and void. From them all there can be deduced certain guiding principles which should receive serious consideration from the Assembly.

The delegate of the Argentine Republic recently placed before us certain bases which his Government, in agreement with those of Brazil and the United States of America, submitted to the two belligerents for their opinion. This undoubtedly very praiseworthy offer is prompted by feelings which are appreciated by my Government at the full worth. I shall express no opinion on it. My Government has already intimated its views to the Argentine Government direct and I am sure that, like the other efforts made hitherto, the Committee will take them into consideration with the object of ascertaining whether by comparing the instruments relevant to the case, the proposals that have been made and the ideas that have been put forward, it will be possible to find the spark that will at last vouchsafe the light.

The CHAIRMAN.—The Bolivian delegate has just told us that his Government has already informed the Argentine Government of its view on this offer of mediation. Could he repeat that opinion here?

M. COSTA DU RELS (Bolivia).—It is for the Argentine Government to do so. Besides, I have already asked that the correspondence between the mediators and the two Governments might be communicated to you. I apologise for putting a question to the Chairman, but I should like to know whether that request has been complied with.

The CHAIRMAN.—I took the liberty of interrupting because it is the League's tradition that there should be complete publicity.

M. COSTA DU REIS (Bolivia).—I hope that this important document will be joined to the other documents now in the hands of the Committee, so that a result may be reached. I do not therefore propose to expatiate on the question of substance. You all know our point of view, and to expound it again would merely be to prolong the discussion to no effect.

Reference, however, has been made to another question which I regard as a subsidiary question within the framework of Article 15—namely, the embargo. This matter has been discussed at various meetings in the Council. Bolivia has submitted her views both as to law and as to fact, and I will attempt to combine them in a few words in order that the Committee may know what is at stake, since this question of the embargo, though perhaps a subsidiary problem at first sight, is in reality a most important matter from the standpoint of principle. Moreover, the Italian delegate, with his usual perspicacity, drew attention to the matter in the Council this morning, and in a note dated, I think, last month.

First, for one of the arguments as to the law. An embargo is a sanction which can only be taken against a country condemned as guilty and not against two nations which are merely under suspicion. In other words, under the terms of your procedure, an embargo can only be put on as a sanction.

Now for an argument as to the facts. I submitted this argument in the Council this morning, but I am anxious that the Committee should know of it, because it appeared to me that the various statements that were made exhibited, notwithstanding all the goodwill displayed by the speakers, that some were less conversant than others with the problem. For while juridically, the Chaco problem is a clear one, geographically, it is somewhat obscure. Bolivia has no sea coast. Any undertakings that might be entered into by the adjacent countries with regard to the embargo would deprive her of all supplies from abroad. Paraguay is in an entirely different position. She has extensive communications with the sea by river waterways, which are under no exclusive national jurisdiction. Consequently, even supposing the adjacent countries were to enforce strict application of the proposed embargo in their territory, it would always be possible for Paraguay to obtain supplies without restriction, either because she could receive armaments from a country which had given no undertaking at all, or because she could receive them by contraband, for the repression of which—and I must emphasise this point—no control or supervision has ever been suggested.

To sum up the position in a few words : Paraguay retains, notwithstanding the measures contemplated, free and unrestricted access to manifold sources of supply by way of the Rivers Paraguay, Paraná and Plata. Bolivia would be blockaded, whereas Paraguay would not.

It is for that reason that Bolivia is impelled to offer vigorous resistance to a measure that imperils her vital interests. It is because the solution is fundamentally at variance with justice that Bolivia has shown such insistence in demonstrating that it is also formally at variance with the law.

I wish to-day to give you a further reason for pressing for a speedy solution of the embargo question. As you are aware, our opponent challenges the applicability of Article 15 which you yourselves have recognised, for I think I may say that the general impression left by the different speeches I have heard is that the applicability of Article 15 in its entirety is recognised. Yesterday, in the First Committee, in answer to a question by the Swedish delegate,¹ the Paraguayan delegate refused to say that his Government accepted the procedure initiated by Bolivia for a substantive solution. Bolivia is asking for a substantive solution. She is asking for a speedy solution. She wants to avoid all chicanery. Our enemy takes the opposite view. One of the reasons—perhaps the main reason—for his attitude, is that the embargo already decreed by certain Powers holds out before him the hope that if he succeeds in postponing a settlement by chicanery on points of procedure, he may break our resistance.

I have told you the reasons why the embargo would have far more serious effects for us. The results you would obtain by encouraging or tolerating it would not be as you imagine, and as the United Kingdom delegate said, to terminate the war. He, alas, is making a very serious mistake in this matter. The result would be, instead of shortening the war by disarming the two opponents, to prolong it by encouraging one of them—viz., the one favoured by the embargo—to refuse a procedure for pacific settlement. That is why, without discussing the question of the embargo in the Sixth Committee, I am impelled to raise a question of law, and a question of fact. I am sure that those of my listeners who are lawyers will realise that there is a basis for that, and that those who are diplomats will appreciate that questions of fact play an important role in this unhappy dispute. Bolivia, whose interests are seriously affected by this question of law and fact, is anxious that all doubt should be removed, and that, if measures are taken, they may be taken within the framework of Article 15, and as a consequence of Article 15.

No one in the Council has so far replied to our argument on the points of law. All that has been done is to record them, and pass them on to you. It is for you to decide.

In conclusion, I may say that the Bolivian Government will wholeheartedly co-operate with you, for it is its earnest and most fervent desire to achieve a rapid solution of the dispute, but on condition that it is a speedy solution, based on Article 15 of the Covenant which the Committee has, I think, agreed to be applicable in all its parts.

M. CABALLERO DE BEDOYA (Paraguay).—The Paraguayan delegation makes no reservations and lays down no conditions. In the present circumstances, speedy action is essential. The time has come for everyone to shoulder his responsibilities. The Paraguayan delegation relies entirely on Geneva and The Hague.

¹ See page 16.

With regard to the arms embargo, I would merely add that Bolivia possesses better developed, speedier and more convenient communications with abroad than Paraguay, thanks to the Treaty of 1904, which she signed with Chile.

Besides, neither Paraguay nor Bolivia is entitled to resist the embargo measures taken by the producing countries in the exercise of their internal competence and sovereign power.

Once again, we lay down no conditions ; we rely entirely on the League.

M. COSTA DU RELS (Bolivia).—I have listened with pleasure to the Paraguayan delegate's statement that he lays down no conditions and makes no reservations. I take it that in saying this, he withdraws *in toto* the reservations made concerning the application of Article 15.

M. CABALLERO DE BEDOYA (Paraguay).—That is another subject of dispute into which I cannot follow M. Costa du Rels, because it is a matter which has absolutely no connection with the present discussion. The objections we have put forward are purely legal ; for the moment they do not arise. To refer to them now can only be due to a desire to lead the discussion astray and search for subterfuges.

The CHAIRMAN.—I should be very glad if the two parties could confirm my interpretation—namely, that their two statements mean that neither of them makes any reservations or restrictions as to the application of the arbitration or judicial solution which will be proposed to them within a few days by the sub-committee to be set up.

M. CABALLERO DE BEDOYA (Paraguay).—I entirely accept this interpretation.

M. COSTA DU RELS (Bolivia).—If Paraguay accepts these conditions on the same footing as that on which she accepted the reservations, I must express certain doubts as to the outcome of our deliberations.

Speaking for myself, I have much pleasure in saying that I shall co-operate decisively in the solution proposed by the Committee.

M. CABALLERO DE BEDOYA (Paraguay).—I hope that Bolivia will find it possible to adopt the same attitude as Paraguay in regard to the question put by the Chairman of the Committee.

M. COSTA DU RELS (Bolivia).—I have no desire to prolong the discussion. I will simply reply that Bolivia accepts Article 15 *in toto*.

The CHAIRMAN.—I can only express the hope that the polished formulæ used by M. Costa du Rels have the same signification as the somewhat blunter terms employed by the Paraguayan delegate.

M. CANTILLO (Argentine Republic).—I am told that, during my absence from the room the Bolivian delegate expressed the opinion that it was for me, as Argentine delegate, to lay before the Committee, Bolivia's reply to the mediators. That is obviously a mistake. Three countries, acting in agreement, are taking part in the offer of mediation, but it is not for the Argentine delegation to communicate the note in question. The belligerents themselves are in possession of the replies which they have sent us and they can communicate them. Logically, it is they who should do so.

M. COSTA DU RELS (Bolivia).—The Argentine delegate holds that the belligerents should communicate the correspondence exchanged with the mediators. May I ask him whether the United States of America and Brazil have agreed to the communication of the whole question to the League ?

M. CANTILLO (Argentine Republic).—I shall have much pleasure in satisfying my Bolivian colleague's curiosity. This communication was made in agreement with the two other parties.

The CHAIRMAN.—What communication ?

M. CANTILLO (Argentine Republic).—I imagine the Bolivian delegate is referring to the communication to the Assembly of the bases of the proposal made by the mediators to the belligerents.

M. COSTA DU RELS (Bolivia).—I am referring not only to that, but to the whole of the correspondence that has passed between us.

M. CANTILLO (Argentine Republic).—The correspondence that has passed between us is not in question. There were the bases proposed by the Argentine Republic and the two other countries. They are definite bases and call for a definite reply.

There has been no correspondence. There was an offer and a reply to that offer. That is what I have communicated to the Assembly. It contains the bases which the Argentine Republic proposed in consultation with the United States of America and Brazil. These bases were put before the belligerents. They were asked for their opinion. They replied that they accepted in principle. There has been no mysterious correspondence in this matter, but simply an offer of mediation, the precise terms on which that offer was based and a request for as wide an acceptance as possible.

M. COSTA DU RELS (Bolivia).—I am very sorry, but I cannot agree with my colleague from the Argentine. The bases were put before us on July 12th. Between July 12th and September 15th the question underwent development. Certain conversations were begun and

negotiations opened. In what way has the offer of mediation made by the three Powers developed? What were the reactions of the two parties and the counter-proposals that were made? Those are facts which should be placed in the Assembly's possession. We cannot merely keep to the initial step which has had time, in the last two months, to take on other aspects. That is why, in order that the Argentine offer may be appreciated at its full value, the three mediators must acquaint the Assembly with all the factors, both direct and indirect, that are involved. It is the only way in which the Assembly can appreciate the position.

M. CANTILLO (Argentine Republic).—I do not want to prolong this dialogue. If there are certain communications of importance to the Bolivian delegate, he has only to ask his Government for them and to ask his Government what are the replies that were sent. The Paraguayan delegate can make the same request to his Government. That is the simplest procedure. The communications in question are not unilateral ones. They concern principally the parties involved—that is to say, the belligerents.

The CHAIRMAN.—The Argentine delegate has just said that the Bolivian delegate could get all he wants by applying to his Government, but in all fairness I must point out that he is not the only one desiring information. The whole Assembly desires it as well.

M. RIVAS-VICUÑA (Chile).—We are discussing the documents connected with an offer of mediation made for the purpose of terminating this dispute. If that is so, it will be necessary to have as well all the antecedents of all the representations that have been made by the other American countries. The important matter is to investigate the events which, notwithstanding the Covenant, are occurring at present between Bolivia and Paraguay, and to apply the Covenant strictly. The Members of the League have all signed the Covenant. They should all observe it. It is for the Assembly to settle the question that has been raised.

M. BASDEVANT (France).—The Chilean representative has just reminded us that we have to apply the Covenant. The Covenant gives us the means of solving the little incident that has arisen between the Bolivian and Argentine delegates as to who should communicate certain documents. Article 15, paragraph 2, which is not challenged, says :

“ For this purpose, the parties to the dispute will communicate . . . statements of their case with all the relevant facts and papers.”

So far as I can see, the Argentine delegate does not represent one of the parties to the dispute we are considering.

M. COSTA DU RELS (Bolivia).—Let me hasten to point out that Bolivia has appealed to Article 15 and that, under paragraph 2, quoted by M. Basdevant, she communicated in due course the statement of her case with all the relevant facts and papers. That however is not the question. In the meantime we have the Argentine's offer of mediation. That offer has been placed before the Assembly. It is, therefore, for the mediators to supply us with all the requisite information, not only as to the initial bases of their offer, but also as to the attitude of the belligerents and that of the mediating Powers, in order that we may know the reactions of all the parties. If we took the initial bases alone, we should be in possession of only one aspect of the question.

I shall ask my Government to supply all the necessary documents, but we are anxious that the mediators should do likewise.

The CHAIRMAN.—The last part I should like to play is that of peacemaker between the parties and the peacemakers. In fact I decline it in advance. Each of the parties has been in correspondence with the three mediators. I therefore infer that through four countries we may hope to obtain the correspondence that has passed between the mediators and each of the parties, since the four countries are in every case inspired by the utmost goodwill so far as we are concerned. I feel, therefore, that in one way or another we shall be placed in possession of all the facts which we need to know with regard to the matter.

In reply to the Chilean delegate, may I say that this offer of mediation is of special importance, even greater than the preceding ones, because, although it is not very strong, it is not yet quite dead, as, in fact, we were told by the Argentine delegate at the plenary meeting of the Assembly.

I have a number of questions of procedure to put before the Committee.

The Italian delegate has raised a previous legal question with regard to the embargo. I do not know whether he has any definite proposal to make but, in order to lighten our cargo a little and having regard to the special character of the question he has raised, may I suggest that we should immediately refer this matter to the First Committee?

The proposal of the Chairman was adopted.

M. COSTA DU RELS (Bolivia).—May I ask that, when the question is referred to the First Committee, the documents supplied to the Council may also be communicated to it?

Agreed.

The CHAIRMAN.—The Swedish delegate suggested that we might set up a sub-committee. The Norwegian delegate proposed that the officers of the Sixth Committee should study the composition and terms of reference of that sub-committee at a later meeting. This proposal, which is an amendment to the Swedish delegate's, is, I think, a wise one and, if the Committee agrees to it, I will ask it to stop there.

The proposal was adopted.

FOURTEENTH MEETING.

Held on Monday, September 24th, 1934, at 5 p.m.

Chairman : M. HOLSTI (Finland) (Vice-Chairman).

43. **Dispute between Bolivia and Paraguay: Appeal of the Bolivian Government under Article 15 of the Covenant: General Discussion** (continuation).

M. COSTA DU RELS (Bolivia).—I have the honour, by order of my Government, to make the following statement :

The Argentine delegation, having communicated to the Assembly the bases of mediation proposed by the Ministry for Foreign Affairs at Buenos Aires on July 12th last,¹ my Government has authorised me to communicate to the Assembly all documents calculated to inform the latter as to our attitude in regard to the Argentine proposal, of which I was at pains to inform the Secretariat in good time. The documents in question have been distributed (Annex VI). They comprise :

- (1) The Argentine proposals of July 12th, 1934 ;
- (2) The Bolivian reply to the Argentine mediation, dated July 26th ;
- (3) The modifications proposed by my Government ;
- (4) An explanatory memorandum ;
- (5) For information, the bases of another Argentine proposal for mediation, dated May 25th, 1934.

In regard to the proposal of July 12th, I have in the first place to say that, as no previous consultation had taken place between Buenos Aires and La Paz with regard to the bases of mediation, the Bolivian Government (which had not even accepted the proposal in principle) was compelled to safeguard its rights by stipulating for certain modifications which it regarded as essential. The Government of the United States of America and the Government of the United States of Brazil had associated themselves with the Argentine initiative. I am in a position to inform the Assembly that the United States of America and the United States of Brazil regarded the Bolivian amendments to the Argentine proposal as reasonable.

I have, in the second place, to state that my Government's acceptance of the negotiations proposed to it on July 12th, was based on the fact that there was still a certain interval of time which must elapse before the meeting of the Assembly, whose jurisdiction alone Bolivia recognises under present circumstances. My Government accordingly felt that it must not stand aloof from any negotiations capable of putting an end to the conflict. But it never at any moment considered that such negotiations could in any way delay, obstruct or interfere with the procedure on which it had embarked *vis-à-vis* the Assembly. My Government accordingly remains firmly attached to this view. It has brought the conflict before the Assembly. It is to the Assembly that it looks for a solution, whether by way of conciliation or by way of recommendations. In this connection, I listened with lively interest to the statements made by various delegates at last Wednesday's meeting, the standpoint of which is most clearly expressed in a passage of the Chaco Commission's report, which I take leave to recall :²

" It is essential that the system of interventions from many quarters should come to an end—that there should no longer be a doorway through which the parties can leave one procedure for another and experiment with a fresh formula when the negotiations take a turn unsatisfactory for them."

The Bolivian delegation cordially concurs.

In formulating this attitude, I am anxious to add at once that it is no part of our intentions in any way to fail to recognise the great value of the disinterested efforts which have been made by the American States with a view to a solution of the conflict. My Government earnestly hopes that those American States which are not Members of the League—their devotion to the cause of peace is known to all—will see their way to associate themselves, in whatever form may be acceptable to them, with the efforts now to be made by the Assembly with a view to the settlement, in an honourable and just manner, of this long-drawn-out conflict.

M. CABALLERO DE BEDOYA (Paraguay).—The Committee had before it a letter addressed to the Chairman of the Sixth Committee by the Vice-Chairman of the First Committee.³

I am not empowered to state that my Government's hesitations and scruples of a legal character are *ipso facto* dissipated, or to accept formally and officially the whole of the procedure under Article 15 of the Covenant. But my Government, anxious as it is that the Assembly should not break up without having reached concrete results with a view to the re-establishment of peace and the settlement of the dispute, is desirous of doing nothing that can interfere with the course of this procedure.

On the contrary, Paraguay herself invites the Assembly to take the initiative with a view to the effective and assured cessation of hostilities. I am instructed to state here and now that Paraguay agrees to the cessation of hostilities, provided it is accompanied by adequate

¹ See page 9.

² Document C.154.M.64.1934.VII, page 57.

³ See Annex IV.

measures of security for both parties, such as the demobilisation and reduction of effectives and armaments, as a means of rendering such cessation of hostilities definitive.

In advocating such measures, Paraguay, suffering as she does from a war she was unable to avoid and desiring to put an end to bloodshed as soon as possible, is anxious to respond to the vital preoccupation which finds expression at a number of different points in the legal opinion of the First Committee in regard to a prompt conclusion of the war.

While reserving the right to ask for enquiries into the responsibility for the war, Paraguay has no wish to lay herself open to the suspicion of seeking to complicate the task of the organ whose duty it is to decide on the dispute by opposing the cessation of hostilities.

We further note the legal opinion of the First Committee that the refusal of a cessation of hostilities by either of the parties cannot be regarded as an obstacle to the application of Article 15 on the ground that otherwise the application of Article 15 would be at the discretion of either party.

I should further like to recall, for information, that Paraguay, for her part, has already recognised unconditionally the binding competence of the Permanent Court of International Justice.

With regard to the statement which the Bolivian delegate has just made, I desire, for my part, to say that Paraguay has accepted unreservedly the plan proposed by the Argentine Republic, Brazil and the United States of America for the peaceful settlement of her dispute with Bolivia.

Bolivia has made her acceptance conditional on the previous cession to herself of a considerable portion of the Chaco territory, which, incidentally, has never at any time been effectively in her possession.

It is unnecessary to emphasise the importance and the effect of these two different attitudes in regard to the Chaco problem. Bolivia further makes the cessation of hostilities dependent on the drawing up of the arbitration agreement and on the constitutional ratification of the settlement of the question of substance. War is to continue until the latter has been ratified by the two Congresses concerned.

The Assembly no doubt appreciates where the difficulty now lies. Paraguay asks no more than the cessation of hostilities, together with safeguards making possible the continuance of negotiations under assured conditions with a view to a final settlement of the conflict, whether by conciliation or by arbitration.

M. CANTILLO (Argentine Republic).—I have already said more than once that my country has a clearly defined international tradition and that, while it is no doubt a young nation in comparison with the centuries-old countries of the Old World, it has maintained its devotion to the cause of peace and arbitration with unvarying firmness throughout the course of its history.

In the face of the frequently confused vicissitudes of the Chaco dispute, my Government and the Minister for Foreign Affairs, who are the representatives of the long-established tradition to which I have referred, have been continuously inspired by their sense of that tradition, and not a week has passed since the fighting in the Chaco without my Government making some new effort or taking some new initiative with a view to peace. It might have taken refuge in tranquil egoism. On the contrary, it was conscious of higher obligations, and it has fulfilled those obligations to the best of its ability.

Arbitration has always been our aim. We recommended arbitration and formulated proposals to that effect at the Conference of Mendoza in 1933, and we remained faithful to the idea of arbitration without qualification, in spite of the changes of attitude of the belligerents under the influence of military events.

It is this same thesis of submission to the Permanent Court of International Justice—whose ample competence is provided for in its own Statute—which constitutes the essential element of the programme of pacification I have had the honour to submit to the Assembly, with, as you know, the unreserved support of Brazil and the United States of America.

The record of our own territorial disputes entitles us to assert, as we do, our acceptance of the principle of arbitration, even in presence of the—no doubt intelligible—feeling to which patriotism gives rise on the part of the two belligerents. My Government takes the view that international life cannot make any progress, and peace cannot be ensured throughout the world, without respect for existing international legal authorities. A distinction must, of course, be made between voluntary submission to good offices and compulsory subordination to institutions whose statutes, once ratified, comport an obligation to honour the signatures appearing at the end of treaties, the inevitable basis of the international order. We conceive that no legal theory can invalidate this legal conception.

Accordingly, in the course of the long conflict in regard to the Chaco and the negotiations of the Commission of Neutrals at Washington, my Government throughout contended that it was impossible to go beyond the limit of good offices, and that it was essential to respect the undertakings of the League of Nations as an organisation disposing of a legal instrument ratified by the parties. It was in this spirit that the Argentine Ministry for Foreign Affairs, in presence of its inability to make an end of this war, conceived the draft Pact signed at Rio, the character and scope of which you know, embodying that noble and legitimate form of coercion without which peace cannot definitively be attained.

At the opening of the present Assembly, faced with the continuance of the conflict, we felt it our duty to put the matter into the hands of the League, since the Covenant is a legal instrument signed by both belligerents. We informed the Committee of what we had done in respect of the programme of pacification which I had the honour to communicate to the Assembly and which has received the invaluable approval of two great American countries.

Here is my Government's interpretation of Article 7 of the plan of pacification. If the two belligerents accept the plan, they will refer their dispute to the Permanent Court of International Justice, giving it all the powers arising under Article 36, particularly in connection with the provision enabling the Court to arrive at decisions, if necessary, *ex æquo et bono*.

Accordingly, all matters in dispute between Paraguay and Bolivia will come within the competence of the Permanent Court, especially as the latter determines its own competence.

I have refrained from alluding to the attitude of the belligerents in regard to this programme because, as M. Basdevant said, with all the weight attaching to his authority, it is for the parties to state their views under the Covenant itself, and also because our desire to be impartial is so eminently sincere that we do not wish to make any suggestion of the slightest kind which would be susceptible of interfering in one way or another with the free discussions of the Committee.

Whatever resolutions the Committee may adopt, my country, conscious of its legal obligations and desiring to fulfil them in their entirety, is no less conscious of its moral obligations to the two noble nations with which we have collaborated, in perfect unity of views and feelings, in favour of peace, recognising as we do the bonds by which we are united to the League of Nations, whose high and generous task, as I have stated more than once, we have so many reasons to promote.

M. RIVAS-VICUÑA (Chile).—The old problem of the Chaco has long caused uneasiness throughout the whole of America. All the American countries have assisted either directly or indirectly in the various attempts at a settlement, some of which have led to the conclusion of arbitration treaties or of protocols whereby the situation has for a time been eased.

As soon as the problem entered upon an acute stage, even greater activity was displayed in this respect and all the American countries made efforts—unfortunately without success—to prevent the outbreak of war. Even when the two sister nations were engaged in a sanguinary struggle, these countries continued their efforts for conciliation and peace.

Chile, who is a neighbour and friend of Bolivia and has always been a friend of Paraguay, has no interest whatever of her own in the subject of the dispute. She approached this problem from the lofty standpoint of peace, justice and the interests of humanity. In this spirit, she has co-operated in all the efforts made by the American nations both through the Pan-American Union—which is an association of equal members—and the Commission of Neutrals at Washington. She has acted jointly with the neighbouring countries; she was a party to the agreement of the nineteen American States in 1932; she took the initiative in proposing the Conference of Mendoza in 1933, and, in the last place, she has co-operated sincerely in the various attempts which the League of Nations has made to deal with the dispute. Actuated as she is by a spirit of justice, a keen desire for peace and a feeling of kinship with the parties at issue, she is always ready to afford the League unqualified support in attempts to reach a solution of the problem.

The choice of ways and means of reaching a solution raises a very important question, for, if action is taken in too many different quarters, the parties to a conflict are sometimes afforded an opportunity of evading one jurisdiction on the pretext of recourse to another authority, while in the meantime keeping their hands free for the prosecution of their military plans.

A brief recapitulation of the successive attempts hitherto made to deal with this problem will not be out of place.

First, the Pan-American Union set up a Commission of Neutrals consisting of representatives of the United States of America, Mexico, Cuba, Colombia and Uruguay, which made every effort to put an end to the conflict and asked for the co-operation of the neighbouring countries without succeeding, either alone or in co-operation with other bodies, in reaching the desired solution.

The neighbouring countries, the Argentine Republic, Brazil, Chile and Peru, thereupon agreed to act jointly and used their influence to the full for the same purpose, but with no better results. Nineteen American countries adopted a decision with which the Assembly is familiar.

The Argentine Republic, a neighbour State of both the belligerent countries and the nearest State to the theatre of operations, then made creditable and praiseworthy efforts to bring about a friendly settlement.

The Argentine Republic and Chile, who, from the very earliest days of their independence, have always been united by the closest ties of friendship, then joined in a conference at Mendoza, where they worked out and proposed a scheme of settlement which they asked the other neighbouring countries to support.

The Argentine Republic and Brazil, who are also neighbours of both the parties to the dispute, made a formal proposal for peace at Rio de Janeiro.

The League of Nations, which had taken cognisance of the dispute in accordance with the Covenant, sent out a Commission to the scene of the conflict under the presidency of the representative of a nation which, now that it has adopted the republican form of Government, has become one of ourselves, and which all the Latin-American nations continue to honour with the name of Motherland.

In the meantime, the Pan-American Conference at Montevideo was also dealing with the problem. In spite of the most earnest appeals for the restoration of peace, it barely succeeded in obtaining an armistice of a few days. America had thus exhausted all the resources at its disposal without achieving any results of importance.

The Council of the League of Nations then set up a Committee of Three, presided over by the representative of Mexico.

Thereafter, the official and authorised action of the League of Nations gave way to unofficial action, in the hope that an agreement would be reached between the parties. In the meanwhile, an attempt was being made to use the embargo as a means of compelling the belligerents to put an end to their operations.

We thus reach the present phase of the problem.

The Chaco dispute is no longer a bilateral problem. Primarily, no doubt, it is the concern of neighbouring countries, but it also concerns all the other peoples of the same race, and, indeed, the whole of America. From the humanitarian and general points of view, it is also the concern of every other State in the world and of the entire human race. The task of dealing with it thus devolves upon the League of Nations, even if we leave out of account the specific provisions of the Covenant under which it is obliged to take action and watch over the peace of the world.

Bolivia has recognised the jurisdiction of the League of Nations as defined in the Covenant; that jurisdiction has also been fully recognised by Paraguay, which has expressed misgiving—and we can appreciate her opinion—on only one point—namely, on the provision of the Covenant which it would be most appropriate to apply.

Our discussions of the last few days will make a memorable page in the annals of the League of Nations. Europe and the other continents have shared to the full the grief which fills the American continent at the sight of two of its peoples plunged into strife and bloodshed. The universality of the League of Nations has acquired a fuller significance that may well save mankind from misfortune and distress. The bonds of union have been just as much in evidence in the First Committee in dealing with questions of law as when the Sixth Committee has voiced the general desire for peace. Public opinion must have derived full satisfaction from these facts.

As an American, my heart has been filled with gratitude for this co-operation, and I have experienced the joy of beholding the dawn of a lasting peace in a part of the world in which we rightly regard ourselves as brothers and equals.

While anxious that praise should not be withheld from any of the speakers who have taken part in the memorable meetings of this Committee, I hope I may be permitted to pay a special tribute to the speech of M. Motta. While listening to his remarks, I called to mind the valuable services which Switzerland has rendered to Latin America. I am not alluding to the example which we have found in her admirable democratic organisation, but to the tangible benefits we have derived from her experience and spirit of justice. I could cite numerous examples of this; but I shall merely point out that Chile, a country which has more frequently had recourse to arbitration than any other nation, has on many occasions chosen as arbitrators the Federal Council or the Federal Court at Lausanne, or Switzerland's representatives abroad, and they have always given satisfaction to the parties, thanks to the lofty principles on which their judgments were based. Switzerland has, for example, been instrumental in putting an end, amongst other American differences, to the frontier dispute between Venezuela and Colombia, thus demonstrating the value of European co-operation in the solution of American problems.

To return to the question of the Chaco. What is the position at the present day? On the one hand, the matter has been duly brought before the League of Nations and public opinion considers that the time has come to apply Article 15 of the Covenant. On the other hand, the League of Nations is aware of the efforts at mediation which are being made by three great American nations. One of these, the Argentine Republic, is a Member of the League. The second, Brazil, would be fulfilling our dearest hopes if she resumed her place amongst us. Lastly, there is the United States of America, which we should all like to see occupying the place reserved for that country under the Covenant itself. It is only just that a tribute should be paid to the assistance which these two non-member States have given to the League of Nations, thus rendering invaluable service to the cause of humanity. In a problem like that of the Chaco, which is also of deep concern to the whole of America, such co-operation on the part of two great nations would be *a fortiori* infinitely desirable, and I feel convinced that you will all join me in voicing the earnest wish that a peaceful settlement may be reached, irrespective of the means by which this is achieved.

It should be recognised, however, that the voluntary and generous action of three great nations cannot put a stop to the measures which the League should continue to take with a view to bringing the armed conflict to an end. While I should like once again to pay a tribute to their action, I consider that further mediation cannot be allowed to postpone any longer the execution of the obligations devolving upon us under the Covenant. Otherwise, the League would be faced with a grave responsibility in regard to the course of the lamentable events which are taking place in the Chaco. Of that responsibility posterity would be the judge, but the public opinion of to-day would be sadly disillusioned about the efficacy of the League's action.

It will be for the Assembly itself and the committee which is to be set up with a view to the application of Article 15 to judge of this effort at conciliation and to decide whether the problem can be solved by this means.

The idea of delegating to mediators the functions entrusted to the League can only be contemplated by ignoring the real nature of the problem which, as I have already stated,

affects America and the world as a whole. This problem calls for universal co-operation of which the League is the essential instrument, and this co-operation should be reflected in all the bodies which it selects to deal with it, as it is reflected in all the organs responsible for carrying out the provisions of the Covenant. However, while the restricted delegation of the League's powers should be rejected, it would, on the other hand, be extremely useful to obtain the co-operation of the three countries mentioned above and the benefit of their experience, knowledge and common desire for the restoration of peace.

In my opinion, this procedure can and must be applied. The League should be the organ to which the application of Article 15 of the Covenant should be immediately entrusted. Precedents already exist in the matter, such as the Committee of Nineteen set up to deal with the Sino-Japanese conflict, and those precedents can be followed with positive advantage to the success of our action. The body in question should make every effort to bring about conciliation, notably by the application of the procedures laid down in the Covenant, with a view to the amicable settlement of the conflict. Should those efforts be unsuccessful, this body should have recourse to all the resources of the vast legal edifice of the Covenant and to the agreements concluded by States to secure the peace of the world.

In presence of the horrors of the war, international morality and love of mankind require us to combine all our efforts in order to impose peace by reason or by force. All the steps taken, without any exception, should be directed to this end, because we recognise that, in view of the underlying fellowship which binds nations in the same way as individuals, an evil which afflicts one afflicts all, and all should be prepared without any hesitation and with a firm heart to co-operate in the noble task which we are jointly fulfilling.

M. COSTA DU RELS (Bolivia).—I have no intention of entering into an argument with the delegate of Paraguay, as I think that the time for arguments is past. Each one has his own point of view, and the Committee will decide what is the best solution. But I am anxious that the Committee should not be under any misapprehension. The delegate of Paraguay, on behalf of his Government, has made certain declarations regarding the possibilities of a settlement. I should like to ask him, through the Chairman, whether the bases he has just submitted replace the bases submitted by the Paraguayan Government on September 6th, because they are appreciably different.

M. MIRÓ QUESADA (Peru).—Throughout the Chaco conflict, Peru has repeatedly expressed her desire to help to bring about a peaceful and just solution of the struggle which is causing so much bloodshed among two peoples with which she is closely connected by fraternal ties. Peru is always prepared to co-operate in this noble aim if her co-operation is considered necessary. My country's delegation accordingly associates itself entirely with the observations made by the Argentinian and Chilian delegations.

As regards the question of the prohibition of the export and transit of arms intended for the two belligerents, referred to in the First Committee's proposal, the Peruvian delegation has already, during the discussion of the proposal, expressed its country's sincere desire, on this as on all occasions, to do its duty as a Member of the League, with due regard for existing treaties.

We therefore accept the First Committee's proposal to set up a special committee to examine the substance of the dispute. We are convinced that this is the best method of studying closely the decisions to be adopted. Those decisions, which will thus be in accordance with the spirit and the letter of the Covenant, will assume an obligatory and general character which will make them completely effective.

M. CABALLERO DE BEDOYA (Paraguay).—In the present circumstances, I fail to understand the purport of the remarks made by the Bolivian delegate. To assert that there is any contradiction between the statement I have just made on behalf of my Government and its previous proposals is to distort my views.

The CHAIRMAN.—The letter from the Vice-Chairman of the First Committee containing that Committee's opinion as to the applicability in its entirety of Article 15 of the Covenant has been distributed to you (Annex IV).

I have also received from the Chairman of the First Committee the opinion of that Committee regarding the prohibition of the despatch of arms and war material to Bolivia and Paraguay. The text will be communicated to you without delay (Annex V).

The officers of the Committee will make a proposal at the earliest possible moment regarding the action which the Sixth Committee may propose to the Assembly in this matter.

SEVENTEENTH MEETING.

Held on Wednesday, September 26th, 1934, at 6 p.m.

Chairman : M. DE MADARIAGA (Spain).

53. **Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Adoption of the Draft Resolutions proposed by the Bureau.**

The CHAIRMAN.—I submit herewith the draft resolution proposed by the Bureau of the Committee and desire to give the following explanations with regard to Section III :

The Bureau has sought to propose a well-balanced committee including all the elements necessary for success in so difficult a case. If the Sixth Committee approves these proposals, the Bolivia-Paraguay Committee will include :

(a) The Members of the Council ;

(b) The Members of the League of Nations who, as participants in the work of the Washington Commission of Neutrals or as neighbours to the parties to the case, have acquired experience in this matter.

Thus the Committee will include, *inter alia*, the States of the A.B.C.P.—that is to say, the four great neighbours of the two parties.

Moreover, the Bureau proposes to add to this Committee four other Members, so that it may also include a great Asiatic State, another American member, and finally two European States.

The Committee might, if it so desires, propose that the Assembly should elect these members. If that is the Committee's wish, the Bureau will not raise any objection. The Bureau would, however, prefer the Committee to adopt a more rapid procedure and itself propose the four countries to which paragraph (c) relates.

M. CASTILLO NAJERA (Mexico).—I support the Chairman's proposal that we should forthwith designate the four members of the Committee who are to be elected by the Assembly. On behalf of the group of Latin-American States here represented, I propose that the American State to be nominated be Venezuela.

The CHAIRMAN.—If the Committee agrees to propose the four members to which Section III, paragraph (c), relates, and if it adopts the draft resolution proposed by the Bureau, the following paragraph should be added :

“ The Sixth Committee recommends to the Assembly to select as Members of the Committee : China, Irish Free State, Sweden and Venezuela.”

*The draft resolutions, with this addition, were adopted unanimously.*¹

M. CANTILLO (Argentine Republic).—In Section III of the resolution it is said that the Committee to be set up under Article 15 “ may secure such assistance as it may consider necessary ”.

As delegate of a country which, with the assistance of the United States of America and Brazil, has recently been endeavouring to bring about a peaceful settlement of the dispute, I wish to express forthwith the hope that these two great American countries, which have so sincerely co-operated with the Argentine Republic in the cause of peace, may be invited to lend their valuable aid to the League now that this dispute is in the hands of the League.

M. RIVAS-VICUÑA (Chile).—I wish first to congratulate the Bureau on the wise way in which it has prepared this resolution.

I would remind the Committee that, when I spoke on this subject,² I said it was absolutely necessary to obtain the assistance of the United States of America and of Brazil. In Section III, paragraph (b), we note that the Committee is to comprise “ those Members of the League which, not being at present Members of the Council, have taken part in the attempts previously made in America, as members of the Washington Committee of Neutrals ”—this covers the case of the United States—“ or as States bordering upon the parties to the dispute ”—which covers the case of Brazil.

Furthermore, it is said that the Committee “ may secure such assistance as it may consider necessary ”.

¹ For the final text of the resolutions, see page 88.

² See page 81.

These two passages in the resolution obviously refer to the co-operation of the United States of America and Brazil. I entirely endorse the views expressed by my colleague from the Argentine Republic.

I am sure that this support will be granted, because the United States of America and Brazil have never failed to collaborate in any problem affecting America and have, moreover, always afforded the necessary aid to the League in all questions of a humanitarian character. The Chaco problem comes within both of these categories.

M. COSTA DU RELS (Bolivia).—I wish first to confirm the last paragraph of the statement I made the day before yesterday,¹ and I very cordially support the wish expressed by the delegates of the Argentine Republic and Chile. Bolivia is firmly convinced that peace cannot be established in the Chaco without the assistance of these two great American countries.

M. PARRA-PÉREZ (Venezuela).—I warmly and fully associate myself with the suggestions made by the delegates of the Argentine Republic and Chile concerning the collaboration, which we hold to be most valuable and even indispensable, of the United States of America and of Brazil. At the same time, I wish to thank the Committee, on behalf of my country, for the honour it has done us in inviting Venezuela to become a member of the Committee. Venezuela will endeavour to take a most active part in the settlement of this conflict, which she ardently desires to see brought to an end.

M. CABALLERO DE BEDOYA (Paraguay).—I wish to associate myself with the remarks made by previous speakers and to reassert my own conviction that no useful result can be achieved without the indispensable co-operation of the United States of America and Brazil.

The CHAIRMAN.—The Bureau, and in particular the Chairman, entirely agree with the hope expressed by so many delegations that Brazil and the United States of America will collaborate.

54. Dispute between Bolivia and Paraguay: Appeal of the Bolivian Government under Article 15 of the Covenant: Appointment of a Rapporteur to the Assembly.

On the proposal of M. BASDEVANT (France), M. DE MADARIAGA, Chairman of the Committee, *was appointed Rapporteur to the Assembly for this question.*

In view of the importance of this question, *the Committee decided, on the proposal of the CHAIRMAN, not to apply the simplified procedure laid down in the Assembly resolution of October 11th, 1933.*

55. Close of the Session.

After the usual expressions of thanks, the CHAIRMAN declared the session closed.

¹ See page 80.

**E. EXTRACT FROM THE RECORDS OF THE PLENARY MEETINGS
OF THE FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY.**

THIRTEENTH MEETING.

Held on Thursday, September 27th, 1934, at 5.30 p.m.

President : M. SANDLER (Sweden).

58. **Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Resolutions submitted by the Sixth Committee.**

The PRESIDENT.—*Translation.* The next item on the agenda is the examination of the resolutions submitted by the Sixth Committee to the Assembly on the dispute between Bolivia and Paraguay (document A.58.1934.VII, Annex 19).

(On the invitation of the President, M. de Madariaga, Chairman and Rapporteur of the Sixth Committee, took his place on the platform.)

The PRESIDENT.—*Translation.* M. de Madariaga, Rapporteur, will address the Assembly.

M. DE MADARIAGA (Spain), Rapporteur.—*Translation.* Permit me to analyse briefly the resolution which the Sixth Committee proposes to you for adoption.¹ I should like to call attention to six points.

The first point is that we have desired to propose that you should, in the first place, affirm the competence of the Assembly, which was questioned by the Paraguayan delegate. On this subject there is no room for further doubt after the report submitted to us by your First Committee.²

I would also draw your attention to the second paragraph of the second resolution :

“ And whereas, in particular, the endeavour made in the interests of peace, prior to the meeting of the Assembly, by the Government of the Argentine Republic, with the support of the Governments of the United States of America and the United States of Brazil, has revealed the difficulties which still stand in the way of a settlement by conciliation.”

You are all aware of this noble endeavour. It was made in common by the three great Governments of the American continent and directed by a statesman who has repeatedly evinced the interest he feels in international peace, in particular by proposing to that continent and to the world at large the adoption of a new pact. M. Saavedra Lamas is to be congratulated on his untiring efforts to reach a conclusion. We have simply noted that these constant efforts, with the co-operation of two States which are both powerful and directly interested—Brazil and the United States of America — merely serve to illustrate still further the difficulties inherent in the problem we have to solve here.

I also draw your attention to the composition which we propose for the Committee. We think that, since Article 15 requires a majority of the Assembly, which must include the unanimity of the Members of the Council, it would be wise to follow the procedure we have already adopted for the dispute between China and Japan and to include all the Members of the Council in the Committee. We propose that you should add the four Members of the Assembly who have taken part in the difficulties of conciliation from the outset, since they are also members of the Conciliation Commission of Washington. Lastly, we have proposed, out of a desire for equilibrium to which I will not advert further, to add four countries whose names are given by the Sixth Committee on the proposal of the General Committee of the Assembly.

I would also draw your attention to the last sentence of the paragraph following the enumeration of the members to which I have just referred :

“ It (the Committee) may secure such assistance as it may consider necessary.”

The Sixth Committee, in a remarkable series of speeches, was at pains to make the purpose of this sentence clear. You will all be aware of it. It is to voice in the resolution the earnest desire of us all for the participation in our work of the two great American States which have co-operated with M. Saavedra Lamas in the former efforts, and without which we think our task would be much more difficult. Out of a feeling of elementary discretion, we did not think we should go further than the sentence I have just read ; but, as many speakers have given the Sixth Committee to understand, that is the meaning to be attached to the sentence. I do

¹ See page 88.

² See Annex IV.

not think it necessary to urge the interest which we all feel—and which I, as Rapporteur and Chairman of the Committee and as delegate of Spain, wish to emphasise—in securing this co-operation.

There are, finally, two paragraphs to which I should like briefly to refer. The first of these speaks of the settlement of the dispute under Article 15, paragraph 4, while at the same time leaving the door open for conciliation, which is still possible and which we earnestly hope may actually be effected before the Assembly comes to a decision under paragraph 4.

This dispute has lasted so many years that we consider no useful purpose can be served by expressly prescribing a period of conciliation. We simply provide that the Committee's activities shall be directly governed by paragraph 4, but that the possibility of conciliation shall not be overlooked. This paragraph of the resolution, however, must be read in conjunction with that dealing with the situation arising when the Committee submits its report under paragraph 4 of Article 15, and when consideration will have to be given to the possible consequence of solutions entailing the enforcement of the prohibition to supply arms and war material, to which a large number of Governments have pledged themselves. As you are aware, certain Governments had already adopted such measures in virtue of their own sovereign rights, being moved to do so mainly in view of the very great moral and legal difficulty in determining the proper attitude to adopt towards their exports of arms, and it is a difficulty that must be experienced by every Member of the League conscious of its moral and legal duties when two other Members are engaged in warfare.

That brings me to the end of this brief analysis. I hope that the Chairman and Rapporteur of the Sixth Committee may now be permitted to speak in his other capacity as Spanish delegate, and tell you that Spain regards this distressing dispute as a matter of quite special concern ; for it is a conflict between two nations of her own stock and her own civilisation, as whose motherland she has sometimes the joy to be hailed. The conflict therefore causes her the deepest distress—a two-sided distress. In this fratricidal strife, neither of the warring nations feels any great concern at the wounds it inflicts on the other, enmity having all but closed the eyes of each to the suffering of the other. But in the hearts of my own countrymen, the sufferings of both are felt twofold.

There is yet another reason why I must emphasise the importance which Spain attaches to this conflict. It is that, unfortunately, it has its origin in uncertainties, difficulties and complications arising out of texts going back to our own colonial era. It is particularly tragic for Spain to see two nations of her own stock come before the forum of the League and base their claims and counterclaims on documents dating from the days of Spain's colonial empire.

It is our earnest hope that the present conflict will soon be brought to an end, and that we shall soon be able to put it out of our minds as one of the most terrible nightmares in our history. I need hardly say that Spain does not approach the solution of this problem in any self-seeking spirit of ambition. What ambition could she have other than that this terrible outbreak, which she regards as a Spanish-American civil war, should be terminated ?

It may perhaps be true to say that Spain's concern for peace goes deeper than that of the other nations because it is older historically. Spain, indeed, is an imperial nation which has completed her full cycle and whose love of peace goes hand in hand with wisdom and renunciation. It is on account of that wisdom and that renunciation that I feel it my duty to remind you that Spain approaches the study of this problem in a spirit absolutely devoid of national ambition and, I should perhaps add, absolutely devoid of personal ambition. For at a time when the primary, the only task must be to put an end to the bloodshed in America, any man whose conduct here were tinged by the least shade of personal ambition would be a criminal unworthy to address you.

The conflict has been stubborn and protracted. Do not forget that both peoples are proud and brave, and that one of them has gone down to history for the miracle of having waged a war until its male population was completely and finally exterminated. Paraguay emerged from that catastrophe only to plunge into yet another, the Chaco war, from which I hope we shall still be able to save her. This stubbornness in conflict, this certainty that each has right upon its side, this courage, this obstinacy in seeking settlement in war has led the two countries to confront you with a case for which no provision exists in the Covenant. Here are two Members of the League of Nations actively engaged in war, and, moreover, as one of them has maintained in the Council, in a war which has been legally recognised ; and to-day they stand before you in virtue of Article 15 of the Covenant.

The legal complications arising out of this situation have given our legal experts in the First Committee much food for thought ; yet they can only be regarded as mere side issues of the momentous problem we have to solve. Our main concern must be the problem of the blood which is being shed, the problem of justice and peace ; and my reference to this aspect of the dispute is intended merely as an instance of the many complications to which it has given rise.

The unyielding spirit of the disputants has already led to a great many attempts at mediation which I need not enumerate, as you are already familiar with them. I think, however, that they call for three observations.

The first, which has already been made here and elsewhere, is that if—and I should hardly make so bold as to deny it—there exist obscure forces which stand to gain by the continuation of the war, they must from time to time have derived unexpected though valuable assistance from the multiplicity of those voluntary agencies which earnestly and patiently have, on several occasions, striven to achieve a result. That must stop.

We must concentrate our efforts here, for reasons of which you are all aware and to which I shall presently advert. But we must recognise here and now that, if our aim is to achieve a lasting peace, such multiplicity of agencies does more harm than good.

My second observation is closely related to the first. It is profoundly unjust that the League of Nations should be accused of being slow. Anyone who examines the documents relating to the Chaco case with a fair and open mind will be compelled to admit that, whenever the League of Nations has dealt with the case, proceedings have been marked by greater vigour and despatch. It has approached more quickly towards realities, and action has been prompter. If delays there have been, if this dispute has lasted for years, it is because the League's procedure has been held up either by its own self-effacement in the pursuit of its own ends or by the action of the two belligerents, on one occasion in particular, in having recourse, athwart the action of the League, to other methods which, if they did not exactly compete with it, duplicated and undoubtedly hampered its work.

These facts must be made clear, because the League's failure would be much less pronounced than is thought if its rules were strictly applied.

Yet who would venture to complain of efforts at mediation? Are they not a proof, from whatever quarter they come, of the existence of that Geneva spirit, without which no progress can ever again be made along the road to peace? Let us rather find cause for congratulation in the fact that the Geneva spirit is everywhere at work. We must not be jealous of the activities of others, provided they do not detract from the efficacy of the work of peace.

Ultimately, however, this dispute must come back to Geneva; for, I repeat, we alone are under a legal obligation to settle it.

Moreover, while the Geneva spirit is commendable and valuable at all places and at all times, it is most commendable and valuable in this city of Geneva whose name it bears. If I may be allowed to give free rein to my fancy, I would tell you that I sometimes think the Geneva spirit owes much of its inspiration to the beautiful lake on whose shores our discussions are held.

A broad expanse of water in the midst of the landscape has two great virtues, two virtues closely akin to those we are seeking. Side by side with the broken line and manifold hues of the shore, the colour of the lake itself is pure, clear and luminous—a reflection of the sky itself. Its line is unwavering as the horizontal line that is symbolic of Justice—pure even when man-made if it reflects the Justice of Heaven—and also that other undeviating horizontal that is symbolic of Peace.

When the lake is ruffled, the line of peace is broken; and we all know—if you will allow me this digression—that when a high wind blows from the north, the lake loses its serenity, its line is broken, its colour darkens, and on its surface appear foam-flecks strangely resembling the foam-flecks of rage. But that passes. Light and brightness return, and in the bowl of the lake we see the reflection of mountain-tops, both white and blue, and, no less serene, of mountains whose summits glow with the red of strange new dawns.

Geneva fills us with the spirit of peace. It allows us to hope that the great countries for whose co-operation we have appealed will come and join their efforts to ours. It reminds us that, distant in space but near to our hearts, two sister nations are at war, their lifeblood ebbing away. We have their goodwill to add to our own. We have our legal obligation and the spirit of Geneva to inspire us. I believe that we can go forward with the task we have to perform, in the hope that soon both those countries, for ever reconciled, will see extended above their heads the wings of the twin spirits of Justice and Peace.

The PRESIDENT.—*Translation.* I now open the discussion on the resolutions submitted by the Sixth Committee. M. Caballero de Bedoya, first delegate of Paraguay, will address the Assembly.

M. CABALLERO DE BEDOYA (Paraguay).—*Translation.* I have noted the resolutions proposed by the Sixth Committee to the Assembly. I will hasten to transmit them to my Government and will await its instructions.

I must confess that some, including ourselves, had hoped that the Assembly, before separating, would itself endeavour to put an end to the bloodshed between Bolivians and Paraguayans, if only as a preface to its pacific intervention.

In any case, we hope that, in order to create a calmer atmosphere favourable to its conciliatory mission, the Committee which the Assembly is about to appoint will, at the outset of its work, call upon the parties to cease hostilities.

The PRESIDENT.—*Translation.* If there are no observations, I shall declare that the Assembly adopts the resolutions submitted to it by the Sixth Committee.

The resolutions were adopted.

The PRESIDENT.—*Translation.* In the third resolution before the Assembly, relating to the establishment of a Committee, it is stated that four members are to be appointed by the Assembly. The Sixth Committee has recommended the Assembly to select as members of this Committee: China, the Irish Free State, Sweden and Venezuela.

If there are no observations, and if no vote is requested, I shall interpret the silence of the Assembly as signifying that it adopts the Sixth Committee's suggestion and, therefore, that it appoints the four States which I have mentioned as members of the Committee in addition to the other members mentioned in the Sixth Committee's resolution.

The Committee was constituted in accordance with the Sixth Committee's proposal.

.....

F. RESOLUTIONS ADOPTED BY THE ASSEMBLY ON SEPTEMBER 27TH, 1934, ON THE PROPOSAL OF THE SIXTH COMMITTEE.

A.58.1934.VII.

I. In consideration of the request made by the Bolivian Government on May 31st, 1934, for the application to the dispute of the procedure provided by Article 15 of the Covenant of the League ;

In consideration of the request made by the Bolivian Government on June 9th, 1934, that the dispute be referred to the Assembly in accordance with Article 15, paragraph 9, of the Covenant, and the Council's decision of September 7th, 1934 ;

In consideration of the opinion of its First Committee dated September 22nd, 1934, on the question of the full application of Article 15 of the Covenant, which was raised by the delegate of Paraguay :

The Assembly declares that the dispute between Bolivia and Paraguay has been duly referred to it, and that it is obliged to follow the procedure provided in Article 15 of the Covenant.

II. Whereas hostilities have been proceeding in the Chaco for more than two years, and all the efforts that have been made to secure the cessation of hostilities and the pacific settlement of the dispute have so far proved ineffectual ;

And whereas, in particular, the endeavour made in the interests of peace, prior to the meeting of the Assembly, by the Government of the Argentine Republic, with the support of the Governments of the United States of America and the United States of Brazil, has revealed the difficulties which still stand in the way of a settlement by conciliation :

The Assembly considers that, while endeavouring to secure a settlement of the dispute by the procedure of conciliation provided for in Article 15, paragraph 3, of the Covenant, it should forthwith take steps to prepare the report contemplated in paragraph 4 of the same article, on the understanding that the conciliation procedure remains open until such time as the said report shall have been adopted.

III. The Assembly hereby decides to establish a Committee comprising :

(a) The Members of the Council ;

(b) Those Members of the League which, not being at present Members of the Council, have taken part in the attempts previously made in America, as members of the Washington Committee of Neutrals or as States bordering upon the parties to the dispute—that is to say, Colombia, Cuba, Peru and Uruguay ;

(c) Four other Members to be selected by the Assembly.

The Committee will be formed without delay. It will settle its own procedure with a view to discharging its duty as effectively and speedily as possible. It may secure such assistance as it may consider necessary.

Should it succeed in bringing about the settlement of the dispute by applying Article 15, paragraph 3, of the Covenant, the Committee will make public, on behalf of the Assembly, a statement giving facts and explanations regarding the dispute and the terms of settlement thereof.

Should it prove impossible to settle the dispute, the Committee will submit to the Assembly the draft report contemplated in Article 15, paragraph 4, of the Covenant, containing a statement of the facts of the dispute and the recommendations concerning the cessation of hostilities, the settlement of the dispute, and any consequences arising out of those recommendations in regard to the application of the prohibition to supply arms and war material, to which numerous Governments have subscribed, in some cases " subject to any further recommendation by the Council or the Assembly ".

In accordance with Rule 1, paragraph 2, of its Rules of Procedure, the Assembly will meet in extraordinary session at the request of the Committee hereby set up.

The Sixth Committee recommends to the Assembly to select as Members of the Committee : China, the Irish Free State, Sweden and Venezeula.

G. ANNEXES.

Series of Publications: 1934.VII.9.

Official No.: A.22.1934.VII.

I. STATEMENT OF THE BOLIVIAN GOVERNMENT'S CASE COMMUNICATED IN VIRTUE OF ARTICLE 15, PARAGRAPH 2, OF THE COVENANT.

[Translation.]

Geneva, September 4th, 1934.

To the Secretary-General of the League of Nations.

In virtue of paragraph 2 of Article 15 of the Covenant, I have the honour to send you herewith, for transmission to the President of the Assembly, the Memorandum and Annexes¹ submitted by my Government, in which it sets forth its view of the dispute with Paraguay.

These documents should be examined in conjunction with all the verbal and written statements which the Bolivian delegation has had the honour to submit to the League of Nations for its consideration since the beginning of the conflict.

(Signed) A. COSTA DU REIS.

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In appealing to Article 15 of the Covenant, Bolivia, which deeply deplores the prolongation of the Chaco conflict, has no other aim in view than to obtain a final settlement of the dispute which will firmly establish peace on a just basis.

In order to explain our point of view, it is first of all necessary to mention our titles to the disputed territory. In this respect, we are merely applying the well-known principle of American law—the *uti possidetis juris* of 1810. With certain exceptions expressly agreed to, the boundaries of the Republics emancipated from Spain are the same as those of the Spanish administrative divisions of which those Republics were the successors. The first part of our statement will be devoted to a survey of those titles—that is to say, the various official acts emanating from the Spanish Crown. In this connection, it should be mentioned that the relevance of such an argument is confirmed by the Pan-American doctrine laid down on August 3rd, 1932, which affirms the sovereignty of law by proclaiming that the States of this hemisphere will not recognise the validity of territorial acquisitions obtained by occupation or conquest.

However, attempts have been made to deny Bolivia's right by pointing to a certain *de facto* situation. We shall show in the second part of our statement that, while Paraguay, particularly during recent years, has made repeated attempts to usurp territory, Bolivia has not only consistently protested against and opposed those attempts, but for more than a century has given material proof of her possession, in spite of all the obstacles placed in the way of her activities by natural conditions. She has by no means allowed her rights to be barred by prescription.

Nevertheless, in a spirit of conciliation, she has repeatedly endeavoured to settle the question of the boundaries of her territory by pacific means. In the third part of this memorandum, we shall examine the diplomatic negotiations which have been conducted with Paraguay for three-quarters of a century; it will then be seen that the concessions made by Bolivia have merely led to new claims on the part of Paraguay.

Lastly, we shall conclude this statement by briefly recalling the various phases of the present conflict. The attack on Fort Vanguardia by Paraguay in December 1928 marks the beginning of an era of violence, and we shall show that since that time the attitude of Paraguay—her military preparations and repeated acts of aggression—has compelled Bolivia to resist by force a policy tending to create a *de facto* situation contrary to her indisputable rights.

¹ The Annexes, consisting of thirteen maps, are kept in the archives of the Secretariat.

I. BOLIVIA'S LEGAL TITLES TO THE DISPUTED TERRITORY.

The first question which arises on approaching this subject is that of the extent of the territory in dispute.

Paraguay to-day persists in maintaining that the Chaco is a geographical unit with natural limits and that, consequently, she cannot agree to a preliminary delimitation of the area to be submitted to arbitration (letter from the delegate of Paraguay, June 6th, 1933). This contention is erroneous. Paraguay has invented it for the special purpose of explaining her latest claims and it is in complete disagreement with the view upheld by her own Governments for more than half a century.

This extension of Paraguay's claims to meet the recent requirements of her case is expressly recognised in the report of the Chaco Commission (pages 12 and 13).

The Commission, after stating Paraguay's traditional claims, shows how they have twice been extended, in about 1929 and in 1933—that is to say, in the course of the present dispute.

This point must be explained in detail.

Paraguay's original aspirations were relatively modest. They did not embrace, as they are now made to do, the whole of the Upper Peruvian basin which is a dependence of the Río de la Plata, but were confined to the region south of Bahía Negra and north of the main arm of the Pilcomayo.

This view is supported by abundant official evidence.

1. Article 4 of the Irigoyen-Machain Treaty of February 3rd, 1876, provides as follows:

“ The territory lying *between the main arm of the Pilcomayo and Bahía Negra* shall be deemed to be divided into two parts, the first being that between Bahía Negra and the Río Verde, which, according to Mouchez's map, is situated in latitude 23° 10' S., and the second consisting of the territory between the aforesaid Río Verde and the main arm of the Pilcomayo, Villa Occidental being included in this part.

“ The Argentine Government finally waives all claim or right to the former part.

“ The question of the ownership of or right over the second part, including Villa Occidental, shall be submitted for final settlement by an arbitral award.”

It is scarcely necessary to recall that, in an additional Protocol which bears the same date as the Treaty, Bolivia's rights, even over these territories, were spontaneously safeguarded.

On that occasion, Paraguay and the Argentine declared as follows:

“ The contracting parties agree to reserve any rights which the Republic of Bolivia may assert regarding any of the territories discussed in the course of the present negotiations.”

2. The Paraguayan Law of May 13th, 1879, defined the Chaco in the following terms:

“ The national territory of the Chaco, *which is comprised between the River Pilcomayo and Bahía Negra*, shall be known as the Western Department and shall be administered by a military and political commander. . . .”

3. In 1879, when discussing with Quijarro the bases of the treaty of that year, Cándido Barreiro, President of Paraguay, defined as follows the northern limit of the territory in dispute:

“ The Paraguayans, who are keenly desirous of a *rapprochement* with Bolivia, would readily agree to a decision whereby the question of *the whole of the territory in dispute from the River Pilcomayo to Bahía Negra* would be submitted to arbitration.”

4. The Supreme Decree of January 2nd, 1888, issued at Asunción by President Escóbar, provided as follows:

“ The jurisdiction of the military and political subdivision of Villa Hayes shall include the territory situated between the River Pilcomayo and the line of latitude passing before Villa San Salvador; that of Fuerte Olimpo, *from the latter point as far as Bahía Negra*. . . .”

5. The whole of the discussions which preceded the three Boundary Agreements previously concluded between Bolivia and Paraguay dealt invariably with the territory extending south of Bahía Negra. These facts constitute a kind of quasi contract and clearly show which part of the Chaco is in dispute.

6. In accordance with all the antecedents of the dispute and without suspecting that the Paraguayan claims would later be unduly extended, the Plenipotentiary Benítez placed on record in 1894 the following solemn declaration on behalf of his Government:

“ Paraguay does not claim and has never claimed possession of the whole of the Chaco, which is an enormous territory, but the northern part of the River Bermejo, and now from the Pilcomayo to Bahía Negra.”

7. Lastly, we must quote, on account of its special importance, the opinion of M. Eusebio Ayala, the present President of Paraguay. At a farewell banquet given to him by various bodies in Asunción on the occasion of his voyage to Europe, he delivered an address in February 1931, in the course of which he defined the Chaco in the following terms:

“ The documents we possess establish two points: (1) *the Chaco Boreal extends from Bahía Negra to the Pilcomayo*, and (2) this part of the Chaco is indisputably Paraguayan.” (*La Industria*, Asunción, February 22nd, 1931.)

But, in spite of this very frank declaration, President Ayala is to-day claiming to assign to the Chaco such artificial limits as the Otuquis and Parapeti rivers. An unscrupulous attempt is being made to abandon the view officially upheld in Paraguay for more than half a century, in order to extend the dispute thus late in the day to Bolivian territories which have hitherto never been in dispute, on the pretext that the Chaco is a territory with natural boundaries.

The magnitude of this belated claim will readily be understood if we remember that it embraces a territory twice as extensive as Paraguay proper, so, that being the case, we are obliged to indicate precisely the area, not of the Chaco in general, but of that part of the Chaco which is in dispute.

All those who are anxious for the restoration of peace in America will realise how unreasonable it would be to settle the present territorial dispute regardless of the limits assigned to it by precedent.

* * *

Bolivia's right to the Chaco Boreal is based on legal acts emanating direct from the Spanish Crown and kept in the archives of Seville. These will be quoted below in a literal translation of their official text.

A natural commentary on the Royal Cédulas is to be found in the reports of colonial officials, which we shall also quote, and in certain cartographical documents, also official, which we attach to the present statement.

We shall follow the chronological order, which is essential in the circumstances; but for the purpose of making the facts clearer we must begin with a brief account of the principle on which Bolivia's right is based. Bolivia is the heir of the Royal Audiencia of Charcas, the capital of which has become the legal capital of Bolivia and whose powers extended over the region situated between the River Paraguay and the River Pilcomayo.

As will be seen from the documents quoted below, the Royal Audiencia was not, as is sometimes claimed, a mere court of appeal; it was, in the full sense of the term, a political area, the officials of which were vested with the most diverse powers. As the distinguished Argentinian historian, Enrique Guíñazu, said: “ The Audiencias formed the framework of the nations which subsequently came into being in Spanish America ”.

Undoubtedly, the field of action of the Audiencia was to some extent undefined. But that was in point of fact attributable to its lofty character. As the same author says, the Audiencia was essentially “ the King's mandatory in the Indies ”. Thus the Audiencia of Charcas sent expeditions against the Portuguese (in 1765 for example), founded towns, defined civil and religious powers, watched over missions, set up military governments and supervised and punished officials.

The origins of the Audiencia of Charcas are explained below. It will also be seen how Paraguay was detached from it and for some years was attached to the Audiencia of Buenos Aires, though the Chaco never ceased to be a dependency of Charcas. It will be seen how the Jesuit missionaries, who carried on their activities in the Chaco, always recognised that that area was a dependency of Charcas. We shall also show that the creation of the Viceroyalty of Buenos Aires in 1877 and the simultaneous establishment of the intendancies left the traditional individuality of the Audiencia of Charcas unchanged; and we may thus conclude that in 1810, the date chosen by the States of Spanish America as the date which, in principle, fixes the limits of their territorial rights, the Chaco was still attached, as it had never ceased to be for centuries, to the Audiencia of Charcas, of which Bolivia is the heir.

THE FIRST GOVERNORSHIPS.

After the conquest of Peru, America was divided into governorships.

Francisco Pizarro received a grant of 270 leagues, which, measured along the meridian, stretched from the township of Tenempuela, or Santiago, in the north to half a degree south of the city of Cuzco, or from latitude $1^{\circ} 20'$ to $14^{\circ} 5' 43''$ S.

Southwards from that point, which marked the limit of Pizarro's Governorship of *New Castile*, another grant of 200 leagues was made to Diego de Almagro. This was the Governorship of *New Toledo*, the southern limit of which was latitude $25^{\circ} 31' 36''$ S.

Beyond the lands granted to Almagro, Charles V assigned 200 leagues to Don Pedro de Mendoza. This territory was known as the Governorship of the Río de la Plata and extended, on the Pacific, from latitude $25^{\circ} 31' 36''$ in the north to latitude $36^{\circ} 57' 9''$ in the south.

But, though the limits of these three governorships were quite clear in so far as the Pacific coast was concerned, their eastern limits were undefined, and there is no express reference to the subject in the titles and capitulations of any of the three Governors (*adelantados*). (Map No. 2.)

This circumstance can easily be explained.

At that time (1534), the Treaty of Tordesillas was still in force between the kings of Spain and Portugal. The treaty separated the possessions of the two countries by a meridian line drawn from pole to pole.

This line crossed America from the mouth of the River Amazon in the north to San Pablo in the south, Spain being deemed to possess all the territories lying to the west of it, while Portugal possessed everything to the east.

It is for this reason that the King, Charles V, thought it unnecessary to specify the eastern limits of the three governorships. It was no doubt understood that all three territories extended to the Tordesillas line wherever it crossed the continent itself, while, to the south, where the land tapers off to a point, the limit could only be the Northern Sea (Atlantic Ocean).

For the purposes of the present analysis, it is sufficient to note the limits of New Toledo, which was afterwards known as Charcas and is now Bolivia. That governorship was bounded by latitude 14° to the north and $25^{\circ} 30'$ to the south and by the Southern Sea on the west and the Tordesillas line on the east. Parallel $25^{\circ} 30'$ S. runs slightly to the south of the confluence of the Paraguay and Pilcomayo Rivers; in consequence, the Chaco Boreal, which lies to the north of that parallel, belonged from the beginning to New Toledo, so that it could not also form part of the territories of the Río de la Plata, which lies south of parallel $25^{\circ} 30'$ S.

Twenty-seven years later (1561), a hundred leagues of country around Chuquisaca, in the former territory of New Toledo, were given to the Audiencia of Charcas.

Let us now examine what exactly these hundred leagues represented in actual territory. The city of La Plata, now known as Sucre, is situated in latitude $19^{\circ} 2'$ S. and longitude $65^{\circ} 17'$ W. (of Greenwich).

If we take this city of La Plata as the centre of the circle, the hundred Spanish leagues, reckoned at seventeen and a-half to the degree, extend in the direction of the River Paraguay in the east to longitude $59^{\circ} 35'$ W. more or less, and in the direction of the Pilcomayo in the south-east to latitude 23° S.—that is to say, as far as the present post of Linares. (Map No. 3.)

This first title is therefore in itself sufficient to safeguard something like half the Chaco from the belated claims of Paraguay.

ROYAL CÉDULA OF AUGUST 29TH, 1563.

On the basis of these hundred leagues, the King extended the district of Charcas on the east by the addition of the "lands and townships already settled by Andrés Manso and Ñuflo de Chaves, together with any subsequently settled in those parts".

In order to realise the implications of this Cédula, it will be necessary to describe the exact position of the lands and townships belonging to each of these two explorers.

Ñuflo de Chaves was a Spaniard who came to America with the expedition led by Alvar Nuñez Cabeza de Vaca, and, for twenty-eight years, wandered about those parts exploring and conquering. On six occasions, he navigated the River Paraguay, penetrating as far as the mouth of the Jaurú in the north, and on six occasions struck off west into the interior from various points. He entered the Chaco from Candelaria ($21^{\circ} 5'$ S.), from San Fernando ($21^{\circ} 30'$ S.), from the port of Paravacanas, and from what is to-day known as Albuquerque. He subdued a great many tribes, took a census of their inhabitants and established *encomiendas*; many of the Indian nations obeyed his orders and recognised his authority. The Itatines along the river, the Mbayas, the Chiquitos, the Gorgotoquis, the Timacocies, the Chanes, and the Chiriguanos of the mountain districts belonged to him by right of conquest. He founded two cities: La Barranca on the Río Grande, or Guapay, and Santa Cruz de la Sierra near the site of the present village of San José de Chiquitos. He afterwards subdivided the land and set up *encomiendas* for more than eighteen tribes of Indians within a radius of thirty leagues round the new city. Thus these first thirty leagues alone stretch approximately to latitude 20° S. and in the east to longitude $58^{\circ} 50'$ W. (of Greenwich). Nor should the original territory of the city be confused with that of the province. Later on, in 1564, during the migration of the inhabitants of Asunción to Charcas, Chaves also founded the township of *Itatín*, thirty leagues south-east of Santa Cruz in the direction of the present fort of Albuquerque on the River Paraguay, by which he journeyed to Asunción and by which also he returned with Governor Vergara, Bishop La Torre and three hundred other Spaniards.

And in the end he made this vast territory—which he explored on six different occasions from the north, the centre and the south, and which he crossed both by the Pilcomayo and by the River Paraguay—independent of the Río de la Plata.

As he had set out from Paraguay, he might have obtained from the Governors of that province the title which he desired over the territories he had discovered and conquered. But he did not do so, preferring to receive that title from the hands of the Viceroy of Lima in the firm belief that the lands in question belonged to Peru. (Map No. 4.)

Andrés Manso had, by his valuable services to the Spanish cause, succeeded in winning the esteem of the Viceroy of Lima, Andrés Hurtado de Mendoza, Marquis of Cañete. In recognition

of his services, the latter commissioned him to found townships and colonise the plains east of the Chiriguano Range. In a letter to the King in 1560, the Viceroy defined the concession granted to Manso in the following terms:

"Having recently learned of a tract of land lying behind the Villa de la Plata on the other side of a range of mountains inhabited by Indians bearing the name of Chiriguano, a quarrelsome and warlike tribe who used to do great harm to the inhabitants, living near these mountains, of the *encomiendas of the people of the Villa de la Plata and to those that live on the other side*, whom they seize in order to fatten and afterwards to eat and kill, I have decided, so that an end may be made of these ills and disadvantages, to send thither Captain Andrés Manso, who has travelled in that province, with fifty or sixty men, so that he may establish a settlement on the other side of the mountain range and sow crops . . . and even if that province and its territory be much less than that which has been reported of them, it will nevertheless prove greater than the whole of that part of this land which has already been discovered [an allusion to the district of La Plata]. I hold it for certain that a port to the Northern Sea will there be discovered and that, though such port be 100 or 120 leagues from Potosí, it should prove of much value" (Blas GARAY.—"Colección de documentos relativos a la Historia de America". Asunción, 1899, Volume 18, pages 302 and 303.)

It should be observed that the "tract of land" granted to Manso "lies behind the Villa de la Plata, on the other side of the Chiriguano Range"—that is to say, the plains bounded by the Parapetí, the Paraguay and the Pilcomayo Rivers, where the recipient of the concession had to "establish a settlement and sow crops". Nevertheless "that province and its territory"—that is to say, "the tract of land"—was "greater than the whole of that part of this land which has already been discovered"—in other words, greater than the district of Charcas. "And", added the Viceroy, "a port to the Northern Sea will there be discovered and, though such port be 100 or 120 leagues from Potosí, it should prove of much value."

It is, in short, clear that it was the belief of the Viceroy who made the grant that Manso's concession was much more extensive than the whole of that part of the La Plata territory which had previously been discovered, and that this concession would lead to the discovery of a port to the Atlantic. Furthermore, this port, which was intended to promote the foreign trade of Potosí, would be situated at 120 leagues from that town, to which, moreover, it would belong. The port mentioned in the Viceroy's letter could only be established on the River Paraguay, which constituted the eastern limit of Manso's lands, as there is no other navigable waterway in that territory. The distance of 120 Spanish leagues, which, according to the calculations of the Marquis of Cañete, the Viceroy, would separate Potosí and the port which was to give access to the Atlantic, is more or less that which now separates Villa Imperial de Potosí and the River Paraguay.

Manso set out from Peru, crossed the Andes, and arrived at Chuquisaca. From there he took the road to Tomina and plunged into the plains lying on the other side of the Chiriguano Range, where he received news of the expedition of Nuño de Chaves, who was likewise bent on conquest; as he had overcome great difficulties in order to reach these remote territories, he was unwilling to give them up, preferring to contest Chaves' right to the lordship over the lands which both had occupied.

The sequel is well known.

The dispute was taken to Lima. The new Governorship of Mojos was set up out of the territory explored and conquered by Chaves, and, as the newly appointed Governor happened to be absent in Chile, Chaves himself acted as his deputy. He then proceeded to lay hands on Manso, whom he sent to Potosí, and went on founding cities and subduing the savage tribes from the Guapay to the Paraguay.

In the meantime, Manso had left Potosí, ostensibly to go to Lima to sue for justice. In reality, however, he collected a few men on the way and returned with them to the scene of his wanderings. Some time afterwards he founded the city of Santo Domingo de la Nueva Rioja, not far from the Río Parapetí, and it was there that he later fell a victim to the Chiriguano.

His governorship, however, was not limited to the township of Santo Domingo, nor did it end at the Río Parapetí. The township was the capital, as it were, of the conquests which he had already made and of those to be made in future, when a catastrophic fire broke out and all its inhabitants perished.

But even after the death of the unfortunate captain, his name continued to dominate the whole of the region situated between the Parapetí and the Bermejo. That is the region to which colonial cartographers, following the terms of the concession, and high royal officials and celebrated explorers, gave the name of "Llanos de Manso" (Manso's plains).

It is therefore obvious that any attempt to restrict Manso's rights to the Nueva Rioja would be completely arbitrary, otherwise it would not have been necessary to issue the Cédula of 1563, granting additional territories, that region having belonged to Charcas from the beginning.

And, even supposing that Manso did not cross the Parapetí, that fact did not nullify or in any way reduce the concession which he held from the Viceroy Cañete, as possession exercised over part of a territory must not be confused with the right to possess it in its entirety. Philip II, moreover, who was fully conversant with that concession, included it in the Cédula of 1563.

ROYAL CÉDULA OF DECEMBER 10TH, 1563.

Three months later, another title was issued, confirming the former one and ratifying the jurisdiction of Charcas over the whole course of the River Pilcomayo as far as its confluence with the Paraguay. The Royal Cédula of December 10th, 1563, which was addressed to the "President and Assessors of our Royal Audiencia in the City of La Plata del Perú", included the following passage:

"Seeing that it [Charcas] includes amongst its rivers a river called the Pilcomayo, the mouth of which is opposite the houses of the Spaniards of the Río de la Plata (Asunción),

and seeing that brigantines and canoes can sail up this river to the highest mountain chains of this province [Charcas], where they may engage in trade at certain seasons with the people of the Río de la Plata and whence it is possible to navigate to our realms of Spain and furnish this province with abundant supplies of the things which are here produced, *I command you to consider and set on foot the exploration of the Pilcomayo, as you may deem seasonable.*"

This law could hardly be clearer. It states that Charcas "has a river called Pilcomayo, the mouth of which is opposite Asunción", that brigantines and canoes can sail up this river to the highest mountain chains of Peru, and that, in order to foster trade between the Río de la Plata and Spain, the Royal Audiencia must "set on foot its exploration".

This law also has a close relation with the previous one.

If, on the one hand, the River Pilcomayo along the whole of its course, from its headwaters at Potosí to its confluence opposite Asunción, belonged to Charcas, and if, on the other hand, the Parapetí, where the township of Manso was situated, and the River Paraguay, constituting the eastern boundary of the conquests of Chaves, also belonged to Charcas, the territory in between was bound to belong to it also.

It was no doubt for this jurisdictional reason that this mission was given to the Audiencia of Charcas and not to the Governor of Paraguay, who was not regarded by the King of Spain as having anything to do with the Chaco or with the Pilcomayo.

If this had not been so, Asunción was only a few kilometres from the mouth of the river which had to be explored, and it would have been much easier to entrust the enterprise to it. Philip II could not be ignorant of this advantage of Paraguayan proximity, and if, in spite of it, he entrusted the Audiencia of Charcas with the task of collecting funds and organising the exploring expedition, it was because he remembered that both the Pilcomayo and the territory which was afterwards called the Chaco had been assigned by him to the jurisdiction of that Audiencia.

ROYAL CÉDULA OF OCTOBER 1ST, 1566.

It should be remembered that, in 1558, Ñuflo de Chaves had started upstream from Asunción, that he had afterwards penetrated into the interior in a westerly direction, and had founded on his route the cities of La Barranca and Santa Cruz de la Sierra; and that, crossing the Andes, he had arrived as far as Lima and had persuaded the Viceroy to create the new Governorship of Mojos.

Six years later he returned to Asunción, where he gave an amazing account of fabulous wonders and described the discovery of the "wealthy lands rich in gold and silver ore which he had sought through such perils". In the same way as Irala had transferred Buenos Aires to Asunción, Chaves resolved to transfer Asunción to Santa Cruz, and he partly succeeded in his purpose.

Governor Vergara, Bishop La Torre and all the retinue of Government officials set out with him on his northward journey, and, on reaching Santa Cruz, were ordered by the Audiencia of Charcas to remain there "on pain of death", while the Royal Tribunal complained to Spain against this invasion of its domain.

Complete satisfaction was given to this complaint. The monarch not only refused to sanction this journey, but finally transferred the whole of Paraguay to the jurisdictional district of Charcas. The Royal Cédula of October 1st, 1566, says:

"We have ordered that those provinces should be placed under the jurisdiction (*debajo del distrito*) of your Audiencia; henceforward you may take any steps you consider advisable and may decide what is to the best advantage of our service and of the welfare of that land."

Now, Paraguay alone could not have been placed under the jurisdiction of the Audiencia unless the Chaco had already belonged to it, since, the latter being an intermediate territory, the result would have been an inadmissible breach of continuity.

DIVISION OF PARAGUAY INTO TWO GOVERNORSHIPS.

Half a century after being annexed to Charcas, and while still remaining in the latter's district, Paraguay had to be divided into two governorships. It was her Governor Hernando Arias de Saavedra who represented to His Majesty the necessity of this division.

The King, before acting on this recommendation, requested the Marquis of Montes Claros, Viceroy of Peru, to inform him ". . . what was this province of Guayrá, what towns there were in it and whether it would be advisable to detach it from the Río de la Plata and make it into a separate governorship . . ." (Royal Cédula of July 5th, 1608).

In pursuance of these instructions, the Viceroy drew up a detailed report, first, of what constituted Paraguay, and, secondly, of what constituted the province of Chaco and the "Llanos de Manso".

"The Governorship of Buenos Aires", says the Viceroy's report, "extends from 19° or rather less to the south of the equator *on the other bank of the River Paraguay* (eastern bank) as far as the Northern Sea, from Santiago de Jerez to the city of Trinidad, the port of the Río de la Plata." According to this official report, the Governorship to be divided extended opposite the Chaco Boreal from the neighbourhood of Jerez along the left bank of the River Paraguay.

In another part of his report, the Viceroy also describes the province of the Chaco as being bounded on the east by the River Paraguay, on the west by the Chiriguano, on the north by Santa Cruz in latitude 19°, and on the south by the 26th parallel.

In Montes Claros' opinion, Paraguay and the Chaco were two entirely separate provinces, which could not possibly be confounded—the former situated to the east of the river of the same name, and the latter to the west, as already stated in the Royal Cédula of October 1st, 1566, when Paraguay was placed under the jurisdiction of the Audiencia.

On receiving the Viceroy's report, Philip III promulgated the Cédula of Division of December 16th, 1617, which contains the following operative provisions:

“ . . . It is expedient and necessary that the said Province of Guayrá should be made into an independent governorship in order that its Governor should endeavour to convert to the faith the large number of unconverted Indians who live therein; having debated the matter in my Council of the Indies, and discussed with it *the information given on this subject by my Viceroy of the provinces of Peru* and a number of Governors and Prelates exercising their functions in the neighbourhood of the said province of the Río de la Plata, and having heard their views, I have decided that the governorship in question should be divided into two parts: the first to be that of the Río de la Plata, with the addition of the towns of Trinidad, Puerto de Santa Maria de Buenos Aires, the city of Santa Fé, the city of San Juan Vera de las Corrientes, and the city of La Concepción del Río Bermejo; and the other governorship to be entitled the Governorship of Guayrá, *with the addition of the city of Asunción del Paraguay as seat of the Government and of those of Guayrá, Villa Rica del Espíritu Santo and Santiago de Jerez.* ” (Map No. 5.)

The former Paraguay was thus divided into two Governorships: the Governorship of the Río de la Plata with the four cities of Buenos Aires, Santa Fé, Corrientes and Concepción del Bermejo, and the Governorship of Guayrá, with four other cities: Asunción, Guayrá or Ciudad Real, Villa Rica and Santiago de Jerez.

None of the four last-mentioned cities was in the Chaco. In 1617, Villa Rica and Guayrá were not only east of the River Paraguay, but east of the River Paraná, more than 300 kilometres from the territory we are now discussing. Asunción and Santiago de Jerez were the two nearest cities, the former being situated on the left bank of the River Paraguay and the second on the River Motetey, now Tacuarí, in latitude 19° and a few minutes south, on about the level of our present Puerto Suarez, well within the Matto Grosso territory and some 150 kilometres east of the broad waters of the Paraguay.

It might be thought that, owing to its proximity, the Chaco formed part of the district of Asunción or Jerez; but this has never been demonstrated in the half-century that this dispute has lasted, nor will it ever be demonstrated, because the Cédula of Division is based on the Viceroy's report, and the latter shows that the Chaco is one thing and the Governorship of the Río de la Plata quite another. And, as the division took place solely in the latter Governorship, it cannot be maintained that a separate territory like that of the Chaco was included in it.

The Chaco already belonged to Charcas in virtue of the Royal Decision of May 22nd, 1561, assigning to it one hundred leagues of territory round Chuquisaca, in virtue of the Cédula of August 29th, 1563, which added to this territory on the east the land and townships of Andrés Manso and Ñuño de Chaves, in virtue of the Cédula of December 10th of the same year, which, in entrusting the exploration of the Pilcomayo to the Royal Audiencia, recognised that that river belonged to it throughout its course, and in virtue of the Cédula of October 1st, 1566, which once more ratified its right over the Chaco and incorporated the Province of Paraguay in its jurisdiction.

The Cédula of 1617 divided this Governorship of Paraguay into two parts without expressly including the Chaco in either of the two new governorships. It is accordingly on Paraguay—as a separated province—that falls the burden of proving when the Chaco was detached from the jurisdiction of the Audiencia of Charcas and when and how it was brought within her own jurisdiction.

CREATION OF THE ROYAL AUDIENCIA OF BUENOS AIRES.

The division of the Río de la Plata into two governorships did not give the results which His Majesty had anticipated. The province of Guayrá found that the uncivilised tribes were destroying its towns one after the other without its being able to defend them, owing to its complete lack of resources. Villa Rica fell into the hands of the Portuguese, who had frequently attacked it from Sao Paulo; Santiago de Jerez and Guayrá were sacked and destroyed by the Brazilian Mamelukes. Asunción itself was besieged and threatened by the terrible Guaycurus, who, from their camps pitched opposite the city, penetrated within its walls, threatening it with destruction and death. The Payaguás, whose dwellings extended towards Upper Paraguay, were masters of the navigation of the river and prevented all communications between the townships of the province.

The division proved harmful, not only to Paraguay, but also to the Río de la Plata, where the city of Bermejo was destroyed by the savages.

All this convinced the King that mere governorships under the Royal Audiencia of Charcas, as the provinces of Guayrá and the Río de la Plata were, could not prosper or defend themselves against the Indians, and that it was essential to create a new Audiencia at Buenos Aires.

It was decided that the district of Charcas should be divided into two parts, and that the province of Paraguay, until then an integral part of Upper Peru, should be separated from it after ninety-five years to follow the fortunes of the new Audiencia.

The Royal Cédula of November 2nd, 1661, promulgated by Philip IV, which divided the Audiencia of Charcas into two parts, says:

“ There shall be another Audiencia and Royal Chancellery in the city of Buenos Aires . . . and it shall hold within its jurisdiction all the cities, towns, localities and lands

comprised within the provinces of the Río de la Plata, Paraguay and Tucumán *with all the territory at present pacified and colonised in the said three provinces and all the territory which may be conquered, pacified and colonised therein in future.*" (Map No. 6.)

Now that we have two Audiencia districts, Charcas and Buenos Aires, to which of them does the Chaco belong? The law which effected the division is conclusive: the new Audiencia of Buenos Aires was set up on the basis of three well-known provinces—Paraguay, the Río de la Plata and Tucumán—with all their cities, towns, localities and colonised lands, and "*with all the territory at present pacified and colonised therein*".

But the Chaco had not been pacified or colonised in the seventeenth century. Paraguay, which at that time was reduced to the city of Asunción, since its other cities had been destroyed, was, moreover, not in a position to colonise it. A governorship which, owing to its poverty, was obliged to look on while its principal centres were destroyed one after another, and which was unable to provide for the defence of its own soil, was certainly not in a position at the same time to conquer fresh territory.

In addition to this, the Chaco was not within the jurisdiction of Asunción and did not belong to it either as a colonised area or as a desert area. It follows that, apart from her manifest inability to conquer and colonise the Chaco, Paraguay also had no right to do so.

The Chaco had owed allegiance to Charcas since the conquest, and was reserved to Charcas when the Governorships of Guayrá and the Río de la Plata were created; it remained in the territory of Charcas when the new Audiencia of Buenos Aires was created, and still belongs to Charcas, which has not renounced its traditional sovereignty over that territory.

The Chaco and Paraguay were separate areas independent of one another, and hence they could not be confused. This being so, the detachment of the Province of Guayrá did not lead to the detachment of the Chaco; the former became part of the new Audiencia of Buenos Aires and the latter remained a part of the old Audiencia of Charcas.

But this new Audiencia only lasted ten years, at the end of which it was abolished, its three component provinces returning "to the jurisdiction and Governorship of Charcas *without any alteration, as they were before*" (Royal Cédula of December 31st, 1671).

The abolition of the Audiencia of Buenos Aires did not lead to the disappearance of its three component provinces, nor did it affect the clearly defined boundaries which they had had for the last fifty-four years.

Before 1661, the Governorships of the Río de la Plata and Paraguay already possessed frontiers fixed by the Sovereign in 1617, and by a demarcation made in 1621.

Paraguay had entered the new Audiencia of Buenos Aires in 1661 as a separate province with a clearly defined area, which did not include the Chaco; and in the same way "without any alteration" she reverted to Charcas when the Audiencia in question was abolished in 1671. And so she remained as a separate province—without the Chaco, which did not belong to her—within the district of Charcas, until 1783, in which year she became for the second time a part of the Pretorial Audiencia of Buenos Aires and, as we shall see, was transferred to that Audiencia without the Chaco.

FRONTIERS OF CHARCAS IN 1681 (MAP NO. 7).

Ten years after the abolition of the Audiencia of Buenos Aires, in 1681, King Philip IV ordered the Laws of the Indies to be codified. Law IX, Part XV, Book II, of this fundamental Code specifies the boundaries of the Audiencia of Charcas as follows:

"Another Audiencia and Royal Chancellery shall reside in the city of La Plata, of New Toledo, in the Province of the Charcas in Peru . . . and shall have as district the Province of the Charcas and all the Callao, from the township of Ayabiri along the Hurcosuyo road, from the township of Asillo along the Humasuyo road, from Atuncana along the Arequipa road, as far as the portion belonging to the Charcas inclusive, together with the provinces of Sangabana Carabaya, *Juríes and Dieguitas*, Mojos and Chunchos and Santa Cruz de la Sierra, being bounded to the north by the Royal Audiencia of Lima and provinces not yet explored, to the south by the Royal Audiencia of Chile, *and to the east and west by the Northern and Southern Seas, and by the frontier between the possessions of the Kingdoms of Castile and Portugal, in the direction of the Province of Santa Cruz of Brazil.*"

In 1681, Charcas extended to the two seas; to the east it touched upon the Atlantic and extended as far as the Tordesillas line.

The province of Santa Cruz in Brazil extended from the Atlantic coast towards the interior, comprising the present State of Bahía; between Bahía and Goyaz there is another Santa Cruz near the Tordesillas meridian. The possessions of Santa Cruz de Charcas arrived as far as here, comprising all that is at present the territory of Mattogrosso, and practically all the territory of Goyaz.

There can be no doubt that, at the date of this law, Paraguay and the Río de la Plata were also provinces of Charcas, and in this direction the territory of the Audiencia went as far as the *Northern Sea*. But Paraguay did not comprise the Chaco, since its area was confined to the eastern bank of the river of the same name. The Chaco belonged to Charcas as a separate zone and not as an integral part of Paraguay.

THE CHIQUITOS MISSIONS.

The work of the Society of Jesus plays a preponderating part in the colonial history of America. The disciples of Loyola achieved the spiritual conquest of the most savage tribes of Peru and of

the Río de la Plata. They founded the Chiquitos Missions in the territory our possession of which is now being disputed by force of arms (Map No. 8).

Father José de Arce began the work in January 1692 by the foundation of the township of *San Francisco Javier*, followed by those of *San Rafael* (1696), *San José* (1697), San Juan Bautista (1699), La Concepción (1699), San Miguel (1718), San Ignacio de Zamucos (1723), San Ignacio de Chiquitos (1748), Santiago (1754), Santa Ana (1755) and Santo Corazón (1760).

The southernmost township founded by these missions was that of San Ignacio, founded in 1723 by Father Agustin Castañares in the country of the Zamucos Indians. All the missionary fathers who knew or lived in Chiquitos, visiting the "reducciones" and thus well acquainted with the distances between them, unanimously asserted that San Ignacio de Zamucos was situated eighty leagues to the south of the township of San Juan Bautista. This statement was made by, among others, Fathers Lozano, Charlevoix, Querini, Fernández, Esponella, Rodríguez, Montenegro, Chomé and Castañares himself, the founder of the "reducción".

According to the engineer Vaudry, the township of San Juan is situated at latitude $17^{\circ} 56' S$. If we measure in a direct line from that point the eighty Spanish leagues of that time, of which there were $17\frac{1}{2}$ to the degree, we reach latitude $22^{\circ} 30'$, where we should find San Ignacio de Zamucos. But, allowing twenty leagues for the windings of the road, which could not be very great in as flat a country as the Chaco, we should still have sixty-five leagues of those days, and on this basis San Ignacio would be at latitude $21^{\circ} 30'$.

Antonio de Argamosa, Governor of Santa Cruz, and Manso de Velasco, Viceroy of Lima, were therefore right in informing the Crown that the township of San Ignacio was in latitude $21^{\circ} 30'$.

But let us suppose that the foregoing particulars, which have been briefly sketched so as not to take up too much space in this short summary, are not sufficient to prove that San Ignacio de Zamucos was situated in latitude $21^{\circ} 30'$, and that the eighty Spanish leagues of those days, equivalent to ninety at the present day, did not suffice to cover the three and a half degrees separating one township from the other. Where, then, would San Ignacio be situated? It would be in latitude $20^{\circ} 50' S$, the position assigned to it by nearly all colonial cartographers.

With a difference of a few minutes, more or less, the following all assign to it this latitude: D'Anville, Cano y Olmedilla, Azara, Requena, Fathers Machoni and Lozano, Greenleaf, Milliet, Ebden, Carey, D'Arely, de la Rochette, MacKenzie and Lángara, Lapié, Arrowsmith, Vivien, Dufour, the Commission appointed to demarcate the boundaries with Brazil in 1753, the Geographical Society of Paris in 1825, Bertrés and Vaudry (Map No. 9).

Eighteen geographers, a Boundary Commission and the famous Geographical Society of Paris all, at different times, assigned to it with extraordinary uniformity the same latitude. If San Ignacio was situated, not in $21^{\circ} 30'$, but slightly further north, in $20^{\circ} 50'$, it cannot even then be concluded that the township was confined to its urban radius.

The missionary fathers are known to have set out frequently from the various townships and to have journeyed in all directions for the purpose of winning over the Indians. Their radius of action frequently covered hundreds of leagues, and their respective missionary districts extended for that same distance. As Governor Argamosa, in his well-known report of 1737, informed the King: "Every year they set out from each of the seven townships of this Mission (Chiquitos), travelling a hundred leagues or more for the purpose of obtaining new converts".

Ample documentation exists to prove that a large number of apostolic expeditions were made by the missionaries of Zamucos. Father Castañares, after founding the township of San Ignacio, made "fifteen journeys from it in all directions". He began by bringing under his authority the Zamucos and Cucutades; after that the Zaticenos, and then the Ugaroños and the Tapios, so that, when the census was taken in 1745, the "reducción" consisted of five tribes with nearly 700 inhabitants.

Efforts were also made by the Jesuits to gain over other distant tribes, as well as these five. Father Agustín made three attempts to convert the Terenas, who were living eighty leagues to the east of San Ignacio, and was on the point of founding with them the township of *Nuestra Señora del Pilar*. He also visited the *Carapaenos* and the *Caipotarades*, two barbarous tribes who were partly converted.

In a westerly direction he explored the country as far as the *Chanes* lands, near the Parapetí. In his reply of 1738 to Governor Argamosa, he gave an account of his journeys in this direction, and stated that:

"To the west of San Ignacio are the Chiriguanos. In 1725 I set out from San Ignacio, travelling in a westerly direction, in search of infidels, for a distance of *fifty to sixty leagues*. I came across them in the 'taperas' or former villages of the Chanes, where remains of pitchers, crocks, etc., are still to be found. . . . Before I reached the Chanes lands I could see the mountains of the Chiriguanos. I went on to those 'taperas', by which route the Chiriguanos had formerly reached the lands of the Zamucos. As Your Excellency enquires about the Chanes who should be living there or at Buena Vista, and about a stream or river running through this district, known as the Zozo (Izozog), which, I take it, is near the last villages of the Chiriguanos adjoining the Tarizi, I would inform you that both the Chanes lands and the river are situated west of San Ignacio."

In a north-westerly direction a road was made from San Ignacio to Las Salinas, where it joined the then existing road to San José.

The journeys southwards were made with still greater persistence, in accordance with the plan to unite the missions of Chiquitos with those of Paraguay, across the Pilcomayo. Sometimes alone, at others in company with the Jesuits of Paraguay and Tucumán, as in 1721 and 1741,

the missionaries of Zamucos endeavoured to cross the Chaco at all costs. Fathers Chomé and Castañares, in particular, opened various roads to the south and south-west. Two of special importance were the road made in 1739, covering a distance of seventy leagues, to which Father Agustín added another twenty-five leagues, taking it as far as the Río Yabebiri or Confuso, and the road made in 1743, running south in the direction of the Río Verde, for a distance of forty-six leagues. The Tobas approached San Ignacio, which they attacked in 1740 and 1741, by the former road.

In addition to these roads, the colonial maps also show a new route, which started from San Ignacio, crossed the Pilcomayo below the present town of Villa Montes, and passed through the "Reducción" of "Nuestra Señora del Rosario" in the valley of las Salinas and Tarija. This road is shown in the "Geographical Map of South America" of 1775, by Juan de la Cruz Cano y Olmedilla, and in the "General Map of Paraguay and the Province of Buenos Aires" by Felix Azara.

The authentic information furnished by the missionaries themselves makes it possible to determine the exact extent of the *actual* district of the township of San Ignacio. Southwards it extended as far as the Río Verde; in a south-westerly direction as far as eight leagues from the Pilcomayo, and eastwards for eighty leagues.

It is a great mistake to believe that the missions of Chiquitos were confined within the urban radius of San Ignacio and thus to overlook the fact that this township had a very extensive district.

We shall see that, within the general area of those missions, the King, and their founders the Jesuit Fathers, included not only the zones explored and the tribes converted, but all the other settlements of Indians dwelling between the Paraguay and Pilcomayo rivers.

ROYAL CÉDULA OF DECEMBER 17TH, 1743.

About 1742, Father Juan José Rico, Procurator-General of the Society of Jesus in Paraguay addressed a petition to His Majesty, informing him that, in the missions of Chiquitos, there were Indians who did not pay any tribute, not because they refused to do so, or on account of the disloyalty of the Jesuits, their missionaries, as was asserted by the latter's rivals in order to disparage them, but owing to the absence of any legal intervention on the part of other authorities. It would therefore be advisable for the Monarch "to instruct a Minister of the Audiencia of Charcas, to whose district these Indians belong", to take cognisance and make the necessary census of them, and also to fix the amount and nature of the tribute.

At the same time as he made this request, he also reported on the state of the missions, indicating that they were within the jurisdiction of Charcas.

His own words are given below:

"As the Jesuits of Paraguay began the *spiritual conquest* and the missions of Chiquitos about 1692, those missions including all the *nations or tribes of Indians existing between the Pilcomayo and Paraguay rivers, from the vicinity of Santo Cruz de la Sierra, to which district and bishopric they are judged to belong*, God, in His divine goodness, has helped them in their glorious work, so that at the present time the *whole Chiquitos nation* having been converted to His holy faith, and *through that nation many other neighbouring Indian tribes or nations*, seven 'reducciones' or settlements have already been formed. These are as follows: San Francisco Javier, San José, San Rafael, San Juan Bautista, La Concepción, *San Miguel and San Ignacio de Zamucos*, which will include from 12,000 to 14,000 Indians who have been converted and properly instructed."

It is clear from this official report, which was drawn up on behalf of the whole Society by its head, that the missions of Chiquitos included all the nations or tribes of Indians between the Paraguay and Pilcomayo rivers, and that in civil affairs they were under the Government and in ecclesiastical matters under the Bishopric of Santa Cruz.

The Jesuits of Paraguay knew that the "reducciones" of Chiquitos which they had established in the Chaco belonged to Charcas, and for this reason they asked the King to instruct his Audiencia to order a census to be taken of the tributary Indians.

This was the document on which the Royal Cédula of December 17th, 1743, was based.

The Monarch found that the Provincial Father's report was based on very sound reasons and converted it into a law. This law provided that a census should be taken of the tributary Indians of the mission of Chiquitos "through the judges of the Audiencia of Charcas, the Governor of the Province of Santa Cruz de la Sierra, the Royal officials and other Ministers responsible for carrying out my Royal decision".

When issuing these orders, the Sovereign endorsed the words of Father Rico, and confirmed them by means of the following important and categorical declaration:

"The missions of Chiquitos comprise all the nations and tribes of Indians existing between the Pilcomayo and Paraguay rivers, from the vicinity of Santa Cruz de la Sierra, to which district and bishopric they are judged to belong."

A list is given of the principal "reducciones" of the Chiquitos mission, the number of which is stated to be seven: "San Francisco Javier, San José, San Rafael, San Juan Bautista, San Miguel, La Concepción and San Ignacio de Zamucos". The King added that, in addition to these missions, "many other smaller tribes or nations of Indians in the vicinity" also belonged to Chiquitos.

He ordered a census to be taken of the Indians, so that each might pay the tribute due in acknowledgment of his vassalage; for this purpose "he instructs some Minister of his Royal Audiencia of Charcas, to whose district these Indians belong (of the Chaco Boreal), to take cognisance and make the necessary census of those who can already acknowledge their vassalage by some form of tribute and to fix the amount and nature thereof."

He ordered that this census should be taken "without any vexatious judicial formalities, because these Indians are of a warlike disposition, as has been proved whenever they have been called upon to appear before my Governor of Santa Cruz de la Sierra and on the occasions when, by their own unaided efforts, they successfully opposed the Portuguese, who came to attack them from the direction of the Mandioré Lagoon and the River Paraguay".

In short, the missionary district of Chiquitos consisted of two areas: one which had been subdued by the missionaries and which comprised the Chiquitos, Zamucos and other Indians; the second, which had not yet been subdued and was occupied by "many other smaller tribes or nations of Indians in the vicinity".

Or, to put it more clearly, there were within the general boundaries of these missions two classes of Indians: one class had been instructed in the Faith and converted, while the other had not yet been won over by the Fathers.

The Royal Cédula of 1743 included both groups in the following provision:

"The missions of Chiquitos comprise all the nations and tribes of Indians existing between the Pilcomayo and Paraguay rivers, from the vicinity of Santa Cruz de la Sierra, to which district and bishopric they are judged to belong."

These Indians, who "belonged to the jurisdictional district of Charcas, defended by their own unaided efforts their frontiers in the direction of the Mandioré Lagoon and the River Paraguay, and sent expeditions against the Chiriguanos at the orders of the Governor of Santa Cruz de la Sierra".

EXECUTION OF THE ROYAL CÉDULA OF 1743.

Effect was duly given to the previous Cédula in 1745. The judge of the Audiencia of Charcas, Don Francisco Javier de Palacios, as judge in charge, visited the missions of Chiquitos, and on August 3rd of that year began to take the census, starting with the township of San Javier, with the assistance of the Royal Procurator specially appointed for the purpose and the Protector of the Indians, Don Matías de Ibarra, of Father Diego Congreras, interpreter, the Corregidor of the township, the regular mayors and the caciques of all the tribes. A census was successively taken of the seven "reducciones" in the following order:

San Francisco Javier (August 23rd).

Tribes. — Piñocas, Purasis, Paiconas, Baures, Guaspas, Guarayos. Total, six. Number of inhabitants, 2,379. Cattle, 1,800 head.

La Concepción (September 12th).

Tribes. — Punasicas, Boococas and Tubasicas, Paicones, Puizocas, Cibacas, Quimonecas, Quitemos, Napecas, Paunacas, Cucicas, Tapacuracas. Total, twelve. Number of inhabitants, 2,002. Cattle, 2,000.

San Miguel (September 13th).

Tribes. — Taucas, Tanipicas, Pequicas, Xamanucas, Carabecas, Guarayos Paravacas or Guarayocas. Total, seven. Number of inhabitants, 3,000. Cattle, 2,000.

San Raphael (September 20th).

Tribes. — Taos, Veripones, Quidagones, Bacaros, Curuminas, Sarabes, Bataris, Curucanes, Cupiez, Ecobares. Total, ten. Number of inhabitants, 2,293. Cattle, 1,600.

San Joseph (October 4th).

Tribes. — Piñocas, Penoquis, Chamaros, Boros. Total, four. Number of inhabitants, 2,375. Cattle, 2,500.

San Juan (October 11th).

Tribes. — Boros, Taos, Morotocas, Tomoenos, Panomos, Curarates, Ororobedes. Total, seven. Number of inhabitants, 1,969. Cattle, 750.

San Ignacio de Zamucos (November 5th).

Tribes. — Zamucos, Cucutades, Zatiénos, Ugaroños, Tapios. Total, five. Number of inhabitants, 683. Cattle, 400.

"The following is a general summary of the tributary Indians and others found in all the townships and 'reducciones' of the Holy Mission of Chiquitos, according to the census taken in virtue of the Royal Cédula of His Majesty (may God protect him) promulgated on December 17th, 1743:

	Tributaries	Children	Exempted	Women	Widows	Total
San Javier	536	522	154	1,120	44	2,379
Concepción	432	584	149	931	6	2,002
San Miguel	507	725	294	1,428	46	3,000
San Raphael	470	621	115	1,057	30	2,293
San Joseph	420	699	78	1,110	68	2,375
San Juan	402	562	50	908	47	1,969
San Ignacio	147	150	27	341	18	683
Total	2,914	3,766	867	6,895	259	14,701

“ The 1745 census included 51 converted tribes, making a total of 14,701 inhabitants, of whom nearly 3,000 were tributary, their annual tribute being fixed at one peso.”

The census of the Indians of Chiquitos, ordered to be taken by the Royal Cédula of 1743, was thus duly carried out on the spot by the judge appointed for the purpose, Don Francisco Javier de Palacios, and its execution was approved by another Royal Cédula dated September 29th, 1748.

At the same time, the fathers in charge of these missions drew their allowances from the Royal Treasury at Potosí and not from that of Asunción (Royal Cédula of December 17th, 1716).

ESTABLISHMENT OF THE MILITARY GOVERNORSHIP OF CHIQUITOS.

The Chaco would have been completely under the domination of the Jesuits had it not been for the ill-considered Decree promulgated by Charles III in 1768 ordering them to be expelled by force from the whole of America. The missions of Chiquitos then remained within the Government and Bishopric of Santa Cruz, to whose civil and ecclesiastical jurisdiction they at all times belonged.

Later, in 1777, the Military Governorship of Chiquitos was established to exercise control over this missionary district, with a twofold object: (1) to prevent the Portuguese from entering the Chaco, and (2) “ to put down the infidels and convert them to a Christian and civilised life.”

Its first Governor, Juan Bartolomé Berdugo, received instructions to found settlements of Spaniards along the River Paraguay.

The new Military Governorship of Chiquitos was thus subordinate to the Audiencia of Charcas in civil and administrative matters and to the Governorship and Bishopric of Santa Cruz in military and ecclesiastical matters. It extended from the mouth of the Jaurú, along the River Paraguay, between Santa Cruz and the Province of Guayrá.

INSTITUTION OF THE VICEROYALTY OF BUENOS AIRES (Map No. 10).

The Court of Madrid was alarmed by the steady advance of the Portuguese on its American possessions and decided to establish the Viceroyalty of Buenos Aires for the protection of its possessions along the Uruguay, the River Paraná, Matto Grosso and Cuyabá, as far as the Mamoré, since the Viceroy of Lima was not able to check those advances owing to the enormous distance separating him from the places invaded.

For this reason the Royal Cédula of June 14th, 1777, finally established the Viceroyalty of La Plata “ with the provinces of Buenos Aires, Paraguay, Tucumán, Potosí, Santa Cruz de la Sierra, Charcas and *all the ‘ corregimientos ’, townships and territories over which the jurisdiction of that Audiencia extends*; the territories of the cities of Mendoza and San Juan, which were formerly administered by the Governorship of Chile, were also placed under its orders and jurisdiction . . . with complete independence of the Viceroy of Peru and the President of Chile . . . ”

The new Viceroyalty was almost exclusively under the jurisdiction of the Audiencia of Charcas because at the date this Cédula was promulgated, apart from the Chilean territories of Mendoza and San Juan, the provinces of Buenos Aires, Paraguay and Tucumán, as well as Santa Cruz, Potosí and Chuquisaca, all belonged to the Royal Audiencia of Charcas.

The Royal Audiencia of Charcas, which was separated from the Viceroyalty of Peru “ with all the ‘ corregimientos ’, townships and territories over which its jurisdiction extends ”, became part of the Viceroyalty of Buenos Aires, and the latter was subsequently divided into intendancies.

THE INTENDANCIES.

Eight intendancies were set up in the Viceroyalty of La Plata by the Ordinance of January 28th, 1782; there was one general intendancy, the seven others being merely provincial intendancies:

General Military Intendancy of the Province of Buenos Aires, with the whole diocese of its Bishopric;

Intendancy of Paraguay, with the whole diocese of its Bishopric;

Intendancy of Tucumán, with the whole diocese of its Bishopric;

Intendancy of Santa Cruz de la Sierra, with the whole diocese of its Bishopric;

Intendancy of La Paz, with the whole diocese of its Bishopric and the provinces of Lampa, Carabaya and Azángaro;

Intendancy of Mendoza, with the whole of its “ *corregimiento* ”, which includes the Province of Cuyo;

Intendancy of La Plata, with the whole diocese of the Archbishopric of Charcas;

Intendancy of Potosí, with the districts of Porco, Chayanta, Atacama, Lípez, Chichas and Tarija.

One year later the intendancies of Mendoza and Tucumán and Villa de Cochabamba were divided up somewhat differently. The latter was separated from the Intendancy of La Plata and added with the whole of its district to that of Santa Cruz, *of which it formed the capital*, so that thenceforward Cochabamba alone appears as an intendancy, in which was included Santa Cruz de la Sierra with all its territories (Royal Cédula of August 5th, 1783).

As a result of these changes, the Viceroyalty of Buenos Aires consisted of eight Intendancies and four Military Governments.

The intendancies were: Buenos Aires, Córdoba, Salta, Paraguay, Potosí, La Plata, Cochabamba and La Paz.

The Military Governments were: Montevideo, Misiones, Mojos and Chiquitos, Article 2 of the Royal Cédula of August 5th, 1783, having decreed that these Governments should be maintained.

The districts established in 1782 are shown graphically on the map made at that time in the Río de la Plata and entitled "Political and Administrative Organisation of the Viceroyalty of Buenos Aires in the form of Military and Provincial Intendancies, in accordance with the Royal Ordinance of January 28th, 1782". This map was published as one of the official documents of the "Archives of the Argentine Nation" by the Director of the Archives, M. José J. Biedma.¹ According to this map, the official authority of which is indisputable, the Intendancy of Paraguay was situated east of the river of that name, the territory which Paraguay is now endeavouring to take from us by force of arms being totally excluded. On the other hand, the Upper Peruvian Province of Chiquitos included the whole of the Chaco Boreal, as established, *inter alia*, by the Royal Cédula of 1743 (Map No. 11).

This map, which was drawn up expressly to explain the provisions of the Ordinance, also shows quite clearly the dioceses of the bishoprics on which the intendancies were founded, for which reason it is of exceptional value as evidence.

THE ORDINANCE OF INTENDANTS DID NOT ABOLISH THE AUDIENCIAS.

In virtue of the Code of the Indies, the Royal Audiencias were divided into "governorships", "corregimientos" and "alcaldías mayores" (Law 1, Book II, Section XV). The Ordinance of 1782 replaced this division by province-intendancies and "partidos".

The component districts of the audiencias thus changed names and authorities; but the audiencias themselves remained.

Proofs.

(1) None of the Ordinances of Intendants contain any provisions abolishing the audiencias. On the contrary, they contain explicit references proving their continued existence.

(2) The intendants were to be responsible for "the four departments of justice, police, finance and war . . . subject to the authority of the Viceroy and of the audiencia of the Viceroyalty, according to the different prerogatives and the nature of the cases and affairs with which they have to deal, and in conformity with the laws of the Indies . . . for it is not my Royal wish that the jurisdictions established therein should be confused, altered or complicated by being jointly exercised by the same person" (Article 6 of the Ordinance of Intendants of 1782).

If the audiencia system had been abolished by the Ordinance of 1782, the latter would hardly have gone on to prescribe the subordination of the intendancies to the audiencias. No authority can be subordinate to another which does not exist. But it was not the "Royal wish" that the new intendancies should "confuse or alter the jurisdictions established by the laws of the Indies", and the audiencias established by the said laws were not affected by the original Ordinance or by the following ones.

(3) The last Ordinance of 1803 stipulates, in Article 23:

"It is my Royal wish that *all the audiencias of America* should retain the authority and powers conferred on them by the laws in cases and affairs connected with justice and the administration or policing of localities, for which reason the intendants and such political and military Governors as may be appointed shall be subordinate to the said audiencias, as well as the sub-delegates and all other judges, in all matters pertaining to the Royal ordinary jurisdiction or in matters which might lead to a dispute as a result of measures taken by them in the sphere of police and administration."

All the audiencias were to retain, at the King's express wish, the powers and authority conferred on them by previous laws in regard to justice, administration and police. But as only what is possessed can be retained, it is obvious that, before 1782, the Royal audiencias possessed numerous powers and continued to possess them thereafter. Accordingly, not only the intendants, but also the political and military Governors were rendered subordinate to them. If they had been abolished or reduced to the status of ordinary courts of justice, how could the Sovereign entrust to defunct or purely judicial institutions supreme supervision over administration, finance and war? Why should he have stipulated in his Codes the subordination of political, administrative and military authorities to obsolete bodies or to bodies which were still alive but exercised purely judicial functions? The truth is that the audiencias were not abolished by any of the Ordinances of Intendants; nor were their powers purely judicial. On the contrary, they were to continue to retain all the prerogatives conferred on them by the previous laws in every department.

(4) If the King's intention had been to replace the audiencias by the intendancies, the districts of the latter would have been carefully defined in order to prevent conflicts between them. But this definition, although announced in the original Ordinance, was never made; no definite

¹ Included in the volume "Documentos referentes a la Guerra de la Independencia y emancipación política de la República Argentina", Volume I, Buenos Aires, 1914.

fixation of frontiers, with indication of names, ever took place. Even the last Ordinance of 1803 confined itself to declaring the maintenance of the eight intendancies without fixing any boundaries.¹

The Paraguayan thesis of inter-provincial delimitation therefore breaks down completely. How could such a delimitation be practicable if the intendancies themselves had never been delimited? Most of them were constituted on the basis of the diocese of their respective bishoprics, and only two (Potosí and Mendoza) on the basis of their "corregimientos". As these districts existed long before the promulgation of the Ordinance of Intendants, they must be studied from the moment of their creation.

It could not have been the serious intention of the Council of the Indies to abolish the audiencia, which was a more or less definite geographical unit, and replace it by other smaller indefinite units. Still less could it have intended to abolish it first and then give it powers of control over the intendants, political Governors, and even military Governors.

(5) Fourteen months after the creation of the intendancies, the Pretorial Audiencia of Buenos Aires, "which possesses as its area the province of that name, and the three provinces of Paraguay, Tucumán and Cuyo" (Royal Cédula of April 14th, 1783) was re-established. It is hardly likely that a few months after the abolition of the audiencia system the King would have decreed the re-establishment of this Royal audiencia and would have placed under its authority no fewer than four of the new intendancies.

This historical fact proves that the intendancies did not replace the audiencias, but were mere subdivisions of the latter.

With the re-establishment of this audiencia, two audiencia districts reappeared within the same Viceroyalty. The provinces of Paraguay, Tucumán, Buenos Aires and Cuyo, together with the Montevideo and Mission Governorships, continued thereafter until the revolution to form part of the Audiencia of Buenos Aires.

The provinces of Santa Cruz, La Plata, Potosí and La Paz, and the Military Governorships of Moxos and Chiquitos, also continued until the same date to form part of the Audiencia of Charcas. (Map No. 12.)

* * *

Paraguay twice formed part of the territory of the Audiencia of Charcas: first, from 1566 to 1661, for a period of ninety-five years; and, secondly, from 1671 to 1783, for 112 years. Being a province limited to the four cities on the eastern bank of its river (Cédulas of 1617 and 1620), it was for the first time detached, with this territory, from Charcas and was included in the new Audiencia of Buenos Aires. When this audiencia was abolished ten years later, it was once more included, with the same territory, "in the jurisdiction and Governorship of the Audiencia of Charcas" (Royal Cédula of December 31st, 1671).

Paraguay remained, without any change on the west, with the same boundaries as she had possessed since she was made into a governorship. The same was not the case to the east and to the north, where her territory was considerably reduced as a consequence of the Hispano-Portuguese treaties of 1750 and 1777, which profoundly modified the Tordesillas line. Hence, when the Pretorial Audiencia of Buenos Aires was re-established in 1783, Paraguay was once more incorporated therein, but with a diminished territory. Her frontier in the direction of the Chaco was not, however, changed either then or earlier or later.

The Chaco Boreal did not form part of Paraguay when that province was formed in 1617, nor later when Paraguay was twice attached to the Audiencia of Buenos Aires, in 1661 and in 1783.

The Chaco Boreal, in so far as it was not within the boundaries of Chuquisaca and Tarija, belonged to Chiquitos (Royal Cédula of 1743). Chiquitos was an integral part of Santa Cruz de la Sierra, and Santa Cruz was a province of Charcas.

CONCLUSION.

The zone under dispute, according to the invariable official standpoint maintained by Paraguay during the nineteenth century, and according to the diplomatic antecedents of the controversy, is that to the south of the Bahía Negra, and it cannot be regarded as reasonable to invoke natural boundaries simply in order to extend the dispute to other territories which were never under discussion.

We have briefly explained Bolivia's titles to this zone, the sole subject of dispute, without going outside the scope of colonial legislation. They may be summarised still more briefly as follows:

New Toledo or the Governorship of Almagro included the whole of the territory of the Chaco Boreal (Capitulation of May 21st, 1534).

Within this territory of New Toledo the Royal Audiencia of Charcas was later constituted with a territory of a hundred leagues round Chuquisaca (Royal Decision of May 22nd, 1561).

This boundary was extended to the east by the addition of all the lands and townships possessed by Andrés Manso and Nuño de Chaves and of "all other land which may be colonised in those parts", and this land to-day forms the Chaco Boreal now claimed by the Republic of Paraguay (Royal Cédula of August 29th, 1563).

¹ Article 4 of the Ordinance of 1803 says:

"In the Viceroyalty of Buenos Aires, the present intendancies of Asunción del Paraguay, Cordoba del Tucumán, Salta, Cochabamba, La Paz, La Plata and Potosí shall be retained."

And, according to Article 10, the General Intendancy of Buenos Aires also remained in existence.

In the same year the King of Spain, in recommending that the Pilcomayo should be explored by the Audiencia of Charcas with its own resources, recognised that this river throughout its course, and the whole of the surrounding territory, formed part of the district of that audiencia (Royal Cédula of December 10th, 1563).

By refusing to authorise the journeys of the Governors of Asunción through the desert, the King of Spain recognised the inclusion of the Province of Paraguay within the dominions of Charcas, at the same time as he ratified the latter's rights to the Chaco territories (Royal Cédula of October 1st, 1566).

When the Río de la Plata was divided into two governorships, the Province of Guayrá was explicitly constituted with its four cities of Asunción, Santiago de Jerez, Villa Rica and Guayrá, but was never able to extend its dominion over the Chaco or even to defend itself against the terrible savage tribes that dwelt on the banks of the River Paraguay (Royal Cédula of December 16th, 1617).

When the new Audiencia of Buenos Aires was created in 1661, the Province of Paraguay was assigned to it with its four cities, all on the eastern bank of the river of the same name; and when, ten years later, that audiencia was abolished, Paraguay reverted "to the jurisdiction and government of the Audiencia of Charcas without any alteration, as it was before . . ." (Royal Cédula of December 31st, 1661).

According to the Code of the Indies, Charcas continued, in 1681, to be bounded in the direction of Mattogrosso by the Tordesillas line, and in the direction of Paraguay and Buenos Aires by the Atlantic Ocean (Law IX, Section XV, Book II, of the Code of the Indies).

The Chiquitos missions belonging to Charcas were not confined to the Christianised portion nor to the eleven townships founded by the Jesuits, but "included all the nations or tribes of Indians existing between the Pilcomayo and Paraguay Rivers" (Royal Cédula of December 17th, 1743).

These tribes of Indians, on the expulsion of the Jesuit Fathers, were placed in the Military Governorship of Chiquitos, subordinate in administrative and political matters to the Audiencia of Charcas and in military and ecclesiastical matters to the Governor and Bishop of Santa Cruz de la Sierra respectively. Its first Governor received from the King of Spain the express mission of founding Spanish settlements along the River Paraguay in order that "the Portuguese should not enter the Chaco" (Royal Cédula of August 5th, 1777).

When the Audiencia of Charcas was detached from the Viceroyalty of Peru in 1777 and incorporated in that of Buenos Aires, it became part of that Viceroyalty "with all the 'corregimientos', townships and territories under its jurisdiction", without the territory of the Chaco Boreal having been detached from its jurisdiction either before or after (Royal Cédula of June 14th, 1777).

The Viceroyalty of Buenos Aires was later divided into eight intendancies (Royal Ordinance of January 28th, 1728). The Intendancy of Paraguay was established on the basis of the diocese of its bishopric. This bishopric did not include the Chaco (Map No. 13). The Intendancy of Santa Cruz was also established on the basis of the diocese of its bishopric. This bishopric included the Chiquitos missions, and the territory of those missions included the Chaco.

One year later the Audiencia of Charcas was once more divided into two audiencias; that of Buenos Aires, abolished in 1671, was re-established in 1783, "possessing as district the Province of Buenos Aires and the three provinces of Paraguay, Tucumán and Cuyo . . ." The Province and Intendancy of Paraguay was thus separated from Charcas, still without the Chaco, which did not belong to it, and remained without the Chaco until the revolution (Royal Cédula of April 14th, 1783).

In the course of over 250 years, and through all the vicissitudes of history, the King of Spain consistently manifested his will that the zone at present under dispute should belong to the jurisdiction of Charcas.

2. ACTS OF POSSESSION.

After the emancipation, Bolivia, notwithstanding the immense extent of her territory and the absence of the means of communication necessary for the absolute unity of her sovereignty, performed acts of effective possession over the Chaco.

Oliden Concession. — For instance, according to researches carried out on the spot by the French explorer d'Orbigny and communicated by him to the Bolivian Government in 1831, concerning facilities for access to the River Plate, Manuel Luis d'Oliden, a Bolivian citizen, obtained from the Bolivian Congress a concession of 25 leagues on the River Otuquis, a tributary of the Río Paraguay. Oliden took possession of the concession and spent eight years founding townships, exploring the region, and endeavouring to establish a shipping-line on the River Paraguay.

Unfortunately, the Republic of that name, then under the yoke of the dictator Francia, was a hermetically sealed community, with all its frontiers closed. After Francia's death, the dictator Rosas still kept the Río Paraguay closed, because he regarded Paraguay as a rebellious province of the Argentine. Oliden continued, however, to exercise his rights over the whole of the territory comprised between Santo Corazón and Bahía Negra, which is now occupied by Paraguay. The latter, moreover, raised no objection to the Oliden concession, because at that time Paraguay's claims did not go beyond latitude 20° (Puerto Olimpo).

Magariños and Van Nivel Expeditions. — In 1843, when the Bolivian Government conceded about a thousand acres in the north to the Belgian Colonisation Company, the Bolivian geographer Magariños founded the colony of Caiza and the port of Bella Esperanza, on the left bank of the Pilcomayo. The Belgian explorer Van Nivel, at the same period, explored the whole course of that river.

Rivero Expedition. — In 1844, General Firmin Rivero penetrated as far as the confluence of the Rivers Jaurú and Villa Maria, founding the township of San Matias, one league from the River Curuchi.

Decree of 1853 and Law of 1855. — Without the slightest protest from Paraguay, the Government published a decree, converted into law in 1855, declaring:

(1) The navigable rivers flowing into the Amazon and the River Paraguay free to the trade and merchant shipping of all nations of the globe;

(2) The following places, in Bolivian territory, open as free ports to the traffic and navigation of all merchant vessels, whatever their port of registration, origin or tonnage:

On the Beni: Reyes, Rurenabaque, Muchanis and Magdalena;

On the Pilcomayo: the port of Magariños;

On the western bank of the River Paraguay: Bahía Negra and Fuerte Borbón (Puerto Olimpo).

This law, to which Paraguay raised no objection, represented the geographical expression of Bolivia, and, so far as concerns the affair with which we are now dealing, proclaimed her rights as a riparian State of the River Paraguay.

Victorino Taboas and Domingo Vargas Concessions. — By a supreme Decree of February 1st, 1864, Victorino Taboas, a Spanish subject, received lands under concession on condition that he should make a road between Santa Cruz and the River Paraguay. This he did as far as Bahía Negra. While on a visit to Asunción, he was murdered in circumstances which have never been cleared up. His successor in charge of the undertaking, José D. Vargas, received further privileges from the Bolivian Government, on condition that he should make a harbour at Bahía Negra and establish a shipping line on the River Paraguay. He got as far as the Chamacocos country, south of Bahía Negra, where he established trading-stations under the Bolivian flag.

Rivas Expedition. — In 1863, Colonel Rivas carried out a fresh exploration of the Pilcomayo, as far as Piquirenda.

Oreste Mendoza Concession. — In 1870, the Bolivian Government granted Oreste Mendoza a permit for exploration and navigation on the Pilcomayo, from Magariños as far as the confluence of the Pilcomayo with the River Paraguay.

Crevaux and Campos Exploration. — After the disastrous expedition of the French doctor Crevaux, who was murdered by savage tribes (1882), M. Daniel Campos, national delegate and Government Commissioner, organised an expedition which, having established the posts of Crevaux, Quijarro and Compero, crossed the entire Chaco, losing two-thirds of its members through the indescribable hardships of the journey, but eventually reaching the capital of Paraguay. There Campos received a friendly welcome from the Paraguayan Government and people.

District of Otuquís. — In 1878, the Government, having accepted the proposal of a contractor, Miguel Suarez Arana, to make roads and set up trading-posts on the right bank of the River Paraguay, created the district of Otuquís, of which M. Suarez Arana became the military and political head.

This district was bounded (Decree of October 7th, 1878) on the east by the frontier with Brazil and the boundaries to which Bolivia is entitled on the western bank of the River Paraguay, which separates that country from the Republic of Paraguay and the Argentine Republic.

In virtue of his contract, Suarez Arana, the political and military head of the district of Otuquís, founded the port of Puerto Pacheco, situated in latitude 20° 30' 15" S., on July 16th, 1885.

Subsequently, there were founded, in this region, Puerto Suarez, and, in the region of the Pilcomayo—with the city of Palmar—Aguairenda, Caipidandi, Villa Montes and Villa Manso, and the posts of Guachalla, Ballivian, Linares, Magariños, Esteros, Horqueta, Muñoz, Saavedra, Sorpresa, Tinfunque, Cuatro Vientos, Alihuata, Arce and Chañar.

The report of the Chaco Commission duly noted both the "recent" character of the Paraguayan occupation in the interior of the Chaco (page 15) and Bolivia's acts of possession in the different parts of the Chaco (pages 16 and 17). With equal impartiality and common sense, it pointed out that the reason why the colonisation on the left bank of the River Pilcomayo is not comparable with that on the River Paraguay is that the first-named river is incapable of carrying any important traffic (page 16).

Bolivia has encountered in the Chaco natural obstacles which have delayed the development of the country; but the facts set forth above show that for the past century she has not ceased to enforce her rights of possession.

3. DIPLOMATIC NEGOTIATIONS.

From 1825, the year in which Bolivia's independence was proclaimed, until 1879, the boundary question between Bolivia and Paraguay remained in suspense. Paraguay, who was isolated from the world for thirty years by the dictatorship of the tyrant Francia, did not become independent until November 25th, 1842, when the Act of Independence of the Republic of Paraguay was approved.

From that time onwards, Bolivia, although she was a prey to frequent political revolutions, nevertheless endeavoured to define the boundary question with Paraguay and seized every possible opportunity of protecting and proclaiming her rights.

Thus, in 1852, on the conclusion of the boundary treaty between Paraguay and the Argentine, in which it was stipulated that the River Paraguay from one bank to the other, as far as its confluence with the Paraná, belonged to the Republic of Paraguay, M. Benavente, Chargé d'Affaires at Buenos Aires, on the same day that the treaty was published and without any instructions from his Government, which it was materially impossible for him to receive, submitted a note of protest to the Argentine Government, calling attention to Bolivia's rights to the western bank of the River Paraguay between latitude 20° and 22° S.

The Bolivian Government, which had been unable to give the necessary instructions to its representative to restrict the country's rights in this way, as the telegraph did not as yet exist at La Paz, promulgated, on January 22nd, 1853, the decree mentioned elsewhere.

The Argentine Government, in reply to the Bolivian Chargé d'Affaires, stated that "the treaty concluded with Paraguay could not destroy the rights claimed by Bolivia, which subsisted in the same form as they had existed prior to the conclusion of the Treaty".

The validity of Bolivia's rights was thus fully recognised in this explicit declaration.

Secret Treaty of the Triple Alliance. — Hayes Arbitration.

The Bolivian Government pointed out that certain provisions of the Treaty of Alliance concluded against Paraguay by the Argentine, Brazil and Uruguay, infringed its rights over the right bank of the River Paraguay. The Governments in question issued letters of reciprocal concession "safeguarding any rights which the Bolivian Republic might have over the territories situated on the right bank of the River Paraguay".

After Paraguay's defeat, each of the three allies preferred to treat separately with her. Thus, in the draft treaty submitted at Asunción to M. José del Rosario Mirando, Minister for Foreign Affairs, by General Mitre, Argentine Minister, we find the following provision:

"Second basis. On the western side, the Argentine Republic shall be separated from the Republic of Paraguay by the median line of the main channel of the River Paraguay, from its confluence with the River Paraná as far as the point at which the northern limits of the Argentine Republic in the Chaco are finally fixed."

The Paraguayan Minister submitted the following counter-proposal:

"Second basis. On the western side, the Argentine Republic shall be separated from the Republic of Paraguay by the median line of the main channel of the River Paraguay, from its confluence with the Paraná as far as the first channel of the River Pilcomayo flowing into the River Paraguay, opposite Angostura; in the meantime, the Paraguayan Government considers that any demarcation of the boundary north of the Bermejo depends upon an agreement with the Bolivian Republic, whose rights have been safeguarded both by the Allies and by Paraguay . . ."

As no agreement was reached, the matter was submitted to the arbitration of the President of the United States of America, who awarded to Paraguay the Chaco zone between the Río Verde and the River Pilcomayo; but, in the Protocol of February 3rd, 1876, the Ministers of the Argentine and Paraguay, M. Bernardo de Irigoyen and M. Facundo Machain, declared "that the contracting parties agree to safeguard the rights claimed by Bolivia over certain territories which are the subject of the present negotiations".

At the meeting of the League Council on May 31st, 1934, the Bolivian delegation adduced ample evidence that the Hayes Award in no way affected Bolivia's rights, in virtue of the principle *res inter alios acta*, over the zone assigned to Paraguay, and also put forward certain moral and political considerations (*Official Journal*, 15th Year, No. 7 (Part I), 1934).

Quijarro-Decoud Treaty.

Bolivia, desiring to put an end to the dangerous uncertainty in regard to her south-eastern frontier, accredited M. Napoleón Quijarro as Minister at Asunción. On October 15th, 1879, M. Quijarro concluded with M. Decoud, Paraguayan Minister for Foreign Affairs, a treaty in which, "without discussing either titles or antecedents, Bolivia renounces in favour of Paraguay the territory south of a parallel starting from the mouth of the Río Apa and extending to the Pilcomayo; in return, Paraguay renounces in favour of Bolivia the territory lying between that parallel and Bahía Negra".

This treaty was ratified by Bolivia, but not by Paraguay, which steadfastly refused to ratify it. A mission was entrusted to M. Caballero, Bolivian Minister, with a view to obtaining this ratification and establishing a final peace between the two nations. M. Caballero was completely unsuccessful, and M. Quijarro, the signatory of the treaty, was himself obliged to go back to Asunción for that purpose. All M. Quijarro's efforts proved unavailing, and he was forced to return empty-handed. The Paraguayan Congress thereupon passed a law (July 11th, 1885) empowering the Executive to divide up the Chaco and to auction all the lands. Such was Paraguay's reply to the incessant pacificatory efforts of the Quijarro mission. It should be noted that Paraguay adopted this attitude just when Bolivia had lately suffered serious reverses in her war with Chile.

Tamayo-Aceval Treaty.

Bolivia, not discouraged, sent to Asunción a further mission, entrusted to M. Tamayo, for the purpose of finding a common basis of agreement with Paraguay. After lengthy and laborious negotiations, this diplomatist succeeded in concluding a fresh treaty with M. Aceval, the Paraguayan Minister for Foreign Affairs. Under this treaty, the territory situated on the right bank of the River Paraguay was divided into three sections—viz.:

(1) The part lying between the main channel of the Pilcomayo (latitude 25° 21' S.) and a line parallel to the equator, which, starting from the right bank of the River Paraguay, extended to longitude 63° W.;

(2) The part lying between this line and the parallel passing one league north of Puerto Olimpo and extending to longitude 63° W.;

(3) The part lying between this second line and the parallel passing one league north of Puerto Olimpo and Bahía Negra.

The first section was to belong to Paraguay and the last to Bolivia; the middle section was to be submitted to His Majesty the King of the Belgians for arbitration.

Occupation of Puerto Pacheco.

Under the Treaty of 1879, Paraguay was assigned 4,136 square leagues. Under the Tamayo-Aceval Treaty of 1887, she was assigned 4,808, with the possible right of arbitration in regard to 1,705 square leagues.

The Tamayo-Aceval treaty was ratified by Bolivia. The Paraguayan Chambers did not even discuss it. What was more, the Paraguayan Government suddenly ordered the military occupation of Puerto Pacheco, thus depriving Bolivia of the only port she possessed on the River Paraguay. The gunboat *Pirapo* anchored off Puerto Pacheco on September 13th, 1888, and a landing-party arrested the Bolivian authorities and hoisted the Paraguayan flag.

The Paraguayan Government replied to the protests of M. Pinilla, Bolivian Chargé d'Affaires, by sending further contingents to reinforce the troops which had occupied this Bolivian port by force.

Bolivia, who was weakened by the Pacific war and prevented by the distance from taking direct action, which would, moreover, have led to another war, withdrew her agent from Asunción and broke off diplomatic negotiations.

Baptista Mission.

In spite of this spoliation, being anxious to make every effort to put an end by friendly means to a *de facto* situation which was bound, sooner or later, to provoke a clash between two peoples of the same origin, Bolivia, her conciliatory spirit and patience overcoming her natural resentment, accredited a seventh diplomatic mission to Asunción. This mission was entrusted to a distinguished Bolivian statesman whose one aim and object throughout his career was to maintain friendly relations among the Latin-American peoples; but, unfortunately, M. Baptista did not encounter at Asunción the reception to which he was entitled on account of his prestige and the high integrity he had displayed during his lengthy political career. The Chancellery at Asunción refused to grant him an audience, and the Bolivian diplomatist was obliged to leave Paraguay, if not disgusted, at all events sadly disappointed.

Ichazo Mission.

When M. Baptista was elected President of the Republic a few years later, his first care was to send an eighth mission to Asunción, which was entrusted to M. Telmo Ichazo. After laborious discussions with M. Benitez, Paraguayan Minister for Foreign Affairs, and, thanks to the urgent and friendly intervention of the Uruguayan Government, a further treaty was eventually concluded, under which the Chaco was divided by a line starting three leagues north of Fuerte Olimpo and ending at the River Pilcomayo at longitude 61° 28' W. The northern part of this territory was assigned to Bolivia and the southern part to Paraguay.

While under the Tamayo-Aceval Treaty Paraguay gained 672 square leagues more than under the Quijarro-Decoud Treaty, under the Ichazo-Benitez Treaty she gained 458 more again, making a total of 1,120 square leagues obtained since the first negotiations.

Soria Galvarro Mission.

Since, in accordance with its usual practice, the Paraguayan Government did not appear to be in a hurry to ratify this treaty, Bolivia accredited her ninth mission in 1896. M. Soria Galvarro succeeded in obtaining only an evasive answer, mentioning "the opposition which this treaty has aroused among the public" (January 11th, 1900). The Paraguayan Congress passed a law creating "a Commission to study and explore the disputed territory in the light of Paraguay's historical titles and rights". This was tantamount to a flat rejection, and there was nothing left for M. Galvarro to do but to go home.

Third Quijarro Mission.

In 1901, the new Bolivian Government, which had come into power as the outcome of the Federal Revolution of 1898, accredited to Asunción M. Quijarro, the diplomatic expert on the

Chaco question, with a view to reaching an agreement on the substance of the question. The negotiations had not progressed very far when the Paraguayan Government submitted to Congress a Bill which, by creating electoral constituencies embracing the whole of the northern zone, not only included Fuerte Olimpo and Puerto Pacheco, taken from Bolivia a few years earlier, but extended Paraguay's seizure of territory much further north. By claiming to give electoral representation to a disputed zone, Paraguay incorporated it by a unilateral act in her sovereignty, thus acting as judge in her own cause.

For the third time in twenty-three years, M. Quijarro was obliged to return to Bolivia without having succeeded in opening any serious negotiations.

Cano Mission.

A further mission, the eleventh, was appointed in 1905. M. Emeterio Cano was instructed to discuss with M. Dominguez, the Paraguayan representative, the bases of a final solution. He proposed latitude 22° as the line of demarcation. M. Dominguez rejected this suggestion, but made no counter-proposal. The Bolivian representative then proposed another solution: to draw an oblique line starting from latitude 21° and extending as far as the point where longitude 63° intersects the River Pilcomayo. This was likewise rejected by M. Dominguez.

A new proposal—the last—was then made by the Bolivian delegate: to draw a right-angle within the Chaco, the sides to be formed by latitude 21° and longitude 63° . M. Dominguez rejected this proposal, stating that "his country had need of vast territories which could contain fifty or sixty million inhabitants". Whereupon the negotiations were broken off, as was only to be expected, with a promise that they should be resumed later.

Pinilla-Soler Protocol.

In the statement made by the Bolivian delegation before the League Council on May 31st last, the former referred to the irregular and disquieting circumstances that had preceded the signature, under the auspices of M. Zeballos, Argentine Minister for Foreign Affairs, of the Pinilla-Soler Protocol of 1907. Under this new Convention, it was agreed to submit to the President of the Argentine Republic for arbitration "the zone between parallel $20^{\circ} 30'$ and the line claimed on the north by Paraguay and, within the territory, between Greenwich meridians $61^{\circ} 30'$ and 62° ". The two parties undertook to refrain from making any change or from pushing forward existing positions.

Some years later, M. Dominguez wrote as follows:

"From latitude $20^{\circ} 30'$ to longitude $61^{\circ} 30'$: 9,124 square leagues for Paraguay! Arbitration, for half a degree westwards, and northwards as far as our claims might reach. Net advantage over the last (Ichazo-Benitez) treaty: (1) the difference between 9,124 and 5,266 square leagues; (2) arbitration for half a degree westwards; (3) arbitration in respect of the northern region . . ." (*El Nacional*, Asunción, July 13th, 1910.)

Further Cano-Dominguez Negotiations.

This diplomatic instrument, which raised a storm of protest in Bolivia, at once gave rise to a highly unfavourable discussion, which showed that the Bolivian signatory of the 1907 Protocol had not interpreted the national will correctly. M. Cano's death put an end to the controversy over the interpretation of that Protocol.

Mujía Mission.

Another mission was accredited in 1910 and entrusted to M. Ricardo Mujía, the object being to negotiate the final agreement, as the Pinilla-Soler Protocol had lapsed, the arbitrator having declined to act, and no provision having been made for a substitute.

A new protocol was therefore signed declaring the Protocol signed by M. Pinilla and M. Soler to have lapsed, but the *status quo* to have remained in force (April 5th, 1913). M. Mujía continued his efforts and negotiations with a view to reaching an agreement. They dragged on at Asunción until 1918, and were then continued at La Paz, whither M. Moreno, the Paraguayan representative, was obliged to follow M. Mujía, who had been appointed Minister for Foreign Affairs. Without discussing the arguments and titles advanced by M. Mujía, M. Moreno proposed, as a basis for a direct settlement, the establishment of a free zone on the right bank of the River Paraguay. This proposal was rejected by Bolivia, and the Paraguayan delegate returned to Asunción.

First Serious Incidents.

From that time on, relations between Bolivia and Paraguay took a really disquieting turn. Paraguay began to cut new roads, while foreign capitalists, who had settled in the Chaco with profits derived from their trade with the European countries during the war of 1914-1918, redoubled their efforts to construct light railways, which, as a glance at a map will show, were like so many spearheads pointed towards the part of the territory occupied by Bolivia. New outposts were established and new grants of land made, while the Argentine firm of Casado took steps to settle the Mennonite sect in the vicinity of its own concessions, under conditions the liberality of which was but one aspect of the political need for speedy colonisation.

The Bolivian Legation at Asunción protested against this incessant advance, which constituted a flagrant violation of the *status quo* so tenaciously defended by Paraguay. The excuse given by that Power was that the settlement of the Mennonites was private in character.

With a pertinacity deserving of a better reward, the Government of Bolivia appointed M. Diez de Medina as Ambassador Extraordinary to make the following proposals to the Government at Asunción:

- (1) That the territories then occupied by each of the two nations in virtue of valid titles should be finally incorporated in their respective dominions;
- (2) That Puerto Pacheco should be restored to Bolivia, its original owner; and
- (3) That the territories in respect of which agreement proved impossible should be submitted to the arbitration of the President of the United States of America.

Paraguay accepted in principle, but, as the result of a violent Press campaign, the origins of which were only too obvious, public opinion in that country began to view Bolivia with quite unusual animosity. It was at that juncture that the Argentine tendered its good offices.

Two Paraguayan missions were then successively accredited to La Paz—that of M. Guggiari, who was obliged to leave almost immediately for reasons of health, and that of M. Lopez Decoud, who, while making a number of quite attractive promises, declined to be drawn into further direct discussions, and declared that it was his Government's view that the matter should be dealt with at Buenos Aires (1925).

Frontier Incident.

Paraguay's uninterrupted advance, and the methods which she adopted, ultimately led to serious consequences. A Paraguayan officer, who had passed himself off as an Argentine non-commissioned officer in order to gain admittance to the Bolivian outposts at Sorpresa, was killed.

So bitter was the feeling which this incident aroused among the public, always quick to take umbrage, that it was clear that, if allowed to continue, its consequences might well prove irreparable. The two Governments therefore had recourse to the good offices of the Argentine Government, which had already been accepted in 1924.

Gutierrez-Diaz León Protocol.

On April 22nd, 1927, a Protocol was signed at Buenos Aires by the Bolivian Minister, M. Gutierrez, and the Paraguayan Plenipotentiary, M. Diaz León. This instrument was of such importance that we feel compelled to quote its principal provisions:

" *Article 3.* — The plenipotentiaries shall determine the questions which are to form the subject of their deliberations. The allegations or proposals which may be put forward for the determination of the boundary-line may include both the titles or precedents on which their respective rights are based, and also suggestions for compromise or territorial equivalents.

" *Article 4.* — Should it prove impossible to reach agreement on the line to be finally adopted as the international frontier, the plenipotentiaries shall record their grounds of disagreement and shall fix the exact zone which shall form the subject of the decision of an arbitral tribunal to be appointed by mutual agreement.

" *Article 5.* — The results of these deliberations shall be communicated to the two Governments concerned and also to the Government of the Argentine Republic, under whose auspices the conferences shall be held."

The result of the foregoing Protocol was the Buenos Aires Conferences.

They were opened on September 29th, 1927, adjourned on December 27th, resumed on March 15th, 1928, and finally closed, after an obvious breakdown, on July 12th, 1928.

It was these two conferences that brought to light the fundamental differences in both the arguments and the methods of the two countries.

To assist the Assembly of the League of Nations in forming an accurate opinion of these negotiations, we shall be obliged to describe them in some detail. For that purpose, we cannot do better than quote extensively from the report submitted for information by M. Sanchez Bustamante, head of the Bolivian delegation, to the Argentine Minister for Foreign Affairs, under whose auspices the conferences were held:

" In effect, the question of the Chaco Boreal has a greater significance for Bolivia than that which is commonly attributed to it, because it not only refers to her international boundaries but also jeopardises her inalienable rights of sovereignty, which she is determined to defend with all the perseverance which the conviction of the justice of her cause permits her. This circumstance has prevented us from turning our attention, in the course of these conferences, to settlements which, while possible, are either not essential or are not strictly legal. Our country, which on more than one occasion entered into compromise agreements which have only served to encourage the aspirations of our opponent, has wished to express through us its firm willingness to save, within its sovereignty, the integrity of the colonial territories of the Royal Audiencia of Charcas, which are those belonging to it in virtue of the American principle of the *uti possidetis juris* of 1810.

" Only the definitive treaties ratified in accordance with the constitutional procedures of each nation can be invoked as acts renouncing the benefits of that basic principle of the Spanish-American nationalities. Pacts which have not been perfected constitutionally merely represent attempts to effect a friendly settlement, the cordial aims of which, however, have been defeated, and these pacts cannot be invoked as antecedents contrary to the

primordial rights of the nation whose plenipotentiaries agreed at a given moment to sign them as a token of fraternal disinterestedness. Nor can such importance be attached to protocols of a transitory character signed against the consensus of opinion of the Bolivian people, under special circumstances which, by their very nature, were transitory and ephemeral. The *modus vivendi* agreements only aimed at avoiding armed conflict, and they established a momentary conformity with *de facto* international situations; but they never mean, nor can they mean, the recognition of the rights of others, nor the renunciation of one's own rights . . . To attempt to prolong indefinitely the eventual conditions of a transitory status quo for the purpose of converting it into a permanent international policy is to get farther away from harmonious settlements and to prepare a future full of unrest and danger . . . Therefore the delegation of Bolivia came to this capital clothed with specific instructions from its Government . . . 'for the determination of the boundary-line' (Article 3 of the Gutierrez-Diaz León Protocol); and, in case this should not be possible, 'to fix the exact zone which shall form the subject of the decision of an arbitral tribunal to be appointed by mutual agreement' (Article 4).

" . . . Contrary to what it could expect, the Paraguayan delegation proposed that 'the elucidation of the *status quo* agreed upon in the Protocol of 1913 be made the first question' . . . 'or to agree upon another *modus vivendi* which may ensure an atmosphere of harmony and confidence during the course of the deliberations and until the matter is finally settled. Only . . . following this an examination of the mutual proposals for a direct settlement could be undertaken, and in turn the zone to be submitted to arbitration should be fixed.' "

The Paraguayan thesis was not in accord either with the spirit or the letter of the Protocol in which the conferences had had their origin.

" It tended to cause an indefinite postponement of the settlement of the boundary question by substituting in its place a simple *modus vivendi* which, in the course of time, Paraguay would proclaim as her definite boundary policy; or, what amounts to the same thing, the indefinite perpetuation of the *de facto* situation.

" The Republic of Bolivia views *de facto* situations as contrary to the spirit of cordiality which characterises its conduct in the relations which it desires to cultivate with neighbouring nations, and therefore it makes every effort to replace them with stable policies based upon strict justice . . . Bolivia wishes to terminate her controversy with Paraguay in accordance with the juridical standards made sacred in the practice of nations; but she cannot lend herself to procedures which are merely dilatory. Her plenipotentiaries felt obliged therefore to refrain from following the Paraguayan plenipotentiaries in the procedure which they wished to adopt, and repeatedly invited them, though without result, to formulate proposals for a definite settlement of the boundary question."

When the conferences were resumed after an interval of a few months, the Bolivian delegation proposed to the Paraguayan delegation that they should begin with arbitration on the fundamental question. This proposal was in consonance with the suggestion put forward by the Argentine observer, M. Ruiz Moreno, in the following terms:

" 1. That Paraguay agree to proceed directly to arbitrate the fundamental question."

At the plenary meeting on May 10th, the Paraguayan delegation replied that it could not "accept the procedure indicated by the Bolivian delegation".

In point of fact, it was not Bolivia, but the Argentine Foreign Office, that had suggested the course which the Paraguayan delegation thus rejected.

At a later stage, the Bolivian delegation made a proposal for arbitration in accordance with the Protocol of 1927. The delegation of Paraguay confined itself to stating:

" That the definition of the boundaries between Bolivia and Paraguay shall conform:

" (a) To the *uti possidetis juris* of 1810;

" (b) To the acts and facts of possession and dominion which, being subsequent to 1810 but previous to 1907, corroborate or confirm the *uti possidetis* of 1810."

The doctrinary divergence was thus clear. While Bolivia based her claims on the legal aspect of the problem and on the titles of the colonial epoch, Paraguay based hers upon "acts and facts of possession—that is, upon the *de facto uti possidetis*".

"Bolivia," adds M. Sanchez Bustamante, "bases her dominion upon her historic titles and absolutely denies the lawfulness of those acts of possession effected by Paraguay in the Chaco prior and subsequent to 1907, and cannot permit that such usurpatory acts can be alleged before the arbitrator."

A second suggestion by the Argentine Foreign Office related to the demilitarisation of the posts. Bolivia accepted, but Paraguay attempted to interpret this suggestion as implying withdrawal from occupation. The purpose of the Argentine suggestion was the adoption of safety measures to prevent friction between Bolivian and Paraguayan detachments. It was this desire for security which led the Argentine observer, M. Ruiz Moreno, to propose the *establishment of an international police force*. The Bolivian delegation accepted this suggestion without qualification, since, pending a settlement of the fundamental dispute, it afforded either country an equal guarantee against a possible advance by the other. The delegation of Paraguay refrained from replying on this point.

After several weeks of discussion, both parties still rested on their positions. Paraguay wished that demilitarisation should be used as a pretext for perpetuating a *modus vivendi*, while

Bolivia remained faithful to her desire for a final settlement of the fundamental dispute. It was finally agreed that "the bases of an agreement were not yet sufficiently mature", and the conferences terminated by a *procès-verbal* which stated that "both delegations agree in declaring that the dispute in which their respective countries are involved shall be settled only by pacific means, except in the case of self-defence".

4. THE ATTACK ON VANGUARDIA; HOSTILITIES; EFFORTS TO REACH A SETTLEMENT.

In the meantime, M. Modesto Guggiari was elected President of Paraguay, and, in various statements to the Press, gave evidence of disquieting intentions.

On August 22nd, 1928, five Bolivian officers, who were exploring north of the River Otuquís, were arrested and taken to Puerto Diana, on the River Paraguay. In face of the indignation aroused by such an act committed on Bolivian soil in time of complete peace, the Paraguayan Government released the officers.

Shortly afterwards, however, the Paraguayan army was secretly mobilised along the ports in the neighbourhood of Bahía Negra. Headquarters was fixed at Villa Concepción on November 14th, 1932.

The moment was well chosen; it was in the rainy season, which would hamper any movement on the part of Bolivian troops coming from the interior; an electoral campaign was in full swing in Bolivia; and Bolivia's attention was largely absorbed in the settlement of the old Tacna-Arica question between Chile and Peru.

On December 5th, 1932, 300 men, leaving the Paraguayan post of Galpon, appeared at dawn before the Bolivian post of Vanguardia, which was occupied by forty-two men, killed most of them, took prisoners, and destroyed and burnt the fort.

This outrageous act of aggression was followed by the despatch of the following note from M. Geronimo Zubizarreta, Paraguayan Minister for Foreign Affairs, to the Bolivian Government:

"With reference to the sanguinary conflict between the Paraguayan and Bolivian forces in the neighbourhood of the post of Galpon, which was provoked by the Bolivians, my Government, in order to ensure that its attitude is correct, instructs me to inform Your Excellency that it has requested the Government of Uruguay to convene the Commission of Investigation, provided for under Article 2 of the Treaty, 'to avoid or prevent conflicts between the American States', signed at Santiago on May 3rd, 1923, and ratified by Paraguay and Bolivia."

This statement was in itself evidence of culpability. The aggressor was choosing a judge, invoking a treaty that Bolivia had never ratified. Bolivia first of all demanded satisfaction for the damage done, but, as no satisfaction was forthcoming, she carried out reprisals by seizing the Paraguayan post of Boqueron.

These facts having been brought to its notice, the Washington Commission of Investigation and Conciliation found, after fully considering the previous circumstances, that:

"The historical account of the facts revealed that the incident at Vanguardia preceded the events which took place in the Boqueron sector; that the employment of coercive measures on the part of Paraguay . . . caused the reaction of Bolivia."

The distinguished Peruvian internationalist, M. Alberto Ulloa, wrote, in regard to this finding:

"The historical truth, recognised at Washington by the delegates of Paraguay, is that Paraguay was the aggressor against Bolivia in December 1928."

The Chaco Commission did not neglect to refer to this important decision in its report (page 24).

The explicit condemnation of Paraguay and the recognition of her act of aggression by the Washington Commission of Investigation and Conciliation were clear evidence of the spirit evinced by the Government at Asunción.

The latter, moreover, tried to evade the execution of the Commission's resolution, until at length the Government of Uruguay was compelled to send a special mission to Asunción to persuade President Guggiari not to break a solemn undertaking, even though the country's pride should suffer as a result. Paraguay had accordingly to rebuild the post of Vanguardia, whereupon Bolivia handed back the post of Boqueron, diplomatic relations having been normally restored.

The importance of these facts must be clear to all. Prior to the Vanguardia case, there had already been numerous discussions and incidents. But that was the first serious act of hostility; and since then, as will be shown, the peace has been constantly disturbed, so that the unfortunate events of recent years will be found to be the consequences of that act, for which Paraguay was formally declared responsible.

Paraguay's Military Preparations.

Though the pressure exerted by the Powers compelled Paraguay to repair the damage she had done; though the post of Vanguardia was rebuilt, however reluctantly; and though Paraguay

was universally recognised to be the aggressor, she continued her policy of expansion, making use of favourable geographical factors and acting at the instance of foreign capitalists to whom she had sold for a song, not only the part of the Chaco which she occupied, but also the part which those capitalists themselves wanted her to occupy—viz., the Bolivian oil-bearing zone.

After the experience of Vanguardia and Boqueron, the Government of Paraguay realised that Bolivia could no longer be deceived by the diplomatic trickery of the previous fifty years, and that she would have to consolidate by force what she had won by cunning.

Accordingly, the Government of President Guggiari, whose policy was clearly shown by the definitely bellicose statements he made on the eve of taking office, made a great effort to bring the army and the river fleet up to the necessary degree of efficiency.

Paraguay thus showed her firm intention of going to war, and prepared to do so.

Senator Mendez Benítez made the following statement in the Paraguayan Senate on May 27th, 1931, after pointing out that thirty new posts had been built since 1923:

“ The increasing efforts made by the Government are clearly reflected in the War Department estimates—viz.:

	Pesos
1923-24	22,312,942
1924-25	45,868,376
1925-26	44,087,729
1926-28	47,153,581
1928-30	67,000,000
1930-31	96,575,922

“ . . . Paraguay, with a revenue of no more than 270 million pesos, spends 31.59 per cent of her total income on her army.”

General Schenone, Minister of War, addressing the officers of his staff, was even more explicit.

“ . . . That . . . is irrefutable evidence of the energy, the interest and the preparedness of the people and the Government, which have devoted to this great problem, in the space of four years, an effort gigantic in proportion to our population and our economic and financial capacities, and one such as, comparatively speaking, was not put forth by even the wealthiest nations of Europe during the great war . . . ”

But in order to induce public opinion to support such burdens, it was necessary to prepare it well in advance by inventing the “ Bolivian peril ”. After the losses caused by the war of the Triple Alliance, the classical system of the lever was applied to arouse the suffering masses, an external fulcrum being selected. That fulcrum could be found only in the Chaco, a vast territory which lay open and defenceless to secret penetration.

The mentality of several generations had been sufficiently warped, and the politicians, for whom the foreign capitalists reserved seats on their boards of directors at Buenos Aires, had every interest in maintaining and intensifying such a state of affairs.

With that object, a campaign was steadily carried on within the country to exalt the virtues of the Guaraní race, with an eye to a future war with Bolivia; while outside the country treaty after treaty was negotiated—though no effect was ever given to them—protocols were signed and numerous conferences were held. All this was done with much loud talk of pacifism, which the delegate of Paraguay succeeded for some time in causing to be re-echoed at Geneva, though it subsequently died away after the revelations made by the Committee of the Council.

In order to realise the state of opinion in Paraguay after the attack on the Vanguardia post, which was clearly the origin of the present dispute, we need only quote a few extracts from the Asunción Press:

“ Bolivia is neither anxious nor able to launch an attack on Paraguay, in view of her financial bankruptcy and her present unpreparedness for a war in the Chaco.” (*La Tribuna*, Asunción, June 26th, 1931.)

“ For ethnical, demographical, climatic, geographical and sociological reasons, Bolivia is the least fitted of all South-American countries to wage war.” (*El Orden*, Asunción, June 30th, 1931.)

For these war preparations to be fully effective, it was not enough to excite public opinion or acquire war material; it was also necessary to train the army and show it how to use that material.

With this object, the Government of Paraguay engaged an Argentine military mission, under the command of Colonel Schweitzer. This mission stayed in Paraguay until August 1932—that is to say, for some time after open hostilities had broken out between Bolivia and Paraguay. Its chief remained at Asunción as military attaché to the Argentine Legation.

In the meantime, Paraguay had bought in Italy two gunboats with the latest armament.

Bolivian Proposal of a Pact of Non-Aggression.

The Bolivian Government was rightly uneasy at these preparations. It had no wish to meet force with force, but with law, though at the same time it took precautions, which subsequently proved quite inadequate. It made use of an unexpected weapon—a pact of non-aggression. To intensive preparations for war, it replied with the rational organisation of peace.

Paraguay could not evade the issue; that would have been tantamount to a confession that she intended to settle the dispute by force of arms. Negotiations were instituted at Washington under the auspices of the United States Government. The negotiations were protracted, and in the meantime Paraguay was the only country engaged in a territorial controversy which did not take part in the Conference for the Reduction and Limitation of Armaments that met at Geneva on February 1st, 1932.

Renewed Hostilities: Intervention of the Committee of Neutrals.

While these negotiations, as fruitless and disappointing as all that had preceded them, were going on at Washington, Bolivia, which had just emerged from a serious political crisis, was engaged in restoring a certain amount of order at home. The economic depression had affected her so severely as to compel her to suspend payment of her foreign debt and to abandon the gold standard. Her budget showed a deficit of 60 per cent, owing to the fall in her exports of raw materials.

The situation throughout Latin America was extremely delicate. Revolution was spreading from country to country.

While the negotiations for the pact of non-aggression continued, explorations were being carried on by both Bolivia and Paraguay. Advances were made in salients in a territory which is mostly desert, and in which isolation lends the head of the smallest detachment a perhaps excessive idea of his own importance and thus induces a dangerous proclivity to acts of personal bravery and bold enterprises.

Thus, in the course of 1931, two successive attacks were launched upon the Bolivian post of Agua Rica. The hostilities, started in 1928, continued in a sporadic fashion. The Paraguayan Lieutenant Ortigosa also succeeded in suborning two soldiers to surrender the Bolivian post of Arce without a blow.

The Chuquisaca Lagoon Affair: Intervention of the Committee of Neutrals.

On June 15th, 1932, a Bolivian patrol came into collision with a Paraguayan patrol on the shores of the Chuquisaca Lagoon. Bolivia was ready to limit the consequences of the incident, but Paraguay deliberately aggravated it by organising mass attacks on two occasions. The first took place on June 29th, and shortly afterwards Paraguay ordered her delegates to withdraw from Washington.

On that occasion the Bolivian Chancellery made the following statement:

“Notwithstanding this incident, Bolivia is convinced that there is no reason for breaking off the negotiations for the pact of non-aggression. Bolivia, not being bound by any pact, has the right to explore the desert parts of her territory, since Paraguay is doing the same without asking leave of us. After the incident of June 15th, it would have been only logical for the Paraguayan Government to make a complaint, and it would at once have been considered with the utmost goodwill. But Paraguay preferred, after a few days of silent preparation, to launch a sanguinary attack . . .” (June 29th, 1932).

On July 15th, Paraguay launched a fresh attack on a larger scale. The small Bolivian force at the Chuquisaca Lagoon was crushed, and the door thus closed to any understanding on the lines suggested by the Bolivian Chancellery. The intention to make war was rudely revealed. Paraguay doubtless thought that the hour had struck.

Then came Bolivia's reprisals. The matter was at once referred to the Committee of Neutrals at Washington. The League of Nations did not think it desirable to intervene, and, moreover, the action of the Committee of Neutrals was carried out within the framework and in the spirit of the Covenant, since four of its five members were Members of the League.

After experiencing some difficulty and uncertainty as to procedure—a matter for regret to-day, since the conflict was thus allowed to assume dangerous dimensions—the Committee of Neutrals succeeded in drawing up a constructive plan to put an immediate end to hostilities by offering a fundamental settlement of the dispute.

This plan received the support and approval of the Council of the League, which thus invested it with its own high authority. Bolivia accepted it. Paraguay curtly rejected it, and recalled her delegate.

This singular attitude was harshly judged by public opinion. The Committee of Neutrals sent the Paraguayan Government a cable expressing upon its conduct the severest judgment that an international body has ever passed upon a Government:

“Withdrawal from discussion by ordering the recall of delegates can only be interpreted as an intention to continue the war and to leave the future situation in the Chaco to be settled by arms.”

Paraguay persisted, however, being anxious to continue the war and to transfer the seat of the negotiations to Buenos Aires, where she perhaps hoped to find an atmosphere more favourable to her claims.

Act of Mendoza.

The Argentine and Chilian Ministers for Foreign Affairs, in conference at Mendoza, proposed a new plan of settlement, to which the Brazilian and Peruvian Governments adhered. The Bolivian Government considered that the bases of this agreement were much too vague, and might give rise to future complications. It made certain counter-proposals, which were not accepted by the mediators, so that their mediation failed. Indeed, the plan they proposed would have led only to a mere suspension of hostilities, without providing for a rapidly realisable agreement on the points to be submitted to arbitration.

Declaration of War: Appeal to Article 16.

Neither Bolivia nor the Neutral Powers felt that the setback at Mendoza finally precluded all hope of a solution. This is fully proved by the fact that the Committee of Neutrals thereupon met to reconsider the question (May 8th, 1933). Two days later, Paraguay, taking a decision which she had carefully prepared by obtaining from her Parliament the necessary constitutional authority, officially declared war on Bolivia.

She has endeavoured to justify this decision, or at all events to attenuate its gravity, by arguing that a state of war already existed. But every impartial observer must recognise that the previous incidents, serious though they were, had not prevented peace efforts. Once more resorting to extreme measures, Paraguay was seeking to exclude all possibility of a peaceful solution and at the same time endeavouring so to order matters that the neighbouring countries should be led to institute a regular blockade of Bolivia. These plans, however, ran aground upon the sincerity of the Brazilian, Chilian and Peruvian Governments, which were determined to observe the treaties they had signed with a country deprived of all outlet to the sea.

The Bolivian Government, of course, immediately complained to the Council of the Paraguayan Government's action, and demanded the application of Article 16.

The Council felt that it could not take a decision on the grave question thus submitted to it. It nevertheless discreetly, but quite definitely, disapproved the policy followed by Paraguay in this matter, since it asked that country, on May 20th, to withdraw its declaration of war.

At this same meeting on May 20th, the Council decided to send a Commission to the spot, in accordance with the report submitted by the Committee of Three, which had, on March 6th, laid the dispute before the Council in accordance with Article 11 of the Covenant.

The Bolivian Government having made certain observations regarding the report, the Committee of Three had several interviews with the Bolivian delegation, at which it became clear that Bolivia, much to her regret, would be unable to accept a mere suspension of hostilities unaccompanied by a special arbitration agreement. The solution contemplated was merely the one that had been proposed at Mendoza.

Bowing to the cogent arguments advanced by the Bolivian delegation, the Committee of Three modified its suggestion and submitted a new report confirming the despatch of the Commission, and admitting, as the members of the Committee had admitted during the interviews, that the conclusion of a special agreement to arbitrate and the stoppage of hostilities should be simultaneous.

A new report was therefore submitted at the meeting on July 3rd and approved by the Council. It was agreed that negotiations should take place at Geneva pending the Commission's arrival on the spot in South America.

From the very first day, the Paraguayan delegate avoided all discussion, so that the good intentions of the Bolivian delegation and the praiseworthy efforts of the Committee of Three were of no avail.

On July 8th, the Paraguayan delegate informed the Secretary-General from Paris that his Government withdrew its agreement to the report of July 3rd, on the pretext that Bolivian troops had launched a new offensive, which, he added, had been successfully repulsed by the Paraguayan troops.

An unheard-of action had thus rendered the Council resolution inoperative by making the unanimity required by Article 11 impossible.

Brazilian Initiative.

In these circumstances, M. de Mello Franco, Brazilian Minister for Foreign Affairs, again undertook to mediate, in the hope of discovering some solution to the problem, under better conditions possibly than in the past, and with a full knowledge of the facts.

The Brazilian suggestion that, at the request of the two parties, a mandate should be conferred on the Argentine, Brazil, Chile and Peru was accepted at the Council meeting on August 3rd, 1933.

Unfortunately, after fruitless efforts, the four countries in question found themselves obliged to inform the Council that they would be unable to carry out the task entrusted to them.

The Council Commission.

In compliance with the Council resolution of July 3rd, the Commission embarked for South America.

We need not recapitulate its efforts in detail, or pay a tribute to the zeal it showed in its endeavour, in the midst of conflicting events and attitudes, to discover what it deemed to be the

most equitable solution. Its report, though couched in prudent and highly discreet terms, bears witness to the myriad obstacles it had, if not to surmount, at least to face, in its attempt to secure acceptance of the fundamental principle of a speedy and final solution.

We leave our adversary to bear the responsibility for the reproaches it subsequently levelled against the Commission, going even so far as to throw doubt on the Commission's impartiality. So far from favouring Bolivia, the report contains a number of points on which the Bolivian Government was obliged to comment in its memorandum of May 15th. Moreover, the Bolivian delegation, at the meeting of the Council on May 31st, and in its note dated July 11th, submitted certain additional considerations on the part of the Bolivian Government. We need not revert to these matters.

But we are bound to point out that an impartial survey of the facts by the Commission has forced Paraguay to collect together, in a lengthy memorandum, all the objections and reservations to the Commission's work.

We do not propose to discuss any of the conclusions which the Commission, in all sincerity, thought fit to draw. The Bolivian Government feels bound, however, with regard to the suggestions contained in the report, to draw attention *pro memoria* to the two weak points of the draft treaty, which were obviously dictated by the needs of the moment and by the hope of satisfying Paraguay, whose attitude had stiffened after her military success at Campo Vía.

The two points are these:

1. The compensation granted to Bolivia in the north is quite illusory, being doubtless due to a mere desire for symmetry; since the Paraguayan claims, which would thus be withdrawn, are in regard to territories outside the limits mentioned by the Paraguayan delegate in his letter of June 6th, 1933, which the Commission duly noted. In exchange, Paraguay is given one of the richest regions of the Chaco—that known as the Hayes zone.

2. Instead of being entrusted to international forces, acting on behalf of the League of Nations, pending a rapid solution, the means for which are indicated, the policing of the Chaco is left to the two belligerents. This would not be likely to decrease the risk of encounters that might lead to a resumption of warfare, to the advantage of the country which possessed the more rapid means of access and the more highly specialised methods of mobilisation—*i.e.*, Paraguay.

The Commission's draft treaty constitutes, together with the treaty drawn up by the Committee of Neutrals in December 1932 (and rejected by Paraguay in the manner already described), one of the most effective efforts that have yet been made to ensure the pacification of the Chaco. Being human, it is not perfect; but, in spite of all the shortcomings noted by the parties, it does lay down peremptorily that, in a peculiar dispute like that of the Chaco, the suspension of hostilities must, *as the supreme guarantee of security*, be accompanied by a rapidly realisable agreement to submit the matter to arbitration.

5. CONCLUSIONS.

This survey of the dispute, rapid though it be, suffices nevertheless to show that Bolivia has always consented to all negotiations, and has only resorted to arms when and as the repeated aggressions of her adversary have precluded all other means of upholding her rights and safeguarding her honour. In invoking Article 15 of the Covenant and laying the dispute before the Assembly, Bolivia is making a supreme effort to obtain, through that body's intervention, a rapid and final solution, whether by conciliation or compromise, or in any other manner.

Being at all times ready to negotiate and discuss matters in the interests of the maintenance or restoration of peace, Bolivia has never put forward conditions other than those which are absolutely necessitated by elementary considerations of security.

1. She is aware that the question is a complex one which cannot be settled by a stroke of the pen. In point of fact, the League of Nations, like the friendly Powers who have offered their assistance, has inevitably been led to contemplate, not a direct settlement of the dispute, but rather the acceptance by both parties of a procedure which may lead to a settlement. Bolivia will accept with resignation the unavoidable delays such a method must involve; but she is entitled to demand that all precautions be taken to avoid unforeseen and clandestine action.

That is why she has always insisted on obtaining from her adversary a precise definition of that adversary's claims; indeed, it is somewhat surprising that it should have been necessary to make so natural a request. How could it possibly be admitted that one of the parties should be entitled to reserve for itself the right to modify the scope of its demands, according to the course of events?

2. The above has, however, been the only point on which Bolivia has insisted. She has agreed that the question should be submitted to the Permanent Court of International Justice on the basis of the maximum claims put forward by the parties, and in accordance with the principles laid down by the American nations on August 3rd, 1932. It would seem that this is the only equitable means of avoiding the vexatious delays and annoyances to which the discussion of the points to be submitted to arbitration might give rise.

3. One objection has been put forward to this very liberal attitude. Bolivia and the League of Nations Commission itself have been blamed on the score of having sought to turn a mere question of boundaries into one of territorial sovereignty. No objection could be so baseless.

How can this dispute be a question of boundaries when the divergencies affect immense territories ? That being so, surely it is necessary to ask to whom these territories belong in terms of sovereignty.

4. Because Bolivia seeks to obtain a legal, total and final settlement of the dispute, and resolutely refuses all dilatory procedure, she has been accused of a desire to prolong the war. She has been reproached for not agreeing to the cessation of hostilities before all else.

Her adversary has itself given a reply to this objection (Observations of July 9th, 1934):¹ " It is the right and duty of a country, if it has been attacked, to reject any proposals which do not secure it from further aggression ".

Nevertheless, in her desire to reach a peaceful solution and reduce to a minimum the sacrifices involved by a prolongation of hostilities, Bolivia has, in this respect, as compared with her previous demands, made a concession the importance of which can hardly be denied. She first demanded that a settlement of the substantive dispute should be reached before hostilities were terminated. She now accepts the idea that the cessation of hostilities and the final acceptance of the procedure for the solution of the dispute shall be simultaneous.

Bolivia is happy to note that on this capital point the soundness of her views has been admitted by the Chaco Commission.

Moreover, Bolivia desires to state with the utmost possible sincerity that she is most anxious to reduce to a minimum any delays which may lead to the further shedding of blood. If the other party is in the same frame of mind, the cessation of hostilities may be brought about very rapidly.

5. The liberal-minded manner in which Bolivia accepts arbitration clearly proves that she is making, on behalf of peace, all sacrifices that are compatible with the duty she owes to herself. That duty is the only consideration that obliges her to qualify the manner in which hostilities shall effectively be brought to an end.

In the first place, it would be inadmissible that such a decision should prejudice, or even seem to prejudice, the solution of the substantive question. Nor is it comprehensible that one of the parties should have dared to claim the policing of the whole of the disputed territory.

Moreover, it is obviously not sufficient to give the order to cease fire. Steps must be taken to avoid both fresh incidents and a disloyal employment of the period during which hostilities are suspended. The experience of the armistice of December 1933 obliges Bolivia to exercise very special vigilance in this respect.

In all this there is nought but the expression of a will to see justice done and lasting peace established. What Bolivia demands is simply the twofold certainty that hostilities will speedily be brought to an end and that a total settlement of the dispute will be reached. For the fulfilment of this desire, so consonant with the interests of all concerned, Bolivia maintains her confidence in the powerful aid which the League of Nations is in a position to afford.

Appendix.

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Map No. 6. — Book II, Section XV, of the " *Recopilacion de Indias* ", Law XIII: " That, in the city of La Trinidad port of Buenos Aires, there shall be situate one of our Royal *Audiencias* and Chancelleries . . . and that it shall have as its district all the cities, towns, places and lands contained within the provinces of the Rio de la Plata, Paraguay and Tucumán, notwithstanding that such cities, towns, places and lands have hitherto been in the district and jurisdiction of the *Audiencia* of Charcas, from which nevertheless we do hereby detach them; and the jurisdiction shall extend to all parts at present pacified and settled in the said three provinces, and to such parts as may be reduced, pacified and settled " (*Cédula of Philip IV, Madrid, November 2nd, 1661*).

¹ Document C.314.M.140.1934.VII, page 10. See *Official Journal*, November 1934 (Part II), Annex I.

- Map No. 7.* — Audience of Charcas in accordance with Law IX, Section XV, Book II, of the "Recopilación de Indias", 1681.
- Map No. 8.* — Sketch map of the Missions of Chiquitos (explorations of Father Castañares: roads opened by Father Chomé).
- Map No. 9.* — Fragment copy of the "Map of the South of America, 1775", by Juan de la Cruz Cano y Olmedilla, showing the roads from San Ignacio de Zamucos to Tarija and Rio Verde.
- Map No. 10.* — Viceroyalty of Buenos Aires as established by Royal Cédula, given at San Ildefonso, August 8th, 1776.
- Map No. 11.* — "Political and Administrative Organisation of the Viceroyalty of Buenos Aires in Military *Intendencias* and Province, in accordance with the Royal Ordinance of January 28th, 1782." (From the Argentine National Archives.)
- Map No. 12.* — Upper Peru or the *Audiencia* of Charcas and United Provinces of Rio de la Plata in 1810. "The South-American nations agreed to accept a basis of *uti possidetis* in 1810, under which any colonial jurisdiction which had formed a territorial, administrative and political unit under the Spanish regime, such as the Viceroyalties, *Audiencias* and Captaincies-General, should be regarded as constituting a national State. Upper Peru or the *Audiencia* of Charcas included the territory of its *Intendencias*—viz., those of La Paz, Cochabamba, Potosí and La Plata, together with the military Governments of Mojos and Chiquitos. The United Provinces of Rio de la Plata included the territory of the *Audiencia* of Buenos Aires, the old *Intendencias* of which were Córdoba de Tucumán, Salta, Paraguay and Buenos Aires."
- Map No. 13.* — The Diocese of Paraguay in 1786, according to the report by Brother Luis de Velasco submitted to His Majesty after a minute pastoral visitation of his diocese.

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II. STATEMENT OF THE PARAGUAYAN CASE SUBMITTED TO THE ASSEMBLY BY THE PARAGUAYAN GOVERNMENT.

Note by the Secretary-General:

The Secretary-General has the honour to communicate to the Assembly of the League of Nations the following statement, which has been handed to him by the delegate of Paraguay accredited to the League.

The delegate of Paraguay has made it clear "that it must be understood that the statement could only be submitted subject to the reservations formulated by his Government with regard to the possible application of Article 15 of the Covenant and that more particularly the fact of its submission was not in any circumstances to be taken to imply acceptance of the application, in its entirety, of the procedure laid down in the aforesaid Article before the definitive cessation of hostilities accompanied by effective measures of security".

The delegate of Paraguay also handed to the Secretary-General two volumes containing the 132 annexed documents to which the statement refers, together with an atlas entitled "The Cartographical Evidence", consisting of 45 maps to which the statement also alludes.

These three volumes have been deposited in the archives of the Secretariat, where they are at the disposal of Members of the League.

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INTRODUCTION.

[Translation from Spanish.]

To the Assembly of the League of Nations.

1. Bolivia is waging a war of conquest against Paraguay and wishes to despoil her by force of a territory which Paraguay possesses in virtue of a right as ancient as her own existence.

2. Paraguay was born with the Chaco. Through all the changes in the territorial and political organisation of the country, the Chaco appears as one of its essential and permanent elements. The colony exercised the rights conferred on it over this territory by the laws of the Spanish Crown with untiring energy and in the most open and public manner. Its authority was not called in question by any of the other colonies. Nor was that authority contested when Paraguay became a republic and included the whole extent of the Chaco within the limits of her jurisdiction. She was convinced of her rights and this conviction was shared by the neighbouring nations, including Bolivia, and by the leading Powers of that time. When a war which proved disastrous to the Paraguayan people called in question for the first time what had hitherto been regarded as an undoubted right, an arbitral award pronounced by one of the highest authorities in the world proclaimed that Paraguay was "legally and justly entitled" to the Chaco.

3. Paraguay's sovereign rights are not based solely on documents; they are founded on concrete and long-standing realities. For the Paraguayan people, authority over the Chaco has always been, and is now, a fundamental condition of its existence. The Chaco had to be Paraguayan in order that Paraguay might continue to exist. And it remained Paraguayan because such was the inflexible will of a nation that was determined not to succumb.

4. The decisions of the Spanish Crown merely confirmed what was dictated by history and geography.

5. Hence Paraguay's titles are not mere abstractions or academic resolutions; they represent immutable realities.

6. The resistance offered to Bolivia's plans of conquest is simply the culminating episode in the Paraguayan people's determination to defend its existence, which has been so firmly and energetically manifested throughout all the vicissitudes of its history.

I. THE COLONY.

I. THE TERRITORIAL FORMATION OF PARAGUAY.

7. When America was discovered by the Spaniards and the conquest was begun, the nucleus from which Paraguay arose, as soon as the first jurisdictional divisions were made, comprised within its limits, despite numerous separations, the area situated west of the river of that name. The western bank of the River Paraguay was, like the eastern bank, an integral and inseparable part of the same administrative unit. The colonial laws gave exclusive dominion over both regions to the authorities at Asunción and the Paraguayan colony exercised equal and uninterrupted rule over both.

8. The origin of the territorial formation of Paraguay is to be found in the "capitulations" concluded with the first Governors ("Adelantados"). Vague though the geographical conceptions of the period were, it was clear that the Crown's intention was to confer on the Governors of the Rio de la Plata authority over both banks of the River Paraguay, which gave its name to this first colonial unit. Asunción was the centre of the conquest. The territory around it was the scene of the exploits of the first conquistadors. Each Governor had to act in accordance with the terms of his appointment within the limits of his jurisdiction. It is inconceivable that the captains of Don Pedro de Mendoza, Alvar, Núñez Cabeza de Vaca, Juan de Sanabria, Domingo Martínez de Irala and Juan Ortiz de Zárate should have thought of extending beyond their districts the rights of conquest which the King of Spain had granted them. They exercised these rights within the boundaries of the vast Province of the Rio de la Plata or Paraguay, as is shown in particular by the clear and definite terms of the last of the capitulations. In 1562, the King of Spain signed a contract of discovery and conquest with Juan Ortiz de Zárate, and this capitulation established that the land between the cities of Asunción and La Plata—*i.e.*, the Chaco—belonged to "the said Provinces of the Rio de la Plata". The King ordered Ortiz de Zárate to found three cities in this territory. (Annex No. 1.)

9. Subsequently, no enactment by the Spanish Crown ever detached the Chaco from Paraguayan jurisdiction. Many were the territorial losses suffered by the Asunción nucleus, but none of them affected the land situated to the west of the River Paraguay.

10. The first loss was that of Santa Cruz de la Sierra, founded by Paraguay, which was freed from the dominion of Asunción by Nufrio de Chaves in 1561. The Marquis of Cañete, Viceroy of Peru, by an Act dated October 2nd, 1592, fixed the River Parapití as the limit of the new unit. This limit subsisted during the whole of the Spanish period. (Annex No. 39.)

11. The most important loss was that suffered by the Province in 1617, when the separation of the extensive territory of the Rio de la Plata was decreed. The partition was carried out by cities. Asunción, according to the act of demarcation promulgated in 1598 by Governor Hernandarias, recognised from its foundation that "its jurisdiction and district extended over more than a hundred leagues in all directions". Further, Asunción, as chief town of the former governorship, remained in possession of all that was not expressly taken from it, and the Chaco on this occasion was not assigned to any of the cities which passed under the authority of Buenos Aires. (Annex No. 2.)

12. Later on, further modifications were made in the territorial status, but none of them affected the Chaco, being carried out in the south of the province and particularly in the area occupied by the Jesuit missions.

13. Paraguay, which formed part of the Viceroyalty of Peru, passed in 1776 under the authority of the new Viceroyalty of Buenos Aires, where the Ordinance of Intendants, which established the ecclesiastical districts as a basis of demarcation, was put into force in 1782. (Annex No. 3.)

14. The Intendencia of Paraguay was constituted by the district corresponding to its bishopric. Each of the other Intendencias recognised the same principle of demarcation. This principle of territorial distribution was not abrogated by any later measure and remained in force until the hour of emancipation came.

15. What was the reason for choosing the principle of religious jurisdiction in fixing the political boundaries, when the last territorial status of the Colony was determined?

The reason is not far to seek. The Spanish Crown, being anxious to extend and facilitate the colonisation of its vast American dominions, wished to apply the most rational principles of demarcation in connection with their political division. The sagacity of the Church provided it with these principles, which were those of assigning territory on a basis of "neighbourhood and partition" within natural boundaries. A law dating from 1534 laid down that the limits of each of the Indian bishoprics should be constituted by "a circumference with a radius of fifteen leagues, having as centre the cathedral town in each bishopric; the remaining land situated between the limits of two bishoprics will be divided into two equal parts, and each shall have one half in its 'neighbourhood'" (Annex No. 4). Another law ordered the demarcation of the land assigned on the basis of "partition and neighbourhood" by means of "the best-known lines, boundaries or marks" (Annex No. 5). The principle adopted for the distribution of land and its assignment by "neighbourhood" was aimed at facilitating missionary work. The law on natural boundaries answered to the desire to avoid "occasion or cause for controversies and disputes". The same principles were adopted in the political territorial legislation with similar aims and purposes. The Royal Ordinance of Intendants, which was the outcome of the experience of three centuries of dominion in America, selected for territorial demarcation the rules most in keeping with the desire to extend and consolidate the work of colonisation.

16. The foregoing shows the importance, in determining the territorial limits of the Province of Paraguay, of an exact definition of the jurisdiction of the Bishopric of Asunción.

17. Even in the absence of any legislation governing ecclesiastical delimitations in America, it would have been absurd to create a bishopric at Asunción and to exclude from its influence a territory beginning one thousand metres from its cathedral with only a river in between, and inhabited by thousands of natives not yet converted to Christianity. Purely logical considerations show that the River Paraguay could not be the limit of the Bishopric of Asunción. The Chaco was bound to fall by natural attraction under the influence of the diocese of Asunción.

18. When this bishopric was instituted, however, the rules for the assignment of districts on the basis of "neighbourhood and partition" within natural boundaries were in force; these rules had therefore to be obeyed.

19. The diocese of Asunción was set up in 1547. The nearest bishopric to the west was that of Cuzco, from which all the others of Upper Peru originated. Cuzco being situated over 400 leagues from Asunción, the application of the legal rules of demarcation implied the inclusion in the new Bishopric of Paraguay of the whole of the Chaco and of an adjacent territory extending much beyond the Guapay.

20. In 1553, the diocese of La Plata was created within the bishopric of Cuzco. Its foundation did not affect Paraguay's ecclesiastical jurisdiction over the Chaco. The "best-known line, boundary or mark" could only be the River Parapití and the Chiriguano range. It could not be the River Paraguay, because this would be contrary to the fundamental rules of "partition and neighbourhood".

21. The Bishopric of La Plata did not include the smallest portion of the Chaco, as was shown in 1609, when this diocese was divided into three others. The detailed and accurate act of demarcation promulgated by the President of the Audiencia of Charcas does not mention the Chaco among the dependencies of the archbishopric of La Plata, nor among those of the bishoprics created at Santa Cruz and La Paz (Annex No. 38).

22. The Chaco remained under the authority of the prelates of Asunción from the moment the bishopric was created. The bull instituting the Paraguayan Church assigned to it as diocese

the territory of the Province of the Rio de la Plata which, according to the first capitulations, comprised all the western territory. To this reason and to that based on the theoretical rules of demarcation on which Asunción's ecclesiastical rights over the Chaco were founded must be added another reason of no less importance. In 1724, the King of Spain, in deciding a boundary dispute between the bishoprics of Asunción and Buenos Aires, laid down the rule of "possession and custom" for the determination of ecclesiastical districts (Annex No. 6). The far-reaching and lasting missionary work done by Paraguay in the Chaco, extending as far as the district of the Chiriguano, as well as the consciousness of their rights of jurisdiction persistently manifested by the bishops of Asunción during the colonial period (Annexes Nos. 7, 8 and 9), show that, even if the institutional title and the theoretical rules of demarcation were not sufficient to establish the dominion of the Paraguayan Church over the Chaco, the fact of "possession and custom" would be sufficient to establish this right, and hence to justify the political jurisdiction based thereon in the Ordinances of 1782.

2. POSSESSION OF THE CHACO BY PARAGUAY.

23. The Province of Paraguay vigorously exercised the right of jurisdiction to the west of the river conferred on it by the different legal statutes in force before it acquired independence.

24. The exercise of this right was regarded by the Paraguayan nation as one of the essentials of its existence, and this is proved in the course of its history by numerous details, by the constant exercise of religious authority, by continuous military activity, by its persistence in creating permanent establishments, and by its determination to maintain the Chaco free from all foreign invasion.

25. The earliest pages of Paraguayan history already speak of the Chaco, the discovery and exploration of which were effected by expeditions setting out from the western bank of the River Paraguay. The history of the heroic days of the conquest, so rich in dramatic episodes occasioned by conflicts of jurisdiction, nevertheless provides no example of a protest against the foundation of the ports of La Candelaria, of Los Reyes and of San Fernando in the Chaco to the north of latitude 19°, whence, between 1536 and 1557, the conquistadors of Paraguay set out eleven times, lured on by the wealth of Eldorado, which exercised an irresistible attraction over their imaginations. In this way, the currents that had their source in Asunción poured through the Chaco, which was explored and discovered long before the colony reduced to submission the remaining territory under its jurisdiction. The Province grew up with the conviction of its rights over the Chaco and of the obligations which this right imposed upon it.

26. Other conquistadors took possession of the mines of Peru. The mirage which had exercised such a powerful attraction over the growing colony vanished. The separation of Santa Cruz and the fixing of the River Parapetí as the frontier placed a definite barrier to Asunción's conquering expansion to the north and north-west.

27. Then began the struggle to subjugate the Chaco, inhabited by the fiercest nations of America. If the Province was not to perish under their barbarian pressure, they had to be brought under the Spanish yoke, either by religious conversion or by force of arms. The subjugation of the Chaco tribes was an essential condition of the survival of the Asunción colony. In this task, carried on without weakening during the whole of the colonial period, the Province expended its best energies.

28. In order to make war on the uncivilised tribes of the Chaco, Paraguay was obliged to live on a military footing. During the colonial period, no fewer than 116 expeditions were organised against the Chaco by the Asunción authorities. In the brief space of six years, between 1672 and 1678, there were no fewer than twenty-five military expeditions (Annex No. 10). The laws of the Indies severely punished the violation of foreign territory (Annex No. 11). Penalties ranging from dismissal to death were provided against those who set foot on alien soil. There was nothing secret or clandestine about the Paraguayan action. The Asunción authorities reported it to the King and claimed credit for it (Annex No. 12). No Asunción Governor was punished by the King for his military action in the Chaco; and no other neighbouring authority prejudiced by the repeated appearance of Paraguay in that territory. On the other hand, evidence exists that the King congratulated the rulers of Paraguay on the success of their campaigns against the Chaco Indians and rewarded the Paraguayan officers who commanded these expeditions (Annex No. 13). Upper Peru never participated in these costly and disinterested campaigns. When the King of Spain considered it necessary to obtain the assistance of other districts in the military campaigns against the Chaco tribes, he did not call upon Santa Cruz, or Chiquitos, or Charcas. The great expedition ordered by the King on 1759 was conducted with the help of Buenos Aires and Tucumán (Annexes Nos. 14 and 15). In the King's congratulations there are significant expressions of praise for the part played by the Governor of the Province (Annexes Nos. 16 and 17).

29. In these hundreds of expeditions, Paraguay poured out her blood and displayed great heroism. For three centuries, generation after generation left their bones in the Chaco forests. These sacrifices were the price paid for redeeming this territory for civilisation. The Paraguayan lives so freely offered up in the wilds of the Chaco before 1811 are alone worth as much as or more than the titles found in the archives, for these sacrifices bore witness to the profound conviction that it was the Province's duty to defend what belonged to it.

30. Military operations were conducted in particular against the unruly Guaycuru and Payagua tribes, which by 1811 had practically disappeared. Other indigenous nations of a less rebellious character accepted co-existence and submitted to the influence of religion. They formed "reducciones" which were freely incorporated in the Paraguayan dominions (Annex No. 18). The work of converting the Chaco tribes carried on by the Paraguayan authorities was as persistent and self-sacrificing as their military action. It bore valuable fruit, much of which lasts to this day. Villa Hayes was founded on the site of the Melodia "reducción", whose influence extended as far as the Chiriguano Range (Annex No. 19). The most northern of these conversion centres, Santa Barbara, was situated on the river Lateriquique beyond Bahía Negra (Map No. 19, Cartographical Annex). The history of the "reducciones" runs through the whole colonial period. They were known to and approved by the King (Annex No. 20). The conviction that these establishments formed part of the Paraguayan domain remained unalterable in the minds of the Governors of the Province. The care of the missions, perfectly organised as part of the colonial administrative system, was in the hands of civil and ecclesiastical officials resident at Asunción. Under the Intendant of Asunción there was a "Minister in charge of the Chaco Reducciones" appointed by the King (Annex No. 9), and under the Bishop a "Visitor of the Chaco Reducciones", an ecclesiastic appointed to perform this duty by the Government (Annex No. 21).

31. This religious and military action was consolidated by the construction of numerous forts in the western marches. Six forts were built north of the Pilcomayo in 1662—namely, Angeles Custodios, Confuso, de los Finados, del Espartillar, de la Presentación and San Antonio (Annex No. 22). Other forts were established north of the Pilcomayo.

32. Under the protection of these townships, the colonial authorities gave grants of land to the inhabitants of Asunción; they administered justice and enacted legislation concerning the interests established in that area.

33. Paraguayan jurisdiction extended up the River Paraguay as far as the River Jaurú. When the Portuguese crossed the Paraguay, the frontier which had been assigned to them by the treaties signed by the respective parent States, and established themselves in the Chaco, it was not Upper Peru but Paraguay which provided for the defence of the invaded Spanish territory.

34. The letter of requisition which Governor Alós sent to the authorities of Coimbra and Albuquerque in 1790 expressed in emphatic terms the certainty of Paraguay's right over the western part. (Annex No. 23.)

35. The foundation of Port Borbón, which took place in 1792, finally established Paraguayan rule by putting a stop to the Portuguese advances. The construction of the fort, ordered and approved by the Crown (Annexes Nos. 24, 25 and 26), and its survival up to the present day, constitute one of the decisive material and legal proofs of Paraguayan domination.

36. These rights were further confirmed by Paraguayan blood. In 1801, an expedition set out from Fort Borbón and endeavoured to recover for the Province by force of arms the shore occupied by the Portuguese (Annex No. 26bis). This daring expedition met with no success, but left behind it the bones of the first Paraguayan heroes who offered up their lives in defence of their country's right to the Chaco.

3. THE COMMON CONVICTION IN THE COLONY.

37. The unopposed and undisputed possession of the Chaco by Paraguay reveals the existence of a profound and general conviction in the colony regarding the rights possessed on the western bank of the River Paraguay.

38. Paraguay's continued and publicly known presence in the Chaco never gave rise to any controversy. It never proved necessary to apply either the laws which severely punished the violation of foreign soil or those which laid down definite rules for the solution of possible boundary disputes.

39. Law XI, Part I, of Book IV of the Compilation of Laws, (*Recopilación*) provided that: "Should there be any doubt or dispute regarding boundaries, both parties shall cease to explore and colonise the territories regarding which there might be doubt or dispute, and shall give notice to the Audiencia in whose district the boundaries are situated; and if there should be doubt or dispute in the jurisdictions of more than one Audiencia, notice shall be given to each of them and to the Council. Until the matter has been settled by the Audiencias, if they are in agreement, or by the Council if they are not, and until steps have been taken to carry out such decision, the territories in question shall cease to be explored and colonised, and the decisions of the Audiencias or of the Council shall be obeyed on pain of death or confiscation of property." (Annex No. 11.)

40. If Upper Peru had considered herself injured in her rights and had not desired to invoke the laws which punish the invasion of foreign territory, she could have had recourse to the procedure provided in the same laws for the solution of territorial disputes. But this "doubt or dispute regarding boundaries" referred to in Law XI, Part I, of Book IV never arose. No suit regarding rights in the Chaco was ever brought before the Audiencias of Charcas or Buenos Aires, or before

the Council of the Indies, and Paraguay was never asked to discontinue the exploration and colonisation of the Chaco.

41. Is it conceivable that Upper Peru should have deliberately refrained from taking action against Paraguay, leaving her in possession of the Chaco but not recognising her sovereignty over it ?

42. The Province of Paraguay never thought that its valiant efforts in the Chaco would have the result of increasing the power of distant territorial units completely unconnected with the work done by it south-east of the River Parapití. No one could imagine, as Bolivia very rightly pointed out in her dispute with Peru, that a nation could enjoy possession of a territory as a mere guardian of the rights of others. This sort of colonial servitude was inconceivable in Paraguay and Upper Peru, and none of the units which now constitute the Bolivian Republic made any objection to the calm and peaceful exercise of Paraguayan jurisdiction.

43. The military expeditions, the "reducciones" and the construction of forts did not occasion any protest or reservation on the part of Santa Cruz or Charcas or Chiquitos. Paraguay did not think that Fort Borbón had been erected in foreign territory, and Upper Peru never claimed for herself this fort, the existence of which was well known. The Government of Chiquitos was not ignorant of the fort's existence (Annexes Nos. 43 and 44) and recognised it as Paraguayan. No king or viceroy thought of handing over the fort to any other jurisdiction. This fort was in existence and was known to all in 1811. It remained during the whole course of Paraguayan history, and to-day, under the name of "Fort Olimpo", it stands as a decisive proof of the existence, permanence and exercise of Paraguay's rights.

44. During the colonial period, nobody thought that the exercise of Paraguayan jurisdiction to the west of the River Paraguay was illegal. Nor was it clandestine, since nothing was ever done to conceal it. It was not disputed by Upper Peru or by any other colonial authority. The general opinion prevailing with regard to the legal position in the Chaco reveals a common and deep-rooted conviction.

45. The Viceroy of Peru spoke of the Chaco as Paraguayan territory (Annexes Nos. 27 and 28).

46. The Viceroy of Buenos Aires expressly stated that the Portuguese settled west of the river were within the Province of Paraguay (Annex No. 29).

47. The convictions held regarding Paraguay's rights are expressed with a uniformity and persistence which are the best proof of the existence of those rights.

48. This conviction, which was shared by the units to which the Bolivian Republic owed its origin, did not relate only to the rule itself, but also to the extent of this rule. The historical boundaries of the Chaco were recognised as the legal limits of Paraguay. The Governor of Paraguay, Don Lázaro de Ribera, on being officially asked in 1803 what were the boundaries of his Intendencia, mentioned the River Jaurú (Annex No. 30). This fact, intended for an official publication of the Viceroyalty, was not contradicted.

49. The opinion of the Governor of Paraguay, although not contradicted at the time it was given, may perhaps be called in question to-day. But what cannot be called in question is the opinion of Don José de Varela, Head of the Spanish Commissions for the demarcation of boundaries with the Portuguese dominions. In view of his official functions, no Spanish authority was in a better position to know what were the boundaries of the provinces, and this high official stated in writing that the frontier between Paraguay and Chiquitos was situated at the Laguna de los Xarayes—*i.e.*, opposite the River Jaurú (Annex No. 31). The Viceroy adopted this view and communicated it to the Governor of Chiquitos, who made no objection (Annex No. 32).

50. What were the boundaries to the west ? We have already quoted the pronouncement of the Viceroy, the Marquis of Cañete, who, in 1592 (Annex No. 39), mentioned the River Parapití as the boundary of Santa Cruz. This frontier remained unchanged during the whole colonial period. Many documents bear witness to this fact, but none is of greater importance than that produced by the Governor of Santa Cruz in 1803 on being questioned as to the boundaries of his jurisdiction. At the time the Governor of Asunción declared that the Jaurú constituted the frontier to the north, the Governor of Santa Cruz stated that its boundary was the River Parapití (Annex No. 33).

51. These official statements, made when the colonial system was on the point of coming to an end, constitute decisive proof of the sole jurisdiction recognised in the Chaco during the period of Spanish rule. In addition, they are of value in demonstrating how absurd and how contrary to history and colonial law were the belated claims of the Bolivian Republic, as the successor of Santa Cruz and Chiquitos, to the territory situated south of the Jaurú and east of the Parapití.

4. INTERNATIONAL OPINION.

52. Paraguay's sovereignty in the Chaco was not only known and respected in the colonial sphere; it was also a fact of worldwide notoriety, as is shown by the maps of the period.

53. The most eminent cosmographers and geographers of Europe in the 17th and 18th centuries and at the beginning of the 19th century agreed in placing the Chaco within the boundaries of Paraguay in their maps, atlases and geographical collections.

54. Both the official and unofficial maps always excluded from the jurisdiction of Upper Peru the district situated to the west of the River Paraguay.

55. We attach two portfolios of maps selected from among those considered most authoritative in Europe during the colonial period. They prove this common conviction among the geographers of the time, a conviction which reflects public knowledge regarding the jurisdiction exercised by Paraguay in the Chaco.

56. Among these maps may be mentioned those of Ioannes Iansonius (about 1630), Sanson d'Abbeville (two editions of 1656, N. Sanson (1659), P. Duval (1679), Hubert Jaillot (1679), P. Coronelli (1689), P. Vander (about 1700), N. Visscher (about 1700), P. de Fer (two editions, 1705 and 1720), François l'Honoré (1705), Guillaume de l'Isle (numerous editions from 1700 to 1782), G. Willdey (1714), J. B. Homann, M. Seutter (after 1705), Guendeville (1722), Robert de Vaugondy (1750), Eman. Bowen (1752), L. C. Desnos (1754), Covens and Mortier (1757), Isaak Tirion (1765), V. de Doll (1773), d'Anville (1775), delarochette (after 1775), M. Bonne (two editions, 1779 and 1782), Phil. Buaache (1782), A. Zatta (1785), Hilario Malaver (1787), Andrés Baleato (1795), Thaddée Haenke (1799), Azara (1809), Delamarche (1812). (Portfolios Nos. 1 and 2 and Annexes Nos. 34 and 35.)

57. These men, by the nature of their work, were in a particularly good position to know the territorial limits of the different countries of the world. Their evidence is therefore of the greatest and most unimpeachable value. Their maps give impartial expression to the general conviction existing throughout the world regarding the rights of possession exercised in the Chaco during the colonial period.

58. These maps, of such diverse origin, constitute graphic expression of a uniform international opinion regarding the territory possessed by Paraguay during the colonial period.

5. UPPER PERU AND THE CHACO.

59. While Paraguay was being formed and was in possession of undisputed rights over the Chaco, which she exercised with the vigour characteristic of her race, the component parts of Upper Peru were also in process of formation, but completely lacked this important element.

60. The origin of the territorial formation of Upper Peru is to be found in the first capitulations, particularly in that of Almagro. The object of these agreements was to conquer the mines of Peru. What the first conquistadors in that part of the Spanish possessions were chiefly interested in were the mountains. The Chaco, a distant plain, did not hold out any attraction for the adventurous spirit of the colonisers of Upper Peru, and it was not assigned by the Crown to any of the authorities who ruled over the high plateau.

61. A large number of political organisations were formed on the territorial basis of the original Upper-Peruvian capitulations. These organisations which, for the most part, were independent of each other, recognised no common bond during the colonial period other than the joint judicial authority exercised over them by the Audiencia of Charcas.

62. On this latter ground, it has been alleged that the political and territorial origin of the Republic of Bolivia is to be found in the jurisdiction of the Audiencia of Charcas. From the point of view of political doctrine, this is a false argument, since judicial jurisdiction alone could not give rise to any political formation.

63. The Audiencia of Charcas was forbidden under a large number of laws of the Indies to deal with affairs of government (Annexes Nos. 34 and 35). The judges of the Audiencia were severely punished by the King whenever they meddled with matters which did not come within the sphere of justice (Annexes Nos. 36 and 37).

64. It is true that, contrary to the laws and at the risk of the King's displeasure, the Audiencia had acted in such a way as to establish *de facto* a certain predominance over the provinces under its jurisdiction. However, the Ordinance of Intendants of 1782, under which the colonial system was finally organised, reduced the Audiencia to its former rôle of a court of appeal. In the words of the celebrated Bolivian writer Gabriel René Moreno: "Under the new Constitution, the Royal tribunal had been deprived of that higher authority in virtue of which, by means of its Royal decisions of an administrative and military nature, it assumed *de facto* or *de jure* in the internal provinces the powers and authority of the Viceroy. . . . The statutes of the new Viceroyalty of Buenos Aires put an end to the prepotency of the judges of Charcas in political and military affairs in Upper Peru, a clear distinction being made between purely juridical functions, which were assigned to the Audiencia, and those which were, strictly speaking, administrative functions, which were entrusted to a separate organisation." ("Ultimos días coloniales del Perú").

65. This separate administrative organisation was that of the Intendants. From the time the Ordinance of Intendants was promulgated, only the Governors of the four provinces of Upper Peru were allowed to exercise any political authority in the territory which, from a judicial standpoint, was under the Audiencia of Charcas.

66. In these circumstances, it is unnecessary to study the various "cédulas" under which jurisdiction was granted to the Audiencia of Charcas. It may, however, be pointed out that in none of the Royal Orders of 1549, 1563, 1566, 1661 and 1681 quoted by Bolivia in support of her claims is the Chaco expressly assigned to the Audiencia of Charcas. The Manso and Chaves lands were outside the limits of the Chaco. But, even if the Chaco had been mentioned in any of these "cédulas" among the constituent parts of the district of the Audiencia of Charcas, there would have been nothing extraordinary about this. During almost the whole of the colonial period, from 1566 to 1661 and from 1671 to 1783—that is to say, for 207 years—the Chaco was under the authority of the Audiencia of Charcas. But the rest of Paraguay, Buenos Aires and Tucumán were also under its authority.

67. Having shown the futility of the Bolivian argument based on the rights of the Audiencia of Charcas, we will now examine the problem of the territorial composition of the units which gave rise to the Republic of Bolivia, on the basis of the legal title in force in the year it became independent.

68. Evidence of the delimitation is to be found nowhere but in the rules for the ecclesiastical demarcation adopted as a basis of the political demarcation in the Royal Ordinance of Intendants. It is necessary to ascertain the limits of the bishoprics of Upper Peru. Once that is known, all that remains to be done is to fit them in to the Intendencies in order to ascertain how far the political and civil jurisdiction extended. The territorial rights of Bolivia cannot be greater than those of the Intendencies which gave rise to the Bolivian nation, and the latter in their turn cannot be more extensive than those assigned to their respective ecclesiastical dioceses.

69. Under the Royal Ordinance of Intendants, the territory of the provinces of Upper Peru was as follows:

Intendency of La Paz, with the territory of the Bishopric of that name and the district of Chucuito;

Intendency of La Plata, with the territory of the Archbishopric of La Plata, excluding the territories which became the Intendency of Potosí;

Intendency of Potosí, with the territory of the districts of Porco, Chayanta or Charcas, Atacama, Lipez and Chicha, which were under the Archbishopric of La Plata;

Intendency of Cochabamba, with the territory of the Bishopric of Santa Cruz;

Military Governments of Mojos and Chiquitos, within the Bishopric of Santa Cruz, which were under the Intendency of Cochabamba.

70. Therefore, in order to determine the extent of the district of the Intendency of La Paz, it is sufficient to ascertain the district of its Bishopric. In order to determine the extent of the district of the Intendencies of La Plata and Potosí, it is necessary to identify the district of the Archbishopric of La Plata. In order to ascertain the extent of the district of the Intendency of Cochabamba and of the Governments of Chiquitos and Mojos, it is necessary to ascertain the boundaries of the district of the Bishopric of Santa Cruz.

71. All the Intendencies and Governments of Upper Peru were included in the Archbishopric of La Plata and in the Bishoprics of La Paz and Santa Cruz.

72. As can be seen, no process of jurisdictional formation was so clear and precise as that of the Churches of La Plata, La Paz and Santa Cruz. It is possible for us to ascertain with an extraordinary wealth of detail the elements which went to make up each of these dioceses from its foundation by referring to the decree in which they were defined. This decree was, by order of the King of Spain, promulgated in 1609 by the Licentiate Alonso Maldonado de Torres, President of the Audiencia of Charcas. (Annex No. 38.)

73. Neither the Chaco nor the settlements which had already been established therein, some of which are of historical importance, such as Concepción del Bermejo south of the Pilcomayo, and Yasocá and Guazutiguá north of that river, were assigned to any of the dioceses which were being organised.

74. To the Bishopric of Santa Cruz, within which the Missions of Chiquitos were established, was assigned the district of the Government of the same name, "together with that which belongs to it and which it may conquer". The reference made in the decree to "that which belonged to Santa Cruz" precludes any possibility of the Chaco's having remained within the new Bishopric. The names mentioned in the decree belong to places which are not within the Chaco. Neither did the Chaco come within the new Bishopric by conquest. During the whole of the lengthy colonial period, it is not possible to find a single act of possession in respect of territory beyond the River Parapití which might justify, according to the rules on which the Bishopric of Santa Cruz was founded, the political jurisdiction of the Intendency of Cochabamba.

75. The official maps of the Archbishopric of La Plata and the Bishopric of Santa Cruz (second Annex of maps, Nos. 17 and 18) exclude the Chaco from the jurisdiction of that diocese.

76. Santa Cruz played no part in the Chaco during the whole of the colonial period. In 1788 (Annex No. 39), in 1793 (Annex No. 40) and in 1802 (Annex No. 41), the Governor Viedma in official documents indicated as the boundary of his territorial dominions the River Parapití, the historical frontier which two centuries earlier, in 1592, had been fixed by the Viceroy of Peru (Annex No. 39). Notwithstanding the rights which the ecclesiastical jurisdiction assigned to Santa Cruz to extend its dominion by means of acts of possession, this frontier had remained intact. In 1820, six years before the territory became independent, Santa Cruz did not even then include any portion of the Chaco (Annex No. 42).

77. Graphic evidence of the fact that the Intendancies of Peru did not include the Chaco is to be found in two official maps of the highest authority. One is the map of Alós, made by order of the Viceroy in 1783, which was submitted as official proof by Bolivia in her litigation with Peru (second Annex of maps, No. 31); the other is the map of the Intendancy of Cochabamba, drawn by the celebrated naturalist Haenke, by order of the Governor of Santa Cruz (first Annex of maps, No. 17).

78. Although the analysis of the division of Upper Peru into ecclesiastical dioceses and Intendancies clearly shows that the Chaco was outside the district of any of the Intendancies created in 1782, the present Bolivian argument, setting on one side the contention based on the system of Audiencias, endeavours to base Bolivia's claims to the Chaco on the rights of Santa Cruz and its Bishopric. In the Royal "Cédula" of December 17th, 1743, there is a phrase which, according to the Bolivian interpretation, implies a declaration on the part of the King of Spain that "the nations or tribes existing between the Pilcomayo and Paraguay Rivers, from the vicinity of Santa Cruz de la Sierra, to which district and Bishopric they are judged to belong", formed the Missions of Chiquitos. According to Bolivia, this "Cédula" indicated the King's wishes by providing that the whole region between the Pilcomayo and Paraguay Rivers belonging to Chiquitos constituted the Bishopric of Santa Cruz, on which the Intendancy of that name was based.

79. The "cédula" of 1743 has an entirely different purport from that attributed to it by Bolivia. It does not constitute an assignment of jurisdiction by the Spanish monarch, but orders a census to be taken of the Indians of the Missions of Chiquitos, there being no intention of modifying the existing territorial districts. The words transcribed, to which Bolivia attaches importance, were not those used by the Spanish monarch, but are a faithful transcription, according to the custom of the time, of a phrase from the memorandum of the Procurator-General of the Society of Jesus. The only part which can validly be alleged to express the will of the monarch is that setting forth the King's decision.

80. The Royal decision does not in any way possess the meaning attributed to it, but deals exclusively with the census or taxation of the Indians. However, even if the phrase quoted had been actually used by the monarch and expressed his will, it could not in any way prejudice Paraguay's rights. The Missions of Chiquitos were situated entirely between the headwaters of the Pilcomayo and Paraguay Rivers, and the wording used was in accordance with the geographical facts, especially as their situation was described still more clearly by being limited to a certain area: the nations composing those Missions, between the said rivers, were those to be found starting "from the vicinity of Santa Cruz de la Sierra"; the Indians of whom they consisted were the nation of the Chiquitos and the lesser tribes in the neighbourhood. The memorandum submitted by the Jesuit Procurator referred to the Missions of Chiquitos, the area of which was clearly delimited and never reached the River Paraguay or the River Pilcomayo, although they were situated in the middle of the area between the headwaters of those two great streams. The description "between the two rivers" is still more comprehensible having regard to the maps of the time, which reveal the erroneous belief then held that the two rivers ran parallel, and make out the course of the River Paraguay to be much longer than it actually is. In nearly every case it reaches almost to the 12th parallel, far beyond the River Jaurú.

81. The Chaco could not be included within Chiquitos, since it was not included in Santa Cruz, of which Chiquitos formed a part. Between Chiquitos and the upper part of the River there was the Province of Paraguay. A great deal of evidence exists in support of this assertion. We need only point out that the Viceroy of Buenos Aires spoke in 1794 to the Governor of Chiquitos of "the land between that Province and the River Paraguay" (Annex No. 43); that the same Governor of Chiquitos stated in 1800 that between his Province and the Portuguese settlements on the west coast of the River there was no communication and that Paraguay was nearer to those positions (Annex No. 44); lastly, there is the conclusive declaration by the head of the Spanish Boundary Commissions, M. José de Varela, which was accepted by the Viceroy of Buenos Aires and communicated to the Governor of Chiquitos, who raised no objection to it, that Paraguay and Chiquitos met at the latitude of the Xarayes Lagoon (Annexes Nos. 31 and 32).

82. Did the territory of Chiquitos perchance run longitudinally between the two rivers without touching either, but covering the central regions of the Chaco? A great deal of evidence can likewise be adduced to show that Chiquitos and the Chaco were separated entities during the colonial period. Two irrefutable pieces of evidence of Bolivian origin will suffice finally to invalidate any attempt to include the Chaco in Chiquitos. One piece of evidence is that of Dr. Agustín Matienzo, who stated that "neither the Chaco nor the plains of Manso have ever formed part of the territory of Chiquitos, because this province only reached as far as the Lake of Xarayes" ("Límites entre Bolivia y la República Argentina", page 174). The other piece of evidence is a Bolivian official document of recent date, signed by M. David Alvéstegui, the present Foreign Minister of Bolivia, which was submitted to the Washington Conference of 1929. According to this document, Chiquitos and the Chaco are both "politico-administrative divisions of the Republic of Bolivia, which, corresponding to those of the same name during the colonial period, consequently have the territorial limits of their respective jurisdictions clearly defined". (Memorandum of the Bolivian delegation, dated May 15th, 1929, in the "Proceedings of the Commission of Enquiry and Conciliation, Washington, D.C., 1929".)

83. As it has been shown that the Chaco was never under the authority of Upper Peru, the assertion holds good that, during the colonial period, Chiquitos did not include the Chaco.

6. THE " UTI POSSIDETIS ".

84. We have followed the process of the territorial formation of the colonial entities which gave rise to the Republics of Paraguay and Bolivia. The *uti possidetis* rule, an eminently conservative principle, crystallises this process at the time of the Independence. This rule, which was accepted by the American nations for the determination of their respective frontiers, stipulates that each country has the territorial rights which it possessed at the time of the emancipation.

85. How were these territorial rights determined in 1810? For some, in conformity with written titles emanating from the Crown. For others, according to what each country possessed at the time of the Independence. This is what gave rise to the two interpretations of the *uti possidetis*—the *de jure* and the *de facto*. Bolivia, who exercised no rights of possession in the Chaco, holds to the first interpretation although she maintained the contrary one in her boundary disputes with Brazil, the Argentine and Peru.

86. A brief examination of colonial legislation shows that this distinction is an artificial one and is unfounded.

87. Law No. I, Chapter I, Book 5, of the Compilation of Laws of the Indies provides: " We order and command the Viceroy, Audiencias, Governors, Corregidores and senior mayors to respect and observe the limits of their jurisdictions as laid down in the laws of this book, the terms of their appointments, the decrees of the Higher Government of the provinces or those legitimately established by use and custom, and to refrain from exercising those functions and from carrying out acts of jurisdiction in regions and places outside their limits and territories under the penalties laid down in the laws of this Kingdom and those beyond the seas; should they exceed those powers in any way, they shall be brought before the courts on their return ".

88. Consequently, for the fixing of the limits of the colonial jurisdictions, according to the plainly expressed will of the Crown, written provisions had the same force as limits " legitimately established by use and custom "—that is to say, possession.

89. The element of possession is also contemplated in the application of the Ordinance of Intendants, a title which should have precedence over others in fixing the boundaries between Paraguay and Bolivia.

The theoretical rules applicable to Paraguay and Upper Peru alike as regards their ecclesiastical demarcation, established the factor of " neighbourhood ", which is one of the material elements of possession, while the special rules applicable to Paraguay and Upper Peru specified in the one case " possession and custom " (" Cédula " of 1724, Annex No. 6), and in the other " what it may conquer " (Act of Partition of 1609, Annex No. 38).

90. As can be seen, in the jurisdictional legislation of colonial America, possession and title are closely connected and it is impossible to separate them arbitrarily.

91. As far as Paraguay is concerned, the distinction between the two interpretations of the *uti possidetis* is of no importance. Paraguay's rights are equally indisputable in the case of the *uti possidetis juris* and in that of the *de facto uti possidetis*, if this distinction is admitted.

92. As regards Upper Peru, the theoretical *uti possidetis* and the positive *uti possidetis* are equally unfavourable to it: during the colonial period, it exercised no possession and had no title of sovereignty over the Chaco.

93. The Royal Ordinance of Intendants, a written title which should be adduced in the dispute between Paraguay and Bolivia, made no change in the territorial regime. It did not assign to Paraguay territory which she did not formerly possess, nor did it deprive Upper Peru of land belonging to her. It merely confirmed a pre-existing legal situation by defining its bases more clearly.

94. So far as Paraguay is concerned, the *uti possidetis juris* and the *uti possidetis de facto* are incomprehensible taken separately. Her possession and title arose simultaneously and were simultaneously confirmed by the Royal Ordinance of Intendants, a colonial title in force at the time of the Independence. Paraguay objects to the proposal to exclude from the discussion the examination of titles of possession, not for fear of weakening her legal position in the matter of the *uti possidetis*, but because those titles are of the greatest value from the point of view of her colonising tradition, since they constitute the proof of her constructive capacity; they are the substratum of three centuries of disinterested labour in the immense plains of the Chaco. Those titles were not drawn up in distant cabinets. They reflect the labour and sacrifices of a people which, as a result of its efforts, has won an inhospitable region for civilisation. To blot out these titles would be to blot out the history of Paraguay, because the Chaco forms an integral and inseparable part of the nation.

95. The manifestations of this possession form part of the process of formation of the province and are inseparable from its history just as, from the geographical standpoint, are the two regions united by the river which gave them their name.

96. The truth of the matter is that when possession is so obvious, when it has been accepted by all those to whose interest it might be to dispute its value and has been exercised without any difficulty and to the public knowledge of other countries, it is unnecessary to go deeply into the question of its legal origin. As a proof of sovereignty, it is sufficient and makes up for the lack of titles, and not even the existence of conflicting rights can prevail against it.

97. This view was officially maintained by Bolivia in her dispute with the Argentine over the possession of Tarija. The written title of ownership was clear and well known and, according

to that title, Tarija should be under the jurisdiction of the Argentine. But the possession exercised by Upper Peru was still better known and was indisputable. This possession, although it was contrary to the colonial laws in force in 1810, was upheld in the discussion between the two countries.

98. As stated in the Memorandum from the Bolivian delegation at Buenos Aires, submitted on May 2nd, 1913, to the Argentine Foreign Office, "the maintenance of Tarija under Bolivian sovereignty was an act which was fully justified from an international standpoint. It was not due, however, to a mere impulse springing from fraternal sentiments, but to the chivalrous recognition of an historical fact, the loyal application of an essential rule of American public law and the observance of a principle on which our democracies are based. This historical fact was that in 1810, when the American colonies proclaimed themselves independent of the Spanish Crown, the district of Tarija was included in the jurisdiction of the Audiencia of Charcas, notwithstanding the Royal 'Cédula' of 1807, which had remained a dead letter. The rule of American public law applied in that agreement was that of the *uti possidetis* accepted all over America as the criterion by which all boundary disputes can be settled, and which consists precisely in leaving out of the discussion titles that have not been given any practical application when there is evidence of possession in 1810."

99. Paraguay does not require the theoretical titles to be left out of the discussion since, contrary to the situation in which Bolivia was placed in regard to Tarija, they explain and confirm her possession of the Chaco. On the other hand, she urges that the titles of possession should not be cancelled, as Bolivia desires, because there are no reasons of morality or justice that warrant their exclusion.

100. However, let us assume that, confronted with Paraguay's possession, Bolivia is able to adduce written titles of ownership. What significance would this have? It would simply mean that, during the colonial period, there were two jurisdictions in the Chaco, one a nominal jurisdiction granted by the King to Upper Peru and the other an actual jurisdiction exercised by Paraguay. Which of the two should prevail?

101. Even if it existed, the nominal jurisdiction was never exercised, either during the colonial period or after the Independence. It was forgotten during the four centuries needed for the execution of the laborious task of civilising the Chaco, and was remembered only with a view to claiming the regions to which it applied after they had been converted into centres of commerce by efforts in which the claimant had had no share and to which he had remained indifferent. Is this attitude in accordance with the rules of equity and justice? Is not this claim an immoral one from an international standpoint? Is it not contrary to the principles which should govern the community of honourable nations to leave to another people the burdens resulting from a right which is not exercised and then to claim the fruits of its efforts?

102. Even if it had existed, the nominal jurisdiction of Upper Peru could not merely signify the granting of prospective rights which could be exercised at the pleasure of the supposed holder of these rights. That jurisdiction must have involved inescapable obligations imposed by what was the primary duty of all the rulers of America: to civilise the wilderness. As this obligation was completely forgotten and was carried out by others, a new situation would necessarily arise, which should be judged from the American standpoint. In our continent, it is absurd to reward the party that neglects the duties of civilisation and to punish the party that endeavours to colonise a territory, which would be the case if, as Bolivia asserts, Paraguay's uninterrupted possession and her work on behalf of civilisation could be swept aside and destroyed by means of written titles of sovereignty which were never rendered effective.

103. However, this situation does not arise in the case of the Chaco. The hypothesis that one jurisdiction was superimposed upon another has been cited for the sole purpose of proving the inconsistency of the Bolivian argument that the written title takes precedence over possession, even if the existence of such titles of sovereignty is regarded as established. The *uti possidetis* rule cannot serve an unjust purpose or become an instrument of spoliation.

104. As a matter of fact, Paraguay exercised possession in the Chaco, not contrary to written provisions, but because the will of the Crown, repeatedly and explicitly expressed, authorised her to do so.

105. It is also true that this possession alone is equivalent to a title. Its mere existence makes it unnecessary to investigate the right to exercise it. Let us confine ourselves to Bolivia's contention in her dispute with Peru regarding Apolobamba: "Is it now conceivable that a nation could have kept those territories as part of her possessions, have exercised her sovereignty over them for so many years, and have even watered and fertilised them with the blood of her sons if, as Peru asserts, it had completely lacked any titles? This supposition is utterly absurd and, moreover, any judge confronted with such facts, without enquiring whether titles did or did not exist, would have declared these to be indisputably Bolivian territories from the very beginning, since in such a case possession involves the presumption of ownership and sovereignty." (Memorandum of the Bolivian Government submitted in the arbitration proceedings regarding its frontier dispute with the Republic of Peru, page 310.)

7. LEGISLATION AND GEOGRAPHY.

106. Spanish legislation could not run counter to the dictates of geographical necessity and convenience. One of the objects of the division of the American possessions was to facilitate the colonisation of the vast desert areas. For this purpose, it was necessary to bear in mind the visible lessons of geography. It would have been absurd to ignore the topographical features of

the territories. That error was not committed by the jurists and cosmographers of the Council of the Indies. Natural features were always taken into account when the various colonies were delimited. A large river, which is possibly an ideal frontier for the separation of units under different sovereigns, cannot be so regarded when it passes through territories belonging to the same ruler. The general interest and the necessity for making the best possible use of this waterway require it to be placed, together with the whole of its basin, under a single jurisdiction.

107. This was what happened in America with the large navigable rivers. It was what occurred in the Rio de la Plata area with the River Paraguay, the whole of which, from the earliest days of the Spanish regime, was placed, together with its tributaries, under the exclusive authority of the Governors of Asunción. It would have been utterly ridiculous to divide the two regions through which the River Paraguay flows by assigning the Chaco to colonising centres situated hundreds of leagues away on the plateaux of the Andes, when experience showed that the Chaco could only be colonised from the banks of that river, which constituted its real hinterland.

108. To subject the Chaco to the influence of the authorities in the mountainous regions, who were completely separated from the plains by geographical obstacles and distance, would have been to perpetuate barbarism. Even to-day, notwithstanding the means afforded her by modern technical progress, Bolivia has been unable to overcome the obstacles which prevent her from reaching the Chaco—even during the present war which represents the greatest effort in her history. Bolivia constantly imputes her military disasters to geographical reasons.

109. The importance of civilising the Chaco compelled the Crown to place it under the authority of the colonising centre established at Asunción. This action on the part of the Crown was also dictated by the no less imperative necessity of preserving the centre of civilisation in the Rio de la Plata which that city represented, and from which had come the founders of Buenos Aires, Santa Fé, Santa Cruz, Corrientes and many other towns of historical importance.

110. As the fiercest tribes of America were to be found opposite Asunción, it is easy to imagine what would have happened to the colony if the course of the River Paraguay had been made the inflexible political frontier which the Paraguayan authorities, in virtue of the laws, would never have been able to cross.

111. The Spanish Crown could only have made such a mistake if it had wished to destroy this powerful centre of its colonial expansion. But, as its interest lay precisely in assuring the existence of the Colony of Asunción, which had given so many proofs of its civilising capacity in the difficult times of the conquest, the Crown never contemplated the fixing of a frontier that would have been fatal to it by checking its progress and hampering its defence. The Chaco has always been a source of supply for the population of Asunción. To place the other bank under other distant jurisdiction would have been to strike a death-blow at the rising city by encouraging the barbarous tribes that were threatening it.

112. Just as it was necessary for the Chaco to belong to Paraguay in order to become civilised, it was equally necessary for Paraguay to possess the Chaco if she was not to perish. For geographical reasons, Paraguay could not exist without the Chaco, just as the Chaco could not become civilised without the efforts of Paraguay.

113. If the Chaco had not belonged to Paraguay by the King's will, it would have belonged to her by the will of the nation.

114. The only possible territorial organisation of the centre established at Asunción was imposed by geographical causes.

115. The extent of the only possible sovereignty over that territory was also indicated by geographical features. The Chaco, a territorial unit with its own special characteristics, is surrounded by natural frontiers which are precise and unmistakable, clearly separating it from the mountainous regions of Upper Peru. It was only natural that these frontiers should be chosen as the boundary of the political jurisdiction. The legal frontiers coincided with the natural frontiers.

116. There was also another coincidence of equal importance which made this demarcation still more definite. On the geographical frontiers of the Chaco, which were also the legal frontiers, Nature had placed, as it were, a human frontier whose will was indomitable.

117. This human frontier consisted of the Chiriguano Indians, who had settled on the first slopes of the Andes and on the River Parapití, constituting an insurmountable barrier to any emigration from the Chaco to Upper Peru or from Upper Peru to the Chaco. No conqueror and no coloniser from Upper Peru was ever able to set foot in the plains of the Chaco; no tribe of the Chaco was able to climb the Cordillera. The indomitable Chiriguanos formed a wall higher and more inaccessible than the mountains in which they lived and where they finally died out in course of time and as the result of perpetual warfare. The Chiriguanos, of Guarani race, whose ancestors had dwelt on the eastern bank of the River Paraguay and had emigrated *en masse* shortly before the conquest began, played an astonishing part in history—that of defenders of the legal and natural frontiers of the nation of which they were the descendants.

II. INDEPENDENCE.

I. CONSTITUTION OF THE PARAGUAYAN STATE.

118. Paraguay had possessed the Chaco territory without any interruption or opposition for three centuries when, in 1811, the first independent Government was organised at Asunción.

119. The new Republic was constituted with a full consciousness of its rights over the Chaco, and it retained this consciousness unaltered, while exercising the rights of possession, from that date until the present day.

120. In 1812, Brazilian forces occupied Fort Borbón. The first National Government gave orders for the immediate recovery of the Fort and sent out an expedition, whose leader made declarations to the Commander of the Brazilian forces showing that independent Paraguay had inherited from colonial Paraguay her traditional belief in her rights to the Chaco. (Annexes Nos. 45 and 46.)

121. During the long dictatorship of Dr. Jose Gaspar Rodriguez de Francia, Paraguay did not abandon for a moment her possession of that western district. Her realisation of this right is clearly shown in the documents of the period. Dr. Francia jealously maintained exclusive Paraguayan jurisdiction as far as the Jaurú. In 1821, he expressed his approval to the officer commanding Villa Real for having expelled a number of Portuguese who had secretly entered that district. "You did well", he said, "in sending off without a permit those who came in canoes on the pretext of obtaining salt, not only because this was an obvious falsehood, but also because the salt deposits in question, like the whole of the Chaco as far as the Jaurú, belong to us". In 1825, he instructed the Commander of Itapúa to inform a Brazilian emissary that "it is a well-known fact that the northern frontier is formed by the Jaurú as far as its confluence with the River Paraguay"; and these instructions were carried out. In 1826, the Dictator told the Commander of Pilar: "You must bear in mind that the Chaco territory and zone throughout their whole extent opposite the entire territory under Paraguayan jurisdiction have always been regarded as belonging and have always belonged to Paraguay, and no other Government or province has ever laid claim to them". In 1829, he instructed the Commander of Itapúa to point out to a new Brazilian emissary that the boundaries of Paraguay "were constituted on the west by the Jaurú River, as had always been recognised and established". In 1834, he wrote, to the officer in command of Borbón that "the boundary line to the west of the Paraguay River, as agreed upon in times past between the Courts of Spain and Portugal, is the Jaurú River whose confluence with the Paraguay River is much higher up near Matto Grosso, and that consequently the Fort of Coimbra, the township of Albuquerque and other settlements which the Portuguese have established on the said western bank belong to the Republic of Paraguay". In 1840, the Dictator once more informed the officer commanding Borbón that "the frontier or boundary line already recognised in former times by the Courts of Spain and Portugal was the Jaurú River". (Annexes Nos. 47 and 48.)

122. In the same year in which Bolivia declared her independence, Francia informed the Commander of Pilar of the imprisonment of an inhabitant of Buenos Aires who had passed through the Chaco without his permission "because the Chaco and the Bermejo belong and have always belonged to Paraguay, and consequently thieving Porteños and others cannot be allowed to exercise dominion or authority there" (Annex No. 49). The rude energy of the language of independent Paraguay's first personal ruler bears testimony to the firmness of Paraguay's conviction of her rights and to her unwavering determination to defend them.

123. The vigour with which Dictator Francia upheld Paraguay's rights was also manifested in the efforts which he made during his long dictatorship to place settlers in the western zone and consolidate its position. Fort Borbón was not relinquished for a moment.

124. Forts Orange, Monte Claro, Formoso and Santa Elena were constructed in the Chaco. These remained in existence for many years, one of them, Formoso, forming the nucleus of one of the most flourishing cities of the Argentine Chaco (Formosa).

125. After Francia's death in 1840, Paraguay's policy as regards the Chaco became still more energetic both in theory and practice.

126. When the Congress of 1842 met to ratify the independence of Paraguay, the provisional Government, at the same time as it requested this confirmation, asked for authorisation to colonise the extensive Chaco territories. "The Government's constant desire for the aggrandisement of the Republic and for the welfare and felicity of the people has frequently led it to consider what means could be advantageously employed to people the Chaco within the boundaries of Paraguay. Once this important plan has been set on foot, the time will come when we shall find ourselves in contact with the Provinces of Peru, and our commerce will be greatly increased and will bring us much profit". (Annex No. 50.)

127. Congress granted the authorisation requested by the Government to undertake "the task of populating the Chaco within the boundaries of this Republic when it thinks fit", and also empowered it to incur the expenditure necessitated by "this useful undertaking". (Annex No. 50a.)

128. The results of this authorisation were not long in making themselves felt. Numerous forts and townships scattered throughout the Chaco afforded effective proof of the national consciousness of Paraguay's rights over this territory. In 1844, San Venancio, Portrero de Chaco, Pilcomayo, Puesto Primero, Guardia, Rinconada, Espinillo and Tuyú were already in existence. A great impulse was given from the outset to the establishment of nuclei of colonisation and military posts. In the same year, the Chaco already possessed 5,300 head of cattle, 2,378 horses and mares and over 800 sheep, which provided the foundation for its present wealth in cattle.

129. In 1855 was founded Villa Occidental (now Villa Hayes), and five years later the following posts established between the Rivers Confuso, Verde and Dulce bore witness to Paraguayan rule: Confuso, Saladillo, Curecuá, Tuna, Soledad Haba, Palma Sola, Palmar, Estrella and Dulce.

130. As will be seen, independent Paraguay maintained intact her age-long consciousness of her right to the Chaco and exercised this right in the most complete and effective manner and with full publicity; no protest was made by any of the adjacent nations, including Bolivia.

131. The only dispute which occurred in the early days of independence was that brought about by Brazil's presence on the western banks of the River between Bahía Negra and the Jaurú. As we have seen, the chief effect of this circumstance was to stimulate and strengthen the long-standing national conviction of the integrity of Paraguay's rights.

132. The succeeding Governments did not neglect for a moment the protection of Fort Borbón. In 1854, President Carlos Antonio López announced that the fort had been temporarily abandoned, but that an official declaration had been made in this connection. "For reasons exclusively concerning the internal administration", said the message to the Congress of 1854, "the Government has considered it expedient to withdraw the garrison of Olimpo, formerly known as Borbón, and to evacuate the fort. This action, dictated, as we have said, by considerations of internal administration, in no way affects or prejudices the rights of ownership and dominion which Paraguay possesses over the territory and neighbourhood of the Fort of Olimpo, nor can it be considered as a renunciation or abandonment of the territory and of these rights. The supreme Government has made a formal declaration in this connection which it has ordered to be deposited in the archives of the Council of State to serve as evidence at all times and in all eventualities; and it is issuing the present manifesto to reiterate, corroborate and publish the above-mentioned declaration" (Annex No. 50). In 1857, the Government announced the re-occupation of the fort. As will be seen, the only occasion on which Fort Borbón was dismantled gave rise to a most outspoken and vigorous assertion of Paraguayan rights, "to serve as evidence at all times and in all eventualities", over the territory in which this fort was situated.

2. FIRST INTERNATIONAL INSTRUMENTS CONCLUDED BY PARAGUAY.

133. During the colonial period, Paraguay's possession of the Chaco was respected and recognised by all her neighbours, including the Portuguese authorities, who, although in possession of the upper confines of the Chaco, contrary to the terms of the treaties between the respective parent States, nevertheless recognised Paraguay's possession of the rest of the territory.

134. This respect for and recognition of the rights of the colonial period was also displayed by the independent units constituted on the basis of the former organisations under the dominion of Spain and Portugal.

135. The international Acts and Agreements concluded after independence was acquired provide most valuable evidence, since they express in an irrefutable manner the general convictions of the international community regarding the sway recognised as legal in the Chaco.

136. The treaties signed by Paraguay with her neighbours as soon as she freed herself from the isolation in which she had been kept by Dr. Francia were of two kinds. The first aimed at fixing the undefined frontiers; the second were intended to regulate navigation on her inland rivers, which the Government of Carlos Antonio López had thrown open for navigation by all nations. Treaties of the latter type were also signed by Paraguay with the principal Powers of that period which were not her immediate neighbours, but which were interested in securing free navigation on our country's rivers.

137. Both types of convention invariably recognised Paraguayan sovereignty over the Chaco.

138. The boundary drafts and agreements with the Brazilian Empire are particularly significant. The first Paraguayan draft, that of 1847, contained the following article: "The dividing line in the Grand Chaco shall be the Rio Negro" (Report of 1847). Brazil, in her counter-project of 1853, expressly stated that, on the River Paraguay, "the left or eastern bank belongs to Brazil and the right or western bank to the Republic of Paraguay" (Annex No. 51). The boundary disputes with Brazil proved insoluble, but the Brazilian Empire made a solemn declaration in the Protocol of February 12th, 1858, to the effect that "there was never any dispute between the Brazilian Empire and the Paraguayan Republic regarding the territory on the right bank of the River Paraguay, both Governments recognising the Bahía Negra as the boundary between the two countries on that side" (Annex No. 52).

139. This Protocol, which has not been abrogated by any other international act, has been observed and recognised by Brazil up to the present day. Bolivia never put forward any objection to its stipulations. The same declaration, made in 1858 before the War of the Triple Alliance, was confirmed sixty-nine years later in the Ibarra-Manbabeira Supplementary Frontier Treaty signed on March 21st, 1927, which contains the following stipulation: "From the confluence of the River Apa as far as the entrance or outlet of the Bahía Negra, the frontier between the United States of Brazil and the Republic of Paraguay is formed by the bed of the River Paraguay, the left bank belonging to Brazil and the right to Paraguay" (Annex No. 53).

140. As a consequence of this repeated and constant recognition of Paraguay's rights, Brazil always conducted negotiations regarding the regulation of navigation on the River Paraguay with Paraguay exclusively, without giving Bolivia any share in these discussions.

141. The first Navigation Treaty between Brazil and Paraguay, dated 1844, guaranteed "to both Powers and their subjects navigation on the Rivers Paraguay and Paraná throughout the whole extent of the two States and dominions" (Annex No. 54). The Treaty of Friendship, Commerce and Navigation, of April 27th, 1855, reproduces the same declaration, states that Paraguay is sovereign of both banks of the River Paraguay (Article 4), and recognises that, "in the Republic of Paraguay, it is laid down as a general rule that no foreign warship may enter the River Paraguay without previous notice and without the Government's permission" (Article 13) (Annex No. 55). The Treaty signed on the same date as a supplement to the above-mentioned treaty provides that, "if any other nation requests permission for any of its own warships or those of another nation to proceed to the ports of the Province of Matto Grosso, the Government of H.M. the Emperor of Brazil shall not grant such permission without previous consultation with the Government of Paraguay" (Article 4). The Treaty of April 6th, 1856, confirms these declarations (Annex No. 56).

142. When, on November 20th, 1857, Brazil and the Argentine signed, without Paraguay's participation a Convention, throwing open and regulating navigation on the Rivers Paraguay and Paraná, the Government of Paraguay placed on record its disagreement in a manifesto dated February 12th, 1858 (Annex No. 57). This manifesto says: "The Government of Paraguay considers that the national dignity might be offended and Paraguay's sovereign rights might be infringed if a convention containing provisions regarding the fluvial territory of the Republic was signed without the latter's being invited to participate in the drawing up of these provisions, or at least consulted regarding them . . ." Further on it adds that "the Government of Paraguay considers that it would be more in keeping with its sovereign rights, with the Republic's interests and with its foreign policy, to recognise the freedom of navigation on its rivers to all friendly flags by means of a unilateral declaration made on its exclusive authority". The Brazilian representative observed in the same manifesto that "nothing could be further from the minds of the Governments represented at the River Convention . . . than an offence to the dignity of Paraguay or an infringement of her sovereign rights". On the same date and in another Protocol, Brazil recognised Paraguay's rights to the western bank as far as the Bahía Negra (Annex No. 52). As a consequence of this recognition, the River Convention signed on the same date once more regards Paraguay as the only country authorised to regulate navigation on the River Paraguay, Fort Olimpo being fixed as a compulsory point of call for the inspection of ships' papers. The Treaty of Peace signed on January 9th, 1872, once more stipulates freedom of navigation, a regime which has remained in force until the present day, and which replaced all the previous regimes.

143. The history of the boundary treaties between Paraguay and the Argentine is equally significant. The first of the treaties signed after the official recognition of the independence of Paraguay on July 15th, 1852 (Annex No. 59), says: "The River Paraguay belongs from bank to bank in full sovereignty to the Republic of Paraguay as far as its confluence with the Paraná" (Article 4). Another article lays down that "navigation on the River Bermejo shall be common to both States" (Article 5). This treaty was signed at the same time as the Argentine Republic recognised Paraguay's independence. It thus signified that the Argentine Republic, in recognising the independence of the new State, at the same time recognised its right to the Chaco.

144. Four years later, the Argentine Congress ratified the recognition of Paraguay's independence, but made a reservation regarding the boundary stipulations, thus giving rise to the dispute which was not settled until the war of 1865-1870.

145. The Treaty of Peace signed on February 3rd, 1876, stipulated in Article 4: "The territory included between the main arm of the Pilcomayo and Bahía Negra shall be regarded as divided into two sections, the first between Bahía Negra and the Rio Verde situated in latitude 23° 10' S., according to the Mouchez map, and the second between the Rio Verde and the main arm of the Pilcomayo, Villa Occidental being included in this section. The Argentine Government finally waives any claim or right to the first section. The ownership of the territory of the second section, and the rights over that territory, including Villa Occidental, shall be submitted to arbitration for a final decision." (Annex No. 60.)

146. Mr. R. B. Hayes, President of the United States of America, having been designated as arbitrator, stated on November 12th, 1878: "Having duly considered the said statements and the said exhibits, I do hereby determine that the said Republic of Paraguay is legally and justly entitled to the said territory between the Pilcomayo and the Verde Rivers." Accordingly, the arbitrator awarded the territory in dispute to Paraguay (Annex No. 102).

147. The River Pilcomayo having thus been fixed as frontier, the demarcation of that frontier was carried out in accordance with the Protocols of September 11th, 1905, and February

1st, 1907, from the mouth of the river as far as latitude 22°, where the frontier between the Argentine and Bolivia begins (Annex No. 61).

148. No less explicit is the recognition of Paraguayan sovereignty by the Argentine Republic in the various navigation agreements signed since the proclamation of independence. In virtue of Article 8 of the Treaty of 1852, Paraguay "grants the Argentine flag free navigation on the Paraguay and its tributaries" and, in virtue of Article 11, the Paraguayan Government undertakes to facilitate navigation on the Bermejo and to establish "points serving as places of call for vessels". Article 12 stipulates that Paraguay, at the Argentine's invitation, "shall, after previous consultation with the Argentine, establish and equip a port on the River Pilcomayo at the highest navigable point in such a way as to provide commerce with the shortest possible land route through Paraguayan territory to the Bolivian frontier." (Annex No. 59.)

149. Bolivia, which was acquainted with these stipulations, did not feel entitled to make any protest. That made by M. Benavente relates to the northern region of the Chaco.

150. The new Treaty of 1856 stated that "navigation on the Rivers Paraná, Paraguay and Bermejo is completely free and open to Paraguayan and Argentine merchant and war vessels in accordance with the provisions in force in the two Republics" (Annex No. 60). Lastly, the Treaties of Peace of 1876 once more embodied the stipulations on freedom of navigation on the Rivers Paraná and Paraguay.

151. It will be seen that the view consistently held by the Argentine and Brazil was that the sole country with rights over the Chaco was Paraguay and that she alone was responsible for the regulation of navigation on the River Paraguay.

152. This international opinion based on so many and such important treaties was shared by the principal Powers with which Paraguay undertook negotiations after the ratification of her political independence in 1842.

153. The United States of America signed with Paraguay on March 4th, 1853, a Treaty which said in Article 2: "The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States the free navigation of the River Paraguay as far as Asunción, capital of the Republic, and of the right side of the Paraná from the point where it begins to belong to Paraguay as far as Villa de Encarnación" (Annex No. 63). In 1859, in a new Treaty of Friendship, Commerce and Navigation, Paraguay once more conceded freedom of navigation on the River Paraguay "in the exercise of the sovereign right which pertains to her", extending such freedom "as far as the dominions of the Empire of Brazil" (Annex No. 64).

154. On August 1st, 1860, Paraguay signed a Treaty of Friendship, Commerce and Navigation with Prussia and the other States of the German "Zollverein", which textually repeated the declaration of freedom of navigation on the River Paraguay "as far as the dominions of the Empire of Brazil" and on the right side of the River Paraná contained in the Treaty of 1859. (Annex No. 64.)

155. On March 4th, 1853, a Treaty was signed between the Republic of Paraguay and the United Kingdom of Great Britain and Ireland which reproduced the stipulation contained in the treaty signed on the same date with the United States, to the effect that "the Republic of Paraguay, in exercise of the sovereign right which pertains to her, concedes to the merchant flag of His Britannic Majesty's subjects the free navigation of the River Paraguay as far as Asunción, capital of the Republic, and of the right side of the Paraná from the point where it begins to belong to Paraguay as far as Villa de Encarnación". (Annex No. 65.)

156. On the same date, another treaty was signed with France containing an identical declaration. This treaty was confirmed and renewed by another signed with the same country on August 9th, 1862.

157. Sardinia, from which present-day Italy sprang, also signed a Navigation Treaty on March 4th, 1853, in which a similar declaration was made.

158. It will thus be seen that Prussia in 1860, Great Britain in 1853, France in 1853 and 1862, and Sardinia recognised Paraguay's "sovereign right" to concede free navigation between the banks of the River Paraguay.

159. Adding to this list the names of Brazil and the Argentine, we may assert that three-quarters of the civilised world recognised the existence of the Paraguayan State and at the same time its rights over the Chaco.

160. This recognition by the international community possesses, in addition to its intrinsic significance, the value attached to it by the Bolivian Republic in its boundary dispute with Peru.

161. "The Bolivian Republic, representing the rights of the Audiencia of Charcas"—said the Bolivian memorandum submitted to the arbitrator—"continued to exercise its sovereignty over the territory of Apolobamba without other limitation than that constituted by the international frontiers. In these circumstances and in complete good faith, it concluded diplomatic pacts to determine its limits. . . . These international antecedents, which are thus well known to the Foreign Offices of the South-American continent, make it clear that Bolivia has been in possession of the territory of Apolobamba as far as the Brazilian frontier. These historical facts, which have occurred in the course of centuries and still hold good to-day, would

alone be sufficient to attest and establish Bolivia's rights to the whole of the frontier which we have described. . . . It would be the height of absurdity to suppose that Bolivia could have performed so many and such important acts of sovereignty in connection with these frontiers without possessing any right thereto and usurping those of another nation" ("Memorandum by the Bolivian Government with regard to the arbitration on its frontiers with the Republic of Peru", 1906, pages 280 and 286).

3. FORMATION OF THE BOLIVIAN STATE.

162. When Paraguay first became a sovereign State, the Chaco was included among her organically constituent parts. At the same time, Upper Peru was converted into a Republic without any intention of extending its newly acquired sovereignty to that territory. Neither during the three centuries of Spanish domination nor when it became independent did it aspire in word or in deed to the Chaco territory. The official documents of the time afford authentic proof of the fact that, when the new State of Bolivia was constituted, its territory consisted exclusively of the Spanish Intendencias in the plateaux of the Andes known as the Provinces of Upper Peru, none of which, as we have seen, included the Chaco.

163. The Decree of Marshal Sucre dated February 9th, 1825, on which the Bolivian Constitution was based, provided that "the provinces known as Upper Peru shall remain under the supreme authority of the Liberating Army pending an assembly of representatives of the population, who shall decide their fate" (Annex No. 66). The decision of the Peruvian Congress of February 23rd, 1825, which constituted an implicit recognition of the State in process of formation, provided that boundaries with the "Upper Provinces" should be fixed (Annex No. 67). The Law of May 9th of the Congress of the United Provinces of the Rio de la Plata recognised that "to-day the four Provinces of Upper Peru are free" (Annex No. 68). The Liberator Bolivar, on May 16th, 1825, decreed that "the Provinces of Upper Peru, which were formerly Spanish, shall meet in accordance with the Decree of the Grand Marshal of Ayacucho in General Assembly for the purpose of freely expressing their desire as to their interests and their government" (Annex No. 69). And "the sovereign representatives of the Provinces of Upper Peru" solemnly declared on August 6th of that same year their independence of any foreign Power (Annex No. 70). This territorial basis of the new Republic is referred to by Bolivia in her first boundary question, which arose shortly after she became independent, with the Argentine Republic, concerning the possession of Tarija. A Note, dated August 14th, 1826, from her Foreign Office to the Argentine Plenipotentiary stated that "Bolivia was only entitled to the territory which from time immemorial has been known by the name of Upper Peru, both because this was the part of the territory left to the Spanish dominion and because it was recovered by the Liberating Army and was enabled to decide its own destiny; the Congress of the Rio de la Plata accordingly recognised by the Law of May 9th that the Provinces of Upper Peru were free to decide their own fate and their own government" (Annex No. 71). In 1879, in its dispute with Chile, the Foreign Office still held the same view. "Bolivia"—according to the Circular from the Bolivian Foreign Office, dated March 31st, 1879, and received by the Government of Paraguay—"which, under the name of Upper Peru, was the territory which fought longest to obtain its emancipation, proclaimed its independence and autonomy in 1825, within the boundaries of the old provinces of which it was to consist" (Annex No. 72).

164. This view was confirmed in the Treaty signed in 1847, in which Bolivia's independence was recognised by Spain. Article 1 provides that: "Her Catholic Majesty, making use of the right appertaining to her . . . , formally and solemnly renounces for ever on her own behalf and on behalf of her successors any claim to sovereignty, rights and action in the American territory formerly known as the Provinces of Upper Peru, which is to-day the Bolivian Republic." (Annex No. 73.)

165. As can be seen, all the documents issued by Bolivia when she first became independent prove that the country was constituted without any thought of succeeding to the Audiencia of Charcas, as she now claims to do. The view clearly taken by her founders and the countries which recognised her independence was that the new State was to be established on the basis of the four Upper Provinces, which were fully known and defined. In no way did they recognise that the former Audiencia had any political authority which was capable of creating any territorial rights for the new nation. When, on December 15th, 1825, the Liberator Bolivar ordered a supreme court to be established at La Paz, he stated that "the powers of this court, its rules and organisation shall be the same as those of the old Audiencias" (Annex No. 77).

166. The list of the component parts of Bolivia's original political constitution contained in the relevant documents is of capital importance, as was recognised in a recent arbitral award. As stated in the "Opinion and Award rendered in the Arbitration concerning the Boundaries between Guatemala and Honduras", "the instruments by which those States established their independent Governments and which contain an official description of the extent of the territory to the sovereignty of which they regarded themselves as the successors are undoubtedly of the utmost significance. We thus possess a solemn declaration, which is virtually contemporary, of the extent of the administrative authority with which the previous colonial entity was regarded as invested. The Constitutions of the new States and the decrees of their respective Governments, particularly those to which no objection was raised or in regard to which the initial objection was withdrawn, are of exceptional importance".

167. The importance of these decrees was also recognised by the Republic of Bolivia. One of its best-known diplomatists, M. Vaca Guzmán, stated in 1879: "When the new States were organised, care was taken to enumerate in their basic charters the provinces of which each nation was composed. This enumeration involved a social pact which could not be broken by the provinces constituting the new State, in virtue of its independence and sovereignty; its boundaries and hence the territory it possessed at the time of its emancipation were designated therein All subsequent changes, acts of occupation, etc., which tend to go beyond the original and fundamental demarcation of those boundaries involved a usurpation of the territorial rights belonging to the neighbouring State . . ." ("La usurpación en el Pacífico. Bolivia y Chile y sus tratados de límites", 1779, page 6).

168. The examination of the first official documents enumerating the component parts of the Republic of Bolivia—constitutions, electoral laws, etc.—shows that the Chaco did not come under the jurisdiction of the new State.

169. The Act of Independence was signed by the representatives of Charcas, Potosí, Cochabamba, La Paz and Santa Cruz (Annex No. 70).

170. Article 3 of the first Constitution reads as follows: "The territory of the Bolivian Republic includes the departments of Potosí, Chuquisaca, La Paz, Santa Cruz, Cochabamba and Oruro" (Annex No. 74).

171. The first electoral law of Bolivia promulgated by Bolívar on November 26th, 1825, mentions the provinces of each of the five departments: La Paz, Cochabamba, Potosí, Santa Cruz, Charcas; the Chaco is not mentioned (Annex No. 75).

172. The decree of January 23rd, 1826, by which the first division of the territory was effected, enumerates the five departments: Chuquisaca, Potosí, La Paz, Cochabamba and Santa Cruz (Annex No. 76).

173. Lastly, the Treaty of July 21st, 1847, in which Bolivia's independence was recognised by the Queen of Spain, Isabel II, when enumerating the territories whose independence was recognised, does not mention the Chaco (Annex No. 73).

174. While Paraguay was in possession of the Chaco when she acquired her freedom and was convinced of her right to it, no statement was made, at the time the Bolivian Republic was constituted, to the effect that it had any right to the region bordering on the River Paraguay.

175. The Chaco, a territory which was a long way from and unknown to Upper Peru, was not bound to it by any of the ties by which it has always been so closely connected with the Paraguayan nation. When Bolivia proclaimed her independence and specified the territory over which she was to exercise her newly acquired sovereign rights, she did not aspire to the Chaco, just as she never took any action in regard to it during the long years of the colonial period.

4. CASES IN WHICH BOLIVIA RECOGNISED PARAGUAY'S SOVEREIGNTY OVER THE CHACO.

176. Just as during the colonial period there is no record of any Governor of Upper Peru having protested against Paraguay's possession of the Chaco or claimed any of the posts established in that region, in the same way, when its independence was proclaimed, the Bolivian Republic had no thought of questioning the continuance of that possession and the maintenance of the signs of its exercise, such as Fuerte Borbón. Neither in 1825, the year of her emancipation, nor subsequently, did Bolivia state that the region bordering on the River Paraguay belonged to her. On the contrary, just as under the Spanish domination Upper Peru recognised and acknowledged Paraguay's jurisdiction to the west of the river, so the first relations between Paraguay and Bolivia plainly showed that the sovereignty of the Government of Asunción over the Chaco was recognised.

177. In 1828, the Bolivian Government sent an official representative to Asunción for the purpose of handing over certain documents to the dictator Francia. His passport was worded as follows: "Lt. C. Luis Ruíz is proceeding on a mission to Asunción in Paraguay with documents for the Supreme Head of that Province. The authorities of the places in Bolivian territory through which he passes shall afford him every assistance with a view to expediting his journey, and the Paraguayan authorities are requested to assist him in any way that may be necessary to enable him to reach Asunción . . ." (Annex No. 78). The Bolivian Minister for Foreign Affairs, M. Facundo Infante, would not have signed the passport if he had been satisfied that, in order to reach Asunción in Paraguay, a Bolivian representative would not be obliged to pass through foreign territory. The Bolivian representative was stopped at Fuerte Olimpo or Borbón. The commander of the fort, acting on instructions from the Dictator, refused to allow him to proceed to the capital. After being turned away from Borbón without being able to carry out his mission, the Bolivian representative returned to La Paz. Not the slightest protest was made by the Government which had sent him, against the stern act whereby Paraguay showed that she had jurisdiction over the Chaco, or the existence (which had been proved once again), of her fort in that territory.

178. During the dictatorship of Dr. Francia, the Paraguayan Government closed the River Paraguay to the shipping of the whole world without any protest being made by Bolivia.

179. Neither did Bolivia protest against the official declaration of sovereignty over the Chaco made by the Republic when communicating the ratification of its independence and requesting Bolivia's recognition.

180. The Note dated December 28th, 1842, from the Paraguayan consuls López and Alonso stated that "the undersigned Government has the greatest pleasure in informing Your Excellency and the whole Republic of Bolivia of this event which will have such beneficial results, since it will now be possible to conclude a friendly commercial agreement without any misgiving and without the establishment of trade along the old tracks of the Chaco being any longer regarded as paradoxical. To this end the sovereign Congress of this Republic has authorised the undersigned Government to begin in due course to establish settlers in the Chaco within the boundaries of this Republic for the purpose of opening trade routes with the Republic of Bolivia." (Annex No. 79.)

181. Did the Government of the Upper Plateau protest against this emphatic declaration of Paraguay's right to settle the Chaco "within the boundaries of the Republic"? By no means. As soon as it had received the note from the Paraguayan consuls, the Executive of the Bolivian Republic transmitted it to the National Convention which was then sitting, strongly recommending its acceptance. (Annex No. 80.)

182. As Dr. David Alvéstegui, the present Bolivian Foreign Minister, says in his book, "Bolivia y el Paraguay. La cuestión de límites": "The historic note of the Paraguayan consuls received by General Ballivián, who was ruling over Bolivia at the time, was sent, together with the Act of Independence, to the National Convention sitting in Sucre, the capital. This high constituent assembly duly considered it and, after a short discussion, during which sentiments of friendship towards the Paraguayan nation were expressed by many of the members, recognised the latter's independence . . ."

183. No discussion took place in Parliament or in the Press regarding the declaration of sovereignty over the Chaco contained in the Note of December 28th, although this had been made widely known through the newspapers. The Act of Recognition promulgated on June 17th (Annex No. 81) contains no reservation, and the newspapers of the time were full of expressions of goodwill towards the new Republic (Annex No. 82).

184. Neither did General José Ballivián, President of Bolivia, feel called upon to protest against the declaration of sovereignty over the Chaco made by the Paraguayan Government in its Note of December 28th, 1842. In the letter, written with his own hand, which he sent on June 4th 1843, to the consuls López and Alonso, announcing the decision of the National Convention, he expressly accepted the terms of this historic declaration.

185. "Bolivia", he said, "which was the first to notify her recognition, also wishes to be the first to cultivate with the new Republic those intimate relations which nature invites both countries to establish and to which you made a just and praiseworthy reference in your communication of December 28th of last year" (Annex No. 83).

186. As we have seen, it was the head of the Bolivian State himself who regarded as "just and praiseworthy" the reference made in the Note of December 28th to the best means of cultivating the relations between the two countries—namely, by establishing settlers in the Chaco within the boundaries of Paraguay.

187. This important episode in its relations with Paraguay affords the clearest possible proof of Bolivia's views as to the extent of her territorial jurisdiction eastwards.

188. It was in accordance with his deep-seated conviction that, in a document of the highest official authority, President Ballivián described Paraguay's plain and categorical declaration of her right to the Chaco as "just and praiseworthy". In the opinion of this ruler, as in that of all who followed him, Paraguay possessed both banks of the river of that name. The Memorandum of April 23rd, 1843 (the year in which Bolivia recognised the Republic's independence), sent to the National Convention by M. de la Cruz Méndez, Minister for Foreign Affairs, contains the following statement:

189. "The Government hopes to contribute largely towards the future progress of national trade and industry by obtaining from the Government of the Republic of Paraguay, the Argentine Confederation and His Majesty the Emperor of Brazil, the recognition of the freedom of navigation on the rivers which rise in Bolivian territory and, after passing through those States, flow into the Atlantic: the Paraguay and Paraná through the Rio de la Plata, and the Mamoré, Ucayale and Beni through the Marañón or Amazon." (Annex No. 84.)

190. Hence, in the Bolivian Government's view, the River Paraguay "passed through" the territory of the Republic of Paraguay.

191. There is also a map of indisputable authority which affords irrefutable proof of the official view held by Bolivia at that time.

The President of the Republic, M. José Ballivián, instructed Colonel Felipe Bertres, Director of the Topographical Service, to make a map showing the boundaries of Bolivia with the neighbouring countries, in accordance with the Government's views in the matter.

192. Bertres made this map and published it in 1843 under the title "Chorographical Map of the Republic of Bolivia, with the topography of the neighbouring frontiers, prepared by order of His Excellency the President M. José Ballivián" (2nd collection of maps, Maps Nos. 42 and 43).

193. In this map, which is the first official one made by the Republic of Bolivia, the boundary with Paraguay is indicated by a line starting from a point above Bahía Negra and cutting the Pilcomayo slightly above the 23rd parallel.

194. While this map does not, of course, show the real boundary between Paraguay and Bolivia, it proves beyond a doubt that the Bolivian Republic was profoundly convinced of the legitimacy of Paraguay's dominion over the Chaco.

195. Paraguay's rights were recognised and respected for a long time, even after the untimely and unexpected emergence of claims which were at first timidly confined to a limited area, but which subsequently grew with Bolivia's caprice and ambition until they covered the whole territory of the Chaco.

5. BOLIVIA'S FRONTIER WITH THE ARGENTINE AND BRAZIL.

196. It was not only in its relations with our country that the Bolivian Republic implicitly and explicitly recognised Paraguay's rights. When it was necessary for Bolivia to fix her boundaries with the neighbouring countries Brazil and the Argentine Republic, she accepted in every case lines of demarcation starting from the points where Paraguay's frontiers with those countries ended—that is to say, beyond Bahía Negra and the point where the 22nd parallel cuts the Pilcomayo.

197. The frontier with Brazil was determined by three diplomatic instruments: the treaty signed at La Paz in 1867 (Annex No. 85); the treaty signed at Petrópolis in 1903 (Annex No. 86); and the treaty signed at Rio de Janeiro in 1928 (Annex No. 87). The frontiers drawn in these three instruments start from Bahía Negra or above Bahía Negra. There is no line of demarcation on the River Paraguay between the River Apa and Bahía Negra, although Brazil claimed that region and her right to it was recognised by Paraguay as a result of the war of 1864-1870. The first treaty was signed while Paraguay was at war with Brazil; this explains why Paraguay's rights to the zone situated north of Bahía Negra were excluded. When the second treaty was signed, Paraguay made reservations and protests, which she still maintains (Annex No. 87). Apart from the area situated north of the Rio Negro, it can be seen that the portion of the frontier corresponding to the Chaco was not delimited by Brazil with Bolivia, but with Paraguay.

198. The delimitation of the frontier with the Argentine Republic was more laborious. Under the final treaty, the amendments to which have not yet been ratified, the frontier between the Argentine and Bolivia ends at the point where the 22nd parallel cuts the River Pilcomayo (Annex No. 88). This does not, therefore, affect the Chaco. In her first attempts to regulate her relations with the Argentine by treaty, Bolivia clearly expressed her conviction that the Chaco did not belong to her. The Treaty of Peace, Friendship, Commerce and Navigation of December 7th, 1858 (Annex No. 89) contains the following articles, which coincide completely with the view held by the Bolivian Government at that time in its relations with Paraguay, concerning the extent of their respective dominions: "Since navigation on the Bermejo is bound to create new and important commercial relations between the two countries, it is agreed that this matter shall be regulated by means of a special convention providing for the intervention of the consular agents of both States in regard to the conveyance of goods in transit to Bolivia from the port or ports on that river which are suited to the purpose" (Article 13). "In order to further the aims set forth in the previous article, the Governments undertake to establish, for trade purposes, means of communication from the port nearest to Bolivia, to be designated on the Bermejo, to the most suitable places within that Republic" (Article 14).

199. It should be noted that the boundary treaties signed by Bolivia with Brazil and the Argentine constitute an indirect recognition of our sovereignty over the Chaco, which was in every case left out of the Bolivian territorial patrimony. In point of fact, there are no boundaries between Bolivia, the Argentine and Brazil in the Chaco Boreal as there are between Paraguay and these two last-named countries.

III. THE DISPUTE.

I. THE FIRST CLAIMS MADE BY BOLIVIA.

200. Paraguay had been in possession of the Chaco for more than three centuries without the least protest on the part of any of the neighbouring communities when the first claims were put forward by Bolivia, without any prior justification. The new designs of that country first appeared on the occasion of the signing of the Treaty of 1852 between Paraguay and the Argentine Confederation, in which Paraguay was recognised as holding legitimate dominion over both banks of the river of that name (Annex No. 59). M. Benavente, the Bolivian representative at Buenos Aires, sent the Argentine Government a protest against such recognition, "which ignored Bolivia's right over the River Paraguay in her capacity as a riparian of the western bank between parallels 20, 21 and 22 (Annex No. 90). M. Benavente did not adduce any legal argument in support of these claims, which conflicted with all the antecedents.

201. The protest was made, not to the Paraguayan Government, but to the Argentine Government. Nevertheless, the Government of Don Carlos Antonio López made a public declaration, through its official spokesman, expressing surprise at this unreasonable and unfounded claim.

202. "The Bolivian Chargé d'Affaires", he said, "declares that Bolivia is a riparian State on the western bank of the Paraguay between parallels 20, 21 and 22—that is to say, from Coimbra as far as a point opposite the River Apa. But it is not enough merely to say so, and we do not know where Bolivia will find evidence to show that she is a riparian of the Paraguay, which lies hundreds of leagues away on the other side of the Cordilleras. Will Bolivia be good enough to tell us who gave her the Gran Chaco and the right bank of the Paraguay? The Republic which bears that name always possessed the Chaco throughout the period prior to the creation of the Government of Buenos Aires in 1620, and has ever since held legitimate ownership over the whole of the territory that was not expressly taken from it by this new Government, for a presumption of right and the transfer of sovereignty necessitate and require full and complete proof. Thus, Paraguay has always kept villages, "reducciones", detachments and forts on the banks of the river from Olimpo, below the Rio Negra, as far as Formosa, below the Bermejo" (Annex No. 91).

203. Strictly speaking, M. Benavente's claim was confined to a section of the Chaco—namely, that situated north of 22° latitude. This protest did not affect the Bolivian contention regarding a right over the rest of the Chaco, which continued to be upheld for a long period.

204. The memorandum of the Bolivian Ministry for Foreign Affairs, issued in 1855, approved M. Benavente's protest, and contained the following declaration in that sense:

205. "Since we are riparians of the west bank of the River Paraguay from the limit of the Jaurú as far as approximately 22° latitude, just as the Empire of Brazil and the Republic of Paraguay are riparian States on the east bank, we must bear this point particularly in mind in order to defend our rights and define them by the pacific methods of diplomacy, from which we hope to obtain satisfactory results".

206. Bolivia, in making her protest, did not feel that she was prejudicially affected by the provision of the same Treaty of 1852, which stipulated that the Paraguayan Government was to establish and equip a port on the River Pilcomayo "at the highest navigable point, in such a way as to provide commerce with the shortest possible land route through Paraguayan territory to the Bolivian frontier". Bolivia's official view regarding the sovereignty over the two banks of the River Pilcomayo was unchanged; it was exactly the same as she had maintained from the time of her formation in regard to the whole of the Chaco, and was restricted for the first time in Benavente's protest. Bolivia continued to recognise Paraguay's right over the Pilcomayo and, just as she did not protest against the above-mentioned provision of the treaty of 1852, so Benavente himself, who had become Minister for Foreign Affairs, asked in a note dated August 18th, 1857, for permission to navigate on that river. "In North America", the note stated, "there is being built for the Cabinet, under the direction of Lieutenant Page, a steamer intended to explore the Pilcomayo and Bermejo Rivers. I venture to hope that the Government of Paraguay will see no objection to this steamer's entering the waters of the Pilcomayo on its journey of exploration (Annex No. 92). On October 31st, 1857, the Government of Paraguay granted the authorisation requested, making the following statement: "As regards navigation on rivers, the Government of the Republic has shown the world that it is inspired by the best intentions in that respect. Its sole demand is that its rights should be recognised and respected" (Annex No. 93).

207. In point of fact, Benavente's protest was directed against the declaration of Paraguay's right, not as far as the Rio Negro, but in respect of the bank situated between that river and the limit of the Jaurú, the only part claimed by Bolivia for some long time. That bank, which was occupied by Brazil, was recognised by the Treaty of 1852 as belonging to Paraguay. Bolivia considered herself prejudicially affected by such recognition. The memorandum of 1855 places the limit of the Jaurú at 20° latitude, the 22nd parallel therefore, being situated approximately at Bahía Negra, where the Brazilian possessions on the western bank of the river ended and those of Paraguay began. Clearly, therefore, Bolivia, in claiming parallels 20 to 22 from the limit of the Jaurú, intended not to extend her claims beyond Bahía Negra, but to confine them to the region occupied by Brazil, over which Paraguay also claimed rights. Accordingly, the Government of Brazil felt bound to reject Benavente's claim, and presented in its turn a counter-protest which constituted a formal rebuttal of Bolivia's belated demand and a condemnation in advance of all subsequent attempts on the part of Bolivia to make herself a riparian State of the River Paraguay.

208. The note of the Brazilian Legation at Buenos Aires, dated August 26th, 1852, was worded as follows:

"In a note dated August 22nd last addressed to His Excellency the Minister for Foreign Affairs of the Confederation, the Bolivian Chargé d'Affaires protested against the clause in Article 4 of the said Treaty (Derqui-Varela) to the effect that the River Paraguay belongs on both banks and in full sovereignty to the Republic of Paraguay as far as its confluence with the Paraná. The Bolivian Chargé d'Affaires bases his protest on the conviction that the Republic of Bolivia is a riparian State of the River Paraguay on the west bank between 20, 21 and 22 of latitude.

"The undersigned, however, is convinced that the Bolivian Government cannot be held to be a riparian of the Paraguay, unless the Government of Brazil, as the result of the negotiations

now pending, cedes to it a part of the bank of that river; and for that reason it protests, not only against the assertions and the protest of the Bolivian Chargé d'Affaires, but also against any act whereby the Government of your Republic may be held to be a riparian of the Paraguay to the detriment and in violation of the rights and interests of Brazil." (Annexes Nos. 94 and 95.)

209. Thus, the Government of Brazil, in view of Benavente's protest, formally stated that the Bolivian Government could not be held to be a riparian of the River Paraguay so long as Brazil did not cede to it the bank belonging to Brazil. The Empire of Brazil was so firmly convinced of Paraguay's right over the rest of the riparian territory that it unhesitatingly protested, not only against M. Benavente's assertions and protests, but also against any act whereby Bolivia might be recognised as a riparian of the River Paraguay. In making these statements, Brazil was voicing a long-held view. No country could have a more exact knowledge of the right exercised during the colonial period west of the River Paraguay. For that reason, three years later, in a solemn protocol, it proclaimed that "there has never been any dispute between the Empire and the Republic regarding the territory on the right bank of the River Paraguay, as the two Governments recognise the Bahía Negra as the limit of their respective countries on that side". (Annex No. 52.)

2. THE TREATY OF THE TRIPLE ALLIANCE.

210. The first Bolivian claims, which were put forward in Benavente's protest and which, as we have seen, did not relate to the whole Chaco, were practically abandoned until the publication of the Treaty of Alliance signed on May 1st, 1865, between Brazil, the Argentine and Uruguay. That treaty provided for the assignment of part of the Paraguayan territory, the Chaco being allotted to the Argentine Republic as far as Bahía Negra. (Annex No. 96.)

211. The provision in the Treaty of the Triple Alliance brought out once more the conviction of those three countries regarding the sovereignty which prevailed west of the River Paraguay. Being engaged in hostilities, the allied countries did not want deliberately to create new difficulties for themselves, and perhaps to make another enemy, by disposing of the territories of a country whose friendship or neutrality in the conflict it was to their interest to secure.

212. Bolivia merely requested the allies to make an official declaration regarding the authenticity of the treaty, the text of which had been published in a Buenos Aires newspaper. In the Allies' letters of mutual concession, all that was agreed was that it should be understood that these stipulations "would not prejudicially affect any claims that the Republic of Bolivia might make in regard to territories on the right bank of the River Paraguay". What the Allies safeguarded was the Bolivian right to make claims and not the rights claimed. Since the Argentine Republic claimed to hold rights as far as Bahía Negra, it would have been absurd for it to recognise at the same time the existence of other rights over the same territory. Moreover, the letters of mutual concession did not specify to what territory Bolivia might lay claim.

213. The provisions in the letters of mutual concession were so unimportant that neither Brazil, nor the Argentine, nor Uruguay, nor Paraguay, agreed to admit Bolivia to the negotiations instituted after the war for the purpose of permanently fixing frontiers in accordance with the Treaty of Alliance.

214. The Bolivian authors themselves admit that "the signing of the vague letters of mutual concession was a ruse to ensure the neutrality of Bolivia" (David Alvéstegui: "Bolivia y Paraguay. La cuestión de Límites").

215. The stipulations in question, which were dictated by circumstances and were due to General Melgarejo's open threat to enter the war on the side of Paraguay, did not imply recognition of Bolivia's alleged titles, nor did it grant that country the right to take part in the peace settlement.

216. The Argentine Republic had no intention of recognising the alleged Bolivian rights. Carlos Tejedor, Minister for Foreign Affairs, stated in 1872 to the plenipotentiary Mariano Rayes Cardona that, "as regards the Chaco, it was evident that neither Bolivia nor the Argentine Republic had clear and incontestable titles; that, in consequence, the Argentinians, in occupying the Central Chaco, had done so with the same right as the Bolivians; that Villa Occidental was a Paraguayan town founded by Paraguay with the knowledge and tacit approval of the Bolivian Government; that in occupying it by right of conquest, the Argentine Government took it from Paraguay, which was its peaceful possessor, and it was incomprehensible by what right Bolivia was interposing herself between victor and vanquished; . . . that the Argentine Republic would perhaps have consented to allow Bolivia to take it but for that Republic's manifest inability to maintain its flag on the frontiers of Paraguay; that, as there was no hope that Bolivia could conquer the Chaco from the uncivilised tribes, or people or colonise it, the interests of civilisation and progress in South America could not allow Bolivia to be recognised as the holder of a right the sole result of which would be to perpetuate desolation and conditions of barbarism in the heart of South America to the detriment of the prosperity and development of that part of the continent." (Annex No. 97.)

217. General Mitre, the Minister at Rio de Janeiro, told his Foreign Office that Bolivia's intention to avail herself of the letters of mutual concession was "a mistaken and ill-timed act" (Note of November 6th, 1872). The Minister Tejedor, in his Note of November 18th, 1872,

approved Mitre's objection "to any participation on the part of Bolivia in the negotiations", and stated that that country's interpretation of the letters was untenable. "The object of the letters", said Tejedor, "was precisely to exclude Bolivia from having any interest in the question that was to be discussed with Paraguay, and documents of that kind and having that object could hardly establish or accord a guarantee on the part of the Allies". (Annex No. 98.)

218. The Government of Brazil also explicitly stated its view of the real scope of the letters. The Bolivian Government sent M. Rayes Cardona to Rio de Janeiro to ask that Bolivia should be invited to take part in the negotiations begun by the Allies. M. Manuel Francisco Correia, the Brazilian Minister for Foreign Affairs, rejected the Bolivian request, stating on November 4th, 1872, as follows: "These letters of mutual concession do not bind the Allies, who have no interest of their own in the Chaco question, to intervene in the dispute regarding that territory that existed between Bolivia and her two neighbours—the Argentine Republic and Paraguay"; and "though the Imperial Government must not prejudicially affect any of Bolivia's rights over the disputed territory of the Chaco, as it has always been very careful to do, it is equally bound and is sincerely desirous not to become a party in the question, in opposition either to its Allies or to Paraguay". (Annex No. 97.)

219. On November 15th, 1872, the Brazilian Ministry for Foreign Affairs again explained to the Bolivian Legation its views on the letters of mutual concession, as follows: "The rights of the Allies whose territories adjoin that of Paraguay are not derived from the Treaty of Alliance; they existed before and are based on other titles. What is derived from this pact is a reciprocal guarantee regarding the agreement reached with the Republic of Paraguay; but the Allies, in conformity with right and justice and the friendship which all owe to Bolivia, excluded from that guarantee or agreement all claims, whatever they might be, concerning the territory of the Chaco. To conclude from this that an obligation exists which would place Brazil and the Oriental State between the Argentine Republic and Bolivia, or the three Allies between Bolivia and the Republic of Paraguay, as judges or parties interested in a question of sovereignty and territorial rights in which they have no concern would undoubtedly be to distort the Allies' agreement—an agreement, which is moreover both legitimate and prudent—by extending its scope in such a way that Bolivia would come to be in actual fact a fourth ally having no obligations, but simply possessing the right invoked by M. Cardona". (Annex No. 100.)

220. The documents given reveal the true meaning and scope of the letters of mutual concession. The Allies did not recognise any right on the part of Bolivia over the Chaco, for to do so would have prejudged the question and have set up the three Allies as judges or interested parties as between Bolivia and Paraguay. It was never their intention to infringe the rights of Paraguay. They merely safeguarded Bolivia's right to put forward a claim in case she might subsequently wish to exercise that right. To attach any other meaning to the letters would have been to make Bolivia a fourth ally, without any of the obligations incumbent on an ally but with all the rights accruing from victory.

221. Thus, the recognition of the right to make a claim could be of value only if one of the contracting parties—the Argentine—were in possession of the Chaco. It could not affect Paraguay, who had had nothing to do with these negotiations and whose only right of claim, the exercise of which could have been conceded, was the right to fix frontiers.

3. THE HAYES AWARD.

222. After the close of the war of 1870, the simulacrum of a Government set up by the victorious Powers at Asunción, which had had the courage to protest against the occupation of the Chaco Boreal by the Argentine forces, in spite of the fact that this occupation was simply a consequence of the war, displayed even greater energy in safeguarding, during the negotiations undertaken with the victors, its rights to the territory situated north of the River Pilcomayo.

223. The vigour with which Paraguay defended her rights over the Chaco on the morrow of the greatest defeat of her history drew from an Argentine writer the following tribute: "This unshakable firmness, manifested at such a time, after an unparalleled catastrophe, when the Paraguayan people had been shattered by the crushing blows of the Triple Alliance, losing three-quarters of its total population, and with its soil still in the grip of an army of occupation, reveals the existence of profound convictions and steadfast sentiments which have their origin in the distant past." ("Boundary Dispute between the Argentine Republic and Paraguay. Retrospective Survey. By Some Friends of Justice." Buenos-Aires, 1880, page 17.)

224. These deeply rooted and long-standing convictions and these sentiments, which even the greatest of misfortunes was unable to shake, had their influence on the Argentine Government, which consented in the Machain-Irigoyen Treaty, signed on February 3rd, 1876, to the partial abandonment of its claims and to the submission of the rights of sovereignty over the zone included between the Verde and Pilcomayo Rivers to an arbitral decision. (Annex No. 60.)

225. The functions of arbitrator having been accepted by the President of the United States of America, Mr. Rutherford Hayes, both countries submitted within the prescribed time-limit "memorials embodying an exposition of the rights which each considers itself to possess with reference to the territory in question, together with all documents, titles, maps, quotations, references and whatsoever may be deemed by either favourable to its views" in accordance with Article VIII of the Treaty of 1876.

226. The Paraguayan Plenipotentiary, M. Benjamin Aceval, submitted his memorial, with annexes, on March 20th, 1878. The delegate pointed out that "many valuable documents of an

even more conclusive character regarding Paraguay's rights have disappeared from the Asunción archives in the turmoil of the disastrous war lasting for five years," but that, "nevertheless, the documents which have been saved from the great catastrophe that has overtaken Paraguay, and evidence of which is attached, together with the maps and authorities quoted, are in my opinion more than sufficient to supply Your Excellency with sufficient enlightenment and to convince you of Paraguay's undeniable rights."

227. In fact, despite the material difficulties encountered by Paraguay in drafting her memorial, the documentation submitted to the arbitrator was sufficient to convince him completely of the justice of her cause (Annex No. 101 a). The memorial, a solidly constructed legal document, can still stand any analysis. So cogent is the force of its arguments, so concisely and so logically are its conclusions set forth, that Paraguay can still to-day prove, with its exclusive help, her unquestionable rights to the whole of the Chaco Boreal, without utilising the voluminous documentation subsequently catalogued to defend her rights in the dispute with Bolivia.

228. Aceval did not confine himself to demonstrating Paraguay's rights in the zone under dispute. His memorandum relates, not only to the district situated between the Verde and Pilcomayo Rivers, but also to the Central Chaco between the Bermejo and Pilcomayo Rivers and to the zone between Bahía Negra and the River Verde. The Paraguayan memorial considers the Chaco as an historical and geographical unit and demonstrates that Paraguay exercised dominion over that territory in general, without confining her possession to any particular zone or region. According to the memorial, Paraguay's titles to her Chaco territory are based on:

229. "1. The right of conquest, and Paraguay's position as the first occupant, demonstrated by her oldest possessions.

230. "2. The uninterrupted possession, with the King's approval, of waste territories for over a century after the partition of 1617.

231. "3. The Royal Decree of 1783, which fixes the territorial and jurisdictional boundaries of the Province of Paraguay, the territory of the Chaco being quite obviously included within those boundaries.

232. "4. The right of usucaption or prescription, which she has acquired according to international law by her peaceful and continuous possession since the conquest, and especially since 1762."

233. Aceval maintained that, "if this territory is given to the Argentine Republic, Paraguay will never recover, her national autonomy will be threatened and she will end by losing her independence", because this territory is "as essential to her national life as the air she breathes"; and he concluded by asking that President Hayes should pronounce in favour of his country "in a question in which not only law and reason were on her side, but on which her internal welfare and the preservation of her national independence itself depend". (Annex No. 101.)

234. The President of the United States of America, Mr. R. B. Hayes, pronounced his award on November 12th, 1878. The operative provisions read as follows:

235. "Whereas, pursuant to Article IV of the Treaty of Limits between the Argentine Republic and the Republic of Paraguay, of February 3rd, 1876, it was stipulated that ownership in or right to the territory between the River Verde and the principal arm of the Pilcomayo River, including the City of Villa Occidental, should be submitted to the definite decision of an arbitration;

236. "And whereas, by Article V of the same instrument, the two High Contracting Parties agreed to elect the President of the United States of America as umpire to decide as to the right to possess the said above-described territory;

237. "And whereas the High Contracting Parties have, within the stipulated time, presented their invitation to the proposed umpire, which was accepted by him, and have also duly presented their respective memoirs, and the documents, titles, maps, quotations, references and all the antecedents which they judge favourable to their rights, as provided in Articles VI and VIII of said Treaty:

238. "Now, therefore, be it known that I, Rutherford B. Hayes, President of the United States of America, having duly considered the said statements and the said exhibits, do hereby determine that the said Republic of Paraguay is legally and justly entitled to the said territory between the Pilcomayo and the Verde Rivers, and to the Villa Occidental, situated therein, and I therefore do hereby award to the said Republic of Paraguay the territory on the western bank of the river of that name, between the Río Verde and the main branch of the Pilcomayo, including Villa Occidental". (Annex No. 102.)

239. It will thus be seen that, in recognising that Paraguay was legally and justly entitled to the territory in dispute, the arbitrator took into due consideration the memoirs, as well as the documents, titles, maps, quotations, references and all the antecedents which the parties submitted to him.

240. At the same time, President Hayes "awarded" to Paraguay the territory between the Pilcomayo and the Verde Rivers. In reality, he merely restored to Paraguay her former property, confirming rights which existed previous to the award. This is to be regarded as a declaration rather than an award. If the arbitrator employed the term "award", it was due to the fact that the territory in question was temporarily under Argentine military authority as a result of the war.

241. With respect to the institution of arbitration, it is unnecessary to discuss the legal validity of this award in regard to Bolivia. This judgment constitutes a most decisive proof of Paraguay's rights, and in itself constitutes a new title of sovereignty which can be added to those that were produced before the arbitrator and were confirmed in the award.

242. The instruments which were signed by the plenipotentiaries at the same time as the Boundary Treaty, safeguarding the rights "adduced by Bolivia to one of the territories forming the subject of the negotiations", referred to the Bermejo zone. Paraguay, in obedience to a long-standing conviction and to her own interests, made reservations on what she was given and not on what she was keeping.

243. Bolivia was absent from the negotiations conducted before the arbitrator. It is true that she endeavoured to intervene tardily on the eve of the pronouncement of the award, but her claim was rejected by the arbitrator.

244. Through the Secretary of State, Mr. Evarts, the Government of the United States said:

245. "In reply, I have to inform Your Excellency that your communication has been laid before the President, who has directed me to say that, as the question adverted to between those two Republics has been submitted to him as an Arbiter, pursuant to a formal treaty between them to which Bolivia unfortunately is not a party, he conceives that he cannot properly allow his judgment upon the subject to be controlled or influenced by the memorandum referred to. He ardently hopes, however, that, whatever that judgment may be, it will be acquiesced in by all the parties interested, including Bolivia herself, and that if any differences between them should remain, they will be harmoniously, peaceably and satisfactorily adjusted, so that the vast physical resources of that region inherent by members of the Iberian race may speedily be developed to their advantage and to that of other nations of the globe." (Annex No. 103.)

246. President Hayes thus stated that he could not allow his judgment to be influenced by Bolivia's memorandum and called upon that country to accept the results of his award.

247. Bolivia complied with this request. The award was given in 1878. Bolivia made no protest against the assignment of the area between the Verde and Pilcomayo Rivers to the Republic of Paraguay. No international act in the years immediately following the signature of the award can be interpreted as a protest or as non-recognition. On the other hand, there is a declaration of the highest official value which implies the acceptance of the historical decision. On February 26th, 1879, the President of Bolivia, Hilarión Daza, issued to his fellow-countrymen, in connection with the occupation of certain territory by Chile, a manifesto which contains the following passage:

248. "It is the first time that a war of conquest has made its appearance among the Spanish-American peoples, only a few days after an arbitral decision has settled the territorial disputes arising out of the River Plate war between the Argentine Confederation and the Republic of Paraguay. You will remember that, having achieved the most complete victory and having effected the conquests stipulated in the solemn pacts of the Triple Alliance, the Confederation bowed to the rights of another continent and another civilisation, declaring with a magnanimous and truly American gesture that victory gave them no territorial titles, and signing on the most pacific principles the Treaty of February 3rd, 1875, which has been supplemented by an arbitral decision." (Annex No. 104.)

249. As a consequence of this recognition, Bolivia signed in the following year her first boundary treaty with Paraguay, in which she "recognised" Paraguay's right to the Hayes Zone, while Paraguay "renounced" the territory north of latitude 22°. In the subsequent negotiations, Bolivia respected for a long period the legal situation established by the award in this zone. In none of the draft conventions did Bolivia lay claim to any portion of the Hayes Zone. If some of them referred to the apex of the triangle of territory which was the subject of arbitration, this was simply due to ignorance of the exact course of the River Verde.

250. Bolivia cannot invoke in her behalf the principle or *res inter alios acta*, a device of international law to protect a third party acting in good faith and in ignorance of the circumstance which does it injury. This principle, however, loses its applicability with publicity, and still more with express and categorical recognitions such as that made by President Daza some months after he was acquainted with the award.

251. The validity of the award as regards Bolivia is undoubted, as pointed out by the Foreign Minister of that country, M. David Alvéstegui, in his book "Bolivia y Paraguay. La cuestión de Límites". We allow the competent commentator to speak for himself, while making our reservations regarding the existence of the alleged Bolivian rights.

252. "Under Article 2 of the Treaty of 1876 and in a most singular manner, Bolivia was despoiled of the territory of the Central Chaco, the possession of which she had been discussing for some time past with the Argentine Republic, this discussion having been postponed at the latter's request until after the conclusion of the war with Paraguay. This matter is foreign to the subject we are discussing, but a knowledge of it is necessary for a complete judgment on the events which occurred during that period.

253. "But Bolivia lost, not only the Central Chaco but all the Chaco Boreal, in virtue of Article 4 of the Argentine-Paraguayan Treaty, since the two countries shared the territory on an equitable basis without consulting the only country which possessed undoubted historical rights

over that district. Thus in 1870 was repeated the same irritating injustice as in 1865, when the signatories of the Alliance included in their pact the well-known Article 16—previously commented on—which led to the most energetic protests on the part of the injured Government.

254. “ And the notes of mutual concession ? And the Corral note ? They could not simply be torn up, and they had to produce their effect, if only in theory. Out of respect for these notes, the Argentine and Paraguayan negotiators, assisted by the diplomatic representative of Brazil, found themselves obliged to conclude at the same time as the principal boundary treaty an additional protocol which bears the same date, February 3rd, 1876. This stipulates: ‘ The contracting parties agree to reserve the rights affirmed by the Bolivian Republic to one of the territories to which the present negotiations have referred ’.

255. “ The terms of this declaration are clear and indisputable and, like the notes on mutual concessions, served to safeguard in theory Bolivia’s legitimate rights to the two sections of the Grand Chaco; but, in actual fact, the Central Chaco remained definitely in the hands of the Argentine Republic, whose forces did not evacuate it, while, in the case of the Chaco Boreal, the stipulations of the Paraguayan-Argentine Boundary Treaty were fully carried out in spite of the solemn declaration in favour of Bolivia; and so it was that an arbitral procedure was set on foot before the President of the United States, who settled the dispute by declaring that the Chaco zone included between the Verde and Pilcomayo Rivers belonged to Paraguay, which had advanced better claims than the Argentine. That country accordingly evacuated Villa Occidental, which has since then remained under Paraguayan sovereignty.” (“ Bolivia y Paraguay. La cuestión de Límites ”.)

256. It will thus be seen that, in the view of the man at present responsible for Bolivian foreign policy, neither the Taborga protest against the Treaty of the Triple Alliance nor the letters of mutual concession signed by the Allies, as a supplement to their Treaty of Alliance, to safeguard “ rights of reclamation ”, nor the Act of February 3rd, 1876, were sufficiently effective and valid. As a result of the Treaty of 1876 and of the Hayes Award, the Central Chaco remained “ finally ” in the hands of the Argentine Republic, and the Chaco Boreal passed into the possession of Paraguay, whose better claims had been recognised by the arbitrator. According to M. Alvéstegui, Bolivia “ lost ” the Chaco Boreal as a result of the Treaty of 1876 and of the Hayes Award.

4. UNRATIFIED TREATIES.

257. When she signed the first draft boundary treaties with Bolivia, Paraguay was suffering from the depressing effects of a war of extermination in which she had been defeated. These agreements were concluded in a cordial and noble spirit. It was thought that national recovery would be possible thanks to Bolivia’s trade through Paraguayan territory by means of the cession of a strip of land bordering on the River Paraguay. The Bravo undertaking with its schemes of colonisation had raised high hopes in the decimated Paraguayan population.

258. These agreements were signed without any comparison of titles and involved a renunciation of territory on the part of the legitimate owner. The Decoud-Quijarro Treaty clearly states that Paraguay “ renounced ” the territory situated north of the 22nd parallel, while Bolivia simply “ recognised ” Paraguay’s right to the rest of the Chaco. (Annex No. 105.)

259. None of the treaties received the approval of the Congress of Paraguay. They gave rise to heated discussion in the Press and Parliament of Paraguay. This was not the case in Bolivia. Why was that ? If the view now maintained by Bolivia regarding her alleged sovereign rights over the whole of the territory situated between the Pilcomayo and Paraguay Rivers had been held by Bolivia at that time, those arrangements would necessarily have been regarded by public opinion in that country as an obvious abdication of rights and an unjust mutilation and alienation of national territory, and as an act of generosity for which there was no valid reason. But Bolivia ratified those treaties and did her utmost to induce Paraguay to do so as well. This shows that Bolivia was not conscious of the above-mentioned rights. She did not hold that conviction when she became independent. She had succeeded to colonial units in whose history the Chaco had never been a field of action. The signature of the treaties was hailed in Bolivia as a real triumph of her diplomacy. The men who put their signature to those agreements continued to be esteemed and honoured by their fellow-citizens. No one ever stigmatised those agreements as a mistake or a defeat. Quijarro, Tamayo and Ichazo occupy an honourable place in Bolivian history.

260. In Paraguay, those treaties wounded national sentiment very deeply. Protests against them were made in Parliament, in the Press, in pamphlets and books, and from the rostrum. The Governments which sponsored those treaties assuredly did so with noble and sincere aims, but they nevertheless changed their attitude, since they did not even attempt to influence the Parliament in which they had a majority.

261. The treaties were signed for reasons which had nothing to do with national rights. The unanimous conviction of the nation as to the necessity for maintaining its rights never varied.

262. As Fulgencio Moreno wrote: “ At all times and under no matter what political party or system of Government, whether she commanded respect as a Power or was struck down by adversity, Paraguay never ceased firmly to proclaim her rights ”.

263. Let us examine the official view which prevailed in Bolivia at the time these treaties were signed and see what the Minister for Foreign Affairs, M. Mariano Baptista, an outstanding personality who rose to the highest legal office in the State, has to say in the matter. In the memorandum of the Ministry of which he was in charge in 1889, M. Baptista stated, when recommending the approval of the Aceval-Tamayo Treaty to Congress:

264. "That, in the boundary questions raised by the Republics which were formerly part of the Spanish possessions, Governments and publicists were for the most part convinced that the proofs of that right were axiomatic. This conviction rendered the popular sentiment so susceptible that, at every stage of the dispute, in every diplomatic instrument, the masses of the people considered that their country's honour was endangered or that their titles of ownership had been sacrificed. A conviction carried to this extreme arises from an erroneous conception. It was obvious that the Spanish Government, both in its advisory bodies and in the royal decisions, could not delimit territories, in the case of the discovery in very remote regions consisting of virgin forest or extensive deserts, in so technical and comprehensive a manner as our South-American records relating to their demarcation lead us to suppose. It would appear to be more correct to admit that the boundaries in the direction of the desert lands were to some extent vague and indefinite, as is to be assumed from many of the most authoritative texts cited in these complicated discussions.

265. "The scope of these reflections should not be misunderstood", he added. "We do not say that the Bolivian argument is defective or that the documents on which it is based are invalidated by conflicting documents; on the other hand, we think that the Bolivian right is established on a sound foundation and includes the whole of the area which forms the subject of the dispute with Paraguay. But, at the same time, we are convinced that up to the present these discussions have not led to any incontrovertible conclusion and that the country cannot fail to benefit by the agreements, compromises and cessions which it is possible to contemplate".

266. The words of the man who had the greatest power in his country at the time the first treaties were signed clearly show Bolivia's vacillating faith in her alleged rights.

267. The unratified draft treaties between Paraguay and Bolivia do not constitute a legal precedent. They were drawn up without any comparison of titles and were attempts to find an amicable settlement, which would be explainable at another time, but which cannot affect the validity of Paraguay's titles to the geographical unit known as the Chaco.

5. THE SOLER-PINILLA PROTOCOL AND THE "STATUS QUO".

268. The first treaties were negotiated in a spirit of friendship and good neighbourly relations. Bolivia stated her requirements and appealed to the generosity of a neighbouring country. Paraguay lent a willing ear to her request.

269. The last boundary agreement, the Soler-Pinilla Protocol (Annex No. 106), was signed under pressure of a concrete and lamentable fact—namely, the commencement of the Bolivian advance. A new factor, hitherto unknown, began to figure in the discussions: the presence in the Chaco of the army of a nation which had not set foot in that territory during more than three hundred years.

270. The Bolivian schemes of conquest began to be revealed. Paraguay, who had formerly given way for the sake of ideals which were not understood or which, as experience showed, it was impossible to put into practice, gave way once again in order to prevent war. The Soler-Pinilla agreement provided that a part of the Chaco was in dispute, although Paraguay did not renounce any part of her river bank.

271. Paraguay's concession had its counterpart: the *status quo*. She accepted Bolivia's demands in the belief that her sacrifice would be rewarded by the fulfilment of the solemn promise made by Bolivia not to continue her advance.

272. The enthusiasm aroused in Bolivia by the ease with which the military penetration of the Chaco was being carried out rendered nugatory the territorial provisions of the Soler-Pinilla Protocol. The *status quo* remained, but while the Bolivian diplomatists were renewing its validity, the General Staff continued to carry out its plans for the "Bolivianisation" of the Chaco, as advocated by its best-known public men.

273. The *status quo* of 1907 was confirmed and extended on various occasions, as shown by the Protocols of April 5th, 1913 (Annex No. 107), July 19th, 1915 (Annex No. 108) and November 21st, 1916 (Annex No. 109), the Act of June 15th, 1917 (Annex No. 110) and that of June 28th, 1928 (Annex No. 111). But Bolivia did not keep the promises which she had so solemnly and repeatedly made. Her sole aim was to further her schemes of conquest, which were openly confessed in the instructions from President Montes to his Minister at Asunción, M. Emeterio Cano. Dr. Cano's task was to cover up the military advances in the Chaco territory and to reassure the Paraguayan Government by means of hypocritical assertions of Bolivia's peaceful intentions (Annexes Nos. 114 and 115). This was the sole object of the Soler-Pinilla agreement, which was signed by Bolivia so that she might pursue her clandestine occupation, taking advantage of Paraguay's good faith and trust in the solemn and sacred nature of international obligations.

274. Naturally, the *status quo* of 1907 must be determined in accordance with this pact and the preceding ones, which co-ordinate the various views held in the matter and for the interpretation of which co-operation is required.

275. As the pact described certain zones as belonging exclusively to the parties and others as disputed zones, the *status quo* naturally required them to refrain from making any change in or any advance beyond their respective zones. As, at the time of the agreement, both Paraguay and Bolivia possessed certain settlements in the disputed area, the withdrawal of which had not been stipulated for, the *status quo* naturally also required them not to push forward those settlements or to establish new ones. Hence Paraguay was not allowed to exercise her jurisdiction beyond Greenwich meridian $61^{\circ} 30'$, which marked the agreed limit of the territory belonging exclusively to her, nor beyond her most northern posts in the disputed zone. Bolivia, for her part, was not to cross the 62nd meridian, which marked the eastern boundary of the territory occupied exclusively by her, according to the pact, or to push forward her settlements established prior to 1907 situated north of the Rio Negro, in the heart of the disputed zone, or establish new ones. Consequently, the *status quo* represented the temporary neutralisation of the unoccupied zones within the disputed territory.

276. The close connection between the *status quo* and the arbitration agreed upon and also the temporary neutralisation referred to above were recognised by Bolivia on various occasions. They were acknowledged by Dr. Ricardo Mujía, the Bolivian Plenipotentiary, in his note of January 16th, 1913. At a later date, in connection with a disagreement as to the observance of the *status quo*, the parties affirmed in an Act dated May 20th, 1921, on behalf of their respective Governments, that the latter had always loyally observed the *modus vivendi* in force since January 12th, 1907. The Paraguayan Minister for Foreign Affairs added "that the Paraguayan pickets on the Estero Patiño, referred to in the note from the Bolivian Legation dated April 16th, had been sent for the purpose of policing positions which for a long time past had been occupied by Paraguay and were situated more than fifty leagues away (on the Paraguayan side) from the zone that was declared to be in dispute by the Protocol of that date ($61^{\circ} 30'$ and 62° west of Greenwich) and that had been temporarily withdrawn from the jurisdiction of the parties to the dispute, as the essential basis of the *status quo* they are observing." (Annex No. 112.)

277. Later still, on July 26th, 1924, the Paraguayan Foreign Office, in reply to a protest from the Bolivian Foreign Office regarding the Mennonite colonisation, made the following statement: "The Foreign Office has been informed that this territory extended from Greenwich meridian 59° to 60° , the zone in which the two parties to the dispute were forbidden to exercise any jurisdiction". And with reference to its own claims, the Foreign Office added that "as, according to some Bolivian maps, the jurisdiction of Santa Cruz, although diversely delimited, is shown as extending to places between $61^{\circ} 30'$ and 62° , the basis of the *status quo* which has been in force since 1907, my Government requests Your Excellency's Government to be good enough to inform it of the scope of that concession and protests in advance against any act which the Bolivian Government may commit in violation of the *modus vivendi*". Lastly, the Paraguayan Foreign Office, in its note of February 25th, 1927, addressed to the Bolivian Minister for Foreign Affairs, stressed the same point and once again defined the existing *status quo* in the following terms: "The zone subject to the arbitral proceedings and affected by the *status quo* was therefore the zone lying westwards between Greenwich meridians $61^{\circ} 30'$ and 62° ". The Illimani Office, of which Dr. Alberto Gutiérrez was in charge, replied on May 27th, 1927, accepting without any reservation the Paraguayan declarations set forth above. (See notes exchanged in regard to these differences in "Paraguay-Bolivia. Protocolos y notas cambiadas", 1927.)

278. Notwithstanding these documents, which prove that both Foreign Offices were entirely in agreement as to the existence and definition of the *status quo* of 1907, Bolivia persisted in ignoring the existing *status quo* or attributing to it a meaning which it never possessed.

279. According to this interpretation, the *status quo* referred, not to the zone but to positions—that is to say, both parties had undertaken not to make any change in the military or civil positions existing in the Chaco in 1907. It is inconceivable that any country could have signed an agreement which would check all progress in its territory. Paraguay would never have done so and never for a moment contemplated interpreting in such a manner the agreement not to make any change. Neither did Bolivia consider that this was the nature of the *status quo* agreed upon in 1907, prior to the Buenos Aires Conferences. If she had held that view, she would certainly have protested against the continuance and expansion of the works of development which Paraguay continued to carry out uninterruptedly within the zone occupied by her, by means of the construction of railways and factories, the establishment of colonies, etc.

280. Bolivia's silence after 1907 in regard to Paraguay's continued efforts to civilise the territory proves that at that time she had not the slightest intention of giving to the *status quo* the interpretation which she subsequently assigned to it.

281. Moreover, this interpretation does not exonerate Bolivia of blame. Whether the *status quo* referred to zones or to positions, it was in any case violated by Bolivia. The positions she occupied in 1932 had been advanced two degrees further east of the points occupied in 1907. No matter how the *modus vivendi* concluded in 1907 is interpreted, Bolivia's responsibility for its violation is proved.

6. THE BUENOS AIRES CONFERENCES AND THE INCIDENTS OF 1928.

282. The Bolivian military invasion, secretly directed towards the interior of the Chaco while the diplomatic negotiations were going on, was disclosed by the official publications. This news rightly alarmed Paraguayan public opinion. The alarm changed to indignation when, in

February 1927, a Paraguayan officer was killed in the neighbourhood of his own outpost by Bolivian regular troops.

283. In these circumstances, the Argentine Government succeeded in obtaining the conclusion of the Díaz León-Gutiérrez Protocol, in which Paraguay and Bolivia accepted the good offices of that Government in seeking a solution for the different questions at issue between them.

284. The delegates of the two countries met at Buenos Aires for this purpose, the Conferences taking place in two stages. (See "Libro Blanco. Documentos relativos a las Conferencias de Buenos Aires sobre la cuestión de Límites paraguayo-boliviana y algunos antecedentes". 1927-28. — Asunción, 1928.)

285. The Bolivian delegation did not conceal its aversion to examining the question of the *status quo*, which was in reality the principal aim of the Conference. Paraguay's insistence on finding a solution for this vital aspect of the relations between the two countries has been amply justified by events. If at that time an agreement had been reached on the effective maintenance of the *status quo* of 1907, or if any of the methods proposed by Paraguay or the Argentine Foreign Office for solving the strained situation created in the Chaco by the violation of the *modus vivendi* by Bolivia had been accepted, war would not have broken out. Paraguay realised that an agreement on the fundamental question would not prove possible during these negotiations, owing to the obstinacy with which Bolivia clung to her extreme claims. The proposal for arbitration made by the Bolivian delegation showed that, as her military advance proceeded, her ambitions were growing. The positions of the two countries were absolutely irreconcilable owing to the fact that Bolivia was continually moving further and further away from the true bases of the problem.

286. The Bolivian delegation, which at first had denied the existence of the *status quo*, gradually began to admit it, and eventually went so far as to uphold an interpretation of the undertaking not to advance which had never been entertained by the negotiators or intended by the Governments.

287. This difference on a point of capital importance could not, owing to the obstinate Bolivian resistance, be settled by direct means. The Paraguayan delegation then proposed to submit the question of the interpretation of the Soler-Pinilla Protocol to the Supreme Court of Justice of the Argentine Republic for an arbitral decision. The parties were to rectify their positions in accordance with this decision, once it had been pronounced, and were then to consider the bases of a new *modus vivendi* "in conformity with present circumstances in order to create a system of reciprocal security".

288. This proposal was rejected by Bolivia, as was also the Paraguayan suggestion to sign a treaty on all the questions at issue, taking into account the *de facto* situation as well as the substance of the dispute, and consisting of the following parts:

- (1) Pact of Non-Aggression;
- (2) *Modus vivendi* agreement;
- (3) Pact giving the Conference a permanent character;
- (4) Constitution of Committees of Experts to pronounce on the titles of sovereignty submitted by the parties with a view to establishing the bases of a direct agreement or to defining exactly the subject of the dispute.

289. The Buenos Aires Conferences closed without the slightest indication that Bolivia was prepared to accept a basis of settlement different from that contained in her draft treaty, which involved the preliminary cession of three-quarters of the Chaco Boreal to her without discussion.

290. Events were soon to justify Paraguay's apprehensions. The incidents of December 1928 were a direct consequence of the state of affairs created in the Chaco by the increasingly audacious Bolivian penetration. A Commission of Enquiry and Conciliation having been convened at Washington in conformity with the Protocol of January 3rd, 1929, Paraguay showed before this Commission that Bolivia had committed "acts of provocation and aggression by penetrating with its armed forces into territory possessed by Paraguay, not only in the case of the Vanguardia outpost, in which the said forces were the first to open fire on Paraguayan troops, but that, before that time, it made several incursions in the said territory, establishing new outposts".

291. The Conference, which was in session from March 13th to September 13th, 1929, was only able to examine the *de facto* situation created by these incidents, without being able to analyse the responsibility for the violation of the *status quo*, since, in virtue of the Protocol of January 3rd, the procedure was not to include or affect the agreements in force, a condition imposed by Bolivia before she would accept the investigation.

292. In the Protocol of September 12th, the Commission declared that conciliation of the parties had been effected, but that responsibilities had not been established. It stipulated the re-establishment of the state of things existing prior to the incidents, though this did not signify "any prejudgment as to the legal validity of the situation both with reference to the facts and the diplomatic instruments", as pointed out by the Chairman of the Commission, General McCoy, to the two delegations in his note of September 12th, 1929. (See Proceedings of the Commission of Inquiry and Conciliation, Bolivia and Paraguay, Washington, D.C. 1929.)

7. THE WASHINGTON CONFERENCES AND THE OUTBREAK OF HOSTILITIES.

293. Bolivia, who had not agreed to discuss a pact of non-aggression proposed by the Paraguayan delegation in the course of the Buenos Aires Conferences, succeeded in evading the negotiations which the Washington Commission of Neutrals of 1929, before separating, had suggested to the two countries, this proposal having been accepted by the representatives of the Governments on that Commission. She proposed the discussion of a pact of non-aggression prior to the consideration of the fundamental question.

294. To keep the peace, no new instruments between the two nations were necessary. In particular, they were already bound by the *status quo* Protocol, which comprised a veritable treaty of non-aggression and demilitarisation, and by the Final Act of the Buenos Aires Conference, which contained the undertaking to settle the conflict only by pacific means except in the case of legitimate self-defence. In addition, the two nations were signatories of the Covenant of the League of Nations. If Bolivia had harboured sincerely pacific intentions she would have confined herself to faithfully carrying out the obligations by which she was already bound and, if her pacific intentions had been firmer and more genuine, she would have ratified either the Gondra Convention or the Briand-Kellogg Pact.

295. Paraguay hastened to Washington to study the pact in the hope that, through the mediation of the neutral nations, it would be possible to find a basis for a *modus vivendi*. But the Bolivian suggestion did not answer to any sincere desire for peace. While the Conferences were going on, Bolivia made a great effort to complete extensive and costly strategic roads in the Chaco and to improve those connecting her centres of concentration with the Chaco outposts. She acquired large supplies of war material, which were introduced via Arica in May of that year. In the same month, she concentrated a large number of troops and war material at Villa Montes, to the alarm of America and of the Washington Conference. And as if these preparations, which she did not deny or conceal, were not sufficient, she constructed in the Chaco, after the beginning of the discussions, a large number of outposts, among which may be mentioned Murguía, Platanillos, Bolívar, Rabelo, General Pérez, Camargo, Ignacio, Vargas, etc.

296. Bolivia's true intentions were revealed, not only by the continuation of her military preparations and of her advances, but also by the letter and the spirit of the pact of non-aggression which was submitted by her delegation.

297. This draft constituted an avowal of her intentions to continue the advance in the Chaco contrary to the *status quo*. According to this draft, the parties would only bind themselves "not to undertake any armed attack or military invasion against the effective positions of the other party". By means of this Pact, Bolivia endeavoured, not only to give legal colour to her clandestine occupation, but also to infringe the state of affairs created by the *modus vivendi* of 1907 by securing recognition and respect for her most advanced positions, which already reached meridian 59° 30'. According to the Pact, the "effective positions" had to be "respected", which meant that Bolivia was to be left free to continue to advance, taking advantage of the size of the Chaco territory, until, by a process of infiltration, she reached the river bank.

298. Events soon showed that, for Bolivia, the Washington conversations simply constituted an alibi. On June 15th, the Bolivian forces attacked and captured the Carlos Antonio López outpost, and from that moment the Bolivian war machine, so patiently prepared, went on without interruption. (As regards the Washington Conferences of 1932, see "Libro Blanco—I Parte. Documentos relativos a la Conferencia de Washington para el estudio de un Pacto de No Agresión con Bolivia, a la actuación de la Comisión de Neutrales y trato de prisioneros". Asunción, 1933.)

299. Having captured the Carlos Antonio López outpost (Pitiantuta), the Bolivian Command began to put into force the systematic plan of advance prepared by its general staff.

300. The exhortations to peace made by the Commission of Neutrals were entirely unsuccessful. The Bolivian army seized the advanced Paraguayan outposts and refused all suggestions for peace.

301. On July 21st, the Commission of Neutrals addressed to both countries a request for the suspension of hostilities ("Libro Blanco", 1933, Part I, page 181). On July 24th, the Bolivian Government replied that it "did not wish to lend itself to new pretences" ("Libro Blanco", Part I, page 187). On the following days, the active exchange of correspondence between the Commission of Neutrals and the Bolivian Government led to no result. On August 1st, the La Paz Foreign Office arrogantly declared that the investigations did not interest Bolivia and that she would persist in the attitude she had adopted ("Libro Blanco", 1933, Part I, page 205).

302. Paraguay, on the other hand, accepted all the measures proposed to stop the conflict at the outset, and contributed proposals of her own to put an end to a situation which she had been far from desiring.

303. On July 22nd, the Asunción Government, replying to the Neutrals' proposal of the previous day, declared that it "is not engaging and will not engage in any act of armed hostility against Bolivia" ("Libro Blanco", 1933, Part I, page 183). On July 28th, she confirmed this promise. ("Libro Blanco", 1933, Part I, page 193.)

304. On August 2nd, in view of the imminence of the Bolivian offensive, the Commission of Neutrals proposed the cessation of hostilities and a return to the *status quo ante bellum*.

(" Libro Blanco ", 1933, Part I, page 210). Bolivia replied that the question was now " on the plane of actual facts " and refused to withdraw to her positions of June 1st (" Libro Blanco ", 1933, Part I, page 213).

305. For her part, Paraguay, on August 5th, accepted the proposal of the Commission of Neutrals to suspend hostilities on the basis of the positions occupied by the two countries on June 1st, 1932.

8. DECLARATION OF AUGUST 3RD.

306. In view of the dangerous attitude of the Bolivian Government, which showed itself totally deaf to all appeals for peace, the countries of America devised an expedient which they thought would be sufficient by its mere moral force to check the Bolivian nation's designs of conquest.

307. On August 3rd, the representatives of the other nineteen nations of America, met at Washington, signed a declaration enunciating the principles of respect for law and for pacific methods which have always constituted the basis of policy on the American Continent. This declaration reads as follows:

308. " Respect for law is a tradition among the American nations, who are opposed to force and renounce it both for the solution of their controversies and as an instrument of national policy in their reciprocal relations. They have long been the proponents of the doctrine that the arrangement of all disputes and conflicts of whatever nature or origin that may arise between them can only be sought by peaceful means. The history of the American nations shows that all their boundary and territorial controversies have been arranged by such means. Therefore, the nations of America declare that the Chaco dispute is susceptible of a peaceful solution and they earnestly request Bolivia and Paraguay to submit immediately the solution of this controversy to an arrangement by arbitration or by such other peaceful means as may be acceptable to both. As regards the responsibilities which may arise from the various encounters which have occurred from June 15th to date, they consider that the countries in conflict should present to the Neutral Commission all the documentation which they may consider pertinent and which will be examined by it. They do not doubt that the country which this investigation shows to be the aggressor will desire to give satisfaction to the one attacked, thus eliminating all misunderstanding between them. They furthermore invite the Governments of Bolivia and Paraguay to make a solemn declaration to the effect that they will stop the movement of troops in the disputed territory, which should clear up the atmosphere and make easy the road to the solution of good understanding which America hopes for in the name of the permanent interests of all the countries of this hemisphere. The American nations further declare that they will not recognise any territorial arrangement of this controversy which has not been obtained by peaceful means nor the validity of territorial acquisitions which may be obtained through occupation or conquest by force of arms." (" Libro Blanco ", 1933, Part I, page 211.)

309. Paraguay accepted this historic declaration on August 5th in the following terms: " My Government confirms its acceptance of the cardinal principles of the doctrines and traditions of America expressed in note of Your Excellency and all the other signatories representing countries of America. These principles constitute the invariable basis of its international policy. It is prepared to submit immediately to arbitration or other pacific procedure each and every question at issue with Bolivia. It reiterates its acceptance of investigation on the occurrences in the Chaco from June 15th to the present date and is prepared to give instructions to its armed forces to refrain from all hostilities in accordance with the telegram despatched to-day to the Commission of Neutrals. Paraguay considers the joint declaration of non-recognition of occupation or conquest by force to be of great historical importance and has the honour to express her complete approval of this declaration." (" Libro Blanco ", 1933, Part I, page 215.)

310. Paraguay's acceptance covered all the proposals put forward by the American nations. The declaration consists of several parts and is not summed up in its last sentence, as there seems to be a general tendency to suppose. The principles proclaimed were:

311. (1) Submission of the controversy to settlement by arbitration or other peaceful means.

312. (2) Investigation to determine the question of responsibility.

313. (3) Security by putting a stop to the movement of troops.

314. (4) Non-recognition of any territorial arrangement which has not been obtained by peaceful means, and of the validity of territorial acquisitions obtained through occupation or conquest by force of arms.

315. Points 1, 2 and 3 have always been accepted by Paraguay.

316. As regards the fourth point, which is the best known, it should be said that its acceptance by Paraguay is in complete agreement with her situation in the Chaco conflict. Paraguay does not aim at any settlement of the controversy by force of arms, as is proved by her repeated proposal that the war should be stopped before any discussion of the substance of the dispute.

317. In this war, Paraguay does not seek any territorial aggrandisement. She is only defending her own territory, which she has possessed since its discovery and under a just and

- legal title confirmed by an arbitral award. Her sovereignty in the Chaco is not the outcome of violence, but of law and history. It does not possess the character of a mere military occupation. If the Chaco was evacuated by the Paraguayan military forces, the civil possession initiated long before the garrisons were established would continue. This was recognised by the Bolivian Foreign Office in its message of September 22nd, 1932, to the Neutrals ("Libro Blanco", 1933, Part I, page 276), which states that the withdrawal of the Paraguayan army to the river would not involve the cessation of occupation, since Paraguay would remain the owner of the Chaco through her "civil possessions". At the same time, the Bolivian Government admitted the purely military character of its occupation of the Chaco by saying that "the withdrawal of our outposts would involve for Bolivia the relinquishment of the Chaco".

318. It will thus be seen that the condemnation of military occupation formulated on August 3rd was exclusively directed against Bolivia, as was the refusal to recognise conquest by force of arms.

319. If any doubt subsisted as to the bearing of the declaration of August 3rd with regard to Bolivia, it would be sufficient to reproduce the comments which this noble statement of American ideals elicited from President Salamanca. In his message of August 6th, 1932, to the Bolivian Congress, he said: "The document signed by the representatives of nineteen American nations (a document which awakens painful memories in Bolivia) contains the deliberate warning that the victor will not be allowed to enjoy the fruits of victory"; and further on he says:

320. "After the conclusion of this Message, our Foreign Office received last night the latest note of the Neutrals, which really constitutes a demand. The new pacifist doctrine of the American nations celebrates its entry into the world by a brutal step taken at the expense of a weak country.

321. "The Neutrals, with our consent, were only exercising the good offices recognised by the rules of international law and were entitled to use their influence to remove difficulties in order to bring the disputants to an understanding. They now arrogate to themselves the rôle of guardians and judges, and claim to interfere in our affairs, exercising a jurisdiction which we have not given them.

322. "They call upon us to suspend hostilities, which have already stopped; they call upon us to evacuate our posts, which we have occupied as just reprisals; and, lastly, they call upon us to conclude a final agreement with Paraguay. All these acts of violence are committed in the name of the nations of America and invoking a principle of law which condemns all violence. Such conduct constitutes a violation of the principle of national independence and is based on nothing else than force.

323. "Some of the nations which have participated in this act of injustice will perhaps have reason in the future to repent of having created such an unjust precedent.

324. "It should be noted that the first victim of this new American law is the country which has suffered the greatest injustice, and no nation is mindful of the generous principles in the name of which an attempt is being made to do fresh injury to Bolivia.

325. "More than ever, we are obliged to appeal to the serenity and patriotism of the Bolivian people in examining and seeking a solution of this grave difficulty." (Annex No. 113.)

326. The words of the First Magistrate of Bolivia are plain enough. Only one interpretation can also be placed on the declaration made by the La Paz Foreign Office in its message of August 27th, 1932, to the Commission of Neutrals, which reads as follows:

327. "It should be remarked, as regards this point, that the new doctrine refers exclusively to the case of the Chaco, and shuts its eyes to all past violence, leaving free scope for future injustice outside that territory. It is clearly an *ad hoc* doctrine for the case of Bolivia." ("Libro Blanco", 1933, Part I, page 236.)

328. Could any more categorical confession of Bolivia's intentions be asked for? And, in the face of this confession, can there be any doubt that the declaration of August 3rd was directed against no other country than Bolivia?

329. Bolivia's revolt against the declaration of August 3rd constituted a revolt against the spirit by which the continent was animated. America, which could not remain indifferent to the crime of war, made this declaration owing to its love for peace and justice and in the performance of its duty. This was pointed out to Bolivia by the Chilean Foreign Office in its note of March 8th, 1933, which says:

330. "An armed conflict like that of the Chaco, which is prolonged without declaration of war and is therefore outside the pale of international law, is an event which cannot leave the other peoples of America indifferent, both in the face of the disaster overtaking two friendly nations and in the face of the shipwreck of the legal institutions laboriously created by modern civilisation to settle international disputes." ("Libro Blanco", 1933, Part II, page 33.)

331. Bolivia failed to grasp the nobility of the American gesture. Not only did she repudiate the declaration, but she also refused the continent all right to intervene in the conflict, thus disregarding the lofty ideals by which it was animated. President Salamanca, in his message of August 6th, 1932, said:

332. "It is tacitly implied that the Bolivian-Paraguayan question compromises the peace of America and thus obliges the neighbouring nations to interfere in the dispute. Personally,

I am unable to understand in what way the Chaco dispute could compromise other nations unless they deliberately wished to compromise themselves. The question of the Chaco does not affect the rights or the future of other American nations. In my opinion, the insistence on making a continental question of this dispute is another error which contributes to aggravating and complicating the question. If Paraguay had not had these pretexts for her obstinacy, it is probable that the dispute would by now have been settled or be on the point of settlement." (Annex No. 113.)

333. President Salamanca was wrong. The question of the Chaco vitally affects the rights and future of the nations of America. The moral prestige of the continent is at stake, and the doctrine of August 3rd was proclaimed in defence of this prestige. Its reception at La Paz is the most patent indication of the designs of conquest of the Bolivian nation and of its complete divorce from American sentiment.

9. DIPLOMATIC NEGOTIATIONS DURING THE WAR.

334. The Declaration of August 3rd did not prevent Bolivia from rushing into war, thus flouting American opinion, which was so clearly expressed therein.

335. "We are anxious to settle the Chaco question", the Bolivian Foreign Office stated on August 5th, "and the country is prepared for sacrifices, even in the form of bloodshed, in defence of its territory. The nation must break through the barrier that keeps it from the littoral of the River Paraguay, in order to establish communication with the world. This is one of the bases for a settlement which must be exacted from Paraguay in order to secure peace in America." ("Libro Blanco", 1933, Part I, page 215.)

336. In view of Bolivia's dangerous intransigence, the Commission of Neutrals endeavoured to induce Paraguay to give way. Thus, after solemnly declaring on August 5th that the Bolivian proposal to suspend hostilities, the belligerents maintaining the positions occupied by them at the time, could not be taken into consideration "because it would involve the recognition of acts of force in the settlement of disputes between the American nations, which is contrary to their rooted convictions and to the Declaration just drawn up by nineteen nations" ("Libro Blanco", 1933, Part I, page 219), the Neutrals decided to suggest on August 29th an immediate suspension of hostilities, without the restoration of the "*status ante bellum*" (Libro Blanco", 1933, Part I, page 242). The Commission sacrificed its "rooted convictions" and the Declaration of August 3rd on the altar of peace. But this sacrifice was not understood by the Bolivian Foreign Office.

337. All efforts on behalf of peace broke down in view of the ruthless desire of the Salamanca Government for war.

338. The subsequent acts of aggression on the part of Bolivia compelled Paraguay, for elementary reasons of self-preservation, to repulse the invasion by force. The first military successes did not weaken her decision to put an immediate stop to the war.

339. On September 16th, Paraguay proposed that hostilities should be suspended and that each party should withdraw for sixty kilometres, starting from the 60th meridian, this retreat to be followed by a second withdrawal for a greater distance, so that the Bolivians would withdraw to the west of meridian 62° 30' and the Paraguayan army to the river bank ("Libro Blanco", 1933, Part I, page 261).

340. On September 26th, Paraguay supplemented her proposal by suggesting the immediate and simultaneous withdrawal of both armies until the Chaco was completely demilitarised ("Libro Blanco", 1933, Part I, page 283).

341. Bolivia rejected these concessions on the part of Paraguay and, although fortune did not favour her in the field, she continued to adopt an arrogant attitude. After three months' fighting, the Bolivian military preparations, the calling-up of her reserves, the acquisition of large quantities of war material, the engagement of a foreign general, the Bolivian Government's obstinate rejection of all peace proposals, which was in marked contrast to the favourable manner in which they were received at Asunción, led to the conviction in American circles that Paraguay was half-defeated and that Bolivia was in a position to crush her.

342. It was in these circumstances that the Neutrals made their proposal in the month of December. This proposal, which was inspired by the desire to put a stop to the war by means of concessions to the bellicose spirit displayed by Bolivia, offered obvious advantages to the intransigent country ("Libro Blanco", 1933, Part I, page 374). There is no record of this proposal's having been accepted by Bolivia. Paraguay, which did not consider that she was as yet defeated, was obliged to reject it. The Washington Conferences were closed.

343. It was then that the neighbouring Powers began to intervene. Their first attempt took the form of the Mendoza formula, which was accepted by Paraguay but rejected by Bolivia, the latter thus drawing down upon herself the severe condemnation of the countries which were directing the efforts at mediation. The second attempt at pacification took the form of the Act of August 25th, which was also accepted by Paraguay but rejected by the Bolivian Government.

(For particulars of the Mendoza negotiations, see the "Libro Blanco", 1933, Part II, and of the Rio de Janeiro negotiations, the "Libro Blanco", 1934, Part III.)

344. In order to put an end to the abnormal state of affairs created by the Bolivian aggression without a previous declaration of war, the Paraguayan Government, on May 10th, 1933, declared a state of war.

345. Bolivia appealed to the Council of the League of Nations and requested the application of Article 16 of the Covenant. Her request was rejected, and it was thus clearly established that the fact of officially declaring a state of war, which already existed, did not involve any violation of the Covenant.

346. As a result of Bolivia's appeal, the full machinery of the League was set in motion and it began to exercise the jurisdiction entrusted to it under the Covenant.

347. The League Council despatched a special Commission to the scene of hostilities. The Paraguayan Government has already examined in detail the part played by that Commission and adheres to the opinion which it has already had the honour to express before the League Council.

348. After her December victory, Paraguay displayed the same readiness as hitherto to put an end to the war. In her proposal of February 7th, which was submitted to the League's Special Commission, she suggested that her troops, which were then at Magariños, should withdraw to the terminal points of the railways. In her Note of March 3rd, 1934, she again proposed that both armies should withdraw for the same distance.

349. Paraguay has at all times shown her desire to terminate the war. She never stated that she was endeavouring to settle the boundary question by that means. She did not wish to impose as a condition of peace the abandonment by her enemy of the latter's claims and the complete triumph of Paraguay's legitimate rights. The sole conditions stipulated by her for putting an end to the conflict are those relating to her security. She would not continue this war a single minute longer if she could obtain the necessary guarantees which would protect her from the possibility of any further aggression.

IV. PROLEGOMENA OF THE WAR.

I. BOLIVIA'S PREPARATIONS.

350. Bolivia decided to resort to force in order to seize the Chaco owing to her failure to obtain the ratification of the treaties which provided for unjustified cessions of territory on the part of Paraguay, and her lack of confidence in her alleged titles to an outlet on the river bank south of Bahía Negra, which had never belonged to her.

351. As the Foreign Minister Pinilla informed the Minister M. Cano in 1905: "A plan of aggression and war on our part . . . has always been in the minds of all Bolivian statesmen" (Annex No. 114). In that same year, President Montes confirmed this programme by stating that "recourse to the painful extremity of force on behalf of the vital interests of the Republic has already been studied by the national Chancellor" (Annex No. 115). This plan required "the communications and resources which alone can make it effective", for which reason the Government "hoped to push forward its military preparations so as to be able to act with full effect when the time comes".

352. By means of purchases paid for out of loans placed with international banks, Bolivia was able to acquire the largest stock of weapons ever accumulated in Latin America. A recent investigation by the American Senate has furnished interesting revelations. (Annex No. 116.)

353. At the same time, and despite the extension of the validity of the *status quo*, the Bolivian army began its systematic advance into the territory claimed, taking advantage, in particular, of Paraguay's internal disturbances.

354. In 1913, M. Alvéstegui confessed that "the silent and slow but sure advance has not stopped for a moment", assuming that it would take Bolivia a very short time to reach the confluence of the Pilcomayo and the Paraguay. "It is all a question of time", the present Bolivian Chancellor added; "let us construct roads in the Chaco, let us build posts provided with a sufficient garrison, in short, let us Bolivianise the Chaco; thus, if we make good use of our time, we shall achieve the result we are seeking better than by diplomatic manœuvres. In this way, the Chaco will definitely become ours." (Annex No. 117.)

355. The Bolivian statesmen underrated the difficulties of the enterprise. Bautista Saavedra, a former President of the Republic, did not consider it probable that Paraguay would dispute Bolivia's occupation of the positions she had conquered so easily. "Her financial situation is far from prosperous, and her economic position is hardly likely to encourage her to undertake warlike adventures. Offensive action by Paraguay can never do us much harm." However, in the event—which he considered problematical—of the plan of "silent appropriation's" causing Paraguay to take action, M. Saavedra stated that this risk was not sufficiently great to deter Bolivia from her purpose. And he added the following words, which summarise the creed of the Bolivian rulers who have succeeded each other during the last thirty years from the point of view of international politics: "At the present time, notwithstanding the fashion of the worship of peace and compulsory arbitration, the only decisive factor between nations is force. Force brings out the potentialities of a nation; only the weak believe in justice, which, in the last resort, is nothing more than what is expedient for each country." (Annex No. 118.)

356. The Bolivian statesmen never ceased to proclaim the necessity for war. The former Foreign Minister Elío stated in 1929 that "more than any other country, Bolivia needs to win a war". (Annex No. 119.)

357. The apostle of war was Dr. Daniel Salamanca, the present President of Bolivia. In the opinion of the statesman who to-day controls the destinies of that Republic, war was a moral necessity which Bolivia must face, not only with a view to settling the boundary question, but in order to strengthen her weak patriotic sentiments and to remedy her internal troubles.

358. Dr. Salamanca stated in 1927: "Paraguay is a small country which is at present taking advantage of the fact that it is almost impossible for our military forces to reach the Chaco. What Bolivia should do before discussing the boundary question with Paraguay is to appear in the Chaco, possibly on the River Paraguay—that is to say, where the opportunity exists of moving our forces in the event of a conflict. After she has done this, at no matter what cost, the opportunity would soon occur of proposing a boundary treaty to Paraguay. We think that Paraguay would then prove more tractable. I venture to suggest that the 14 million dollars of the last loan should be devoted entirely to advances in the Chaco so as to convert it into a territory indisputably in Bolivia's possession. I consider that everything should be sacrificed to the strict law of necessity and on the altar of patriotism." (Annex No. 120.)

359. After the events of 1928, Dr. Salamanca made the following statement: "We have lost the only opportunity of establishing a sovereignty which is exclusively ours over the Chaco; this opportunity will never occur again because we shall not recover it by discussing our rights. It is said that there are no roads to the Chaco and that our forces would take six months to get there; this simply means that, in order to arrive in time, we shall have to start six months in advance. This obstacle will then be overcome."

360. Dr. Salamanca's eagerness for war is most clearly revealed by the following words: "Bolivia has a history of international disasters the effect of which must be counteracted by a victorious war, to prevent the Bolivian character from becoming more and more pessimistic every day. Just as men who have sinned must undergo the test of fire to save their eternal souls, countries like ours which have committed errors of internal and external policy must of necessity undergo that test, which cannot be other than a conflict with Paraguay. On the one hand, it is the only country we can attack with the certainty of victory, which would strengthen our weak patriotic sentiments, and, on the other hand, a foreign war would break down the party frontiers and is essential in order to put an end to the shameful series of revolutions instigated by various parties which have been a feature of our country's history."

361. Dr. Salamanca's rise to power meant that the hour of war, for which patient preparations had been made, was about to strike. Less than a year after he became President the conflict broke out.

362. It is unnecessary at this stage to discuss the question of responsibility for the aggression in the Pitiantuta incident, which was the fortuitous origin of the present war. The declaration on the matter made by President Salamanca in his message to the Congress of his country on August 6th, 1933, renders it unnecessary to produce or examine the abundant documentation, which is entirely of Bolivian origin, in the possession of the Paraguayan Government, for the purpose of proving Bolivia's culpability in that connection. (Annex No. 121.)

363. Simply for purposes of information, we might also refer to the diary of the Bolivian Captain Hoyos, which describes the development of the plan of aggression with an extraordinary sincerity and wealth of detail. (Annex No. 122.)

364. However, the responsibility for the war does not originate entirely in the responsibility for the first actual aggression, but also in the fact that Bolivian troops were present in the Chaco when treaties were in force prohibiting those advances in a region which had been assigned to Paraguay by an arbitral award and had been in her possession from time immemorial.

365. In its Memorandum dated March 8th, 1934, the Paraguayan delegation informed the Special Commission of the League of Nations that:

366. "Bolivian aggression is proved by the mere fact of the presence of that country's forces in the Chaco territory. Their penetration, which began in 1925, in itself constituted a *casus belli*, since it disturbed the legal system by which Paraguay's possession and sovereignty were safeguarded.

367. "Bolivia violated Paraguay's public, tranquil and exclusive possession of the territory which she has held ever since the two countries were first discovered, in virtue of capitulations, decrees and ordinances of the Crown of Spain, her possession having been recognised when she became independent by all the neighbouring countries, including Bolivia.

368. "Bolivia violated the arbitral award rendered by the President of the United States of America, Mr. R. Hayes, which, although—as she wrongly asserts—not binding upon her, did not authorise her to disturb, solely by her own volition, the possession of the territory recognised in that award as legitimate and just.

369. "Finally, Bolivia violated the Pact relating to the *status quo* which was solemnly concluded in 1907 and was renewed five times.

370. "The mere enunciation by Bolivia of claims to part or the whole of the Chaco could not authorise her to disturb Paraguay's legitimate possession of the territory. If such conduct were allowed, countries would be entitled to invade foreign territory after merely asserting that it was in dispute".

371. "Not only did Bolivia place herself in the position of the aggressor long before the war broke out by violating the legal system guaranteeing Paraguay's possession of the territory, but she is also solely responsible for the preparation and outbreak of the present conflict, which is merely the culminating point of the policy consistently followed by her for a long time past."

2. PARAGUAY'S EFFORTS TO AVOID WAR.

372. In contrast to Bolivia's obvious determination to resort to arms, Paraguay, as soon as the dispute became more serious, showed an almost incredible desire for peace and conciliation.

373. No impartial and upright mind can fail to appreciate the measure of self-sacrifice which the country had to impose on itself in suppressing for over twenty-five years the natural reactions of national honour and dignity to the intense provocation caused by the Bolivian invasion.

374. As soon as the news reached the Paraguayan Government of the establishment of the Guachalla and Ballivian posts—the first installed by Bolivia in the Chaco during a period of four centuries in the course of which she had not set foot in that territory and had constantly respected Paraguayan jurisdiction—the Paraguayan Legation at La Paz submitted, on February 20th, 1906, "a formal protest against this invasion of Paraguayan territory and this disregard of Paraguayan sovereignty"; it also declared that "the Paraguayan Government refuses to recognise any act of jurisdiction which Bolivia may accomplish in this territory", and invited the Bolivian Government "to be good enough to furnish a satisfactory explanation of the circumstance, order the immediate withdrawal of the military garrisons occupying these points, and state that the Bolivian Government does not intend to carry out a formal occupation of this part of Paraguayan territory". (Annex No. 122.)

375. The Bolivian Government, intent on its warlike plan, did not comply with any of these legitimate demands.

376. From that moment Paraguay, whose essential sovereign rights had been violated, might have taken, for her own defence, the steps authorised by international law. The Bolivian invasion amounted to a *casus belli*, which exempted the country attacked from all responsibility for the consequences.

377. Such, however, was her desire for conciliation and her confidence in the remedies of law that Paraguay, in the interests of peace, not merely renounced the rights accruing to her as soon as the Bolivian forces had crossed the Parapití, but even agreed, under the Soler-Pinilla Protocol, that Bolivia should remain in these first positions.

378. Paraguay believed that this sacrifice, like the others consented to in the same Protocol in connection with the settlement of the fundamental question, would ensure her future tranquillity, and that, although her rights had been trampled on, the solemn promise given to refrain from further advance divested the Bolivian presence in the Chaco of all danger.

379. The *status quo* prescribed by the Soler-Pinilla Protocol amounted to a veritable pact of non-aggression and demilitarisation. Paraguay endeavoured with the utmost sincerity to execute loyally and integrally the provisions of this agreement.

380. A joint enquiry, conducted by the Governments of the United States, Chile and Brazil, proved in 1914 how strictly Paraguay had observed the *status quo*. In the archives of the Foreign Office at Asunción there is no single Bolivian protest concerning the non-observance of the *modus vivendi* which has not been effectively refuted.

381. Unfortunately, Paraguay's sincerity was not reciprocated. The *modus vivendi* of 1907 did not prevent the pushing forward of plans for military occupation which had been outlined in 1905. Taking advantage of Paraguay's good faith and of the political dissensions that had harassed the country for several years, Bolivian forces crossed the 62nd meridian, entered the neutral zone and then invaded the zone of exclusive Paraguayan occupation.

382. After a long civil war, Paraguay suddenly learnt of the presence of the Bolivian army west of meridian 61° 30'. Public excitement increased when it was further ascertained that Bolivia had not merely failed to respect the *status quo*, but had even invaded the Hayes zone.

383. If the violation of the *status quo* amounted to a *casus belli*, the violation of the zone adjudicated by arbitration was no less serious. Whatever the interpretation or scope assigned by Bolivia to President Hayes' award, it is undeniable that this award constituted an "adjudication" of territories under which Paraguay entered into possession of these territories. Even if possession was not final, and admitting that it required confirmation by a further award, Bolivia was not entitled to disturb this possession until the new award had been given. In invading the Hayes zone, she had invaded territory placed by international decision under the jurisdiction of another country. Whether that jurisdiction were final or provisional and whether the situation established by the award were *de facto* or *de jure*, the fact remains that no country was in any circumstances entitled to disregard it by resort to arms.

384. The *status quo* having been violated and the Hayes zone invaded, Paraguay was entitled to consider herself in a state of legitimate defence and to drive out the invader by force. By refraining from such action and by resorting once more to pacific procedure, Paraguay again proved her aversion to war and her confidence in the process of law. Only a nation that has suffered invasion can appreciate the immense sacrifice to which Paraguay consented for the sake of peace when she opened negotiations with the invader. Nevertheless, all efforts to persuade Bolivia, through the Buenos Aires Conferences, to settle this essential problem of the *modus vivendi*—a problem which hindered all peaceful negotiations by creating an atmosphere of suspicion and threats—proved unsuccessful. Bolivia would not agree to lay the question before a commission of experts appointed to enquire on the spot into the observance of the *status quo*. She also refused to allow the Supreme Court of the Argentine to arbitrate regarding the interpretation of its scope.

385. Paraguay did not obstinately insist that the disturbed *status quo* should be restored in fact. Although she would have been entitled to urge the intangibility of the agreement and demand its restoration, she bowed before the realities of the situation and resigned herself to a study of the position in the Chaco after the Bolivian invasion, independently of the *status quo* of 1907. The Paraguayan delegation proposed that a new *modus vivendi* should be examined, to include the signature of a pact of non-aggression and the demilitarisation of the Chaco between the 60th and 63rd meridians.

386. Bolivia negated these suggestions also and defeated the Argentine proposal that both countries should demilitarise all their posts or should withdraw those which were opposite to each other fifty kilometres to the rear.

387. Paraguay, who could have demanded the total evacuation of the Chaco by Bolivia, from the moment the latter argued that the *status quo* had lapsed, merely suggested, when accepting the Argentine proposal, that all posts established by the two countries subsequent to 1907 should be withdrawn. This was an offer made in the interests of peace; but Bolivia remained unresponsive, her delegation being absolutely determined to prevent the establishment of any system of security whatever.

388. Any one of the means suggested at Buenos Aires would have averted all future danger of collisions. Paraguay, for the sake of peace, accepted them, although they did not take account of her lawful rights.

389. After the incidents of 1928, which were a direct consequence of the abnormal situation brought about in the Chaco by Bolivia, Paraguay gave further proof of her desire to avoid the dangers of war that by then seemed to be inevitable.

390. The League of Nations, which was very closely associated with matters on this occasion, knows perfectly well on which side it had to overcome resistance before the incidents could be subjected to a procedure of enquiry and conciliation.

391. Paraguay agreed to the enquiry, which was carried out within limits—imposed by Bolivia—that rendered it ineffective. Paraguay nevertheless loyally accepted its conclusions.

392. Paraguay was also represented at the Washington discussions in 1932, though convinced that Bolivia was acting with little sincerity or good faith. Paraguay listened to Bolivia's proposals and submitted others based on a desire to establish strong and enduring safeguards against events which seemed to be fast approaching.

393. Paraguay's peaceful intentions were once again proved by her ratification of the Briand-Kellogg Pact and the Gondra Convention. Unfortunately, Bolivia did not accede to the former act and refused to sign the second. If Bolivia had ratified either of these great Conventions with intent to observe them, war would not have broken out.

3. PARAGUAY'S PREPARATIONS FOR DEFENCE.

394. According to the documents captured in the course of the war, the principal Bolivian outposts were established while Paraguay was engaged in the civil war of 1921-1923. When this struggle came to an end, the Government found that the scanty war material which it possessed had been used up. It was then obliged to undertake, with its finances in a dangerous state and without being able to rely on outside financial assistance, a great effort to organise the defence of its threatened heritage.

395. Can Paraguay be blamed for having taken steps to counter Bolivia's obvious designs? A powerful army had established itself within her territory. The rulers to whom that army owed obedience were proclaiming the necessity for war. Methods of judicial procedure had broken down owing to Bolivian intransigence. Would not the Government have been failing in its elementary duty if it had done nothing in the face of facts and threats which affected its most vital interests? Paraguay's military preparations began only when all hope of a pacific solution had vanished. The arrogance with which the members of the La Paz Government claimed to impose their conditions showed that the price of peace was the surrender of Paraguay.

396. But four years of effort could not outdo or even equal preparations quietly carried on for over a quarter of a century. When war broke out, Paraguay's state of disarmament was

practically the same as it had always been. Her scanty acquisitions, all that she was able to obtain with her own resources, could not even be compared with those which Bolivia had accumulated with the liberal support of foreign capitalists.

397. The 1933 edition of the *Armaments Year-Book* of the League of Nations relieves Paraguay of all necessity of producing further evidence regarding the degree of military preparation of the two countries at the time when the armed conflict broke out. While Paraguay only possessed four regiments of infantry, one regiment of cavalry, two batteries of artillery and one company of sappers, Bolivia had on a war footing six divisions with twelve regiments of infantry, six regiments of cavalry, eight batteries of artillery, six battalions of engineers and two air squadrons with twenty flying-machines.

398. In 1928, the Bolivian effectives amounted to 8,000 men, while those of Paraguay were barely 2,900.

399. The Paraguayan Army (which, according to the *Year-Book* mentioned, had a strength in officers of only 106, including one divisional general, two brigadier-generals, one colonel, three lieutenant-colonels, thirteen majors, twenty-six captains, twenty-five first lieutenants and thirty-five second lieutenants, and which had very few arms and little material) was formed, as we read in the Chaco Commission's report, "during the period of operations by the enlistment of brave but untrained volunteers who improved day by day under the direction of native-born officers who also received their training on the battlefield". The material captured from the Bolivians made it possible to arm this improvised army. An enquiry among the big arms factories will show that the Paraguayan acquisitions previous to the beginning of the war did not amount to a tenth part of the Bolivian acquisitions.

400. The turn taken by the military operations is not the outcome of the degree of preparation of the two belligerents at the outset of operations. In reality, this war is one between an armed and an unarmed country, the unarmed country having repulsed the more powerful one with the help of moral factors unconnected with the material efficiency of the armies.

V. ECONOMIC ASPECTS.

I. THE MYTH OF BOLIVIAN ISOLATION.

401. "This country", said the Bolivian Foreign Office on August 5th, 1932, "needs to break down the barrier which prevents it from having access to the bank of the River Paraguay and from communicating with the outside world. This is one of the fundamental points of the solution which must be demanded from Paraguay to ensure peace in America." ("Libro Blanco", 1933, Part I, page 216.)

402. "Bolivia cannot resign herself to being a nation perpetually shut in", repeated President Salamanca in his message to the Bolivian Congress on August 6th, 1932 (Annex No. 113).

403. By the declarations we have quoted, the Bolivian Government confessed its determination to demand of Paraguay a settlement justified by the necessity for communicating with the outside world, and not by legal titles.

404. The argument of necessity is incompatible with law, as is also the imposition of any condition, even if it is aimed at ensuring peace on the American continent.

405. The truth is that Bolivia is not shut in, and even if she were the difficulty would not be solved by an outlet to the River Paraguay.

406. Bolivia can reckon on more extensive and convenient means of access with the outside world than many land-locked countries, including Paraguay.

407. She is connected by rail with the Pacific and the Atlantic. On the Pacific, she has outlets of her own in the ports of Arica, Antofagasta and Mollendo, where her trade enjoys special facilities guaranteed by treaties. The Chilean delegate, M. Agustín Edwards, made the following remarks in this connection at the Assembly of the League of Nations on September 7th, 1921:

408. "The Assembly doubtless knows that, although Bolivia does not now wield sovereignty over the coast, she has nevertheless free access to the sea and that that access is free to such an extent that she was able recently to utilise it for the purpose of importing through Chilean ports, without let or hindrance, arms and munitions of war at the very moment when her Government was declaring its intention to lay claim to Chilean territory.

409. "Bolivia to-day has far better access to the sea than she had before the war of 1879. At that time, she exercised no more than a nominal sovereignty over a lonely stretch of coast separated from the seat of her Government by mountains which no railway traversed. Chile, whom Bolivia accuses of having deprived her of the sea, undertook by the Treaty of Peace of 1904 to give her easy access to the ocean, and Chile has brought the productive regions of Bolivia into closer relations with the coast by entirely constructing a railway and facilitating the construction of a whole system of lines, at a cost to herself of over £6,000,000."

410. The facility with which Bolivia availed herself of this freedom during the present war for the introduction of war material through foreign territory, in spite of the laws of neutrality, confirms M. Edwards' assertions.

411. Bolivia can also communicate with the Rio de la Plata by two railway lines, that from La Quiaca to Buenos Aires and that from Yacuiba to Embarcación and Formosa. In the same way, she can communicate with the Atlantic via the Amazon, with the navigable course of which she is connected by the Madera-Mamoré railway. (See sketch of Bolivia's communications Annex No. 132.)

412. But Bolivian trade has not chosen these routes for its expansion. Transit traffic via the Rio de la Plata or the Amazon has been practically nil in comparison with that going to the Pacific. The reason is that Bolivia, for geographical and economic reasons, has her centre of gravity on the Pacific. The Bolivian statesman, M. Daniel S. Bustamante, has remarked: "Bolivia has been and must be a Pacific country rather than an Amazon or Rio de la Plata country, since it is in this direction that her geographical system, her soil, her configuration and her natural communications trend". ("Bolivia, su estructura y sus derechos en el Pacífico", La Paz, 1921.)

413. Bolivian production, which is essentially mineral, would become appreciably dearer if it were exported by the Rio de la Plata. Her markets are in Europe and the United States, and the quickest and cheapest route is that of the Pacific and the Panama Canal. Bolivia's communications are already perfectly well defined, and it will not be possible in the future to divert the natural routes which trade is seeking for its expansion.

414. If Bolivia genuinely suffered from geographical asphyxia, it is not an outlet via the River Paraguay which would cure her. Such an outlet would not even be of utility to Santa Cruz, a region of agricultural production, whose potential market is on the High Plateau. For geographical and economic reasons, it will always be impossible for Santa Cruz to communicate with any point on the River Paraguay. The constructions necessary for opening a permanent port and for connecting such a port with the cultivated areas of Santa Cruz would involve great expenditure which could never be compensated by the trade which it would be benefiting. What the Santa Cruz province needs for its development is a railway from Santa Cruz to Cochabamba.

415. Bolivia's need for a port on the River Paraguay is imaginary, like the myth of her isolation.

2. OIL.

416. Bolivia does not require ports on the River Paraguay to meet existing or possible needs. There is, however, one new factor which tends to create such a need—namely, oil, which has recently been discovered in certain frontier regions of the Chaco.

417. President Salamanca, in his message of August 6th, 1932, to the Bolivian Congress, said: "Bolivia cannot resign herself to being perpetually hemmed in. It will be sufficient to mention a recent case. On the eastern slopes of her mountains, Bolivia possesses great oil resources with numerous wells already bored and ready for immediate exploitation. Bolivia badly needs this revenue and yet her oilfields are unable to produce any wealth. She cannot take this oil to the Argentine, since that country, in its own interests, bars the way with high protective duties. The natural and logical remedy would be to build a pipe-line to the River Paraguay. But there we are faced with the Republic of Paraguay, holding Bolivian territory, who also bars the passage. Bolivia cannot consent to live in poverty isolated from the world; she must strive after such conditions as will enable her to live her life to the full." (Annex No. 113.)

418. The right to exploit the oil has been granted to powerful foreign companies. What part have these companies played in the preparation of the war?

419. Let us hear what Senator Long said in the United States Senate on May 30th last when formulating grave accusations against the North-American company which exploits Bolivian oil. These are his very words:

420. "I wish to be heard with regard to what is involved in the Paraguay-Bolivia war. As is usually the case, it is the forces of imperialistic finance which are to-day responsible for the war between Bolivia and Paraguay, and it is the financial interests of this country which are responsible, in large measure, for the conditions prevailing in Cuba.

421. "I have before me a brief memorandum showing what the present war between Paraguay and Bolivia involves. Only recently, considerable oil development has occurred in what is known as the 'Chaco area' of Paraguay. Paraguay is served by a navigable river, known as the 'River Paraguay', which flows along the border-line of Argentine and Brazil and Paraguay and empties into the Atlantic Ocean.

422. "The Standard Oil Company of New Jersey, an American corporation, the promoter of revolutions in Central America, South America and Mexico ever since they have wanted oil concessions, has found it necessary to have the Chaco territory. The Chaco territory has been adjudicated to belong to Paraguay and has been held to be Paraguayan property so long that there is practically no reasonable person who entertains any doubt as to who is the owner of the Chaco.

423. "As far back as 1874, a controversy arose between Argentina and Paraguay as to who owned the Chaco territory, and the United States was called in to mediate the dispute. The President of the United States at that time, President Rutherford B. Hayes, rendered a report, in which he held that Paraguay—to use his own words—'has a just and legal title to the Chaco territory'. That was not only recognised by Argentina, it was not only recognised by Paraguay, it was recognised by Bolivia, and was held to be the basis of ownership on which the United States predicated everything it did relating to South-American controversies over the Chaco territory. There is an agreement in effect to-day, we are told, recognising the Chaco territory as a part of the Paraguayan Government's domain.

424. "But, Mr. President, they have discovered oil in the Chaco and Bolivia. It seems that it will cost considerable money for them to reach the deep water with the oil of the Standard Oil Company which has been discovered in Bolivia, and, therefore, Bolivia finds itself in need of a pipe-line route to navigable Paraguayan rivers, which it does not want to acquire on such terms and conditions as will be required by the Paraguayan Government.

425. "Not only that, but the territory of the Chaco itself is rich in natural resources and probably in mineral deposits. So a war has broken out, financed by whom? The war is between Bolivia, a country with around 3,000,000 population, fighting against Paraguay, a country with a population of probably less than 1,000,000 people, although their population is largely transitory; many of its people are employed seasonally in some of the countries around Paraguay for the planting and gathering of crops. But the Standard Oil Company of the United States and other affiliated interests have been guilty of promoting this war and financing Bolivia for no other purpose than to take that territory away from that little Latin-American country which America already has held owns the Chaco. Time after time, America has adjudicated the differences and held that it was Paraguayan territory and Bolivia has recognised it. Argentine has recognised it, and the United States has recognised it, Mr. President, now for a period of almost sixty years. Notwithstanding that fact, we came in here the other day with a resolution by which we professed to declare our neutrality.

426. "What develops? It develops, so I am reliably informed, from persons who have reason to know, that Bolivia had, with the aid of the Standard Oil Company, largely equipped itself with the munitions of war and other combustibles necessary to carry on its offensive war against Paraguay. Paraguay has not gone one foot into the Bolivian territory. Mr. President, every foot of advance has been by the Bolivian army." (Annex No. 131.)

427. It is of course difficult to find out the truth as to the influence exercised by the oil industry in the Chaco war. Nevertheless it may, on the strength of official Bolivian documents, be said that the importance of the concessions granted by the Bolivian Government to the Standard Oil Company has considerably increased in the course of the present conflict. According to official Bolivian data, the original concessions to the Standard Oil Company amounted to only 1,000,000 hectares. In a document recently submitted to the League of Nations, it may be observed that non-national oil concessions now cover 7,000,000 hectares (Memorandum from the Bolivian Government to the Council of the League of Nations, May 16th, 1934). From a comparison of these figures, inferences may be drawn regarding the origin of the immense resources employed in the struggle by Bolivia.

428. No large company has endeavoured to obtain oil concessions from Paraguay. Consequently, whatever influence has been brought to bear by oil interests can only have had effect on Bolivia.

429. It has been said that the Bolivian oilfields cannot be profitably operated unless a pipe-line is constructed connecting them up with the great waterways—the Paraná and Paraguay Rivers. The Standard Oil Company sought to obtain a concession from the Argentine Government. This concession was refused. If the concession had been granted, there would be no need to seek another outlet on the Paraguayan bank of the River Paraguay. But neither Bolivia nor the Standard Oil Company ever approached the Paraguayan Government for transit facilities. The Government of La Paz decided on war.

430. There can be no doubt of Bolivia's anxiety to obtain revenue from her mineral wealth. Oil production on a large scale would very considerably increase her resources. The most suitable routes for the transportation of this product have not been studied with our co-operation. It can, however, be stated that, if relations had been normal and friendly, Paraguay would not have opposed a transit trade which would have been advantageous to herself.

3. ECONOMIC IMPORTANCE OF THE CHACO TO PARAGUAY.

431. From the economic standpoint, the Chaco is for Paraguay much more than a field of mere possibilities for the future. It contains actual realities of material progress which make it one of the essential bases for the existence and development of our country.

432. The organic structure of Paraguay is intimately bound up with the Chaco, the source of a large part of the exploited wealth which Paraguay requires to ensure her very existence.

433. The revenue on which the country lives is largely derived from the Chaco.

434. If Paraguay were deprived of the Chaco, the material loss would be so great that the country might not be able to survive. She would lose a basic element of her economy and would experience great difficulty in remaining an independent nation.

435. The result of Paraguayan enterprise in the Chaco is that the country now finds in that territory its most important economic and financial resources. Before the war, the Chaco provided a third of the public revenue. About half the country's live-stock, a considerable proportion of its railways and its main industries are in the Chaco.

436. The Chaco contains important and prosperous urban centres equipped with every form of modern progress: hotels, schools, hospitals, athletic clubs, newspapers, telephones, electric light, etc.

437. The Chaco ports are some of the most active in the Republic. Shipping lines connect them with Buenos Aires and Montevideo, and thence with world markets.

438. The production of tannin which, with the raising of live-stock, constitutes the Chaco's main exploited wealth, provides the principal export of Paraguay.

439. This work of civilisation has been pursued uninterruptedly; it went on in spite of Bolivia's warlike preparations and was not stopped by the war. Even at the present time, when the army is in the field, the factories continue to produce to the same extent as before and the colonists are still busy with agriculture and the raising of live-stock.

440. The civilising influence of Paraguay has on many occasions been admitted by Bolivia.

441. M. David Alvéstegui, in a book published by him in 1926, thus describes the achievements of Paraguay up to that date:

442. "The Chaco establishments", he writes, "are of two kinds: those engaged solely or mainly in exploiting quebracho and quebracho extract; and those engaged in raising live-stock. Both possess an undoubtedly economic importance of their own and both contribute to the wealth and progress of the country". (Annex No. 124.)

443. The increasing progress of the region possessed by Paraguay will be seen on comparing M. Alvéstegui's information, which dates from 1925, with the most recent statistical data. Certain railway lines have doubled their mileage and the number of live-stock has considerably increased. Moreover, since that date, the Mennonite colonists have established flourishing townships in the heart of the Chaco, with all the amenities of modern progress. (Annex No. 125.)

444. Paraguayan sovereignty has had no need of military occupation to maintain itself in the Chaco. This was admitted by the Bolivian Foreign Office in its message of September 22nd, 1932, to the Commission of Neutrals: "What Paraguay desires in claiming the withdrawal of our posts and our troops to this limit (the meridian of 60°) is to remain, so to speak, master of the Chaco. By withdrawing to the river, Paraguay would not cease to occupy the territory because her civilian possessions extend practically to the 60th meridian".

445. Could there be any more categorical recognition of the pre-eminently civilian character of Paraguayan possessions?

446. Paraguay is justified in advancing, as proof of her civilising capacity, the work of economic development which she has accomplished in the Chaco. This achievement of civil progress and culture has transformed the wilderness of yesterday into one of the most active regions of America.

447. The Chaco is no longer the "green hell" described by certain writers, thanks to the tenacious and successful efforts of the Paraguayan people.

448. Industries were established in the Chaco long before military garrisons were set up. The forest was cleared, not in order to open up strategic roads, but to ensure the economic utilisation of its hidden riches. The railways which traversed the vast extent of the Chaco in all directions had no military significance. They were built, not for warfare, but for purposes of progress and civilisation.

449. The Chaco is not a mere geographical dependence of Paraguay. It is one of the mainstays of the country's economy. Its conservation is for Paraguay a question of life or death. That was the case even so far back as 1878, when the Paraguayan delegate declared, before President Hayes, that the Chaco "is as indispensable to the life of the Paraguayan nation as the air we breathe". If this were true in 1878, it is just as true to-day.

4. BOLIVIA'S INABILITY TO EXPLOIT THE CHACO.

450. In 1872, the Argentine Republic stated that, "as there was no hope of Bolivia's being able to conquer the Chaco from the uncivilised tribes or to populate or colonise it, it could not agree, in the interests of civilisation and progress in South America, to recognise a right, the only result of which would be to perpetuate barbarism and a wilderness in the heart of South America, to the detriment of the prosperity and development of this part of the Continent". (Annex No. 97.)

451. The logical reasons on which the Argentine based her opposition to Bolivia's sharing in the distribution of the Chaco have been fully confirmed by the facts. For a quarter of a century, Bolivia occupied a large portion of the Chaco without leaving the slightest impress of progress upon it. It is easy to show that the Bolivian occupation, besides being precarious, of a purely military nature, and accompanied by violation of the existing *status quo* and disregard for an arbitral award and the recognition of Paraguay's right by the international community, had no civilising effect whatever.

452. Practically speaking, there was no Bolivian civilian occupation of the Chaco, nor has it ever existed, since the few inhabited areas around the military posts which disappeared without leaving any trace when the Bolivian forces withdrew do not deserve that name.

453. The Chaco has never meant anything to the Bolivian Republic. From the point of view of revenue, the territories situated south-east of the River Parapití have never produced anything. Bolivia possesses no industry and no establishment there which is not of a military character.

454. In 1926, Pedro Gutiérrez, the Minister for War and Colonisation, pointed out the urgent necessity for opening large roads "so that Bolivia's action may reach as far as the Chaco and the wealth of that region may be incorporated in the country's economy without any risk". And after stressing this necessity, he added the following words:

455. "As our own history shows us, the sovereignty and rights of a nation cannot be effectively protected merely by means of titles or legal documents; roads and actual possession are also necessary.

456. "If we do not immediately link up the Chaco with the rest of Bolivia by means of railways and carriage roads, there will be a repetition of what unfortunately happened in the case of Atacama and Acre . . .

457. "This language is possibly unusual, but it answers to the facts. It is the duty of the statesmen of a country to foresee what may happen and to ward off the painful emergencies which might arise as the outcome of a policy of neglect and timidity." (Annex No. 126.)

458. Dr. David Alvéstegui, the present Bolivian Minister for Foreign Affairs, commenting on these words, the significance of which is unmistakable, wrote as follows: "The Minister for War and Colonisation in 1926 has thus opened a chapter of grave and serious responsibility for the public authority as regards the defence of the territorial rights of the Republic in the south-east; it is understood that this authority must have already carried out, in part, the imperious obligation to provide the most effective means of remedying the grave situation referred to in the above-mentioned memorandum, because it would be illogical for the administrative authority simply to point out the imminence of the danger and not to propose the means by which it can be averted" ("Bolivia y Paraguay, la Cuestión de Límites").

459. It is impossible to misunderstand the meaning of those words. In the opinion of M. Alvéstegui, the administrative authority in 1926 merely pointed out the dangers involved by the country's having no "actual possession" in the Chaco.

460. That the administrative authority failed to comply with this "imperious obligation" of ensuring that Bolivia's action reached as far as the Chaco so as to incorporate it in the country's economy is proved by recent declarations of the Foreign Office of La Paz showing the absence of any kind of effective and settled civilian occupation at the time the hostilities began.

461. On September 22nd, 1933, Julio A. Gutiérrez, the Bolivian Minister for Foreign Affairs, with reference to the Paraguayan proposal to demilitarise the Chaco, informed the President of the Washington Commission of Neutrals that:

462. "The withdrawal of our posts would involve Bolivia's abandonment of the Chaco, since our civilian positions, which are situated in the arid and waterless part of the territory, are reduced to this extremity."

463. The only signs of Bolivian sovereignty in the Chaco in 1932 were the military posts the withdrawal of which would, in the words of her Foreign Minister, have involved her abandonment of the Chaco. The civilian positions mentioned by the Bolivian Foreign Office were very small, not because they were situated in an arid and waterless zone, a fact which did not prevent Paraguay from colonising the rest of the Chaco or the Argentine from colonising the right bank of the Pilcomayo, but because Bolivia had been defeated by inexorable facts of geography and was never able to civilise the territory by means of her army. Her occupation, which was exclusively of a military nature, deprived of culture and progress rich tracts of the Chaco which would otherwise have benefited by the same steady development as Paraguay's flourishing possessions.

464. The Bolivian civilian positions were so small and so completely subordinate to the military posts that the Argentine Government, when it closed the Pilcomayo frontier in May 1933, in accordance with its duty as a neutral, regarded them as non-existent.

465. Bolivia's inability to exploit the Chaco is irremediable, since it is due to the forces of nature. To admit that Bolivia has a right to this territory would be equivalent to destroying the work of economic development accomplished by Paraguay and a return to barbarism.

VI. CONDITIONS OF A SETTLEMENT.

I. CESSATION OF HOSTILITIES.

466. From the outset, without considering the favourable or unfavourable course of the struggle, and whatever the situation of her army, Paraguay has never ceased to maintain that the first step towards a settlement of the conflict is the cessation of hostilities.

467. She is firmly decided to put an end to the war, and this decision is based upon unshakable convictions.

468. Paraguay went to war to defend herself. She has no other object in view except to repel attack. For that reason, therefore, before laying down her arms, she demands that the aggression shall cease and that any repetition in the future shall be made absolutely impossible.

469. Bolivia began this war in order to obtain possession of the Chaco. Paraguay, for her part, manifested her determination not to yield to force. The victorious resistance of her army arrested the invader's advance. She was thus in a position to stipulate, as a basis for peace, the recognition of her rights. But victory has not modified her attitude. To-day, as yesterday, Paraguay seeks only the cessation of the war, with guarantees that hostilities shall not be resumed. She does not desire a treaty signed at the point of the sword. She asks only that hostilities shall cease and that the bases of a final settlement shall be sought in an atmosphere of tranquillity.

470. To frame the bases for an agreement on the fundamental question while blood is still flowing in the Chaco would be contrary to legal conceptions and would favour those who began the conflict. It would be tantamount to admitting that the final purpose of this war is the solution of the territorial frontier questions which divide the two peoples; it would be tantamount to giving the belligerents the right to pursue the conflict until that solution has been reached. To admit that fighting should continue until the signature or ratification of the treaty which is to settle the various points would be to sanction the war; it would be equivalent to legalising the war by assigning to it an object which it is recognised as essential to attain in order to bring that war to an end, a position contrary to the principles of the Covenant and to the letter and spirit of the Briand-Kellogg Pact.

471. While moral and legal reasons demand the cessation of hostilities previous to any negotiation, practical reasons also exist which show that this is the only logical method.

472. It would be fantastic, while war is being waged and national feeling is inflamed, to dream of concluding an agreement which it was found impossible to conclude in more than half-a-century of diplomatic negotiations. To lay down as a condition for the cessation of the war either a settlement or an agreement as to the bases of a settlement would be to admit its indefinite continuance.

473. This war has created fresh complications, but its conclusion must have the effect of eliminating a factor which, up to the present, has interfered with and prevented any peaceful agreement: that is, the arrogance of Bolivia, her absolute confidence in her ability to impose her conditions on Paraguay by force, and her blind faith in her military power. Despite her losses, she will continue to be infected by this dangerous spirit of domination while she maintains an army on a war footing. This obstacle, the greatest obstacle in the way of peace, will disappear when the state of war ceases and Bolivia finds herself in such a position that she is unable to renew the attack.

474. An atmosphere of peace and security is necessary for an effective agreement. As long as the plans of the military staffs exert an influence over the decisions of the Foreign Offices, agreement will be impossible. The fact of the war will necessarily have a repercussion on the course of negotiations, as has been shown to be the case in all the negotiations hitherto attempted.

475. To authorise the continuance of the war and not to admit its influence on the minds of the peoples would be to regard the two nations who are at present so severely tried as mere abstractions incapable of feeling or of being stirred by the thought of victory on the field of battle.

476. If we admit the continuance of the war, we must accept its consequences. To prevent those consequences, it is necessary to put an end to the conflict at once.

477. But there must be a real cessation of hostilities. Open war must not be followed by a hidden war or preparations for a renewal of the conflict. The cessation of hostilities must be accompanied by measures of security.

2. SECURITY.

478. As the result of Bolivia's action, the frontier dispute has been placed upon a plane different from that of a dispute admitting of discussion and legal settlement.

479. The divergence of opinion between the two peoples was progressing peacefully towards a final and honourable settlement. No insuperable difficulty appeared to stand in the way. The questions raised were capable of being settled by the application of the rules generally recognised

in similar cases. The dispute was one of many arising out of the partition of the former Spanish domains after the independence.

480. Paraguay has always shown the greatest interest in reaching a solution. She could not approve the perpetuation of a difference, even if the latter were devoid of gravity. That is why she sought a real settlement of her frontier disputes with Bolivia.

481. Unfortunately, Bolivia misinterpreted this attitude and regarded as weakness what was simply generosity. She tried to take advantage of Paraguay's very conciliatory bearing, convinced as she was that she could obtain more by a display of force than by discussion.

482. She decided to seek a settlement of the dispute by the use of force. Her plan of spoliation comprised three stages. The first consisted in altering the character of the dispute and converting it into a claim for two-thirds of the Paraguayan territory; the second involved the entry of armed forces into that territory, the measures to be secretly prepared and the other party to be taken by surprise; finally, and as a necessary consequence, there was to be war, if Paraguay refused to recognise the Bolivian claims and surrender her historical legal position.

483. The divergence of opinion as to the nature of the dispute, though in appearance purely theoretical, was no less serious than the invasion and the war itself. Only when crushed by her opponent could Paraguay accept the Bolivian demand and admit that the dispute was in the nature of a territorial question. The will of one country is not sufficient to make a territory which has always been under the undisputed sovereignty of another country the subject of a legal dispute. A claim confers no title in law and does not furnish grounds for legal action.

484. Bolivia revealed the true reasons for her attitude by not acting consistently with her own definition. While insisting that the territory was the subject of a legal dispute, she did not admit that the dispute extended to the whole of the Chaco. She agreed to discuss only a very small part of the Chaco, reserving the right, on certain occasions, to retain three-fourths of the territory, while on other occasions she declared she would be satisfied with the previous handing over of Bahía Negra and its zone of influence.

485. In defining the dispute in those terms, she was making its settlement depend upon force. Arbitration and pacific methods are useless when spoliation is contemplated. Only the complete renunciation of her rights by Paraguay could prevent war; the country had no option but to yield or to defend itself.

486. The problem, as thus envisaged, was nothing but a plan of expansion and spoliation, against which legal arguments were of no avail. The invasion of the territory claimed by Bolivia was a necessary consequence of the attitude adopted by that country in defining the dispute. The violence of the Bolivian contention took the practical form of an infraction of the *status quo* and a violation of the Hayes Zone. From the moment that an army entered the Chaco with the object of taking possession of the territory and occupying it, the problem ceased to be purely legal in character. The discussion of Royal Cédulas and colonial documents was impossible once resort was had to armed force. It was no longer a mere question of frontiers or territories. A *de facto* situation began to weigh heavily on the minds of the two countries. No divergence of opinion as to frontiers had ever inflamed national feeling as did the presence of Bolivian troops in the territory of the Chaco. The violation of the *status quo* and the invasion of the Hayes zone changed the whole character of the dispute and made it one of extreme gravity. The negotiations carried on during the years preceding the war were doomed to failure in the tense atmosphere of threats and danger created by the secret and violent penetration of the Chaco territory.

487. Bolivia's decision to deprive the conflict of its legal character is clearly shown in the long process of preparing for and launching the struggle. The war is a direct consequence of the entry into the territory, and that in its turn is a consequence of the position taken up by Bolivia towards the dispute.

488. Thus Bolivia, with calculated premeditation, launched the war, which she regarded as the best means of conquering the Chaco. The nature and circumstances of the causes of this war show its true significance and scope: it was a war of conquest. A very cursory investigation would prove this amply. No feigned acceptance of subsequent formulas would atone for this first offence.

489. Paraguay had to summon up all the energies of her race to check and repel the aggressor. Her determination to resist imposed enormous and unheard-of sacrifices upon her. The international legal order, the treaties in force, the institutions and the conscience of mankind did not protect her against a treacherous attack. The sympathy with which her cause was regarded and the condemnation passed on her aggressor were no protection against the war of conquest. When the attack came, Paraguay could count only on her own strength. But she succeeded in repelling and defeating the invader.

490. But will Bolivia perhaps be cured by defeat of her obstinate desire of conquest? Will the deep wounds inflicted on her *amour propre* be healed by the mere effects of peace? It would be quite illogical and a fact without precedent if Bolivia accepted her failure and, completely altering her attitude, decided to establish her future relations with Paraguay on the basis of good faith and friendship. There is no reason not to suppose that, the very day after this war is ended, Bolivia will begin to prepare her revenge, with the certainty that time will repair her losses more rapidly than those of Paraguay. It is Paraguay's imperative duty to provide against this contingency.

491. A new war would be fatal to Paraguay. Even supposing that it were not, she would have no right to allow the threat of the horrors of which the Chaco is now the scene to hover over future generations. It is thus her bounden duty to ensure that Bolivia shall not by any possible means repeat her attack in the future. In endeavouring to eradicate the causes of possible wars, Paraguay is fulfilling her fundamental moral obligations. Her security is of vital importance to her.

492. The dispute, by the will of Bolivia, has been transferred to the plane of violence. To settle it, a direct attack must be made on violence to prevent its recurrence in the future.

493. It would be incorrect to imagine that the questions that separated the two peoples in 1879 are the only ones dividing them to-day, after two years of cruel and devastating war. It would be fantastic to imagine that the solution of those questions would entirely eliminate all the objects of disagreement between Paraguay and Bolivia. A mere territorial delimitation would not bring peace, nor would it ensure the future tranquillity of the two nations. War in itself creates problems which have nothing to do with its real or apparent causes. The Bolivian aggression has conferred on the problem an essentially political character. The idea of security dominates all the various subjects of divergence between the two peoples. To Paraguay, who knows how Bolivia respects mere legal formulas, peace will be the result, not of arbitral agreements, but of the establishment of solid and effective guarantees protecting her against all possibility of further attack. The Paraguayan soldiers who are fighting in the Chaco will not return to their homes until they have some guarantee that they will not again be taken away from their daily work for the very reasons that to-day have brought them into the field. Paraguay requires to devote herself in peace and confidence to the work of national reconstruction. She knows how little faith Bolivia has in legal instruments, and for that reason she requires actual guarantees and material securities that cannot be violated as easily as the former legal safeguards that protected her against Bolivian aggression.

494. Paraguay has need of absolute and permanent security. The security of a nation, which is essential to its existence, cannot rest on compromises or indefinite formulas. Bolivia's access to the river would not only be contrary to Paraguay's inalienable rights, but it conflicts with her security. The presence of Bolivia on the bank of the river would, in view of her present attitude and avowed ambitions, be tantamount to the spectre of war hovering continually over us. Perhaps, in time, when the protective institutions of peace are more firmly secured and Paraguay is convinced that Bolivia has renounced her policy of conquest, then perhaps this point may be envisaged from a different angle. But, for the moment, Paraguay must firmly reject any proposal to make the river bank the subject of legal controversy, and she cannot, of her own free will, adopt a different attitude.

495. This idea of security forms part of the historical contention which Paraguay has maintained with regard to the fundamental question. To Paraguay, the dispute between the two countries concerns the delimitation of the frontiers of the Chaco west of the River Paraguay, without therefore including the bank of the river or affecting the region which has already formed the subject of an arbitral award. Consequently, Paraguay, in declaring that arbitration shall safeguard all that concerns her present and future security, is simply endorsing, by considerations which are to her of vital importance, her traditional legal position.

3. ARBITRATION.

496. Once the armed conflict has been concluded and the problem of security settled, the countries will have to seek a solution of the questions which were at issue between them before the war, either by means of direct agreement or by arbitration or judicial award. Once violence and the possibility of its renewal have been guarded against, the dispute will resume its former legal aspect and will have to be considered in its proper historical terms. The procedure of pacific settlement will have to be applied to the genuine subject-matter of the controversy, if it is desired to arrive at a stable and just solution.

497. We have seen that, during the colonial period, Paraguay retained possession of the Chaco without dispute with any other authority and that, having become independent, she continued to exercise publicly her sovereignty, which was recognised and respected by all nations.

498. Furthermore, the examination we have made of the growth of the Bolivian nation has shown that, in Upper Peru, there never arose in the minds of governors or governed the slightest sign of a conviction that they possessed any right to the Chaco territory, or of the intention to dispute Paraguay's well-known possession of that territory; and that, when the Bolivian Republic was created, its leaders gave no thought to the Chaco, and, if this territory was remembered in the first attempts to establish relations with Paraguay, it was not to question but to recognise the exclusive right belonging to the latter country.

499. The claims tentatively put forward in 1852 constituted a new and unexpected factor, without root in the past and without persistence in the present or in the future for many years to come. On that occasion, the Paraguayan Government expressed its surprise and registered a protest, and the Bolivian Government did not persist with its claim, which was also categorically condemned by Brazil.

500. The Chaco was not in dispute either during the colonial period or after the acquisition of independence. The only question at issue between the two Republics was that of the delimitation of the frontier on the confines of this territory, where some confusion existed regarding the respective jurisdictions of Upper Peru and Paraguay.

501. The first negotiations between the two countries referred to the demarcation of boundaries and did not discuss the ownership of the Chaco. The first Treaty, signed in 1879, fixed "limits of demarcation" between Paraguay and Bolivia "to the north of the territory situated on the right bank of the River Paraguay".

502. It was as recently as 1888 that Bolivia for the first time gave officially a territorial character to the dispute between the two countries, making a definite claim to territory. This she did in the note of October 15th, 1888, mentioning the draft treaties signed up to that date as a basis for the litigious character of the Chaco. "As far as Paraguay is concerned", said the note, "Bolivia's right has been further recognised on different occasions by the mere fact of admitting a territorial dispute and by the still more patent fact that friendly negotiations have taken place regarding this dispute".

503. The Paraguayan Foreign Minister energetically repudiated this unexpected claim. "Here no claim on the part of Bolivia has ever been entertained", said the note of November 3rd, 1888, "nor could there have been such a claim on the River Paraguay, so that what Your Excellency calls the territorial question must refer to the extremes or confines of the Chaco, where the boundaries of the two States are still somewhat confused".

504. He added the following words, whose legal validity has only been emphasised by the passage of time:

"Bolivia's claim, as recently put forward by Your Excellency, will always be regarded as an innovation and will be ignored in international relations between the two countries, as long as it has no other foundation than the pacts invoked by Your Excellency, which have not yet received the compulsory sanction of ratification by the contracting parties". (Annex No. 128.)

505. In fact, Bolivia's idea of giving the character of a territorial claim to what was and could only be a boundary dispute was always considered by the Paraguayan Foreign Office as an innovation and was ignored in all the subsequent negotiations.

506. The diplomatic records prove the consistent vigour and conviction with which Paraguay maintained her attitude.

507. The Asunción Foreign Office's note of June 10th, 1901, contained the following passage:

"It is my duty to remind you that, up to the present, Paraguay has not admitted as open to dispute the territory on the right bank of the River Paraguay from the Pilcomayo as far as Bahía Negra, and eloquent witness is borne to this fact by the note of November 3rd, 1888, addressed to the Bolivian Chargé d'Affaires, Dr. Claudio Pinilla. Paraguay's possession of this territory and her title to sovereignty go back to the days when this territory was first discovered. According to your memorandum and your last note, it would appear that, in Bolivia, the history of this fort (Olimpó) is not very well known. It was taken in 1812 by the Portuguese and recovered in the same year by the Government of Paraguay, which constantly maintained a garrison there until the military events of the war of 1865. It still holds this fort to-day, without any other country ever having regarded it as its possession. On the other hand, what act of possession or valid title of sovereignty has been adduced or even mentioned by Bolivia in support of Your Excellency's assertion that the territory on the right bank of the River Paraguay from the Pilcomayo to Bahía Negra is disputed territory? In this Foreign Office's judgment, it is not sufficient to say that a dispute exists for the fact to be admitted." (Annex No. 129.)

508. On January 8th, 1902, the Paraguayan Government once more stated its traditional standpoint as follows:

"My Government is anxious to convince Your Excellency's Government in a friendly way that it has insufficient information regarding the historical facts and regarding Paraguay's incontestable rights to the territory of the Chaco Boreal comprised between the River Paraguay and the River Parapití, the River Pilcomayo and the southern boundary of Chiquitos; and it hopes that it will soon succeed in convincing Your Excellency that the *uti posseditis* of this Republic from the Pilcomayo to Bahía Negra is not open to discussion, and that the localities subject to dispute are situated to the north of Bahía Negra as far as the southern boundary of Chiquitos in the direction of the mines of Santo Corazón and the land adjacent to the former Lake of the Xarayes, and also between the headwaters of the Parapití and the Pilcomayo in the direction of former Upper Peru, where the Chaco Boreal comes to an end—*i.e.*, on the other side of the River Parapití. At the same time, Paraguay reserves her rights to the ports on the Cáceres, Mandioré, Gaiba and Uberaba Lagoons and to the adjacent territories as far as the Chiquitos frontier, which this Government regards as belonging to the Republic of Paraguay, since they come within the boundaries of the former province of Paraguay." (Annex No. 130.)

509. The note of April 29th, 1904, sent to the Brazilian Foreign Office on the occasion of the signature of the Treaty of Petrópolis, said:

"Your Excellency is aware that the formula which summarises our declarations regarding the northern boundary of the Chaco is that it coincides with the southern boundary of the former Governorship of Chiquitos. The only question which we can discuss with Bolivia is that of the definition of the jurisdiction exercised by that Government at the time of the acquisition of independence, the *uti possidetis* being the criterion for judging the question." (Annex No. 88.)

510. During the conferences held at Asunción in 1915, our plenipotentiary, M. Fulgencio Moreno, once more declared:

511. "Before entering upon the debate, we regarded it as essential to make it quite clear what was going to be debated, and in what the question at issue between the two countries consisted.

512. "And this we did, demonstrating by means of irrefutable historical and geographical proofs, and other documents of the greatest value, that Paraguay's rule to the west of the river of the same name, from the Pilcomayo as far as the Brazilian possessions, exercised without interruption or protest for over half-a-century of Paraguay's independent existence, as well as during the whole of the colonial period, was not disputed, but on the contrary was recognised by the Bolivian Government on a number of occasions during that period. This precluded all possibility of the subsequent claims put forward from time to time to this territorial zone being entertained, and Paraguay was never able to admit these claims, despite the cordiality of her policy towards the sister nation, since such an admission, which must be regarded as improper and inadmissible from every point of view, and as incompatible with the principles of international law and American public law, would expose our country to the possibility of its sovereignty being called in question. But while, for the reasons indicated, and others which are given in our memorandum, Paraguay was unable to allow doubts to be raised against the reality of her territorial constitution, she has always recognised that, her boundary not yet having been fixed on the side of Bolivia, some difference of opinion might exist on this point between the two parties.

513. "The difference remaining to be settled between the two countries therefore refers to the determination of their respective frontiers.

514. "The question at issue between Paraguay and Bolivia is one of delimitation and not of territorial possession."

515. At the Buenos Aires Conferences, the Paraguayan delegation maintained that:

516. "The dispute between Paraguay and Bolivia consists in the determination of the boundaries which separated the former Province of Paraguay, on the one hand, from the provinces and entities which constituted the Republic of Bolivia, on the other, in the respective epochs of the emancipation of the two States."

"The boundaries between Paraguay and Bolivia are, on the north, the former boundary between the Military Governorship of Chiquitos and the territory of the former Province of Paraguay situated west of the river of the same name; and to the west, the former boundaries between the same territory and the provinces of Upper Peru." ("Libro Blanco", 1928, page 140.)

517. Lastly, after the outbreak of hostilities, Paraguay once more maintained before the Commission of Neutrals her traditional definition of the dispute between the two countries.

518. The Memorandum of the Paraguayan delegate, Dr. Juan José Soler, dated October 6th, 1932, says:

519. "In view of the enquiry of the Commission of Neutrals, which desires to know whether Paraguay is prepared to submit to unreserved arbitration the area of the Chaco included within the boundaries I have indicated—namely, the River Jaurú, the River Parapití, the River Pilcomayo and the River Paraguay—being duly authorised by my Government, I have the honour to reply as follows:

520. "The question which Paraguay is prepared to submit to unreserved arbitration is the question of the boundaries between the two countries Paraguay and Bolivia and not that of a specific zone, since Paraguay does not admit the existence of a territorial question as regards the Chaco or any claim to that district. In other words, arbitration must refer to a line and not to a zone." ("Libro Blanco", 1933, Part I, page 287.)

521. As will be seen, the firmness of Paraguay's standpoint in refusing to admit that the Chaco was subject to dispute has never varied.

522. For her part, Bolivia maintains that the question at issue is a territorial one concerning the rights which each country possesses to the Chaco or part of the Chaco. But the claims of one party do not suffice to render a territory subject to dispute.

523. The Bolivian claim is not only contrary to the historical and legal antecedents of the dispute, but constitutes a veritable outrage.

524. Paraguay is well aware what would have been her fate if the Bolivian armies had succeeded in their objective of reaching the River Paraguay.

525. Bolivia's present acceptance of arbitration is not sincere or profound and only reflects the impotence of her army.

526. Bolivia desires that Paraguay should now agree to submit the whole of the Chaco, including the Hayes zone, to arbitration. Paraguay has not been vanquished and therefore sees no reason for relinquishing her traditional position. Now that her army is victorious she cannot accept what she refused when Bolivia was at the height of her military power.

527. Paraguay claims no new rights as a consequence of the victory of her troops. She maintains to-day the same point of view as she maintained before the war. The war cannot create new rights, nor can it invalidate those already in existence.

528. To-day, like yesterday, Paraguay is prepared to submit to arbitration the only point which can be regarded as open to dispute—namely, the determination of the doubtful boundaries to the west of the River Paraguay.

529. To accept arbitration on the Chaco as a whole would be to capitulate to force, thus gravely compromising that procedure.

530. Paraguay can say, like Peru in her boundary dispute with Ecuador: "The cause of arbitration in general, which is the cause of civilisation, is bound up with the existence of the principles of international justice, which are pre-eminently conservative and serve for the defence of rights of ownership and of uninterrupted possession by a holder in good faith.

531. "Without these principles, arbitration would cease to be a factor of security and peace, and would become a game of hazard which, far from putting an end to international controversies, would contain the seed of armed conflicts.

532. "If a nation, after a century of existence, could obtain, by simply asking for them, territories and towns which it has never possessed, the appetites of Governments would know no bounds, and an era of a species of pacific conquest would be opened which would bring in its train, first, instability and disequilibrium, and then disaster."

4. DETERMINATION OF RESPONSIBILITY.

533. In order to secure a lasting peace, it is not sufficient to solve the military, political and legal problems. It is imperative that the moral problem, which is not the least serious of them all, should not be allowed to remain. This problem arises out of the fact that one of the two countries is guilty. One of the two, by resorting to war, has placed itself outside international law.

534. On August 1st, 1932, the Bolivian Government informed the Commission of Neutrals that "we are not interested in investigations".

535. On the other hand, Paraguay regards it as essential that the party responsible for this war should be determined.

536. We have our place in the community of nations. We have accepted obligations which bound us not to resort to force. It is our duty to show that we have faithfully carried out our promise. We cannot allow the country's good name and prestige to be tarnished by the slightest breath of suspicion.

537. It is our duty to vindicate our conduct, not only in the eyes of the world, but also in the eyes of our own people. We must show the latter that the sacrifices of the present war have been imposed upon us against our will and that in the trenches it is merely carrying out its duty to defend the country.

538. For this reason, Paraguay has urged ever since the hostilities first began that investigations should be made with a view to determining the question of the responsibility.

539. Moreover, Paraguay is called upon, not only to carry out a moral duty, but also to exercise a right.

540. The League Covenant and the Pact of Paris, by proscribing war as an instrument of national policy, have instituted a legal system which must be respected by the nations and the violation of which necessarily involves responsibilities. If a country has been attacked, it has the right to ask the international community to condemn its aggressor, who is at the same time the aggressor of all the other nations.

541. To resort to force is to commit an offence against the legal order and one which affects all the nations in general. It is the duty of the international community, even without a request on the part of the country which has been attacked, to determine and punish, morally at all events, the party that has violated the fundamental principles of its legal structure. Failure to carry out those duties may have serious consequences for the cause of peace and world order. No legal edifice can be permanent if it is founded on the condonation of infringements of international laws. To treat the victim in the same way as the guilty party is to place a premium on violence and to encourage all future aggression.

542. In demanding this investigation and the punishment of the party thereby found to be responsible, Paraguay is serving the cause of morality and justice and is acting in accordance with the spirit which governs the American nations. The Declaration of August 3rd, 1932, in which the American continent expressed its sentiments in regard to the war begun by Bolivia, stated that: "As regards responsibilities which may arise from the various encounters which have occurred from June 15th to date, they consider that the countries in conflict should present to the Neutral Commission all the documentation which they may consider pertinent and which will be examined by it" and they added that "they do not doubt that the country which this investigation shows to be the aggressor will desire to give satisfaction to the one attacked, thus eliminating all misunderstanding between them". America thus considers that only after the aggressor has been determined and the victim has received the required satisfaction will it be possible to eliminate misunderstanding.

543. There will be no peace or security in the future if the Chaco war ends without the aggressor's responsibility having been established. If Bolivia is allowed to go unpunished, this

will constitute a constant and permanent menace to all nations and particularly to Paraguay. The Paraguayan people would be legitimately entitled to doubt the existence of any legal order if it found that, not only can it be so easily violated, but also that the offence is allowed to go unpunished.

VII. THE LEAGUE OF NATIONS AND THE CONFLICT.

544. The League of Nations is faced with the following situation: a war between two members of the international community which are under its jurisdiction. Its primary duty is to put a stop to this war.

545. The League of Nations, an institution set up to safeguard the peace of the world, would not carry out that duty any more effectively by selecting some other means than the final and immediate cessation of hostilities to bring about a settlement of the questions which divide the two peoples.

546. The war must be judged by itself as a state of affairs which is incompatible with the League Covenant and with the legal conscience of mankind, and the primary aim should be to put a stop to it.

547. In Paraguay's view, the cessation of hostilities should not be an armistice pure and simple, unaccompanied by measures of security capable of restoring the confidence and tranquillity necessary to the existence of the two States and for the calm discussion of the questions at issue between them.

548. The measures of security should be equitable—that is to say, they should take account of the *de facto* situation determined by the course of the fighting. They should also involve the reduction of arms and armaments and full guarantees against rearmament.

549. If an atmosphere of confidence is created, it may be possible to reach agreement on some or all the points of the dispute by conciliation or direct negotiations. If this agreement is not reached, the time will then have come to appeal to a Court of Arbitration or a Court of International Justice.

550. Paraguay is prepared definitely to accept arbitration or judicial procedure as a means of settling questions which do not affect her security and which, by their nature, are capable of being settled by those means.

551. She accepts the competence of the Permanent Court of Arbitration or the Court of International Justice, if some other special tribunal is not agreed upon.

552. Apart from the conciliation or arbitration negotiations, the League of Nations should open an enquiry to determine the responsibility for the war. This is a necessity on which Paraguay will insist at every opportunity.

PARAGUAY'S PROPOSALS.

553. Paraguay's proposals may be summarised as follows:

554. (1) Cessation of hostilities.

555. (2) Effective and equitable guarantees of security.

556. (3) Policing of the Chaco in accordance with the interests to be safeguarded.

557. (4) Once peace has been secured, negotiations for the settlement by conciliation, arbitration or judicial decision of the questions which can be settled by those means, the bank of the River Paraguay, its hinterland and the Hayes zone being excluded in every case from the discussion.

558. (5) An investigation to establish the responsibility for the war.

(Signed) Justo PASTOR BENITEZ,
Minister for Foreign Affairs and Public
Worship of the Republic of Paraguay.

Asunción, July 11th, 1934.

III. APPLICABILITY IN ITS ENTIRETY OF ARTICLE 15 OF THE COVENANT TO THE DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

LETTER, DATED SEPTEMBER 18TH, 1934, ADDRESSED TO THE CHAIRMAN OF THE SIXTH COMMITTEE BY THE VICE-CHAIRMAN OF THE FIRST COMMITTEE.

[*Translation.*]

I have the honour to inform you that the First Committee is dealing with the question referred to it by your letter of yesterday's date.

The First Committee began its examination of this question this morning and intends to pursue the matter as expeditiously as possible.

It desires to draw your attention to the fact that the delegate for Paraguay agrees that the Assembly should first endeavour to obtain a settlement of the dispute, as laid down in paragraph 3 of Article 15, and only expressed doubt concerning the application of certain other paragraphs of the said article. The Sixth Committee may, therefore, pursue its examination of the question and, in particular, apply the provisions of paragraph 3 of Article 15 without waiting for the conclusions which the First Committee will not fail to transmit to it.

(Signed) LIMBURG,
Vice-Chairman of the First Committee.

A.I.6(1).1934.
A.VI.12.1934.

IV. APPLICABILITY IN ITS ENTIRETY OF ARTICLE 15 OF THE COVENANT TO THE DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

(a) LETTER, DATED SEPTEMBER 22ND, 1934, FROM THE VICE-CHAIRMAN OF THE FIRST COMMITTEE TO THE CHAIRMAN OF THE SIXTH COMMITTEE.

In continuation of the communication which I addressed to you on September 18th last regarding the opinion which the Sixth Committee has asked the First Committee to give it on the subject of the applicability in its entirety of Article 15 of the Covenant to the dispute between Bolivia and Paraguay, I have now the honour to enclose herewith a copy of the legal opinion drawn up this afternoon by the First Committee.

The representative of Paraguay has informed the First Committee that, though he is unable formally and officially to agree to the procedure of Article 15 of the Covenant, he would not do anything to impede the carrying through of this procedure.

(Signed) LIMBURG,
Vice-Chairman of the First Committee.

(b) OPINION OF THE FIRST COMMITTEE.

The First Committee, having been asked by the Sixth Committee in connection with the dispute between Bolivia and Paraguay for its opinion upon the question:

Whether Article 15 of the Covenant is applicable in its entirety in a case where the parties to the dispute are at war,

Gives its opinion as follows:

I.

(a) The use in the text of the article of the expression "likely to lead to a rupture" has given rise to doubts as to whether Article 15 is applicable in its entirety in the case contemplated. The fact that the text thereby expressly contemplates the case in which normal relations exist between parties is supposed to exclude the case where a rupture has already occurred.

This interpretation is said to be consistent with the provision of paragraph 6 of Article 15 relating to the obligation of non-recourse to war.

It is further held to be confirmed by comparison of Article 15 with Article 11, in which war is mentioned as well as threat of war.

(b) There would not, it is said, be any disadvantage in excluding the applicability in its entirety of Article 15 in the contemplated case, since it would always remain possible to seek a settlement of the dispute by applying Article 11 or even the first three paragraphs of Article 15.

(c) The doubt felt is thought to be corroborated by the consideration that, in the contemplated case, it should be Article 16 rather than Article 15 which should be applied, and that this could not be done immediately if it was necessary as a preliminary to follow the procedure laid down in Article 15.

(d) Finally, it is said that, in the case under consideration, Article 15 could not be applied in its entirety unless the hostilities which were in progress ceased.

II.

The above-stated reasons for the doubts which have been expressed as to the applicability of Article 15 in its entirety are not well founded, for the following reasons:

(a) The expression "dispute likely to lead to a rupture" is not peculiar to Article 15. It is to be found also in Article 12, where it has exactly the same scope. It is due to the fact that the general purpose of the Covenant is to organise prevention of war. It means that only disputes having a certain degree of gravity are to be dealt with. Its object is not therefore to exclude disputes the gravity of which is not purely hypothetical, but proved to be real by the fact of a rupture having already occurred.

The Covenant, like any general law, cannot be correctly interpreted without taking account of its spirit. Its twelfth and fifteenth articles provide for proceedings calculated to render effective the limitation which the Covenant imposes on the previously absolute right of States to have recourse to war. Those who drew it up certainly supposed that the countries which, by becoming Members of the League of Nations, had undertaken to have recourse to such proceedings would not fail to do so. They cannot have had the idea of permitting them to release themselves from this obligation by provoking a rupture.

If the procedure laid down in Article 15 is expressly provided for in cases of danger of rupture only, it must *a fortiori* be applicable in case of an actual rupture, and more particularly in case of war. If it is desirable to prevent war from occurring, it is still more necessary to put an end to it promptly if it has occurred. To exclude the application of Article 15 in its entirety in a case where war existed would be to admit that the Covenant entitled the States in conflict to withdraw from their obligations under it by resorting to war.

The above-given interpretation of Article 15 is made still more consistent with the general spirit of the Covenant by the circumstance that, in most cases, the application of Article 15 in its entirety will enable the Members of the League of Nations to know what behaviour they ought to adopt towards the parties in conflict in case the dispute should not have been amicably settled.

(b) Article 11 could not serve to complete Article 15, for it has a very different character. Its effect is not to confront the States in conflict in a debate to which they alone are parties. It gives the Members of the League of Nations, so to speak, a right of taking proceedings which any one of them can exercise. It contemplates for the effective safeguarding of peace a collective endeavour, operating by persuasion, to bring the parties to accept an amicable settlement. While Article 11, as a general rule, does not go beyond conciliation and requires the concurrence of the parties, Article 15 may, without the assent of the parties, lead to a solution which, though not obligatory, has definite legal consequences, not merely for the parties to the dispute, but also for all the Members of the League.

(c) It is not true that, in the case where a dispute has already led to war, exclusion of the application of Article 15 in its entirety would facilitate immediate recourse to the sanctions provided by Article 16. Application of Article 16 presupposes that it has been ascertained which party is responsible for the rupture which has occurred. It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, paragraph 4, which the parties cannot bring to a standstill. Article 15 would not, however, necessarily apply in the event of a Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10.

(d) Although to obtain a cessation of hostilities must be one of the principal concerns of the body which has to take a decision under Article 15, it cannot be considered as an indispensable condition for the application of the article. If it were so, it would be in the discretion of a party to allow or not to allow the article to be applied.

III.

For the reasons above stated, the Committee is of opinion that, subject to the reservation made in regard to the eventuality provided for by Article 10, Article 15 of the Covenant is applicable in its entirety even in a case where the parties are at war.

A.I/7(1).1934.
A.VI.14.1934.

V. QUESTION OF THE PROHIBITION OF THE SUPPLY OF ARMS AND WAR MATERIAL TO BOLIVIA AND PARAGUAY: OPINION OF THE FIRST COMMITTEE.

The Sixth Committee has informed the First Committee that, in the course of its debate on the dispute between Bolivia and Paraguay, some delegations referred to the question of the prohibition of supply of arms and war material to Bolivia and Paraguay, and the Sixth Committee, adding that the Italian delegation had submitted that this matter raised "a question of principle which should be considered from the standpoint of pure law and, in particular, from the standpoint of interpretation of the Covenant", requested the First Committee to study this question of principle.

The First Committee gives its opinion as follows:

I.

The Council, by its resolution of May 19th, 1934, recalling the action begun last year with a view to prohibiting the export or transit of arms and war material intended for Bolivia or Paraguay, requested the Committee of Three at once to resume examination of this question and to proceed to the consultations that were indispensable in order that measures might be taken, if need be, during its next extraordinary session.

As the result of the steps taken by the Committee of Three, a number of Members of the League of Nations prohibited the supply of arms and war material to Bolivia and Paraguay.

No further decision has been taken by the Council.

It follows that the Members of the League of Nations which have imposed the prohibition could take this measure in the particular case without any application of an article of the Covenant. They were acting lawfully in the exercise of their sovereignty and without infringing any provision of the Covenant. They were actuated by anxiety to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for the Members of the League to promote.

It rests with the Assembly to appreciate whether, in the recommendation which it may be led to adopt under the provisions of Article 15, it would be desirable to insert provisions dealing with the matter.

II.

The question of principle which was to be examined from the standpoint of pure law, and, in particular, from that of interpretation of the Covenant—viz., the question of prohibiting *under the provisions of the Covenant of the League of Nations* the supply of arms and war material to belligerents—was shown by the discussion in the First Committee to be one which, presented in these wide terms, raised problems of a very diverse and very complicated nature which the First Committee would not be able to solve in the space of a few days. If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a committee for the purpose, which would present its conclusions to the Council and to the Assembly.

A.VI/13.1934 and Addendum.

VI. CORRESPONDENCE COMMUNICATED BY THE BOLIVIAN DELEGATION TO THE SIXTH COMMITTEE.

I. PROPOSALS MADE BY THE GOVERNMENT OF THE ARGENTINE REPUBLIC ON JULY 12TH, 1934.

MINISTRY FOR FOREIGN AFFAIRS
AND ECCLESIASTICAL AFFAIRS.

Buenos Aires, July 12th, 1934.

After protracted soundings, the Argentine Foreign Office has succeeded in drawing up the following plan for the settlement of the dispute between Paraguay and Bolivia:

Seeing that the Governments of Bolivia and Paraguay have acceded to the Declaration of August 3rd, 1932, in virtue of which conquest as a means for the acquisition of territory is repudiated;

Seeing that both Governments also subscribed to the American Anti-War Pact, in which war was abandoned as a means for settling international conflicts, and in virtue of which disputes of any kind whatsoever must be settled by means of pacific settlement affirmed in international law;

Seeing that, apart from these general declarations, it cannot be doubted that in America disputes relating to frontier or territorial questions have always, in principle, been settled by pacific means;

Seeing that, in accordance with these documents which engage the good faith and honour of the signatories, and in accordance with the antecedents mentioned, the war of the Chaco has no *raison d'être*, for it is opposed to the undertaking entered into and to the antecedents referred to, and that it cannot have in view any aim which is not in accordance with the rules of law;

Seeing that the above-mentioned pact was accepted during the course of the war without any restriction whatever, and that consequently it is to be understood that the disputes which led to the conflict are not excluded from its application;

Seeing that the American Republics, acting collectively and in a spirit of solidarity in virtue of the instruments mentioned above, *ipso facto* approve the principle that no war which has broken out in this continent can be a matter of indifference to them, and, both individually and in groups and taken as a whole, they have entered into an undertaking to apply all legal means in their power to avoid or to stop such a war, this idea being strengthened by the fact that they have ratified the Hague Convention for the pacific settlement of international disputes, which expressly authorises good offices and mediation at whatever stage a conflict may have reached:

The Governments of, interpreting the common will of the American Republics expressed in the above-mentioned instruments, put forward the following proposals and submit them for the consideration of Bolivia and Paraguay:

1. Bolivia and Paraguay ratify their will to renounce all territorial conquests.
2. Bolivia and Paraguay declare that, in the present war, they do not propose to acquire territories which belong to the jurisdiction of either country and are justly recognised as so belonging.
3. They also declare that any other dispute which is not settled and which may have been the cause of the conflict must be settled by a procedure of law.
4. In accordance with the foregoing, the Chaco war must be brought to an end within the shortest possible period.
5. Bolivia and Paraguay declare that within the shortest possible time they will appoint plenipotentiaries to meet in the city of Buenos Aires and agree upon the final cessation of hostilities and the security measures necessary in order that hostilities may definitely be brought to an end.
6. The plenipotentiaries will be authorised to set up a Conciliation Commission as provided for in Article 5 of the Anti-War Pact, and this Commission shall apply, for the solution of the conflict, the procedure laid down in that document, seeing that the Chaco conflict, by its special character, can be settled in a satisfactory form by conciliatory means, since through such means it is possible to give due weight to all factors of equity and of reciprocal utility and all other factors which it might be difficult to take into account in arbitration pure and simple.
7. Should these efforts prove ineffective, Bolivia and Paraguay undertake to submit the question to an arbitral award by the Permanent Court of International Justice. The arbitral undertaking shall be entered into within a period of three months, although this period may be renewed by agreements between the parties.

2. REPLY OF THE BOLIVIAN GOVERNMENT.

Buenos Aires, July 26th, 1934.

To Dr. Carlos Saavedra Lamas,
*Minister for Foreign Affairs and
Ecclesiastical Affairs, Buenos Aires.*

Under special instructions from the Foreign Office at La Paz, I have the honour to inform you that my Government has received the Argentine Foreign Office's new suggestion for the pacific settlement of the Chaco question with the same deference and consideration as were extended to its previous proposals, and is prepared to examine it in the same sincere spirit as on other occasions.

My Government would have been better satisfied, however, if, before a concrete and official form was given to this new step, a confidential consultation had been carried out in regard to its bases, as that would undoubtedly have aided this laudable effort to put an end to the dispute. That was the action taken in the recent case of the plan submitted to Bolivia by Dr. Antokoletz, which my Government accepted with only two amendments, but which Paraguay unconditionally rejected, no trace of that rejection remaining apart from the confidential information you kindly sent me regarding the failure of Dr. Ruiz Moreno's journeys to Paraguay.

In view of the present position of the new efforts and being genuinely anxious for their success, I have the honour to propose to you, on behalf of my Government, that the Argentine Foreign Office should arrange for the four countries bordering upon Bolivia and the five countries which formed the Committee of Neutrals to share in the mediation that has been undertaken.

My Government considers that all the generous efforts made by the Argentine and the other countries on various occasions would thus be linked together, so that their united mediation would carry greater authority and would be completely effective. Such a happy co-ordination of American efforts would also be the best means of effectively applying the agreement of August 6th, 1932, and imparting real life to the American doctrine of August 3rd, 1932.

With reference to the actual steps now being taken, I have received special instructions from my Government to ask you whether the Argentine Foreign Office would kindly consent to sound the Government of Paraguay regarding more concrete bases for conciliation which would facilitate the proposed mediation. So far as Bolivia is concerned, the recognition of our claim to a zone bordering on the River Paraguay and extending from Bahía Negra southwards is to be regarded as an indispensable confidential basis.

My Government also desires to point out with equal frankness that it maintains its view that the cessation of hostilities must be simultaneous with the settlement of the substantive question.

Lastly, I have pleasure in informing you, on behalf of my Government, that we confirm in all sincerity Bolivia's acceptance of the doctrine that neither occupation nor armed conquest constitutes a valid title for the settlement of territorial disputes.

I should have liked to make these statements to Your Excellency in person, but am still not in sufficiently good health to do so.

Thanking you for your kind personal messages in your letter of the 12th instant, to which I am now replying...

(Signed) C. ROJAS.

[Translation.]

3. AMENDMENTS TO THE ARGENTINE PROPOSALS OF JULY 12TH, 1934,
PROPOSED BY THE BOLIVIAN GOVERNMENT.

To the Bolivian Legation, Buenos Aires.

Kindly inform the Argentine Foreign Office of the following amendments we propose to the Argentine proposal:

In clause 2, after the words "justly recognised as so belonging", add "under titles accorded by the Spanish Crown".

Omit clause 3.

In clause 5, add at the end:

" . . . and upon a conciliation agreement defining the rights of the parties in the Chaco Boreal, or alternatively an arbitral compromise on the question of law, in conformity with the procedure laid down in the previous clauses. Hostilities to cease from the moment of ratification of the agreement by the Congresses of the belligerent countries."

Clause 6 to read as follows:

"The plenipotentiaries of Bolivia and Paraguay to constitute, in conjunction with the plenipotentiaries of the Argentine, Brazil, Colombia, Cuba, Chile, United States, Mexico, Peru, and Uruguay, the Conciliation Commission for which provision is made in Article 6 of the Rio Pact of Non-Aggression, with instructions to conclude the conciliation arrangement provided for in Article 10 of the Rio Pact within a maximum period of seventy days."

Clause 7 to read as follows:

"Bolivia and Paraguay hereby declare that, in the event of conciliation's failing, they will sign an agreement for arbitration of the legal question, with a view to determining the sovereignty of the disputed territories on the *uti possidetis juris* basis of 1810, and in conformity with the Declaration of August 3rd, 1932, from the standpoint of the maximum claims already put forward by the parties—namely, in the case of Bolivia, in the memorandum of February 28th, 1933, to the Governments of neighbouring countries, and, in the case of Paraguay, in the letter of the Paraguayan delegate to the League of Nations dated June 6th, 1933."

I am sending you an explanatory memorandum to-day.

(Signed) ALVESTEGUI.

4. EXPLANATORY MEMORANDUM FROM THE BOLIVIAN GOVERNMENT.

To the Bolivian Legation, Buenos Aires.

1. The first clause stipulates that the belligerents are prepared to "renounce" all territorial "conquests". The word "renounce" does not accurately represent Bolivia's position in the Chaco conflict, which she did not provoke. In opposing armed resistance to the war declared by Paraguay, Bolivia does not aim at any "territorial conquests", but seeks to protect her own territory from foreign conquest.

Subject to this reservation, we accept clause 1.

2. The second clause is in reality a repetition of the principle contained in the first clause.

So far as there is any question of territorial disputes in Spanish America, the only basis on which territorial ownership can be "justly recognised" is the Royal Charter of the Spanish Crown. The distribution of the electoral and territorial *jurados* made by the King of Spain immediately before 1810 is the sole recognised legal basis on which the territory belonging to each of the emancipated republics is "justly recognised" as belonging to it. Legal possession is based on the *uti possidetis juris*.

3. There is no dispute between Bolivia and Paraguay other than that relating to the ownership of the Chaco Boreal.

Bolivia has endeavoured to put an end to this dispute by diplomatic negotiations, and has sent successive missions to Asunción with instructions to arrive at agreements for conciliation or arbitration.

Three treaties have been signed in the Paraguayan capital, each of which embodied a compromise; but none of them has secured the approval of the Legislature of our opponents, who have preferred to endeavour to secure possession of the Chaco by gradual, surreptitious penetration.

This is the dispute that has given rise to the present conflict, to which the mediation now proposed seeks to put an end. As the dispute itself is already subject to the procedure for conciliation or arbitration under clauses 6 and 7, clause 3 is pointless, redundant and superfluous.

In these circumstances it is essential to omit clause 3, for that is the only way of taking existing realities into account. To act otherwise would be to commit the deliberate mistake of accumulating new elements of discord in connection with an instrument which its authors designed for conciliation.

4. The fourth clause embodies Bolivia's dearest aspiration.

5. The fifth clause is merely a reproduction by the intervening Chancellery of the uncompromising Paraguayan claim which hitherto has been the stumbling-block to any peaceful settlement.

Since the League of Nations Commission of Enquiry put forward its proposals in December 1933 and February 1934, the Paraguayan Government has clung obstinately to its demand for the "cessation of hostilities and the security measures necessary in order that hostilities may definitely be brought to an end"—hostilities which it has itself provoked—while leaving undefined the actual dispute which (as has already been stated) is the sole cause of the war.

Clause 5 thus entirely satisfies Paraguay's aspirations and finally disposes of the attempt to restore peace in the Chaco. Notwithstanding the terms of this clause, the cessation of hostilities would not be final, because afterwards Paraguay would refuse any settlement of the dispute, as she has been doing for over fifty years, encouraged by security measures which would ensure her the permanent occupation of the territory that she desires.

War would soon break out, but under conditions definitely unfavourable to Bolivia; for Paraguay would, as she is now doing, extend her penetrative railways, improve her communications, and, in a general way, secure her military superiority in the Chaco.

Furthermore, clause 5, as drafted, would be inconsistent with the spirit of clauses 1 and 2; for, whereas those clauses condemn conquest and occupation, clause 5 admits the system of territorial acquisitions, which is repudiated by the general conscience of mankind and was explicitly condemned, with reference to the Chaco war, by the American declaration of August 3rd, 1932.

In short, clause 5 means the expulsion of Bolivia from the Chaco Boreal, which is what Paraguay desires and has been aiming at ever since she began her aggression.

Such a claim has already incurred the disapproval of the Committee of Neutrals in its telegram to the Government of Paraguay dated December 13th, 1932.

These brief remarks suffice to show that it is wholly just to make the addition to clause 5 proposed by the Bolivian Government, since that is the only means of embracing the problem as a whole and finding the true road to pacification.

6. Whereas clause 5 lays down that the plenipotentiaries must meet and are bound to come to an agreement on the final cessation of hostilities as desired by Paraguay, clause 6 merely authorises the establishment of a Conciliation Commission. That means that, whereas the agreement contemplated by clause 5 is compulsory, that contemplated by clause 6 is not, and hence Paraguay can either authorise or not authorise her plenipotentiaries to engage in the conciliation procedure, and they can either lend themselves to the formation of the commission or not. That in itself is an inequality sufficient to justify our reservations.

Article 5 of the Pact of Non-Aggression of Rio de Janeiro does not lay down any procedure, but, assuming that the parties agree, and seeing that the Foreign Office which is mediating has accepted the Bolivian proposal for mediation on a large scale by the nine American countries which have on various occasions given proof of their strong desire to restore peace, the Bolivian Government thinks that clause 6 should provide that the plenipotentiaries in question shall form a Conciliation Commission, thereby avoiding the loss of time that would be involved by the selection of the members of the Commission, if the procedure contemplated in Article 6 of the Pact of Non-Aggression were accepted.

The terms of reference we shall give to the Commission are defined in Article 10, and reference should therefore be made to that article in order to make the procedure completely clear and unambiguous.

On this point, clause 6 provides that the terms of reference shall be those specified in the Pact of Non-Aggression; but it is to be observed that, under Article 11, the Commission has a year in which to draw up its conclusions, and that allowance of time seems unsatisfactory in the present case, because American opinion is unanimous in calling for the immediate settlement of the dispute, and also because the granting of such an allowance of time would confirm the apprehensions we have expressed in analysing clause 5.

None the less, the Pact of Non-Aggression allows the parties six months in which to formulate their observations, and ultimately permits them to recover their freedom of action and take such steps as they may think fit. In the case of the Chaco, that freedom of action would mean the continuance of the war, which is precisely what the mediation aims at preventing.

It is essential to fix a period of sixty days if the conciliation procedure is not to be merely a pretext for indefinitely postponing the purely legal arbitration. That is the only possible procedure for settling territorial disputes in America, and therefore it is usual to omit such terms.

Clause 7 provides that the parties undertake to submit the question to arbitration. It is desirable to define clearly the nature of the arbitral award, which can only be a judgment on purely legal grounds, and to specify the legal rules to be applied by the tribunal—namely, the *uti possidetis* and the declaration of August 3rd.

Lastly, it is necessary to specify the territorial area subject to the arbitral award, in conformity with the declarations of the parties, which have already been recorded in existing official documents.

The fact that no mention is made of the Hague Court does not mean that we refuse to submit the question to the decision of that Court, which is deserving of our confidence, but that we think it preferable to leave the choice of the arbitrator open, to be decided after negotiations in the Conciliation Commission, which might perhaps suggest an arbitration specially organised in America.

Such are the amendments which we confidentially suggest to the mediators, whose opinions and suggestions will be received and studied by us with the greatest pleasure and with a sincere desire to profit by the present mediation in order to bring about an honourable and lasting peace.

(Signed) ALVESTEGUI.

A.VI/13.1934. Addendum.

5. PLAN OF PACIFICATION PROPOSED TO THE GOVERNMENTS OF BOLIVIA
AND PARAGUAY BY THE GOVERNMENT OF THE ARGENTINE REPUBLIC
ON MAY 25TH, 1934.

A plan for the pacific settlement of the Chaco question is proposed on the following bases:

1. Paraguay to recognise Bolivia's ownership of the port of Bahía Negra or another more convenient port, together with a river zone ending in the north a few leagues from Puerto Olimpo.
2. Bolivia to recognise definitely Paraguay's ownership of the zone adjudged to the latter by the Hayes Award.
3. Territorial exchanges to be made or pecuniary compensations given in respect of the remainder of the disputed territory.

As this plan, proposed to Bolivia through M. Antokoletz, Assessor in the Argentine Ministry for Foreign Affairs, did not define the western and northern frontiers, Bolivia accepted it with the following additions:

- (a) The western frontier between the two countries to be meridian 59° 55' west of Greenwich;
- (b) The southern frontier to follow parallel 22°, but leaving Puerto Olimpo in the possession of Paraguay.

The above Argentine plan was transmitted to the Paraguayan Government by another Assessor in the Argentine Ministry for Foreign Affairs, M. Ruiz Moreno. It was unconditionally rejected by the Paraguayan Government.

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ABBREVIATIONS

Art.	= Article
Ass.	= Assembly
Cttee.	= Committee
Cl.	= Council
Govt.	= Government
Int.	= International
Resol.	= Resolution
Sec.-Gen.	= Secretary-General

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LEAGUE OF NATIONS
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SPECIAL SUPPLEMENT No. 125

RECORDS
OF THE
FIFTEENTH ORDINARY SESSION
OF THE
ASSEMBLY
—
PLENARY MEETINGS
—
TEXT OF THE DEBATES
—

GENEVA, 1934

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CONVOCATION
OF THE
FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY

LETTER OF CONVOCATION ADDRESSED BY THE SECRETARY-GENERAL
TO ALL THE MEMBERS OF THE LEAGUE OF NATIONS ON BEHALF OF HIS
EXCELLENCY M. BECK, PRESIDENT OF THE COUNCIL.

I have the honour, in accordance with Rules 1 and 3 of the Rules of Procedure of
the Assembly of the League of Nations, to summon the Assembly to meet at Geneva on
Monday, September 10th, 1934, at 10.30 a.m.

(Signed) BECK.

AGENDA

OF THE

FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY

ADOPTED BY THE ASSEMBLY ON SEPTEMBER 10TH, 1934.

Election of the Credentials Committee.
Election of the President.
Examination and Adoption of the Agenda.
Appointment of the Committees of the Assembly and Division of the Items of the Agenda among them; Election of the Chairmen of these Committees.
Appointment of an Agenda Committee.
Election of the Vice-Presidents of the Assembly.
Report on the Work of the League since the Fourteenth Session of the Assembly.
Election of Three Non-Permanent Members of the Council.

FIRST COMMITTEE.¹

SECOND COMMITTEE.

Collaboration of the Press in the Organisation of Peace.
Economic and Financial Questions.
Work of the Communications and Transit Organisation.
Work of the Health Organisation.

THIRD COMMITTEE.

FOURTH COMMITTEE.

Financial Questions.
Contributions in Arrears.
Allocation of the Expenses of the League.

FIFTH COMMITTEE.

Work of the Advisory Commission for the Protection and Welfare of Children and Young People.

- (a) Work of the Traffic in Women and Children Committee;
- (b) Work of the Child Welfare Committee.

Penal and Penitentiary Questions.
Assistance to Indigent Foreigners.
Traffic in Opium and Other Dangerous Drugs.

SIXTH COMMITTEE.

Nansen International Office for Refugees.
Conclusion of a General Convention on the Protection of Minorities: Proposal of the Polish Government.
Work of the Intellectual Co-operation Organisation.

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

Dispute between Bolivia and Paraguay: Appeal of the Bolivian Government under Article 15 of the Covenant.
Protection of Minorities.
Mandates.
Slavery.
Entry of the Union of Soviet Socialist Republics into the League of Nations.
Entry of the Kingdom of Afghanistan into the League of Nations.
Manner of accrediting Delegates to the Assembly.

¹ Though none of the items on the agenda of the Assembly as adopted on September 10th, 1934, were referred to the First Committee, the latter eventually dealt with certain questions referred to it, in the course of the session, by the Assembly and the Sixth Committee. (For the record of these discussions, see *Special Supplement* No. 126.)

LIST OF MEMBERS OF THE DELEGATIONS

AFGHANISTAN

Son Excellence M. Ali MOHAMED Khan.

Envoyé extraordinaire et Ministre plénipotentiaire à Londres — Envoy Extraordinary and Minister Plenipotentiary in London.

Son Excellence le Général MOHAMED OMAR Kahn.

UNION SUD-AFRICAINE UNION OF SOUTH AFRICA

His Excellency Mr. Eric Hendrick Louw.

Avocat, Envoyé extraordinaire et Ministre plénipotentiaire à Rome — Barrister, Envoy Extraordinary and Minister Plenipotentiary at Rome.

His Excellency Dr. Herman Dirk VAN BROEKHUIZEN.

Envoyé extraordinaire et Ministre plénipotentiaire à La Haye — Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Mr. H. T. ANDREWS.

Secrétaire politique auprès du Haut Commissaire, Londres — Political Secretary to the High Commissioner, London.

Secrétaire général — Secretary-General:

Mr. W. C. NAUDÉ.

Bureau du Haut Commissaire, Londres — High Commissioner's Office, London.

Secrétaires — Secretaries:

Mr. F. DU PLESSIS.

Secrétaire de Légation à La Haye — Secretary of Legation at The Hague.

Miss M. F. BURNSIDE.

Bureau du Haut Commissaire, Londres — High Commissioner's Office, London.

ALBANIE — ALBANIA

M. Lec KURTI.

Ministre Résident, Délégué permanent auprès de la Société des Nations — Resident Minister, Permanent Delegate accredited to the League of Nations.

Le docteur Fuad ASLANI.

Chargé d'Affaires à Londres — Chargé d'Affaires in London.

ALLEMAGNE — GERMANY

RÉPUBLIQUE ARGENTINE ARGENTINE REPUBLIC

Son Excellence le docteur José Maria CANTILO.

Ambassadeur à Rome, Représentant au Conseil — Ambassador in Rome, Representative on the Council.

Son Excellence le docteur Enrique RUIZ-GUINAZÚ.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne, Délégué à la Conférence pour la réduction et la limitation des armements et au Bureau international du Travail — Envoy Extraordinary and Minister Plenipotentiary in Berne, Delegate to the Conference for the Reduction and Limitation of Armaments and to the International Labour Office.

Son Excellence le docteur Roberto LEVILLIER.

Envoyé extraordinaire et Ministre plénipotentiaire à Varsovie et à Prague — Envoy Extraordinary and Minister Plenipotentiary in Warsaw and Prague.

Secrétaires — Secretaries:

M. Oscar ONETO ASTENGO.

Premier Secrétaire de l'Ambassade à Rome — First Secretary at the Embassy in Rome.

M. Carlos Alberto PARDO.

Conseiller commercial de la Légation à Berne — Commercial Adviser at the Legation in Berne.

AUSTRALIE — AUSTRALIA

The Right Honourable S. M. BRUCE, C.H., M.C.

Haut Commissaire à Londres — High Commissioner in London.

Mr. F. L. McDOUGALL, C.M.G.

Mr. Russell Charles HARRIS.

Suppléante — Substitute:

Mrs. Claude COUCHMAN.

Conseiller — Adviser:

Mr. F. K. OFFICER, O.B.E., M.C.

Secrétaire — Secretary:

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

AUTRICHE — AUSTRIA

Son Excellence le docteur Kurt SCHUSCHNIGG.
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Son Excellence le docteur Egon BERGER-
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Affairs.

Son Excellence M. Emeric PFLÜGL.
Envoyé extraordinaire et Ministre plénipotentiaire,
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riary, Permanent Representative accredited to
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Suppléants — Substitutes:

M^{me} Fanny STARHEMBERG.

Son Excellence le docteur Richard SCHÜLLER.
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Le docteur Berthold HAERDTL.

BELGIQUE — BELGIUM

Son Excellence M. Henri JASPAR¹.
Ministre des Affaires étrangères — Minister for Foreign
Affairs.

Son Excellence M. Paul HYMANS.
Ministre d'Etat — Minister of State.

Son Excellence le comte CARTON DE WIART,
Ministre d'Etat, Délégué permanent à la Société des
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¹ Après le départ de M. Jaspar, M. Hymans a assumé les
fonctions de Président de la délégation — After the departure
of M. Jaspar, M. Hymans became President of the Delegation.

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ROYAUME-UNI DE GRANDE-BRETAGNE
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CHILI — CHILE

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Son Excellence M. Luis V. DE PORTO-SEGURO.

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Son Excellence M. Jorge VALDÉS-MENDEVILLE.

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Suppléant et Secrétaire général — Substitute and Secretary-General:

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CHINE — CHINA

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His Excellency M. T. Y. Lo.

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His Excellency M. Wunsz KING.

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CHINE (suite) — CHINA (continued)

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M. H. C. SUNG.

Secrétaire de Légation — Secretary of Legation.

M. HSIEH Ching Kien.

Secrétaire de Légation — Secretary of Legation.

M. Woo Kwang-han.

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M. C. Y. CHENG.

Attaché de Légation — Attaché of Legation.

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COLOMBIE — COLOMBIA

Son Excellence le docteur Agustín NIETO-CABALLERO.

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CUBA

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Son Excellence le docteur Carlos DE ARMENTEROS Y CÁRDENAS.

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Secrétaire général — Secretary-General:

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DANEMARK — DENMARK

Le docteur Peter MUNCH¹.

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M. F. J. BORGBJERG.

Ministre de l'Instruction publique, Député — Minister for Public Education, Member of the Chamber of Deputies.

¹ En l'absence du Dr Munch, M. Erik de Scavenius a fait fonction de premier délégué du Danemark et de Président de la délégation — In the absence of Dr. Munch, M. Erik de Scavenius acted as first delegate of Denmark and President of the Delegation.

DANEMARK (*suite*) — DENMARK (*cont.*)

Suppléants — Substitutes:

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M. F. R. CHRISTIANI.

Docteur, Ingénieur, Député — Doctor, Engineer, Member of the Chamber of Deputies.

M. Ole Björn KRAFT.

Rédacteur, Député — "Rédacteur", Member of the Chamber of Deputies.

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Le docteur Bienvendio CARRASCO.

ESPAGNE — SPAIN

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ESPAGNE (*suite*) — SPAIN (*continued*)

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De la Légation à Berne — From the Legation in Berne.

ESTONIE — ESTONIA

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Le professeur H. FRIEDMANN.

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FRANCE (*suite*) — (*continued*)

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M. Jean RÉVEILLAUD.

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Agrégé de l'Université.

Secrétaire général — Secretary-General:

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Consul général de France. — Consul-General of France.

M. ROCHAT.

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M. DUSSOL.

Consul de première classe, Chargé d'Affaires à Assomption — Consul (1st class), Chargé d'Affaires at Asunción.

FRANCE (*suite*) — (*continued*)

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M. SPITZMULLER.

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Secrétaires — Secretaries:

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Consul suppléant — Deputy Consul.

M. MEZIERE.

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GRÈCE — GREECE

Son Excellence M. D. MAXIMOS.

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Suppléants — Substitutes:

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GRÈCE (suite) — GREECE (continued)

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HONGRIE — HUNGARY

Son Excellence le général Gabriel TÁNCZOS.

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HONGRIE (suite) — HUNGARY (cont.)

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Le général Géza DE SIEGLER.

M. Georges DE OTTLIK.

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M. Joseph PAPP.

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Le docteur Joseph JUDIK.

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INDE — INDIA

His Highness the Right Honourable the AGA Khan, G.C.S.I., G.C.I.E., G.C.V.O.

Sir Denys BRAY, K.C.S.I., K.C.I.E., C.B.E.

Membre du Conseil de l'Inde — Member of the Council of India.

Sir V. T. Krishnama CHARI, C.I.E.

« Diwan » de l'Etat de Baroda — Diwan of Baroda State.

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Sir Homi MEHTA.

Membre du Conseil d'Etat, Inde — Member of the Council of State, India.

Secrétaire général — Secretary-General:

Mr. W. D. TOMKINS (India Office).

INDE (suite) — INDIA (continued)

Secrétaire général adjoint — Assistant Secretary-General:

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

Secrétaire — Secretary:

Mr. L. E. LE BURN (India Office).

IRAK — IRAQ

His Excellency General NOURY PASHA EL SAID.

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His Excellency JA'FAR PASHA AL ASKARI¹.

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Mussa Beg SHABANDAR.

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Expert:

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ÉTAT LIBRE D'IRLANDE
IRISH FREE STATE

M. Eamon DE VALERA.

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ITALIE — ITALY

Son Excellence le baron Pompeo ALOISI.

Ambassadeur, Chef du Cabinet du Ministre des Affaires étrangères — Ambassador, " Chef du Cabinet " to the Minister for Foreign Affairs.

Son Excellence le général Alberto DE MARINIS STENDARDO DI RICIGLIANO.

Ministre d'Etat, Sénateur — Minister of State, Senator.

¹ Après le départ du général Noury Pasha el Said, Ja'far Pasha al Askari l'a remplacé comme premier délégué. — After the departure of General Noury Pasha el Said, Ja'far Pasha al Askari replaced him as first delegate.

ITALIE (suite) — ITALY (continued)

Son Excellence le comte Eduardo PIOLA CASELLI.

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Délégués adjoints — Assistant Delegates:

L'Honorable Stefano CAVAZZONI.

Sénateur — Senator.

L'Honorable Giuseppe MAZZINI.

Député — Member of the Chamber of Deputies.

L'Honorable Vincenzo CASALINI.

Député — Member of the Chamber of Deputies.

L'Honorable Giuseppe BIANCHINI.

Député — Member of the Chamber of Deputies.

L'Honorable Luigi SCARFIOTTI.

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L'Honorable Antonio MARAINI.

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M. Augusto BIANCHERI CHIAPPORI.

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Le marquis Antonio MELI LUPI DI SORAGNA.

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Contre-amiral — Rear-Admiral.

Le professeur Tommaso PERASSI.

Professeur de droit à l'Université de Rome — Professor of Law at the University of Rome.

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M. Mario MARIANI.

Directeur général (Agriculture) — Director-General (Agriculture).

ITALIE (*suite*) — ITALY (*continued*)

Le colonel Ercole ERCOLE.

Le colonel Vittorio MARCHESI.

Le lieutenant-colonel Tancredi BIANCHI.

Le capitaine de frégate Jacopo ROSSI.

Le docteur Giovanni MONTEFUSCO.

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Secrétaires — Secretaries:

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Premier Secrétaire de Légation — First Secretary of Legation.

M. Bernardo MOSCA.

Premier Secrétaire de Légation — First Secretary of Legation.

M. Luigi CORTESE.

Premier Secrétaire de Légation — First Secretary of Legation.

M. Riccardo MOSCATI.

Consul.

M. Giacomo LO JUCCO nob. di Taranto.

Consul.

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Vice-Consul.

Le docteur Giorgio CIRAOLO.

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Le comte Dino SECCO SUARDO.

JAPON — JAPAN

LETTONIE — LATVIA

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Suppléant et Secrétaire — Substitute and Secretary:

M. Karlis KALNINŠ.

Secrétaire de la Délégation permanente auprès de la Société des Nations — Secretary at the Permanent Delegation accredited to the League of Nations.

LIBERIA

Son Excellence M. Clarence L. SIMPSON.

Secrétaire d'Etat — Secretary of State.

Son Excellence le docteur Antoine SOTTILE.

Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent à la Société des Nations et au Bureau international du Travail — Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate to the League of Nations and to the International Labour Office.

Son Excellence le docteur F. A. K. RUSSELL.

Membre de la Chambre des Représentants — Member of the Chamber of Representatives.

Suppléant — Substitute:

Son Excellence M. C. BOSMAN VAN OUDKARSPHEL.

Envoyé extraordinaire et Ministre plénipotentiaire auprès du Saint-Siège, Chargé d'Affaires en Belgique — Envoy Extraordinary and Minister Plenipotentiary accredited to the Holy See, Chargé d'Affaires in Belgium.

LITHUANIE — LITHUANIA

Son Excellence M. Stasys LOZORAITIS.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence M. Petras KLIMAS.

Envoyé extraordinaire et Ministre plénipotentiaire à Paris — Envoy Extraordinary and Minister Plenipotentiary in Paris.

Son Excellence M. Bronius K. BALUTIS.

Envoyé extraordinaire et Ministre plénipotentiaire à Londres — Envoy Extraordinary and Minister Plenipotentiary in London.

Suppléant et Secrétaire général — Substitute and Secretary-General:

Le docteur Ladas NATKEVIČIUS.

Chef du Service de la Société des Nations au Ministère des Affaires étrangères — Head of the League of Nations Service at the Ministry for Foreign Affairs.

Conseiller juridique — Legal Adviser:

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Docent à l'Université Vytautas-le-Grand — Lecturer at the University of Vytautas-le-Grand.

LUXEMBOURG — LUXEMBURG

Son Excellence M. Joseph BECH.

Ministre d'Etat, Président du Gouvernement, Ministre des Affaires étrangères — Minister of State, Prime Minister, Minister for Foreign Affairs.

Son Excellence M. Emile REUTER.

Ministre d'Etat honoraire, Président de la Chambre des Députés — Honorary Minister of State, President of the Chamber of Deputies.

M. Gaston DIDERICH.

Député, Bourgmestre de la ville de Luxembourg — Member of the Chamber of Deputies, Burgomaster of the City of Luxembourg.

LUXEMBOURG (*suite*) — LUXEMBURG (*cont.*)

Suppléants — Substitutes:

M. Albert WEHRER.

Docteur en droit, Conseiller de Gouvernement —
Doctor of Law, Governmental Adviser.

M. Charles VERMAIRE.

Consul à Genève — Consul at Geneva.

ÉTATS-UNIS DU MEXIQUE
UNITED STATES OF MEXICO

Son Excellence M. Francisco CASTILLO
NAJERA.

Ambassadeur, Envoyé extraordinaire et Ministre plé-
nipotentiaire en France — Ambassador, Envoy
Extraordinary and Minister Plenipotentiary in France.

Son Excellence le docteur Enrique JIMÉNEZ.

Envoyé extraordinaire et Ministre plénipotentiaire,
Délégué permanent auprès de la Société des Nations —
Envoy Extraordinary and Minister Plenipotentiary,
Permanent Delegate accredited to the League of
Nations.

Le docteur Pedro DE ALBA.

Ancien Directeur de l'École nationale préparatoire et
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Sénat — Former Director of the National Preparatory
School and of the School for Higher Studies, former
President of the Senate.

*Suppléant et Secrétaire général — Substitute and
Secretary-General:*

M. Manuel TELLO.

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NICARAGUA

M. Tomás Francisco MEDINA.

Ministre plénipotentiaire, Délégué permanent auprès
de la Société des Nations — Minister Plenipotentiary,
Permanent Delegate accredited to the League of
Nations.

NORVÈGE — NORWAY

M. Joh. Ludw. MOWINCKEL.

Président du Conseil et Ministre des Affaires étran-
gères — Prime Minister and Minister for Foreign
Affairs.

M. Carl J. HAMBRO.

Président du Storting — President of the Storting.

Le commandant Birger BRAADLAND.

Membre du Storting, ancien Ministre des Affaires
étrangères — Member of the Storting, former Minister
for Foreign Affairs.

Suppléants — Substitutes:

M^{me} Ingeborg AAS.

Docteur en médecine — Doctor of Medicine.

NORVÈGE (*suite*) — NORWAY (*continued*) •

M. E. O. MASENG.

Délégué permanent auprès de la Société des Nations —
Permanent Delegate accredited to the League of
Nations.

M. R. I. B. SKYLSTAD.

Chef de Division au Ministère des Affaires étrangères —
Head of Division at the Ministry for Foreign Affairs.

*Conseiller technique et Secrétaire — Expert and
Secretary:*

M. Rolf ANDERSEN.

Secrétaire de la Légation à Londres — Secretary of
the Legation in London.

NOUVELLE-ZÉLANDE — NEW ZEALAND

The Honourable Sir James PARR, K.C.M.G.

Haut Commissaire à Londres — High Commissioner
in London.

Suppléant — Substitute:

Mr. C. KNOWLES, C.B.E.

Secrétaire particulier du Haut Commissaire — Private
Secretary to the High Commissioner.

PANAMA

Son Excellence le docteur Belisario PORRAS.

Ancien Président de la République, Envoyé extra-
ordinaire et Ministre plénipotentiaire en France et en
Grande-Bretagne — Former President of the Republic,
Envoy Extraordinary and Minister Plenipotentiary
in France and Great Britain.

Le docteur Ernesto HOFFMAN.

Consul général à Genève — Consul-General in Geneva.

PARAGUAY

Son Excellence le docteur R. V. CABALLERO
DE BEDOYA.

Envoyé extraordinaire et Ministre plénipotentiaire en
France, Délégué permanent auprès de la Société des
Nations — Envoy Extraordinary and Minister Pleni-
potentiary in France, Permanent Delegate accredited
to the League of Nations.

PAYS-BAS — NETHERLANDS

Son Excellence le Jonkheer A. C. D. DE
GRAEFF.

Ministre des Affaires étrangères — Minister for Foreign
Affairs.

Son Excellence M. J. A. N. PATIJN.

Envoyé extraordinaire et Ministre plénipotentiaire à
Rome — Envoy Extraordinary and Minister Pleni-
potentiary in Rome.

M. J. LIMBURG.

Membre du Conseil d'Etat — Member of the Council
of State.

PAYS-BAS (*suite*) — NETHERLANDS (*cont.*)

M. W. M. VAN LANSCHOT ¹.

Membre de la Première Chambre des Etats-Généraux
— Member of the First Chamber of the States-General.

Suppléant — Substitute :

M. J. P. A. FRANÇOIS.

Chef de la Section des affaires de la Société des Nations au Ministère des Affaires étrangères, Professeur extraordinaire à l'Ecole des Hautes Etudes commerciales à Rotterdam — Head of the League of Nations Section at the Ministry for Foreign Affairs, Extraordinary Professor at the School for Higher Commercial Studies at Rotterdam.

Suppléante et Secrétaire — Substitute and Secretary :

M^{me} C. A. KLUYVER.

Directeur au Ministère des Affaires étrangères — Director at the Ministry for Foreign Affairs.

Service de Presse — Press Bureau :

M. A. J. LIEVEGOED.

Chef du Service de Presse gouvernemental, Directeur au Ministère des Affaires étrangères — Head of the Governmental Press Bureau, Director at the Ministry for Foreign Affairs.

PÉROU — PERU

Son Excellence le docteur Luis MIRÓ QUESADA.

Ancien Ministre des Affaires étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Berne, Délégué permanent à la Société des Nations — Former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary in Berne, Permanent Delegate to the League of Nations.

Son Excellence M. Francisco TUDELA.

Ancien Ministre des Affaires étrangères, ancien Ministre des Finances, ancien Président de la Chambre des députés, ancien Ambassadeur — Former Minister for Foreign Affairs, former Minister for Finance, former President of the Chamber of Deputies, former Ambassador.

Son Excellence M. Ventura GARCÍA CALDERÓN.

Ancien Envoyé extraordinaire et Ministre plénipotentiaire au Brésil — Former Envoy Extraordinary and Minister Plenipotentiary in Brazil.

Secrétaire général — Secretary-General :

M. Pedro UGARTECHE.

Ancien Sous-Secrétaire des Affaires étrangères, Chef du Bureau permanent auprès de la Société des Nations — Former Under-Secretary of State for Foreign Affairs, Head of the Permanent Office accredited to the League of Nations.

Conseiller — Expert :

M. José-María BARRETO.

Conseiller permanent auprès de la Société des Nations — Permanent Counsellor accredited to the League of Nations.

¹ Pendant la présence du Jonkheer de Graeff à Genève, M. van Lanschot était délégué suppléant. — During the stay at Geneva of Jonkheer de Graeff, M. van Lanschot acted as substitute delegate.

PERSE — PERSIA

Son Excellence Mirza Seyed Bagher Khan KAZEMI.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence M. Anochirevan Khan SEPAHBODI.

Envoyé extraordinaire et Ministre plénipotentiaire à Rome — Envoy Extraordinary and Minister Plenipotentiary in Rome.

Suppléants — Substitutes :

M. Mohammad Khan SCHAYESTEH.

Conseiller de la Légation à Londres — Counsellor at the Legation in London.

M. Nasrollah Khan ENTEZAM.

Premier Secrétaire de Légation, Chargé d'Affaires *a.i.* à Berne — First Secretary of Legation, Acting Chargé d'Affaires in Berne.

Conseiller technique — Expert :

Le Commandant MOAREFI.

Secrétaire général — Secretary-General :

M. N. K. ENTEZAM.

Attachés — Attachés :

M. M. V. SIASSI.

M. R. ATABEKI.

M. D. FOROUGHI.

M^{me} HEKIMI.

POLOGNE — POLAND

Son Excellence M. Joseph BECK.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence M. Edouard RACZYŃSKI ¹.

Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations — Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Son Excellence M. Jan DE MODZELEWSKI.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne — Envoy Extraordinary and Minister Plenipotentiary in Berne.

Le général Stanislas BURHARDT-BUKACKI ².

Membre de l'Inspectorat général des Forces armées, Délégué à la Conférence pour la réduction et la limitation des armements — Member of the General Inspectorate of the Armed Forces, Delegate to the Conference for the Reduction and Limitation of Armaments.

¹ Pendant l'absence de M. Beck, M. Raczyński était chef de la délégation — During the absence of M. Beck, M. Raczyński acted as Head of the Delegation.

² Pendant la présence à Genève de M. Beck, le général Burhardt-Bukacki était délégué suppléant — During the stay at Geneva of M. Beck, General Burhardt-Bukacki acted as substitute delegate.

POLOGNE (*suite*) — POLAND (*continued*)

Suppléants — Substitutes:

Son Excellence M. Witold CHODZKO.

Ancien Ministre de l'Hygiène, Directeur de l'Ecole d'Hygiène d'Etat à Varsovie — Former Minister for Health, Director of the State School of Hygiene at Warsaw.

M. Roman DEBICKI.

Directeur du Cabinet du Ministre des Affaires étrangères — Director of the Bureau of the Minister for Foreign Affairs.

M. Thadée GWIAZDOWSKI.

Sous-Directeur politique au Ministère des Affaires étrangères — Assistant Director of the Political Division at the Ministry for Foreign Affairs.

M^{me} Hanna HUBICKA.

Sénateur — Senator.

M. Titus KOMARNICKI.

Docteur en droit, Secrétaire général de la Délégation à la Conférence pour la réduction et la limitation des armements — Doctor of Law, Secretary-General of the Delegation to the Conference for the Reduction and Limitation of Armaments.

Secrétaire général — Secretary-General:

M. Ladislas KULSKI.

Docteur en droit, Secrétaire de Légation à la Délégation auprès de la Société des Nations — Doctor of Law, Secretary of Legation at the Delegation accredited to the League of Nations.

Conseiller juridique — Legal Adviser:

M. Thadée SOBOLEWSKI.

Jurisconsulte au Ministère des Affaires étrangères — Legal Adviser at the Ministry for Foreign Affairs.

Conseillers techniques — Experts:

M. Wladyslaw Józef ZALESKI.

Docteur en droit, Chef de Service au Ministère des Affaires étrangères — Doctor of Law, Head of Service at the Ministry for Foreign Affairs.

M. Leon KOPPENS.

Conseiller au Ministère des Affaires étrangères — Counsellor at the Ministry for Foreign Affairs.

M. Adam BENIS.

Conseiller au Service économique du Ministère des Affaires étrangères — Counsellor in the Economic Section at the Ministry for Foreign Affairs.

M^{me} Wanda WOYTOWICZ-GRABIŃSKA.

Conseiller au Ministère de l'Assistance sociale — Counsellor at the Ministry for Social Assistance.

Chef du Service de Presse — Head of the Press Bureau:

M. Jan LIBRACH.

Chef adjoint de la Section de Presse au Ministère des Affaires étrangères — Assistant Head of the Press Bureau at the Ministry for Foreign Affairs.

Secrétaires — Secretaries:

M. Antoni BALIŃSKI.

Attaché de Légation à la Délégation auprès de la Société des Nations — Attaché of Legation at the Delegation accredited to the League of Nations.

M. Jules FRIEDRICH.

Secrétaire du Ministre des Affaires étrangères — Secretary to the Minister for Foreign Affairs.

PORTUGAL

Son Excellence le docteur José CAEIRO DA MATA.

Ministre des Affaires étrangères, Recteur à l'Université de Lisbonne, Juge suppléant de la Cour permanente de justice internationale — Minister for Foreign Affairs, Dean of the University at Lisbon, Deputy-Judge of the Permanent Court of International Justice.

Son Excellence le docteur Augusto DE VASCONCELLOS.

Délégué permanent à la Société des Nations, ancien Président du Conseil, ancien Ministre des Affaires étrangères — Permanent Delegate to the League of Nations, former Prime Minister, former Minister for Foreign Affairs.

Son Excellence le docteur José Lobo D'AVILA LIMA.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne — Envoy Extraordinary and Minister Plenipotentiary in Berne.

Son Excellence le docteur José Capelo DE FRANCO-FRAZÃO, comte DE PENHA GARCIA.¹

Membre du Conseil supérieur des Colonies, ancien Ministre des Finances — Member of the Higher Council for the Colonies, former Minister for Finance.

Secrétaire général — Secretary-General:

M. Henrique da GUERRA VIANNA.

Conseiller de Légation, Chef du Bureau de la Délégation permanente auprès de la Société des Nations — Counsellor of Legation, Head of the Office of the Permanent Delegation accredited to the League of Nations.

Secrétaires — Secretaries:

Le docteur N. M. FREIRE DE ANDRADE.

Secrétaire de Légation — Secretary of Legation.

M. Henrique Rezende DIAS DE OLIVEIRA.

Attaché à la Légation à Paris — Attaché at the Legation in Paris.

M. Jorge BAHIA.

Attaché de Légation — Attaché of Legation.

Secrétaires particuliers du Ministre des Affaires étrangères — Private Secretaries to the Minister for Foreign Affairs:

Le docteur João Pinto MONTEIRO DE MENDONÇA.

Secrétaire de Légation — Secretary of Legation.

Le docteur Eduardo BACELAR MACHADO.

Secrétaire de Légation — Secretary of Legation.

ROUMANIE — ROUMANIA

Son Excellence M. Nicolas TITULESCO.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence M. Savel RADULESCO.

Sous-Secrétaire d'Etat aux Affaires étrangères — Under-Secretary of State for Foreign Affairs.

¹ Pendant la présence du docteur da Mata à Genève, le comte de Penha Garcia était délégué suppléant — During the stay at Geneva of Dr. da Mata, Count de Penha Garcia acted as substitute delegate.

ROUMANIE (*suite*) — ROUMANIA (*continued*)

Son Excellence M. Constantin ANTONIADE.

Envoyé extraordinaire et Ministre plénipotentiaire auprès de la Société des Nations — Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.

Délégués adjoints — Assistant Delegates:

M. Mircéa DJUVARA.

Vice-Président de la Chambre des Députés, Professeur universitaire — Vice-President of the Chamber of Deputies, University Professor.

M. D. DRAGHICESCO.

Professeur, Ancien Sénateur — Professor, Former Senator.

Délégués suppléants — Substitute Delegates:

M^{lle} Hélène VACARESCO.

Membre de l'Académie roumaine — Member of the Roumanian Academy.

M. Constantin VISOIANU.

Envoyé extraordinaire et Ministre plénipotentiaire à La Haye — Envoy Extraordinary and Minister Plenipotentiary at The Hague.

M. V. PELLA.

Ministre plénipotentiaire, Professeur universitaire — Minister Plenipotentiary, University Professor.

M. Eugène NÉCULCÉA.

Ministre plénipotentiaire — Minister Plenipotentiary.

M. Jean CHRISTU.

Ministre plénipotentiaire, Directeur de la Section économique au Ministère des Affaires étrangères — Minister Plenipotentiary, Director of the Economic Section at the Ministry for Foreign Affairs.

Secrétaires — Secretaries:

M. N. HIOTT.

Secrétaire de Légation — Secretary of Legation.

M. Gr. NICOLESCO-BUZESTI.

Secrétaire de Légation — Secretary of Legation.

SALVADOR

SIAM

Son Excellence Phya Subarn SOMPATI.

Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Représentant permanent auprès de la Société des Nations — Envoy Extraordinary and Minister Plenipotentiary in London, Permanent Representative accredited to the League of Nations.

SIAM (*suite*) — (*continued*)

Suppléant et Secrétaire — Substitute and Secretary:

Khun Prakob SANTISUK.

Secrétaire de Légation à Londres — Secretary of Legation in London.

Conseiller technique — Expert:

M. R. C. GUYON.

Juriconsulte au Gouvernement siamois — Legal Adviser to the Siamese Government.

UNION DES
RÉPUBLIQUES SOVIÉTISTES SOCIALISTES

UNION OF
SOVIET SOCIALIST REPUBLICS

M. Maxime LITVINOFF.

Commissaire du Peuple aux Affaires étrangères — People's Commissary for Foreign Affairs.

M. Vladimir POTEKINE.

Ambassadeur extraordinaire et plénipotentiaire en Italie — Ambassador Extraordinary and Plenipotentiary in Italy.

M. Boris STEIN.

Envoyé extraordinaire et Ministre plénipotentiaire en Finlande — Envoy Extraordinary and Minister Plenipotentiary in Finland.

Suppléant — Substitute:

M. Marcel ROSENBERG.

Chargé d'affaires *a.i.* en France — Acting Chargé d'Affaires in France.

Secrétaire général — Secretary-General:

M. Edouard HOERSCHELMANN.

Vice-Directeur au Commissariat du Peuple pour les Affaires étrangères — Assistant Director at the People's Commissariat for Foreign Affairs.

Secrétaire général adjoint — Assistant Secretary-General:

M. Vladimir EGORIEW.

Conseiller juridique au Commissariat du Peuple pour les Affaires étrangères — Legal Adviser at the People's Commissariat for Foreign Affairs.

Secrétaires — Secretaries:

M. Michel ZALETINE.

Attaché à l'Ambassade en France — Attaché at the Embassy in France.

M^{lle} Nadejda RIVLINA.

Rédacteur.

SUÈDE — SWEDEN

Son Excellence M. R. J. SANDLER.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

M. B. Ö. UNDÉN¹.

Ministre sans portefeuille, ancien Ministre des Affaires étrangères — Minister without portfolio, former Minister for Foreign Affairs.

M. N. R. WOHLIN.

Membre de la Première Chambre du Riksdag, ancien Ministre des Finances — Member of the First Chamber of the Riksdag, former Minister for Finance.

M^{lle} Kerstin HESSELGREN.

Membre de la Première Chambre du Riksdag — Member of the First Chamber of the Riksdag.

Suppléants — Substitutes:

M. A. G. F. VOUGT.

Membre de la Deuxième Chambre du Riksdag — Member of the Second Chamber of the Riksdag.

M. E. HENNINGS.

Envoyé extraordinaire et Ministre plénipotentiaire à Paris — Envoy Extraordinary and Minister Plenipotentiary in Paris.

M. K. I. WESTMAN.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne — Envoy Extraordinary and Minister Plenipotentiary in Berne.

Secrétaires — Secretaries:

M. S. J. SÖDERBLOM.

Chef de Section au Ministère des Affaires étrangères — Head of Section at the Ministry for Foreign Affairs.

M. R. KUMLIN.

Service de Presse, Premier Secrétaire au Ministère des Affaires étrangères — Press Bureau, First Secretary at the Ministry for Foreign Affairs.

M. C. O. GISLE.

Secrétaire au Ministère des Affaires étrangères — Secretary at the Ministry for Foreign Affairs.

SUISSE — SWITZERLAND

Son Excellence M. Giuseppe MOTTA.

Conseiller fédéral, Chef du Département politique — Federal Councillor, Head of the Political Department.

M. William RAPPARD.

Directeur de l'Institut universitaire des Hautes Etudes internationales — Director of the University Institute for Higher International Studies.

M. Walter STUCKI.

Ministre plénipotentiaire, Directeur de la Division du Commerce — Minister Plenipotentiary, Director of the Commercial Division.

Suppléants — Substitutes:

M. Robert SCHÖPFER.

Conseiller aux Etats — Member of the Council of States.

¹ En l'absence de M. Sandler, M. Undén le remplaçait. — In the absence of M. Sandler, M. Undén replaced him.

SUISSE (suite) — SWITZERLAND (continued).

M. Albert OERI.

Conseiller national — National Councillor.

Suppléant et Secrétaire général — Substitute and Secretary-General:

M. Camille GORGÉ.

Conseiller de Légation, Chef de la Section de la Société des Nations au Département politique — Counsellor of Legation, Head of the League of Nations Section in the Political Department.

Secrétaire — Secretary:

M. Philippe ZUTTER.

Juriste au Département politique — Lawyer in the Political Department.

TCHÉCOSLOVAQUIE — CZECHOSLOVAKIA

Son Excellence M. Eduard BENEŠ.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence M. Štefan OSUSKÝ.

Envoyé extraordinaire et Ministre plénipotentiaire à Paris — Envoy Extraordinary and Minister Plenipotentiary in Paris.

Son Excellence M. Rudolf KÜNZL-JIZERSKÝ.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne, Délégué permanent auprès de la Société des Nations — Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations.

Secrétaire particulier de M. Beneš — Private Secretary to M. Beneš:

M. Vladimír KUČERA.

Chef du Cabinet du Ministre des Affaires étrangères — "Chef du Cabinet" to the Minister for Foreign Affairs.

Secrétaires — Secretaries:

M. Karel TRPÁK.

Secrétaire de Légation — Secretary of Legation.

M. Bohuslav VEČERKA.

Secrétaire au Ministère des Affaires étrangères — Secretary at the Ministry for Foreign Affairs.

M. Ivan LAICHTER.

Secrétaire au Ministère des Affaires étrangères — Secretary at the Ministry for Foreign Affairs.

TURQUIE — TURKEY

Son Excellence Tevfik RÜSTÜ Bey.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Son Excellence Cemal HÜSNÜ Bey.

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TURQUIE (*suite*) — TURKEY (*continued*)

Son Excellence Necmeddin SADIK Bey.

Député à la Grande Assemblée nationale — Member of the Grand National Assembly.

Suppléants — Substitutes:

Celal HAZIM Bey.

Consul général à Genève — Consul-General in Geneva.

Refik AMIR Bey.

Consul général, Chef du Cabinet du Ministre des Affaires étrangères — Consul-General, "Chef du Cabinet" to the Minister for Foreign Affairs.

Secrétaire — Secretary:

Orhan TAHSIN Bey.

Secrétaire de la Délégation permanente auprès de la Société des Nations — Secretary of the Permanent Delegation accredited to the League of Nations.

URUGUAY

Son Excellence le docteur Augusto César BADO.

Ministre de l'Industrie et du Commerce, ancien Député — Minister for Industry and Commerce, former Member of the Chamber of Deputies.

Son Excellence le docteur Alberto GUANI.

Envoyé extraordinaire et Ministre plénipotentiaire en France — Envoy Extraordinary and Minister Plenipotentiary in France.

Son Excellence M. Victor BENAVIDES.

Ingénieur, Envoyé extraordinaire et Ministre plénipotentiaire en Suisse, ancien Ministre des Travaux publics, ancien Sénateur — Engineer, Envoy Extraordinary and Minister Plenipotentiary in Switzerland, former Minister for Public Works, former Senator.

Secrétaire général — Secretary-General:

M. Adolfo SIENRA.

Secrétaire de Légation en France — Secretary of Legation in France.

VENEZUELA

Son Excellence M. César ZUMETA.

Ancien Ministre de l'Intérieur, Sénateur — Former Minister for the Interior, Senator.

Son Excellence le docteur Diógenes ESCALANTE.

Envoyé extraordinaire et Ministre plénipotentiaire à Londres — Envoy Extraordinary and Minister Plenipotentiary in London.

Son Excellence le docteur C. PARRA-PÉREZ.

Envoyé extraordinaire et Ministre plénipotentiaire à Rome — Envoy Extraordinary and Minister Plenipotentiary in Rome.

VENEZUELA (*suite*) — (*continued*)

Secrétaires — Secretaries:

Le docteur Aurelio ARREAZA.

Chef de Service au Ministère des Affaires étrangères — Head of Service at the Ministry for Foreign Affairs.

M. Julio Alfredo DE LA ROSA.

Consul de première classe — Consul (1st class).

YUGOSLAVIE — YUGOSLAVIA

Son Excellence M. Bogolioub YEVTITCH.

Ministre des Affaires étrangères — Minister for Foreign Affairs.

Le docteur Marko KOSTRENTCHITCH.

Ancien Ministre, Professeur à l'Université de Zagreb — Former Minister, Professor at the University of Zagreb.

Le docteur Miroslav PLOY.

Vice-Président du Sénat — Vice-President of the Senate.

Son Excellence M. Constantin FOTITCH¹.

Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations — Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Suppléants — Substitutes:

Le docteur Milan TODOROVITCH.

Professeur à l'Université de Belgrade — Professor at the University of Belgrade.

Le docteur Ivan SOUBBOTITCH.

Chef de Section au Ministère des Affaires étrangères — Head of Section at the Ministry for Foreign Affairs.

Secrétaire général — Secretary-General:

M. Milan STEVANOVITCH.

Conseiller de Légation à la Délégation permanente auprès de la Société des Nations — Counsellor of Legation at the Permanent Delegation accredited to the League of Nations.

Secrétaire particulier de M. Yevtitch — Private Secretary to M. Yevtitch:

M. Vladislav MARKOVITCH.

Chef du Cabinet du Ministre des Affaires étrangères — "Chef du Cabinet" to the Minister for Foreign Affairs.

Secrétaire — Secretary:

Le docteur Slavko STOYKOVITCH.

Secrétaire à la Délégation permanente auprès de la Société des Nations — Secretary at the Permanent Delegation accredited to the League of Nations.

¹ Pendant la présence de M. Yevtitch à Genève, M. Fotitch est devenu délégué suppléant. — During the stay at Geneva of M. Yevtitch, M. Fotitch acted as substitute delegate.

PRESIDENT AND VICE-PRESIDENTS OF THE ASSEMBLY

President:

M. R. J. SANDLER (Sweden).

Vice-Presidents elected by the Assembly:

The first delegates of the United Kingdom, Italy, France, Austria, India and Yugoslavia.

Chairmen of the Committees and ex-officio Vice-Presidents of the Assembly:

Count RACZYŃSKI (Poland).
Mr. BENNETT (Canada).
Count CARTON DE WIART (Belgium).
M. LEVILLIER (Argentine Republic).
M. DE MADARIAGA (Spain).

Secretary-General of the League of Nations:

M. J. AVENOL.

The President and the eleven Vice-Presidents constituted, with M. Avenol, Secretary-General of the League of Nations, the General Committee of the Assembly.

In accordance with decisions taken at its first meeting by the Assembly, the Chairman of the Agenda Committee, M. LOZORAITIS (Lithuania), and the Chairman of the Credentials Committee, M. BADO (Uruguay), later replaced by M. SCHMIDT (Estonia), were appointed members of the General Committee of the Assembly.

TEXT OF THE DEBATES

FIRST PLENARY MEETING

Monday, September 10th, 1934, at 10.30 a.m.

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2. ELECTION OF THE COMMITTEE TO REPORT ON THE CREDENTIALS OF THE DELEGATES.
3. OPENING SPEECH BY M. BENEŠ, PRESIDENT OF THE COUNCIL.
4. CREDENTIALS OF DELEGATES.
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5. ELECTION OF THE PRESIDENT OF THE FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY.
6. PRESIDENTIAL ADDRESS.
7. AGENDA : EXAMINATION AND ADOPTION.
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Inclusion of this Question in the Agenda, on the Basis of the Council Resolution of September 7th, 1934.
9. CONSTITUTION OF COMMITTEES.
10. AGENDA COMMITTEE : APPOINTMENT.
11. APPOINTMENT OF THE CHAIRMAN OF THE AGENDA COMMITTEE AS A MEMBER OF THE GENERAL COMMITTEE OF THE ASSEMBLY.
12. APPOINTMENT OF THE CHAIRMAN OF THE CREDENTIALS COMMITTEE AS A MEMBER OF THE GENERAL COMMITTEE OF THE ASSEMBLY.
13. ELECTION OF THE CHAIRMEN OF COMMITTEES.
Communication by the President.

Chairman : M. BENEŠ (Czechoslovakia),
President of the Council.

1. — OPENING OF THE ASSEMBLY.

M. Beneš, delegate of Czechoslovakia, President of the Council, took the Chair.

The Chairman :

Translation : Ladies and Gentlemen — In my capacity as President of the Council, I have the

honour to declare open the fifteenth ordinary session of the Assembly of the League of Nations.

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

The Chairman :

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

According to the Rules of Procedure of the Assembly, this Committee should be elected by secret ballot. There have, however, been frequent exceptions to this rule ; and, in view of the precedents, and in accordance with established usage, I feel that the Assembly will have no objection to my endeavouring to facilitate its decision without in any way attempting to influence its choice.

I therefore feel that I shall only be anticipating the wishes of the delegations in submitting a list consisting of eight names as follows :

Mr. H. T. ANDREWS (Union of South Africa) ;
His Excellency Count CARTON DE WIAET (Belgium) ;
M. N. ANTONOFF (Bulgaria) ;
His Excellency M. Wunsz KING (China) ;
His Excellency M. A. SCHEIDT (Estonia) ;
His Excellency M. L. DE TAHY (Hungary) ;
His Excellency Dr. E. JIMÉNEZ (Mexico) ;
His Excellency Dr. A. C. BADO (Uruguay).

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

The list proposed by the Chairman was adopted.

The Chairman :

Translation : My intention in proposing that the Assembly should proceed immediately to constitute the Committee on Credentials was to expedite the

proceedings and to allow the Committee to accomplish its work in the most favourable conditions possible. The members of the Committee on Credentials will therefore be good enough to meet at once in order that they may submit their report at the earliest possible moment.

3. — OPENING SPEECH BY M. BENEŠ, PRESIDENT OF THE COUNCIL.

The Chairman :

Translation : In opening the fifteenth session of the Assembly of the League of Nations I shall, in accordance with custom, first pass briefly in review the activities of the League of Nations and its consistent bodies, its difficulties and successes, its disappointments and apprehensions, its aspirations and its hopes for the future.

But it is not my intention to go into details. You have before you the two reports drawn up by the Secretary-General, in which you will find the fullest information and such comments as will enable you to form an opinion of the number and variety of questions which the League has studied, discussed and settled. I prefer to offer for your consideration a few brief — and I think objective — remarks on the international political situation in direct relationship with the League's work and its problems.

There can be no denying that the world of to-day is passing through a deep-seated crisis comparable to the greatest crises which the history of mankind has ever known : it is a crisis in ideas, morals and religious beliefs, a crisis in world economic affairs, a crisis in internal political and social conditions and systems, and a far-reaching crisis in international relations, with threats of wars and revolutions of all kinds — in short, a state of general instability and anxiety as to what to-morrow has in store in all these fields.

All that is merely a statement of fact which may be related to two categories of factors : on the one hand it is the realities of life or, if you prefer it, the actual conditions of material existence which manifest themselves in the manner I have just described. On the other hand it is the atmosphere, the state of mind in which our luckless society is living ; and already the mere realisation of this gloomy atmosphere is impelling the majority of men to greater pessimism of mind and soul than the circumstances of present-day society really warrant.

As indeed is always the case, the general state of affairs throughout the world, to-day considered from the point of view of League policy, shows items on both the credit and the debit sides. It will be highly instructive to attempt this morning to strike a balance and draw our conclusions.

The League is generally debited with a number of international occurrences unfavourable to the policy of Geneva. Rightly or wrongly we are blamed for the present state of the Conference for the Reduction and Limitation of Armaments. I have always been of opinion that it was wrong to place the responsibilities which belong primarily to individual States upon the shoulders of an international institution which, as a collective international organ unprovided with any direct executive authority of its own, can only be held responsible indirectly and in a secondary capacity. It must nevertheless be realised that public opinion — I think wrongly — blames the League, at least in part, for the present failure of the Disarmament Conference.

On the debit side of the League's account there is unquestionably the recent departure from Geneva of two great Powers, permanent Members of the Council — first Japan and then Germany. In certain quarters that was interpreted as an obvious symptom of the gradual weakening of the League, a weakening which in the near future would cul-

minate, if not in its total discredit, at least in the necessity for more or less fundamental changes in its structure. Without wishing to join in these discussions or to deny the great importance of these two facts, I am nevertheless bound to affirm that I do not share that opinion.

The League of Nations is a collective organ the life of which is of necessity subject to variations on the part of its individual Members, and especially of the most important among them. Like that of every individual nation and State, its history will inevitably show both ups and downs, both advances and retreats. In such cases its only course is to carry on. Carry on is what it must do in the case I have just mentioned, and carry on it will. It must have faith in its own destiny, and the absence of one or other of its more important Members should merely lead it, when the time is ripe, to make such preparation as may be necessary for the co-operation of its lost children to be resumed.

A real weakness in the League's record is the fact that for two years two South-American States — Bolivia and Paraguay — have been at war over the territory of the Chaco ; that during that time the Covenant has indisputably been violated, and that, though the Council has been acting in the matter, we have not succeeded in putting an end to the conflict. The question has just been referred to the Assembly, which will now have to face its responsibilities. It must face them conscious of its high duty, for it still has the possibility of saving both the honour and the moral and material strength of the League. Will it do so? It is my belief and hope that it will.

Another item which is generally placed on the debit side of the League's account is the present position in the Far East. The situation obtaining between China and Japan, the "Manchukuo" question, the prevailing tension between Japan and the Soviet Union — these are facts of exceptional gravity. But when history comes to write an impartial account of the long battle fought over this problem at Geneva in the past few years, the League will not emerge dishonoured, nor will it be denied that it has achieved very valuable tangible results. But though, through the conditions now prevailing in certain parts of the world, the League's activities have not yielded all the results which might have been expected, and though, moreover, these happenings have put it to a supreme test, there can be no doubt of the lesson to be drawn from them. They have indeed proved that if in the future any Power were to provoke similar events in other parts of the world — for example, in Europe — it would inevitably lay itself open to direct sanctions applied by a large number of the other Members of the League, or else assume the crushing responsibility of having brought about the final disappearance of the League and the outbreak of an unexampled general catastrophe in which it might itself be engulfed. For us, this certitude is not a result to be despised. We are forewarned, and to be forewarned is of great importance, especially in the present state of the world.

Another item with which the League may be debited — though quite indirectly — is the failure of the London Economic Conference. I say "indirectly" because the League did no more than lend its assistance to an undertaking for which it was not directly responsible. Similarly, the League is often held responsible for certain sins of omission. It is blamed for not taking up certain questions with which it ought to deal. That charge also is not always just. Except in certain special cases, it is no easy matter to embark upon the examination of such questions when the State concerned, regarding the moment as unsuitable or the ground insufficiently prepared from the point of view of its own particular interests, either refuses or is unwilling to consent to such action. That, I think, has to be made clear in regard to

some particular cases and to all similar cases as an answer to those who frequently saddle the League with responsibilities which do not belong to it. Responsibilities it has of its own. They are quite enough.

The debit items which I have just enumerated are certainly of the first importance. But let us now look at the credit side of our account and see which aspects of our work at Geneva and of the present international situation can be set off against them.

To set off against the present difficult situation both of the League and the world there is, in the first place, the undeniable fact that, in spite of the crisis which has overtaken international institutions, several great countries and a large number of the secondary and smaller Powers have latterly shown even greater enthusiasm in their sincere and genuine attachment to Geneva and the policy which we jointly pursue. In the second place, I should like to emphasise the fact that, in a manner and in circumstances with which you are all familiar, the United States of America have undoubtedly drawn nearer to the Geneva organisations and that their co-operation has been much closer than in former years.

Finally, I note the efforts now being made by a very large number of countries to bring the Soviet Union into the League — a country without the co-operation of which conditions in Europe and the world will never return to normal. I am aware that in certain quarters there are misgivings on this subject and that there is an inclination to maintain that such an eventuality would not strengthen the League. I may say, with the greatest respect for that opinion, that I take a contrary view. But, in any case, this fact is indisputable proof that the League is still a force in the world and a highly important means to its political organisation, that it is a force with which the world of to-day cannot dispense, and that its undue weakening or its disappearance would bring the international organisation of the world to complete chaos. The door would be thrown wide open to upheavals, revolutions and violent conflicts of every kind.

Against the lack of success in the Chaco question I would place the success of the efforts made by the League of Nations jointly with the Government of Brazil in the serious dispute between Peru and Colombia regarding the territory of Leticia. I would emphasise the success of the negotiations on the Saar plebiscite, which were so ably conducted by our Italian colleague and which undoubtedly prevented any aggravation of a perilous situation fraught with risks that caused very serious and profound anxiety. The second stage in these negotiations will soon begin. If the results are once more satisfactory, the League will have accomplished a task the importance of which for the peace of Europe can never be overestimated.

But in addition to this direct activity of the League we must also reckon as credit items in the present situation certain steps which, though carried out or initiated by the great Powers in an individual capacity or by other States, and not undertaken immediately by the League itself, nevertheless constitute measures of essential importance for safeguarding peace and for the work of the League — that is, measures designed to ensure respect for the international undertakings and the principles of our institution. Thus, for example, the signature of a number of pacts of friendship or special co-operation and non-aggression, particularly of pacts concluded last year and containing a definition of the aggressor, certain joint steps taken by three great Powers since last spring with a view to ensuring the independence of Austria, undoubtedly represent in my opinion a development of the idea of international solidarity and constitute a recognition, on the part of certain important States, of a political fact of vital significance — namely, that certain great European problems are indisso-

lably bound up with the general maintenance of peace in Europe.

An event of equally decisive, if not indeed of still greater, importance, and one which may likewise contribute largely towards the stabilisation of peace in Europe, is represented by efforts undertaken during the past few months — as we were informed at the Disarmament Conference — to conclude a pact of mutual assistance for Eastern Europe. The signing of such a pact might react profoundly on the relations of the most important European countries, might directly or indirectly influence conditions in Central Europe, and constitute a first step towards the conclusion of one or two similar pacts in the other parts of Europe.

Regional pacts must obviously be based on the Covenant, and must even be designed to facilitate and strengthen the enforcement of the Covenant. It is also obvious that miraculous results cannot be anticipated from diplomatic instruments of this kind alone, unless these instruments correspond to genuine political realities. None the less they must, according to circumstances, be regarded as important steps towards the definite establishment of peace.

On striking a balance between the whole of the debt and the whole of the credit items in the present general situation, I thus find that the result is not discouraging for the League. There are doubtless many destructive forces at present at work in the public life of the world and they are acting with extraordinary violence and energy. They are, however, being opposed and neutralised by positive and beneficent forces and tendencies which are no less energetic and effective. The first and most important of these vital forces is the League of Nations itself, the efforts it is making, and the ties it has established between the nations — ties which cannot merely and simply be destroyed. We must frankly admit that in some cases the League is not strong enough to prevent errors or misfortunes, but it nevertheless remains an indestructible force and an insurmountable barrier to the powers of darkness.

In recording this conclusion, which is in the main encouraging and holds out hope for a favourable and steady if slow development in the future, I have certainly no wish to harbour illusions or to offer you a kind of *interested* optimism, the fleeting and deceitful reflection of personal wishes entirely divorced from any political and social reality. I wish to remain in touch with actual facts that can be constantly checked and verified in our daily experience. On the other hand I am strongly opposed to any kind of *interested* pessimism, which in general pursues aims that are personal, special and sometimes unavowable, and which are therefore opposed to the general interest.

I am aware that certain circles from time to time express a fear that war will break out. Some even think that war is perhaps in the air and is looming immediately over our heads. When I reflect again on what I have just stated and the experience we have gained since the last war, I believe that, even if these fears can to some extent be explained by the present situation, it is none the less true that war is in no sense to-day an ineluctable fatality, that responsible men and those who guide the world to-day now possess, to a greater extent than ever before, appropriate means to prevent it, that it is more than ever necessary to proclaim to the world that the responsibility for a war falls on the men who are responsible in their respective countries, and that we must have the courage to say so unhesitatingly, and ruthlessly insist on that responsibility.

We are also aware that the present state of the world in general, as I pointed out in my opening observations, is far from satisfactory. The severity of the economic depression has, it is true, slightly diminished, though this is more noticeable in the national economic activity of the various countries than in international trade. We are

also aware that this is a period of internal political, economic and social upheavals in a large number of States, that this period will in all probability be a protracted one, and that, consequently, perhaps the entire present generation is condemned to witness a long, sad and painful struggle for the slow and progressive reconstruction of the present-day economic, social and political system. Abnormal international relations are the inevitable consequence of this abnormal state of affairs.

As regards the entire post-war situation, including what is known as the League crisis, a careful study of history shows us that mankind has already, and repeatedly, gone through similar experiences before. After great catastrophes—let us look, for example, at the condition and the evolution of Europe after the Napoleonic wars and the Congress of Vienna—there was first of all a period rich in idealist experiments and altruistic aspirations, the object of which was the establishment of a universal, lasting and guaranteed peace. But immediately those who felt themselves injured by the catastrophe had regained some of their lost strength, a period of discontent, disturbances, revolts and general confusion returned. The society of that time then passed through a period of discouragement, lassitude and exhaustion. It was not until the psychological moment came that the constructive forces still remaining perceived the abyss into which they were slipping, summoned up their energies and resumed the forward march. Then society moved slowly, painfully and gradually towards more normal conditions, perhaps with less enthusiasm but with greater prudence and sobriety and a truer sense of realities.

If I am not mistaken we may perhaps, as regards the general political position and the evolution of the League itself in the next few years, be about to enter on this third period. We shall then doubtless be better able to appreciate how fortunate it was that the League existed in that troubled time. We should, however, be greatly mistaken if we failed to see that we are still beset with the gravest difficulties and dangers. Nevertheless we might successfully enter on this more fortunate period if we are fully conscious of the present state of affairs, if we are firmly resolved to prevent war by means appropriate to the present critical and disturbed time, and if we are prepared to sustain in every way all the positive and constructive forces that are available around us, and some of which I indicated to you a moment ago.

Thus my commentary on the League's activities and the general political situation is not discouraging on the whole. In my observations, I neither defend nor criticise our organisation. I have merely endeavoured to lay before you a balance-sheet. This fifteenth session of the Assembly will perhaps be called upon to take extremely important decisions and thus to initiate a new period in our work. I have, therefore, sought to represent the situation as it is and to indicate our path for the future. Above all, I want you to find in my words an absolutely unshakable trust in a better future, an unflinching faith in the strength and practical effectiveness of our principles, our ideals and our institutions, and, finally, an absolutely indestructible conviction that our fate is in our own hands, that we have the means, if we so desire, of emerging from the present crisis, of safeguarding peace and of overcoming all difficulties and thus continually crushing all the evil and destructive forces that might be in a position or might wish to disturb it.

In that spirit, I declare the fifteenth session of the Assembly of the League of Nations open.

(The Assembly adjourned from 11.20 a.m. to 12.15 p.m.)

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

The Chairman :

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

I call upon the Chairman of the Committee, M. Bado, to read his report.

M. Bado (Uruguay), Chairman and Rapporteur of the Committee on Credentials :

Translation : The Committee appointed by the Assembly to report on the credentials of delegates met to-day, September 10th, 1934, at 11 a.m., in the President's office. I was elected Chairman and was entrusted with the duty of drawing up the report.

The Committee examined all the documents submitted to it by the Secretary-General. It found that the following States Members are duly represented by delegates in possession of full powers accorded to them by the heads of their respective States or powers or credentials conferred by the competent authorities of their States :

Albania, Australia, Austria, Belgium, Bolivia, United Kingdom, Chile, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Guatemala, Hungary, India, Irish Free State, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Poland, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

The Committee also found that the following States Members have accredited their delegates either by a letter or telegram from the Minister for Foreign Affairs or else from permanent delegates accredited to the League of Nations, or from other authorities :

Abyssinia, Union of South Africa, Argentine Republic, Bulgaria, Canada, China, Colombia, Cuba, Dominican Republic, Haiti, Iraq, Italy, Mexico, New Zealand, Nicaragua, Paraguay, Persia, Peru, Portugal, Roumania, Siam, Turkey.

Although several delegations have not strictly adhered to paragraph 2 of Article 5 of the Rules of Procedure of the Assembly, whereby each representative is required to present his credentials to the Secretary-General, the Committee considers that the delegates of the above-mentioned States are duly accredited to take part in the work of the fifteenth ordinary session of the Assembly of the League.

I venture, however, to draw attention to the recommendation contained in the report of the Committee on Credentials adopted by the Assembly in 1933, in which it expressed the hope that in future delegates would present full powers in good and due form.

The following States Members have not yet submitted documents accrediting delegates to the Assembly :

Germany, Honduras, Japan, Salvador.

The Chairman :

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

Does anyone wish to speak on the conclusions of the report ?

M. Cantilo (Argentine Republic) :

Translation : Mr. President. — I should like to rectify a slight and obviously unintentional error which has crept into the report. The delegation

of the Argentine Republic was accredited by credentials from the President of the Argentine Republic, which were communicated by a telegram submitted to the Assembly.

The Chairman :

Translation : I note the statement of M. Cantilo, delegate of the Argentine Republic.

If there are no other observations, I shall regard the report as adopted.

The report was adopted.

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

The Chairman :

Translation : The next item on the agenda is the election of the President of the fifteenth ordinary session of the Assembly. In conformity with the Rules of Procedure, voting will be by secret ballot.

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

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

The Chairman :

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

The result of the voting is as follows :

Number of States voting . . .	52
Valid votes	51
Blank voting paper	1
Absolute majority	26

M. Sandler, first delegate of Sweden, obtained 49 votes.

I have the honour, therefore, in accordance with the Rules of Procedure, to declare that M. Sandler, delegate of Sweden, is elected President of the Assembly.

I do not intend to make a speech setting forth the qualifications and merits of our new President. You chose him on account of them. I must, however, mention the fact that M. Sandler has taken an active part in the work of international organisations, the Disarmament Conference and the League of Nations itself.

I congratulate M. Sandler on behalf of you all and call upon him to take the Chair as President of the Assembly.

(M. Sandler took the Presidential Chair.)

6. — PRESIDENTIAL ADDRESS.

The President :

Translation : I accept the results of the voting with all the respect due to this Assembly. I am sure you will forgive me for not producing from my pocket a ready-made speech. But I should like to express my profound gratitude to you for having elected me. The honour is an honour paid to my country ; I can only ask you to credit me with some slight experience, for what that is worth. I must therefore count on your indulgence and kind assistance in the accomplishment of the important task entrusted to me by this Assembly.

I will do my best. Let us now pass to the agenda.

7. — AGENDA : EXAMINATION AND ADOPTION.

The President :

Translation : In accordance with precedent, I have just approved a note which will be communicated to the delegations. Its object is to

give some idea of the proposals which I intend to submit to them with regard to the various questions on the agenda of the present session.

Since the members of the Assembly have before them the note which has been circulated, I will ask them to take a decision on the first question on that list — namely, the adoption of the agenda of the session (document A.2(1).1934) (Annex 1).

In view of the procedure followed by my predecessors in 1932 and 1933, and for the same reasons, I propose that the Assembly refer to its next session Item 4 on its agenda — namely, "Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris". This question was referred to a special Committee composed of the representatives of all the Members of the League. Since the last session of the Assembly, the Council, as the Assembly will have ascertained from perusing the annual report on the work of the League, has also communicated to the Committee the Treaty of Non-Aggression and Conciliation concluded, on the initiative of the Argentine Government, at Rio de Janeiro on October 10th, 1933. This Act, which is of very great importance and was signed by a number of States, has the same general aims as the Covenant and as the Pact of Paris.

On account of the relationship between the work of the Committee and certain aspects of the work of the Disarmament Conference, it has not been possible to convene the Committee. The Assembly is therefore unable to deal with the important questions referred to this Committee. The adjournment proposed will, of course, in no way affect the arrangements made to convene the Committee at a suitable moment.

In the circumstances, if the Assembly shares the views I have submitted to it, it will decide without further formality to refer this question to the next ordinary session.

In order to shorten the procedure, and unless any delegation asks for a division, I will now request the Assembly to decide *en bloc* on the whole of the questions appearing in the agenda — that is to say, those enumerated in document A.2(1).1934. Nos. 1-21, with the exception naturally of the question withdrawn.

To this must be added the supplementary list of items. There is only one question of this kind indicated in document A.2(1).1934 — namely, the proposal of the Council relating to League Committees, Item 22.

If there is no objection, I shall regard the agenda of the fifteenth ordinary session of the Assembly, as thus proposed, as adopted.

The agenda, as amended, was adopted.

8. — DISPUTE BETWEEN BOLIVIA AND PARAGUAY: APPEAL OF THE BOLIVIAN GOVERNMENT UNDER ARTICLE 15 OF THE COVENANT: INCLUSION OF THIS QUESTION IN THE AGENDA ON THE BASIS OF THE COUNCIL RESOLUTION OF SEPTEMBER 7th, 1934.

The President :

Translation : The delegations will have read document A.23.1934.VII, in which the Secretary-General communicated to the Assembly the resolution adopted by the Council on September 7th, 1934, concerning the dispute between Bolivia and Paraguay. The resolution reads as follows :

" I. The Council,

" In view of the report of the Committee, dated June 14th, 1934 (document C.263.M.112.1934. VII) ;

" Seeing that the request of the Bolivian Government, under the provisions of paragraph

9 of Article 15 of the Covenant, that the dispute between Bolivia and Paraguay be referred to the Assembly was made within the period of fourteen days provided for in the said paragraph :

“ Decides that the said dispute is referred to the Assembly, in accordance with Article 15, paragraph 9, of the Covenant.

“ II. The duties which the Council may have to fulfil in accordance with the Covenant remain unaffected by the present decision. ”

The dispute between Bolivia and Paraguay is thus referred to the Assembly on the basis of a request from the Bolivian Government, under Article 15, paragraph 9, of the Covenant.

In accordance with this Council resolution, the Assembly is thus called upon to add this question to those already on the agenda of the present session.

If there are no observations, this will be taken as agreed.

Agreed.

9. — CONSTITUTION OF THE COMMITTEES.

The President :

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

The procedure established at previous Assemblies used to be to set up six Committees ; but, for reasons of expediency, the Presidents of the thirteenth and fourteenth sessions of the Assembly proposed that only five should be formed. The circumstances which gave rise to these decisions exist to-day.

The Conference for the Reduction and Limitation of Armaments suspended its work in circumstances which must necessarily lead the Assembly to consider it preferable again this year not to ask one of its Committees to discuss the same subjects as those still before the Conference.

I therefore propose to the Assembly, as was done at the last two sessions, to suspend the constitution of the Third Committee, on the understanding that, if it subsequently proves desirable to constitute this Committee, I shall immediately lay proposals to that effect before the Assembly.

Thus, if there is no objection, I propose that the Assembly should immediately set up five committees, which will keep the same numbering with reference to their work as at previous sessions — the first to deal with constitutional and legal questions ; the second, with the work of the technical organisations ; the fourth, with the organisation of the Secretariat and of the League's finances ; the fifth, with social and humanitarian questions ; and the sixth, with political questions.

In order to depart as little as possible from the procedure adopted at previous sessions, I propose that the Assembly should arrange for the meetings of the Committees to alternate as follows : the First, Second and Sixth Committees would meet at the same time, and so would the Fourth and Fifth Committees.

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

The President's proposals were adopted.

The President :

Translation : The delegations have doubtless already been requested to send to the Secretariat the forms on which they have entered the names of their representatives and substitutes on each Committee. The lists of members of Committees will be drawn up as quickly as possible, and the Committees will meet in this hall this afternoon to elect their respective Chairmen.

10. — AGENDA COMMITTEE : APPOINTMENT.

The President :

Translation : The next item on the agenda is the constitution of the Agenda Committee. Following the practice of my predecessors, I propose that a small Committee of seven members be set up to formulate proposals for the procedure to be followed as regards the placing of new questions on the Assembly's agenda.

If the Assembly is agreed, and if no delegation desires to suggest names for this Committee, I will, in accordance with precedent, venture to propose a list of names as follows :

Mr. W. E. BECKETT (United Kingdom) ;
M. C. MAYARD (Haiti) ;
M. R. KÜNZL-JIZERSKÝ (Czechoslovakia) ;
Mr. J. HEARNE (Irish Free State) ;
Count PIOLA CASELLI (Italy) ;
M. S. LOZORAITIS (Lithuania) ;
M. C. GORGÉ (Switzerland).

The proposed list was adopted.

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

The President :

Translation : At its last seven sessions, the Assembly has decided that the Chairman of the Agenda Committee should sit as a member of the General Committee of the Assembly, together with the Chairmen of the ordinary Committees of the Assembly, and the six Vice-Presidents elected by it.

I would ask the Assembly whether it agrees, in accordance with precedent, that the Chairman of the Agenda Committee should, at the present session, also sit as a member of the General Committee of the Assembly.

The President's proposal was adopted.

12. — APPOINTMENT OF THE CHAIRMAN OF THE CREDENTIALS COMMITTEE AS A MEMBER OF THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : The Assembly expressed the opinion during its last session that, as the result of the absence of the Chairman of the Third Committee, it would be well, in order to maintain the number of members of the General Committee, to call on the Chairman of the Credentials Committee, as an exceptional measure, to serve on the General Committee. The circumstances which led to the President's proposal last year are the same this year, and I would therefore suggest to the Assembly that it should act on the precedent established, while pointing out that its decision is of an exceptional nature and is taken for reasons of expediency.

Consequently, I propose that the Assembly should invite M. Bado, who has already been elected Chairman of the Credentials Committee, to sit on the General Committee of the Assembly as soon as it is constituted.

The President's proposal was adopted.

13. — ELECTION OF THE CHAIRMEN OF COMMITTEES: COMMUNICATION BY THE PRESIDENT.

The President :

Translation : I would like to remind the delegations of the programme of work for this afternoon. The Committees will meet successively at intervals of twenty minutes, in this hall, to elect their Chairmen :

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

SECOND PLENARY MEETING

Monday, September 10th, 1934, at 5.30 p.m.

CONTENTS :

14. ANNOUNCEMENT OF THE NAMES OF THE CHAIRMEN OF COMMITTEES.
15. ELECTION OF SIX VICE-PRESIDENTS OF THE ASSEMBLY.
16. COMPOSITION OF THE GENERAL COMMITTEE OF THE ASSEMBLY.
17. AGENDA : DISTRIBUTION OF ITEMS AMONG THE COMMITTEES.
18. REQUESTS BY CHINA AND SPAIN FOR RE-ELIGIBILITY FOR ELECTION TO THE COUNCIL.
19. PROTECTION OF MINORITIES.
Draft Resolution submitted by the Hungarian Delegation.
20. MANDATES.
Draft Resolution submitted by the Norwegian Delegation.

President : M. R. J. SANDLER.

14. — ANNOUNCEMENT OF THE NAMES OF THE CHAIRMEN OF COMMITTEES.

The President :

Translation : In pursuance of the programme which I submitted to the Assembly this morning, and which it approved, the five Committees and the Agenda Committee met in turn this afternoon and elected their Chairmen.

The results of those elections were as follows :

Committee	Chairman
First ..	Count RACZYŃSKI (Poland) ;
Second.	Mr. BENNETT (Canada) ;
Fourth.	Count CARTON DE WIART (Belgium) ;
Fifth ..	M. LEVILLIER (Argentine) ;
Sixth ..	M. DE MADARIAGA (Spain).

The Agenda Committee has elected as its Chairman M. LOZORAITIS (Lithuania).

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

The President :

Translation : In application of Rule 7, paragraph 1, of the Rules of Procedure of the Assembly, the next item on the agenda will be the election of the six Vice-Presidents of the Assembly.

At its meeting on September 30th, 1933 (fourteenth session), the Assembly, on the proposal of its General Committee, adopted for future sessions the following rule, with a view to facilitating the voting of the delegations :

“ When proceeding to the election of the Vice-Presidents of the Assembly, in application of Rule 7, paragraphs 1 and 4, of the Rules of Procedure, the voting papers should not bear the names of individuals but should be marked ‘ the first delegate ’ of such and such a country.”

Further, under Rule 21, paragraph 3, of the Rules of Procedure, this election must take place by voting a list of names.

I call upon Count Raczyński, Chairman of the First Committee, and M. de Madariaga, Chairman of the Sixth Committee, to be good enough to act as tellers.

I would remind the Assembly that the voting-papers must contain, not the names of persons, but the words “ the first delegate ” of such and such a country.

As there are six seats to be filled, the voting papers, to be valid, must not mention more than six delegations.

In the absence of M. de Madariaga, Chairman of the Sixth Committee, I will ask Count Carton de Wiart, Chairman of the Fourth Committee, to be good enough to act as teller.

The vote will now be taken.

The President :

Translation : The result of the ballot is as follows :

Number of States voting	50
Blank voting papers	6
Voting papers valid	44
Absolute majority	23

The analysis of the voting is as follows :

The first delegate of the United Kingdom	42
The first delegate of Italy	42
The first delegate of France	41
The first delegate of Austria	38
The first delegate of India	35
The first delegate of Yugoslavia	31

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

I wish on behalf of the Assembly to thank the Chairmen of the First and Fourth Committees for their kind assistance in acting as tellers.

16. — COMPOSITION OF THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : The General Committee of the Assembly is therefore composed as follows :

Vice-Presidents of the Assembly :

The first delegates of the United Kingdom, Italy, France, Austria, India and Yugoslavia.

Chairmen of the five Committees of the Assembly :

First Committee : Count RACZYŃSKI (Poland);

Second Committee : Mr. BENNETT (Canada);

Fourth Committee : Count CARTON DE WIART (Belgium);

Fifth Committee : M. LEVILLIER (Argentine);

Sixth Committee : M. DE MADARIAGA (Spain).

Chairman of the Agenda Committee :

M. LOZORAITIS (Lithuania).

Chairman of the Credentials Committee :

Dr. BADO (Uruguay).

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

The President :

Translation : The Assembly has now to decide on the distribution of the items on the agenda among the Committees set up at this morning's meeting.

The members of the Assembly have already had an opportunity of seeing, in the note communicated to them, the proposals I intend to make in this matter.

The various items might be distributed as follows :

Second Committee : Items 5, 16, 17 and 18 ;

Fourth Committee : Items 7, 10, 11, 12, 13, 14 and 15 ;

Fifth Committee : Items 19 and 20 ;

Sixth Committee : Items 6, 9 and 21.

I must draw the attention of the members of the Assembly to the fact that, contrary to what I intimated in the note communicated to them, Item 5 (Co-operation of the Press in the Organisation of Peace) is referred to the Second Committee instead of the Sixth, the latter's agenda being too heavy.

The President's proposals were adopted.

The President :

Translation : After reading to the Assembly this morning the Council resolution referring the dispute between Bolivia and Paraguay to the Assembly, I stated that I would submit later suggestions as to the procedure to be followed. I therefore propose that this question be referred to the Sixth Committee, which is examining political questions.

If there are no observations, it will be so decided.

The President's proposal was adopted.

The President :

Translation : There are two items on the agenda of the session which I have not proposed to refer to a Committee and which I suggest should first be referred to the General Committee for proposals as to the procedure to be followed. These items are :

Commission of Enquiry for European Union (Item 8).

League Committees (Item 22).

There are precedents for this procedure. At its last session, in similar circumstances, the Assembly referred to its General Committee, for a preliminary examination, the question of the Commission of Enquiry for European Union, and it will no doubt think fit to adopt the same procedure this year.

The question of League Committees forms the subject of an extremely detailed report by the Secretary-General (document C.287.M.125.1934), which will necessitate careful examination before the adoption of any procedure for giving effect to it.

In these circumstances I think that consultation of the General Committee is also calculated to facilitate any subsequent decisions which the Assembly may be called upon to take.

If there are no observations, these two questions will be submitted to the General Committee.

The President's proposals were adopted.

The President :

Translation : Item 3 of the agenda is the election of three non-permanent Members of the Council.

In accordance with a rule followed by the Assembly for several years, this election will take place on the Monday following the date of the opening of the session. Consequently, the election will take place on September 17th, at the afternoon meeting.

18. — REQUESTS BY CHINA AND SPAIN FOR RE-ELIGIBILITY FOR ELECTION TO THE COUNCIL.

The President :

Translation : I have received the following letter, dated September 7th, 1934, from the Chinese delegation :

"In accordance with the resolution making Rules dealing with the election of the nine non-permanent Members of the Council, their term of office, and the conditions of re-eligibility, adopted by the Assembly on September 15th, 1926, I have the honour to ask you to be good enough to submit to the Assembly the request of my Government that China be declared re-eligible.

(Signed) Quo Tai-Chi,

"First Delegate of China to the Fifteenth Assembly of the League of Nations."

I have also received the following letter, dated September 10th, 1934, from the Spanish delegation :

"In accordance with the Rules for the election of the non-permanent Members of the Council, adopted by the Assembly on September 15th, 1926, and particularly of Rule II, I have the honour to submit to the Assembly, through you, my Government's wish to continue to serve as a Member of the Council, and to request it to proceed to a vote on my country's re-eligibility, which, according to the above-mentioned Rules, must precede the election.

(Signed) S. DE MADARIAGA,

"First Delegate of Spain."

These two letters will be printed and circulated to the delegations.

The Assembly has before it two requests for re-eligibility, drawn up in accordance with the provisions of the Assembly resolution of September 15th, 1926, making rules dealing with the election of the nine non-permanent Members of the Council, their term of office, and the conditions of re-eligibility.

Paragraph 3 of Rule II of the resolution provides that the Assembly may not decide upon the re-eligibility of a State, except upon a request in writing made by the State itself. The request must be handed to the President of the Assembly not later than the day before the date fixed for the election; it shall be submitted to the Assembly, which shall pronounce upon it without referring it to a Committee, and without debate.

The requests of the Chinese and Spanish Governments having been submitted in the form prescribed in the 1926 Rules, the Assembly will have to vote upon them at the meeting to be held on Monday, September 17th, the day fixed for the election of non-permanent Members of the Council, without reference to a Committee, and without debate.

19. — PROTECTION OF MINORITIES: DRAFT RESOLUTION SUBMITTED BY THE HUNGARIAN DELEGATION.

The President :

Translation : The Hungarian delegation, in a letter, dated September 8th, 1934, has requested me, in accordance with precedent, to submit the following draft resolution to the Assembly :

“ The part of the report on the work of the League of Nations since the fourteenth session of the Assembly (pages 38 to 45) dealing with the question of the protection of minorities is

referred, in accordance with the practice of previous years, to the Sixth Committee.”

The draft resolution will be printed and communicated to the delegations. I shall in due course make suggestions as to the procedure to be followed.

20. — MANDATES : DRAFT RESOLUTION SUBMITTED BY THE NORWEGIAN DELEGATION.

The President :

Translation : The Norwegian delegation, in a letter dated September 10th, 1934, has requested me, in accordance with precedent, to submit the following draft resolution to the Assembly :

“ The Assembly,

“ Following the precedents already established for several years :

“ Decides to refer to the Sixth Committee the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and all other documents dealing with the question of mandates which have been distributed to the Members of the League since the last session of the Assembly.”

The draft resolution will be printed and distributed, and I shall in due course make proposals concerning the procedure to be followed.

THIRD PLENARY MEETING

Wednesday, September 12th, 1934, at 4 p.m.

CONTENTS :

21. CREDENTIALS OF DELEGATES.
Second Report of the Committee on Credentials.
22. PROTECTION OF MINORITIES : MANDATES.
Adoption of the Draft Resolutions submitted by the Delegations of Hungary and Norway.
23. TRIBUTE TO THE MEMORY OF M. DOLLFUSS AND OF M. SCIALOJA.
24. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY.
Opening of the General Discussion.
Speeches by M. Cantilo (Argentine Republic), M. Schuschnigg (Austria), Mr. de Valera (Irish Free State).

President : M. R. J. SANDLER.

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

The President :

Translation : Before passing to the agenda, I call upon M. Bado, delegate of Uruguay and Chairman of the Credentials Committee, who has a communication to make to the Assembly on behalf of that Committee, to speak.

M. Bado (Uruguay), Chairman and Rapporteur of the Committee on Credentials :

Translation : The Committee entrusted by the Assembly with the duty of verifying the credentials of the delegates met again to-day to examine the

documents accrediting the representative of the Republic of Honduras to the present session of the Assembly.

The Secretary-General of the League of Nations submitted to the Committee a telegram dated September 10th, 1934, from the Minister for Foreign Affairs of the Republic of Honduras, stating that the Government of the Republic had appointed as its delegate to the present session of the Assembly M. Alfonso Bauer, Chargé d'Affaires of the Consulate-General of Honduras in Switzerland.

After examining this telegram, the Committee considers that it should be regarded as a credential, within the meaning of Rule 5, paragraph 2, of the Rules of Procedure of the Assembly, and that the delegate of the Republic of Honduras is duly accredited to take part in the work of the Assembly.

The President :

Translation : I beg to thank M. Bado for his report submitted on behalf of the Committee on Credentials, of which the Assembly takes note.

The conclusions of the report were adopted.

22. — PROTECTION OF MINORITIES : MANDATES : ADOPTION OF THE DRAFT RESOLUTIONS SUBMITTED BY THE HUNGARIAN AND NORWEGIAN DELEGATIONS.

The President :

Translation : The Assembly will recall the draft resolutions submitted to it at the last meeting by the delegations of Hungary and of Norway.

The draft resolution submitted by the Hungarian delegation suggests that the part of the report on the work of the League of Nations since the fourteenth session of the Assembly dealing with the protection of minorities should be referred to the Sixth Committee.

The draft resolution submitted by the Norwegian delegation suggests that the reports and other documents relating to mandates should be referred to the Sixth Committee.

In accordance with precedent, I propose that the Assembly adopt immediately these two draft resolutions and decide without further formality to refer the documents and parts of documents in question to the Sixth Committee.

The President's proposals were adopted.

23. — TRIBUTE TO THE MEMORY OF M. DOLLFUSS AND OF M. SCIALOJA.

The President :

Translation : His Excellency M. Motta, first delegate of Switzerland, will address the Assembly.

M. Motta (Switzerland) :

Translation : I desire, on behalf of the Swiss delegation, to pay a tribute to the memory of Chancellor Dollfuss, who fell a victim to a dastardly attack on July 25th at Vienna in the exercise of his duties.

He took part in the work of our last Assembly, and I can still see his smile — the smile of a sincere and strong man. He won all our hearts by his high intellectual qualities and his virile character.

He had set himself a lofty ideal — the maintenance and defence of the integrity and autonomy of his country and for that ideal he paid with his life. He had no doubt realised that death threatened him, but he looked it in the face and, as a devout man and a patriot, accepted it without flinching.

All honour to the martyr in so noble a cause ! Everyone, irrespective of opinions, beliefs or party — even those against whom he fought — must pay tribute to the man who was prepared to sacrifice even his life for his principles.

May such a sacrifice, moving and glorious as it is, henceforth prove a guarantee of order and peace in Austria, and may it help Chancellor Dollfuss's successor, whom we respectfully welcome here, to achieve his mission and lead his country to prosperity in independence !

I should not like to leave this platform without evoking the memory of another great and fine figure, who was a master of law and a true inheritor of the Roman tradition. You have already divined whom I mean — Vittorio Scialoja.

I can see him too, with his fine face and piercing eyes, and I can still hear the sparkling, incisive, subtle words he would utter. When we looked at him, we could not help thinking of those jurists of ancient Rome, of Ulpian and Papinian, who achieved a place among the immortals by virtue of their gems of the intellect.

He has left to us as his testament the series of speeches he delivered here. In that volume are to be found the most solid arguments in favour of that diplomatic collaboration of which the League of Nations is the expression, and those who can hear souls speaking through books know that the voice of this noble son of Italy was and remains, in spite of its occasional scepticism, one of the great voices of idealism.

Vittorio Scialoja will not have spoken and acted in vain ; we will remain faithful to the institution which he constantly defended.

The President :

Translation : His Excellency M. Pflügl, delegate of Austria, will address the Assembly.

M. Pflügl (Austria) :

Translation : The Austrian delegation, which has been very much touched by the tribute just paid to the memory of our deceased Chancellor, by whom it had the honour to be led at the last Assembly, desires to express its sincere gratitude.

The words spoken in this Assembly will find an echo in our country, which will be very deeply touched by the tribute paid by the eminent representative of the Swiss Confederation, a neighbouring country and, like our own, a mountainous one, with which we have so many affinities and points of contact in our common love of liberty.

The Head of our Government will have the honour of thanking the Assembly, and M. Motta in particular, on behalf of the country which is now, as we are, thinking of M. Dollfuss, a stalwart and loyal fellow-worker in the cause of the League, and the founder of the new Austria.

The President :

Translation : His Excellency Baron Aloisi, first delegate of Italy, will address the Assembly.

Baron Aloisi (Italy) :

Translation : I should like to express to the eminent head of the Swiss delegation the most sincere thanks and the gratitude of the Italian delegation for the tribute he has just paid to the memory of Vittorio Scialoja.

It is with feelings of deep emotion that the Italian delegation listened to the touching picture drawn of the eminent man whose loss Italy deploras.

He devoted all his powers to scientific work, which is in itself one of the most typical and fruitful forms of international collaboration. His work was all the more fruitful in that it consisted of the study of one of the essential bases of European civilisation — Roman law. Vittorio Scialoja revived the study in our country of this law — the tenets and principles of which have been universally applied for a thousand years — by imbuing methods of research and interpretation with a wide understanding of its historic value and of its human elements.

To the highest and most varied public duties, as senator, minister and representative of our country at international meetings, Scialoja, thanks to his intellectual training, always brought profound wisdom and a wide experience of human feelings and events.

It is thus with the greatest satisfaction that we note that, in the League of Nations where he worked, collaborating in the original drafting of the Covenant and devotedly participating in the work of the League over a period of ten years, he has left a memory which does honour, not only to himself, but to the country of which he was one of the most illustrious sons.

Allow me also to associate myself with the tribute paid by my Swiss colleague to Chancellor Dollfuss, who died in such tragic circumstances, and of whom the Italian people will always cherish an imperishable memory.

The President :

Translation : I feel sure I am interpreting the feelings of the whole Assembly in associating myself with the tributes just paid to two of our colleagues who have gone from us since our last session — the eminent Italian jurist and statesman, Vittorio Scialoja, and the Austrian Chancellor, Dollfuss. I would ask you, ladies and gentlemen, to stand in token of respect for their memory.

(The Assembly stood as a sign of mourning.)

24. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY: OPENING OF THE GENERAL DISCUSSION.

The President :

Translation : I will now open the general discussion on the report on the work of the League of Nations since its last session (documents A.6. and A.6(a).1934).

His Excellency M. Cantilo, first delegate of the Argentine Republic, will address the Assembly.

M. Cantilo (Argentine Republic) :

Translation : In addressing you on behalf of the Argentine delegation, I desire at once to express the sentiments with which my Government associates itself with your work, and I should like the first words of my speech to be an expression of our high appreciation, addressed to the States Members of the League, to the League itself and to the ideal of international co-operation for which it stands.

These are not mere expressions of empty courtesy ; they are for us Argentinians the affirmation of a faith and a policy which we have never failed to maintain and of which we intend to remain the faithful and convinced protagonists.

Situated as we are at the southern extremity of the American continent, far from Europe, we feel we have close affinities of all kinds with our brothers of the New World ; but the strength of this attachment has never had the effect of limiting our horizon or weakened the innumerable close links that bind us to Europe and to the other members of the international community. Opposed as we are to every limited American organisation of a political nature, as was made clear at the Conferences of Rio de Janeiro and Montevideo, where our present Minister for Foreign Affairs set forth the policy of the Argentine Republic, we have always interpreted in the widest sense the American ideal of friendship with all nations, and have never accepted the existence of an exclusively American international law.

In other words, the principle underlying the League of Nations, the principle that has brought us together here for a work of peace and *rapprochement* between nations and Governments, is in full accord with the trend of our traditions and the character of our policy.

It is none the less true, however, that we have our particular point of view by reason of our geographical position and our history, and this explains the broad and frank sentiments I expressed at the beginning of my speech. In our continent, we have no conflicts of race or of religion ; no discordant memories. We do not suffer from the constant need for balance and counter-balance, and we have always preferred to seek our security in arbitration. Although, unfortunately, disputes still arise in the New World, they are family quarrels about our immense but ill-defined heritage. We can be certain that, once peace has been established, there will no longer be any gulfs between the nations.

That is why the League of Nations, whose birth recalls the memory of a great American President, caused such lively interest and awoke such great hopes in our part of the New World. Therefore — why deny it? — in our country, more than elsewhere perhaps, public opinion fell into a kind of indifference born of disappointment when the first flush of hope faded away and the slow and halting nature of the advance towards co-operation and peace, which still seems to hesitate in spite of the League, began to be realised.

It is sufficient to read the Secretary-General's report to appreciate the diversity of the work which is being done, often in semi-obscurity, in

our institution, and everyone who has participated in the League's work has been able to appreciate the spirit of high impartiality in which that work is done, with the collaboration of persons from the most diverse countries. It is, however, in the political field that the results are open to the greatest discussion and are, in fact, most discussed. Nevertheless, there again, while admitting the inadequacy of the results achieved, it may be asked whether the League is not of great value even when it fails, and whether the taking up of difficult tasks again and again does not, thanks to the contacts between men and ideas and even passions, produce a kind of friction which gradually and without violence smooths off the corners of the roughest problems.

Moreover, our institution cannot be blamed for the poor results sometimes achieved. As M. Beneš said in his opening speech, the League is what it is made by its component parts, and, if anyone is to be held responsible for its shortcomings or failures, it is not in the body as a whole that such responsibility must be sought, but in the difficulties with which particular Members are faced.

It is to be hoped that, in a world where progress is often halting but never stops, a day will come when there will be no difference between the ideal aspiration and the results actually achieved — in other words, between the letter and the spirit of the League Covenant. It is towards this ideal that the international policy of the Argentine Republic is directed. It is a policy of *rapprochement* with all countries in all spheres where there are mutual interests of a material or moral order to be reconciled.

We have just signed a number of treaties with our great neighbour and friend Brazil. We have also signed treaties with Chile, Switzerland, Italy, the Netherlands, the United Kingdom and Denmark. Others are being negotiated, or are about to be concluded, and shortly an economic conference, convened on the initiative of the Argentine Republic, is to be held at Buenos Aires to speed up this realist policy.

It is the spirit of the League Covenant which is reflected in my Government's patient efforts to put an end to a conflict which for months past has locked our two immediate neighbours, Paraguay and Bolivia, in strife together on the battlefield of the Chaco. This conflict is now in your hands. It is the same spirit which, before the spectacle of this lamentable war, and in the hope of creating a better future, gave rise to the pact of non-aggression and conciliation, conceived and proposed by M. Saavedra Lamas, and signed at Rio de Janeiro. This pact was of a universal character, and many American and European countries have already acceded to it. It develops and supplements the existing legal system for the pacific settlement of international disputes.

I will not take up any more of your time or attention. I have already said enough to make clear the co-operation, modest though it is, which our delegation offers you, and to prove the cordiality and sincerity of the wishes formulated by the Argentine delegation for the success of the League and of the various tasks it has set itself — tasks to which the Secretary-General's soberly and concisely worded report bears such convincing witness.

The President :

Translation : His Excellency Dr. Schuschnigg, delegate of Austria, will address the Assembly.

Dr. Schuschnigg (Austria) :

Translation : When, just a year ago, Engelbert Dollfuss, my predecessor at the Federal Chancellery, spoke from this platform in defence of the interests of my native land of Austria, no one could have foreseen that the next Assembly of the League of Nations would provide a setting for an obituary tribute to the memory of that valiant champion of order and peace who has been taken from us so

suddenly and in such tragic circumstances. I take this occasion to thank, on behalf of my country, those who have expressed their condolence and their kind sympathy. The tributes paid in this hall were undoubtedly addressed, first and foremost, to the late representative of Austria in this august Assembly, who has been torn from us by murderous hands. They were addressed to the memory of the great chief and the great reformer of a country which has from the outset placed a high value on its membership of the League; to a man who always tried to promote and support the League's work, based as it is on so lofty an ideal. They were addressed, too, to the fervent Austrian patriot whose great work of reconstruction was followed with such deep interest by the public throughout the world, especially by those concerned with economic problems.

But these tributes were also addressed to the memory of Dollfuss the good European, who never failed to emphasise his country's community of interests, both cultural and economic, with Central Europe and with Europe as a whole. This line of conduct was, moreover, fully consonant with his fervent patriotism and his tireless efforts to preserve the national traditions to which he was bound by the ties of language and origin. As one of a generation that knew and remembered the war and the collapse of the Central Powers that followed it, Dollfuss was certainly not what is termed a pacifist in the ordinary sense of the word, nor was he a mere doctrinaire. But he was a champion, bold and faithful unto death, of the ideal of European peace. As a courageous and eloquent advocate of the vital interests of his country, he defended also those of all other countries. Thus he had personal relations, bearing the impress of sincere friendship, with the authoritative representatives of the other Powers, provided that they were prepared to do justice to his intentions and his aspirations. Austria has lost her son Dollfuss, and she therefore sends you in his place another Austrian, who, using the same arguments and the same language, puts before you the case which his unforgotten predecessor and friend would have advanced had he been able.

I can quite well imagine, indeed, that the grave and manifold anxieties which weigh upon every State at the present time might lead the great ones of the earth to neglect Austria now that she has become a small State, and to regard her henceforward as only a last negligible vestige of a great historical past. Perhaps Austria, with her area of only 73,000 square kilometres and her 6½ million inhabitants, is now regarded as an unimportant factor in international life; but I cannot conceive for a moment that in any genuine policy of peace — and therefore any real policy of recovery which duly applies principles of justice in Central Europe — the burning question of Austria can be ignored.

We are firmly convinced that Austria's importance cannot be determined wholly by the size of her territory or by her population, or by her economic capacity or military potentialities. I still feel that this Austria is a bright flame in the fire of European thought; and she is the meeting-point and the regulator of the great currents that, meeting and merging, pass ceaselessly between East and West and between North and South. Many who are separated by vast distances and by a complete divergence of interests from what is happening in the heart of Europe will perhaps find it hard to understand why Austria should be so constantly under discussion. But no one should overlook the capital fact that, in Europe at all events, there is no country which is not in some degree interested in preventing, as far as possible,

the emergence of points of direct contact which might be sources of conflicts, or in welcoming the existence of a common ground of understanding on which conflicting forces may be balanced.

This is not the time to look back in retrospect and ask whether Austria was really bound to become what she is to-day; but what must be affirmed is that Austria must be maintained as she is now, and that not only in her own interest. It is this elementary truth and nothing else which constitutes the fundamental principle of the internal and external independence of Austria. The Government of Dollfuss's successor is firmly resolved to abide by that principle. It considers that it has a sacred duty to define and defend that independence and to do all in its power to secure respect for it. By so doing, the Federal Government feels that it is contributing much towards the proper development and progressive consolidation of Austria, not merely as a safeguard of Austria's true interests, but also in practical application of that great ideal of humanity which finds its finest expression in the work for the protection of European peace.

The question you may ask me is this: Can Austria live on her own resources, and is the internal structure of the country such as to afford a lasting guarantee of order and tranquillity? To put the question is to answer it. Austria can live provided she is allowed to live. She can survive by her own strength and effort even the deepest depressions, provided she is left free to put forth her strength, and provided the Austrian people and their Government are allowed to work in peace. Unfavourable circumstances which have affected all countries, the economic crisis and all its unavoidable consequences, have undoubtedly placed little Austria in a difficult situation. Nevertheless, she has been able to cope with the situation. She might even hold her own if this natural crisis were aggravated by the action of hostile and normally unpredictable forces, provided that the balance of the forces involved is not so far changed as to create a case of *force majeure*. In that event, we should have to see how far the strength shown by Austria and her people is still adequate to safeguard the interests of the country. On the whole, I think I may say that Austria has not only evinced goodwill, but has shown herself capable of coping with even the most difficult situations.

During the current year, Austria has been the scene of important political developments, including the establishment of a new Constitution the value of which can be appreciated only by those who are familiar with the evolution of Austria during the past fifteen years of its new history, from the profoundly disturbed time that has followed the collapse of the old Empire. Hence it would be a great mistake merely to attempt to apply to Austria old, deep-rooted ideas and institutions, in themselves admirable, which have proved their value in other countries that have been spared a catastrophe such as Austria has suffered and are entirely different in their economic, social and political structure.

The Government of the old regime, which was at once constitutional and authoritarian, was superseded without any transition by a purely parliamentary democracy which left no scope for personal initiative and merely maintained its existence by the fluctuating interplay of majorities and consequently by constant endeavours to reach compromises. In theory, the principle of popular government found expression in an electoral system carefully devised for the purpose. From the top to the bottom of the social scale the voters

had equal rights. Consequently, numbers alone mattered, and the sole object was to obtain a majority and the support of the masses. There was no corrective instance such as a second chamber, a senate or a head of the State holding wide powers.

Admittedly this form of Government might have stood the test of experience at a time of peaceful evolution and economic stability. Under the guidance of the late Monsignor Seipel, who more than once spoke from this platform in defence of the vital interests of our country, Austria showed that she could live even under that new Constitution. Nevertheless, political crisis was latent even then. In Austria earlier than elsewhere, there began discussion of the reform of democracy. At first these discussions were indeed purely on theoretical lines and confined to intellectual circles, but they subsequently found a stronger and growing echo, particularly among the younger generation, which was anxious to make its way in the political field and which, rightly or wrongly, considered the new forms of the State likely to hinder its entry to that field. Opposition within the State was not confined to slogans barely concealing the true object — namely, to proclaim a class dictatorship. It went further and proceeded to organise more or less disguised military formations, which it used to add weight to its claims. The inevitable consequence was the spontaneous reaction of the elements which were determined to protect the country against the dictatorial tendencies of an opposition whose leaders so clearly evinced their intention of reaching power at all costs.

These extremist aims and these slogans would not have been unduly dangerous in Austria, because the kindly and conciliatory character of the Austrian people would have triumphed provided the general situation had remained normal. Normal development, however, was precisely what was denied us. The economic depression, which hardly any of the European States escaped, had been prevalent in Austria even before 1930. This phenomenon is not due to the fact that Austria is not viable in herself. The real reason is that the economic reconstruction of the country after the partition of the former great economic unit needed time and could be carried out only with the sympathetic help of other States well disposed towards Austria, and in a calm political atmosphere. Here let me gratefully acknowledge the help that the League of Nations, in accordance with its mission of conciliation, has more than once given Austria in her hour of need, thereby showing a true understanding of the importance of our country. Austria would be making a great mistake, particularly as regards her true national interests, if she were to disregard that fact.

The new Austria, which was not in a position herself to determine her own area, should at least have been put in a position to defend her own territory. Austria to-day is more fully determined than ever to do so. She has proved by strict observance of all her contractual undertakings, no matter what they are, that, despite all the difficulties — and they are far from negligible — she is still a loyal partner on whose entire good faith the other contracting party can count without fail. Austria knows that any treaties she may be asked to conclude are always bilateral in character. She feels also that her interest as a State and as a nation is identical with those of all the States for whom the pacific development of Europe constitutes the fundamental principle of policy.

It is not surprising that the world depression should have struck Austria, which was in the midst of economic reorganisation, more severely than richer States whose economic existence rested upon

older and more solid foundations. The unemployment problem, which, during the last ten years, has been the burning question of internal politics, is sufficient to show that political extremism was really inevitable. In these circumstances, it was realised that the constitutional regime and the political institutions which in normal times might pass muster were inadequate to cope with an acute crisis and had to be reformed. Moreover, Austria had no means of preventing political movements originating beyond her frontiers from having their effect within the country, or external political forces, direct or indirect and of varied kinds, from making themselves felt, sometimes in response to definite appeals, by attempting to influence the solution of Austria's internal political problems. Thus, partisans of extremist political views, national and international, strengthened by moral and material support from outside, engaged in a desperate struggle for power in democratic and parliamentary Austria, whereas the only common-sense course to follow in Austria's real interests was simply to keep Austria alive and prevent a lapse into chaos which, from the Austrian standpoint, would have left neither victor nor vanquished.

The late Chancellor Dollfuss and those working with him, who, conscious of their responsibilities, tried to keep Austria alive at all costs, realised that it was their imperative duty to concentrate their efforts on eliminating disintegrating tendencies of whatever kind and retaining as their sole aim the preservation of Austrian unity. To achieve this object it was necessary to put an end to the quarrels of political parties, their frenzied demagoguery and their ultra-radical slogans. There was, of course, no question of establishing an absolutist regime, which would be alien to the Austrian mind; the aim was simply to seek new forms of political and social organisation assuring respect for the Austrian idea, and bringing about, under a regime of true modern democracy, which does not lose itself in mere formulæ and figures, the participation of the people in public affairs, under the direction of a head who should be personally responsible and therefore authoritarian.

It has been shown that the transition period was only of a provisional character, and, on November 1st of the present year, the entry into force of the co-operative Constitution will mark a great step forward. It would be a mistake to regard this new Constitution as having reactionary tendencies. The new Constitution adopts the fundamental principle of the equality of all citizens before the law, and undertakes to protect individual liberty apart from certain restrictions imposed in the interest of the common weal. The new Constitution also recognises the principle of tolerance. Austria is a country which is largely Catholic. It was therefore natural that the late Chancellor — whose views I fully share — should have referred in this hall to His Holiness Pope Pius XI, whose encyclical "Quadragesimo Anno" has had a profound influence on the framing of the new Constitution. It would, however, be a mistake to infer from that that we have started from a purely confessional basis. All the religions recognised by the Austrian State still enjoy the full protection of the laws and public authorities. This new Constitution is based on social considerations and makes due allowance for political needs; it seems to us calculated to ensure, with the greatest possible rapidity, the peaceful development of the country.

As you are all aware, the reorganisation of Austria has not taken place without regrettable disturbances. Imbued with aims which were anti-

Austrian and therefore dangerous to the very existence of that State, irresponsible elements entered upon armed struggles in February and July last, with the help of illicit arms, the origin of which I will not stop to ascertain. In both cases peace and order had to be restored and secured, not in order to uphold any particular political system but simply to safeguard the very existence of Austria. In both cases a revolutionary minority was faced with the overwhelming majority of the Austrian people, which arose spontaneously against this movement, thereby evincing its sound conception of the true interests of the country. Unfortunately blood had to be shed, and it should be observed that the number of those responsible who had to pay the just penalty in expiation of their crimes was small indeed compared with the number of those who were victims of duty or misled by frenzied propaganda.

It was in July that the Chancellor, who created the new Austria and stood as the symbol of his fatherland, fell a victim to a premeditated and treacherous crime, committed with unparalleled brutality. If Austria had been allowed to continue her work of reconstruction unhampered, and if the right of Austrians to organise their own State in full liberty and independence had been respected on all sides, it would not be I who would be speaking to-day from this platform, but Dollfuss himself. Many lives would certainly have been spared among those who allowed themselves to be led into an attempt to settle political differences by violent means.

But let us not dwell upon the past. In order to understand the cause of the whole development, we must not forget the *via dolorosa* which the new Austria has had to follow since 1919. It would be the greatest mistake to think that the rulers of Austria are inspired with any desire for vengeance upon their internal adversaries of yesterday. The actual punishments inflicted for the crimes committed against the State and the lives and property of citizens never exceeded the limits imposed by the need to maintain order and security within the country.

There is one point, however, which I must ask you to regard as finally settled: political parties, having lost all their significance on account of the special organisation of our State, belong definitely to the past. To look back to the past would be to evince a reactionary spirit, and we are not reactionaries; we are realists enough not to allow ourselves to be wholly dominated by the past. The men who once played a rôle in party politics, and particularly the workers, for whom fresh forms of organisation have already been established or will be so shortly, can of course count on absolute equality of rights, and their practical collaboration will be welcomed in the new Austria. Whatever the ideas of these men may have been in the past, it is enough that now they are rallying to the Austrian idea. Intestinal political strife may possibly be tolerated by States having more solid political foundations, but even in those States it must keep within the bounds set by the need to safeguard the vital interests of the country. Obviously, then, little Austria, engrossed as she is in her task of economic reconstruction, cannot at such a time afford to allow any disintegrating forces whatever to attack the foundations of the State. Consequently there exists a community of interests among all who have at heart the continued existence of Austria, whether it be the overwhelming majority of the Austrian people themselves, who are firmly attached to the national and patriotic ideal, or those for whom Austria forms an important political factor, not, of course, for reasons of political hegemony, but because this conception is a European conception and aims

essentially at the maintenance of European peace in the interests of cultural and economic development.

We are therefore convinced that our true interests definitely run parallel with those of our immediate and our more distant neighbours in Europe. We realise that doubtless every country in the world has reason to murmur at the harsh lessons of the world economic depression. The nervousness and sense of insecurity are indeed largely due to this depression, which has taken the form of a loss of confidence wherever unemployment has assumed serious proportions.

Recourse to a system of autarchy in the economic field was at most calculated to shelve the solution of the most urgent economic problems, but it could not solve them. We should beware of falling again into errors which are now recognised as such. The far-reaching change of economic structure in the national and international field must bring a new equilibrium and result in an increase in international trade. On the other hand, whoever tries to establish a complete autarchy in the economic field will probably fall into greater impoverishment and, sooner or later, sustain increased unemployment.

For these reasons, we have long been endeavouring to extend our range in the economic field and thus secure new markets for our products.

Here I should like to point out that Austria is ready to enter into negotiations with all the States which are prepared to negotiate with her and that she will agree to employ whatever methods may seem desirable to the other contracting party. The negotiations instituted with two neighbouring States have happily led to successful results, thanks to the energetic initiative of the head of the Italian Government, working in close conjunction with my predecessor, Chancellor Dollfuss, and with the Hungarian Prime Minister. Other States which are neighbours of Austria, and several States which have no common frontiers with our country, have signified their goodwill in this matter. In point of fact, Austria is in a not unfavourable situation for such negotiations. She buys much more from abroad than she sells; yet despite the deficit in her trade balance, she is paying her debts and, as regards many States, she is owed far more than she owes. Nevertheless, under the tried leadership of that eminent economist, the late Chancellor Dollfuss, Austria succeeded in making a notable though slow improvement in her economic position. Yet the sense of instability and insecurity still exists in spheres other than the purely economic one and is poisoning the international atmosphere. This mistrust, and the reservations which the State chancelleries make in their relations with each other, are arousing anxiety which, though in itself baseless, nevertheless often engenders hatred between peoples; and there lies the real danger to peace.

The representative of Austria realises that he is speaking on behalf of a country whose territory forms a particularly vulnerable spot for European peace. In opposing to the utmost terrorist outbreaks on the part of fanatics or egoists, or mere irresponsible elements, Austria is not only fighting for her own existence; she realises that she is at the same time defending the true interests of all her neighbours. She is safeguarding the interests of the branch of the German stock which she has sheltered and protected for centuries, and she is in very truth serving the cause of world peace.

The geographical situation and structure of our country have from time immemorial singled it out for one particular task. An Austrian can say without presumption that his country is and has always been an important factor in European civilisation, whatever her constitutional regime may have been. In our view, the mission of a nation

and State cannot be wholly fulfilled within the limited span of a movement, whether it be called a front or party or by some other name. No political form can claim to be absolute or valid for all time or the best for ever. We Austrians are convinced that each generation, if it is to find its right course, must have the courage to follow steadfastly, in all simplicity and without laying any claim to eternity, its age-long mission, whose origins lie in the past. Austria believes that a common culture, uniting the peoples in the true interests of mankind, is a necessary thing. She knows the difficulties that stand in the way of the full and complete realisation of that ideal. But no difficulty, however insurmountable it may appear, must deter us from following this path.

I would therefore ask you to take note of this profession of faith in the lofty ideal of the League of Nations — a profession made by a State which, though small, is conscious of and proud of her traditions. In making this profession of faith before you in the German tongue, which is the speech of my country, I would also ask the States you represent not to refuse Austria their moral support, and above all to accord her the understanding which her situation requires. My country has a reputation for a certain *joie de vivre* which some people describe more or less kindly as Austrian *Gemütlichkeit*, but which is really the expression of an undying optimism. Strong in the strength of that optimism and buoyed up by this deep conviction, I will say in conclusion that the task that devolves upon us all must always be to watch over the preservation of life — that is to say, the maintenance of peace.

Yet our supreme ambition is that the language which, from the city on the Danube, the heart of our fatherland, radiates out in its rich variety of forms expressive of a civilisation that is part of the world's heritage and needs no toilsome study to acquire it — that that language should be appreciated and understood throughout the world. Let us serve the League idea in its ideal conception — that lofty idea which places faith in the conciliatory power of a community of mankind above the mere cares and anxieties of daily life; and after the events of the troublous past, may this sublime ideal find its highest realisation in the erection, in the very heart of Europe, of a *monumentum pacis* which will leave its impress upon the future of the community of mankind.

Long live international collaboration! Long live human civilisation! Long live peace!

The President :

Translation : Mr. de Valera, first delegate of the Irish Free State, will address the Assembly.

Mr. de Valera (Irish Free State). — It was with a feeling of no little anxiety that I ventured to put my name on the list of speakers for this evening. Many of the delegates present will remember that on a former occasion, I availed myself of the indulgence which is usually given to a newcomer to the seat of the League to make some frank comments, and to give expression to the views of the plain people in my own country, as I understood them — views which I believed were largely shared by the plain people of many countries who desired to see peace reign in the world. My remarks were received not unfavourably, in the belief that they were prompted by a sincere desire for the welfare of the League. May I claim the same favourable consideration for the remarks which I am now about to make on an even more delicate subject?

Not a single delegate to the League but must be aware that the dominant issue at this Assembly is the question of the entry of Russia into the League. That was known before we came to Geneva. Since we came here it has been the sole topic of conversation, I might say, between delegates, and it is, in my opinion, in the interests of the League, in view of the suspicions and the distrust which have been aroused, not merely among delegations here but among our peoples at home who receive the Press reports, that this subject should be dealt with frankly and plainly in the Assembly.

I do not want anyone to imagine that I am not fully aware of the difficulties, or that I do not realise that there are many questions which have to become the subject of private negotiations and conversations before a public arrangement can be reached. I fully realise that, but I am convinced that a continuance beyond a certain period of those private negotiations may very well defeat the purpose for which they were entered upon, and if I can judge from what I have heard from other delegations, we have arrived at the time when that danger is a real possibility.

Now what is the position? The position, as I conceive it, is this: that it is believed, the various trends of opinion having been explored fairly carefully, that there is in this Assembly the necessary majority of votes to secure Russia's entry into the League. Of course, not every delegation has at its disposal the evidence which would assure it of that fact, but it is a fact, I understand, which is generally accepted. On the other hand, there is a belief, and those who seem to speak with authority on the matter say they are certain, that Russia desires to enter the League. We have therefore the two necessary factors. On the one hand, there is the readiness of Russia to enter, and, on the other hand, there is here, we understand, the necessary majority to secure her entrance if she applies.

What is it reasonable for Russia to expect? Russia, like any other State — great or small — naturally wants to assure herself, before applying, that she is not to be subjected to the humiliation of having her application rejected. That is very natural. It is a thing we can understand; it is a thing our peoples can understand, and that we can understand in this Assembly hall as well as in some hotel room. That being so, why can we not state it openly here?

On the other hand, the League has also a dignity to maintain, and the Members of the League have a dignity to maintain; and those who talk of issuing invitations must realise that any person who is likely to be a party to such an invitation will need to be assured also that the invitation, if issued, will not be rejected. I think the people of Russia or the people of any State that desired to enter the League would understand that. With regard to this question of an invitation, those delegates who, like myself, for example, would not sign any invitation without first of all having the assurance that the invitation would not be rejected, have another very important matter to consider. It is true probably — I am assured by very many delegates that this is a fact about which there can be no doubt — that the necessary two-thirds majority is available here to support Russia's invitation; but it is well known also that there are States which are not prepared to support Russia's entry. These States have rights too; they have the right to express their views, and any invitation or procedure that would have the effect of depriving any of those States of this right is a thing, in my opinion, that it would be unworthy of the League even to consider.

The necessary machinery is provided by which, when a certain majority of votes is available, the opposition of a minority can be overborne. There is no humiliation to Russia in coming along in the ordinary way, having been assured that there is no

intention on the part of the majority of delegates to attempt to humiliate her in any way. But, as I have said, those of us who are in the League, whether we are in support of Russia's entry or against it, have rights which must not be abrogated. They are provided for, and if a matter of procedure is involved, have we not the Sixth Committee, for example, in which the whole question of procedure could properly be considered in the presence of all the delegations instead of in caucus in an hotel room?

I think there is no real difficulty at all. We have only to face the situation frankly. We can individually make quite clear what our attitude will be when the necessary application is made, or the necessary steps to bring about Russia's application are taken. Russia will have in that way the assurance she requires in advance. She can then make her application. In the nature of things, she must feel in any case that the application is going to be very favourably considered. Why? Because it is obvious that anyone who has the interest of the League at heart and looks upon the League as an instrument for the preservation of world peace must desire to see in the League a nation of the importance of Russia.

Her territory is two, perhaps three, times the size of the rest of Europe; she has a population, I believe, of some 165 millions. Is it not obvious, *a priori*, that there must be a strong feeling on the part of everybody who wishes well of the League in favour of having such a nation participate in the League's work, subject, of course, to the understanding that in entering the League she was entering it in no special privileged position; that she was to be subject to all the obligations which other Members of the League have to undertake?

I represent a country which, if you consider its political and religious ideals, is as far apart as the poles from Soviet Russia; but I would be willing to take the responsibility of saying openly and frankly here that I would support and vote for the entry of Russia into the League on account of the considerations I have mentioned. I admit that I should be much happier, as the representative of a country which has suffered greatly for religious freedom, if Russia, on entering the League, were to make universal those guarantees which

she gave the United States of America on resuming diplomatic relations with that country. I hope that the rights which Russia agreed to accord the nationals of the United States, on the resumption of diplomatic relations with that country, will, on Russia's entry into the League, be made universal. I believe that the day has gone when nations that want liberty and peace, or enlightened Governments claiming such ideals, can continue persecution or the denial of religious freedom.

I say, then, that what we should do here in this Assembly is to get at once about this business, and, if it is a matter of procedure — as it now seems largely to be — to bring that matter to the Assembly. And let us not, for the credit of the League, attempt to deprive any State of its rights under the Covenant and of its rights to object and criticise if a proposal is made for a new entrant into the League.

As I said at the beginning, I have ventured on rather delicate ground. I hope that my doing so will be understood by the Assembly. To my mind, if we continue this method of hawking round draft after draft for signature, we shall do nothing but excite suspicion and give an impression of intrigue which will be fatal to the credit of the League. It is not in the interest of the League, nor is it in the interest of Russia, that any special method should be devised for her. It is important that it should be understood that she comes in in no specially privileged position. A special situation is created here by the fact that, because of want of unanimity, you cannot adopt procedures that were adopted recently in a few cases. In the great majority of cases, however, the regular procedure was followed. As far as I know, the regular procedure was departed from only when there was no question of depriving any delegation of its rights — its rights of criticism. When there is unanimity, and all are in agreement, there is no deprivation in passing over or side-tracking (if I may say so) the ordinary procedure; but when there is *not* unanimity, any attempt to side-track that procedure is made at the expense of certain Members of the League, and this I think should under no circumstances be done.

FOURTH PLENARY MEETING

Thursday, September 13th, 1934, at 11 a.m.

CONTENTS :

25. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY. Continuation of the Discussion. Speech by M. Beck (Poland).

President : M. R. J. SANDLER.

25. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President :

Translation : The next item on the agenda is the continuation of the general discussion on the Report of the Work of the League since the Fourteenth Session of the Assembly.

His Excellency M. Beck, first delegate of Poland will address the Assembly.

M. Beck (Poland) :

Translation : The Polish Government, as the result of the initiative which it took in the spring of this year, is responsible for the debate on the problem of the international protection of minorities which will take place during this Assembly. It is therefore my duty to make a statement before the Assembly on my Government's attitude to the problem. I will endeavour to be as brief as possible.

It is well, I think, to recall here that this question which is before the League, and which imperatively demands settlement, is no new one. It has virtually been in existence since the League's inception. As long ago as 1922 a formal proposal to generalise the system of international guarantees in regard

to the rights of minorities was submitted to the third Assembly. The outcome of this proposal was the adoption of a recommendation — and one that is well known, having been quoted on many occasions since — which might, twelve years ago, have been interpreted as a first step. This promising beginning did not, however, lead to any result.

Yet there has been no lack of initiative in the matter. A number of States have since tried to convince the Assembly of the absolute need of remedying the initial mistake which vitiated the whole system. The Polish Government has constantly, and with patience which for years seemed inexhaustible, drawn attention to the urgency of radical reform. I will merely mention here the great debate in the Sixth Committee of the eleventh Assembly, in the course of which the Polish Government addressed a pressing appeal to the Members of the Assembly, asking them to agree to the uniform and general supervision of the treatment they apply to their minorities of language, race and religion. That appeal came to nothing.

The Polish Government repeated the appeal at last year's Assembly, and on that occasion submitted a formal motion. The discussion which followed my Government's initiative is so recent that I need not revert to it again. It was profoundly disappointing. Save for the attitude of a few delegations, which showed in an entirely disinterested way how their countries interpreted the high duties incumbent upon Members of the League — and I desire to thank those delegations very cordially — the Polish Government again met with a refusal as decided as it was inadequately explained. This attitude, dictated no doubt by the fear generally felt lest the League should follow too closely the course of the internal policy of its Members, evinced none the less a regrettable lack of understanding of the international situation and, in particular, the growing uneasiness felt in certain countries to which the system of League guarantees is applied.

The present system of guarantees of the rights of minorities by the League and its organs, if studied as a whole, is seen to be an ill-balanced structure, erected haphazard and founded upon political paradoxes.

If we review the system of guarantees applied to minorities in the various countries to which the guarantees are applicable, we shall see how incongruous the system is. Certain undertakings are embodied in treaties, while others are in the form of simple declarations which, however, are not in any way identical. In some cases provision is made for compulsory reference to the Permanent Court of International Justice, while in others the right of supervision is reserved exclusively for the Council of the League.

This inconsistency may perhaps be explained by fortuitous political circumstances. Certain obligations, for instance, were imposed upon States as a *sine qua non* of their admission to the League. It may even be said that the extent of these undertakings depended on the greater or lesser vigour with which the States candidates for admission discussed the terms of these agreements. In other cases, conditions of this kind were not imposed upon candidate States, no matter what the situation of their various minorities.

The existence of a minority undertaking, or the lack of such undertakings, their scope, etc., cannot plausibly be justified from the actual position of

the minorities of States Members of the League, or the international situation or the degree of civilisation of those countries. Yet it is these two criteria alone, and not purely fortuitous and no longer existent circumstances, which might in the last resort have explained, if not justified, the existence of an exceptional regime contrary to the principle upon which the League is founded — the equality of its Members.

The application of the system in its existing form has proved wholly disappointing. It has not been beneficial to the minorities; but, owing to the fact that it has too often been applied in an abusive manner and in a spirit foreign to that of the treaties, it has largely served as a means of spreading defamatory propaganda against the States subject to the system, and also as a means of exercising political pressure by States which, without being bound themselves, have used their prerogative to participate in the system of supervision.

The paradoxical situation of an exceptional regime grafted on to the League organisation, which derives its political justification from its very universality and from the democratic principle of equality at public law, cannot last without doing irreparable harm to the moral foundations upon which the League was erected in 1919.

I address an urgent appeal to this Assembly to-day to remedy the sins of omission of the past and to lay down a sound, clear and uniform basis on which to construct the system of the international protection of minorities in a permanent and durable way.

When asking, in the spring of this year, that the motion relating to the general applicability of the international protection of minorities should be placed on the agenda of the fifteenth Assembly, the Polish Government proposed that the Assembly should pronounce upon two questions: first, the immediate recognition of the necessity for a general convention on the protection of minorities, and, secondly, the convening of an international conference for that purpose.

The Polish Government will expect a clear and unequivocal reply to those two questions.

If the reply is in the affirmative, it will collaborate to the full in preparing the necessary texts for a general convention. My Government considers it natural that, when drawing up general rules, the Conference should take into consideration the special conditions existing in the other continents.

The information I have obtained since last year's Assembly is not calculated to make me optimistic. I am assured that the opinion of most of the Governments represented here has not changed. I hope I am mistaken, however, as a solution is obviously necessary.

Pending the introduction of a general and uniform system for the protection of minorities, my Government is compelled to refuse, as from to-day, all co-operation with the international organisations in the matter of the supervision of the application by Poland of the system of minority protection.

I need hardly say that the decision of the Polish Government is in no sense directed against the interests of the minorities. Those interests are and will remain protected by the fundamental laws of Poland, which secure to minorities of language, race and religion free development and equality of treatment.

FIFTH PLENARY MEETING

Friday, September 14th, 1934, at 10 a.m.

CONTENTS :

26. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY.

Continuation of the Discussion.

Speeches by M. Quo Tai-chi (China), Sir John Simon (United Kingdom), M. Barthou (France), M. Yépes (Colombia), Baron Aloisi (Italy).

President : M. R. J. SANDLER.

26. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY : CONTINUATION OF THE DISCUSSION.

The President :

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

His Excellency M. Quo Tai-chi (China) will address the Assembly.

M. Quo Tai-chi (China). — More than formal congratulations are due to the Secretary-General on this occasion of his first annual report since assuming his high office. He has dealt with the destinies of the League of Nations during its most critical year. He sees it emerge from that year with renewed prestige. The desperations that have led one nation and another to seek for solutions outside the League now make the whole world realise that only within the framework of the League can lie the sanity and safety of international comities. China subscribes to that renewed world sentiment without any reservation. In the name of one-fifth of the world's population, in the name of one of the Governments longest in power in national administration, in the name of the greatest potentiality in Asia, the Chinese delegation welcomes the clear indications of restored League influence.

But China entertains no undue optimism, even as she deprecates undue pessimism. In his opening speech to the Assembly, M. Beneš made a remarkable survey of the world situation to-day. I cannot aspire to M. Beneš' wide knowledge and clarity of vision, but I shall endeavour to emulate his sober realism and confine myself to those features of the world situation which most nearly concern the Far East and which, in the view of the Chinese Government, vitally affect the prospects of world peace.

In the course of his analysis, M. Beneš drew attention to the menace to peace in the Far East. "The situation obtaining between China and Japan," he said . . . "the prevailing tension

between Japan and the Soviet Union — these are facts of exceptional gravity". It is on this situation that I wish to make some comments.

I wish to make clear at the outset that I am speaking, not primarily as a party to a dispute, but as what I might call, by your tolerance, the Far-Eastern rapporteur of the League, on the basis of a report on the nature of and the responsibility for the present tension in the Far East that is accepted by all the loyal Members of the League. That report lays upon the Assembly the duty of following closely the development of events in the Far East. It is in order to help us here to discharge that duty that I am making this statement.

There are three principal points to which I desire to draw the Assembly's attention.

1. The first point is that the whole issue remains open. The fact that the puppet appointed by alien taskmasters to do their bidding in the Chinese North-Eastern Provinces now calls himself an Emperor does not alter the character of the Covenant-breaking military occupation which China endures only while she must. The whole League has passed final judgment on that occupation and remains bound by its judgment.

The Chinese delegate a year ago said on this annual occasion :

"The Chinese Government views the situation in the Four Provinces as a standing violation of the treaties upon which the world is supposed to rely for security, disarmament and peace. It is determined steadfastly to maintain all its rights and claims and not to recognise and acquiesce in the illegal accomplished fact. That accomplished fact will remain only so long as it is physically impossible for my country or politically impossible for the rest of the League to vindicate the sanctity of the treaties. In maintaining this attitude we consider that we are not only doing what lies in our unaided power to preserve China's territorial integrity and political independence against Japanese aggression, but that in so doing we are resisting the attempt to convert the Covenant into a scrap of paper."

Since the Assembly adopted its unanimous report of February 24th, 1933, China has unwaveringly observed the obligations contained in its findings, and has hoped that the recommendations of the report could be enforced without delay. On the question of the non-recognition of the puppet State, China's attitude has remained adamant. She herself has not only upheld the principle of non-recognition, but considers that it devolves upon all States Members of the League and other States which have concurred in this principle to stand by it.

One remote State has, indeed, officially though obscurely, recognised the illegal organisation in the North-East of China, even though that State itself has scarcely any direct contact with the affairs of Eastern Asia. The circumstances of

that recognition, as I have said, remain obscure. From China's standpoint as a Member of the League, she considers such action inconsistent with the Covenant — a proper matter for League review and discipline — and believes that no other Member State will ever in a like manner disregard international justice and violate the findings of a unanimous report and its own solemn obligations under that report. Treating this isolated instance as practically negligible, however theoretically serious, it is a very great thing that the judgment of the League has been kept inviolate in the face of opportunistic invitations to act otherwise. We Chinese are not unaware of the efforts to encourage a certain vagueness and uncertainty here and there in maintaining that inviolability. Of late, persistent attempts have been made to frighten States bound by the Assembly report by threatening them with economic penalties and trouble for their consuls in Manchuria if they do not recognise the illegal regime in that part of China, and by efforts to bribe them with specious offers of special economic advantages if they will succumb.

In this connection it may be recalled that the Assembly report contains, not only the obligation to refrain from *de jure* or *de facto* recognition, but from anything that might facilitate the maintenance of the present illegal regime. The Assembly Advisory Committee, in interpreting this obligation, pointed out that no protection could be afforded by Governments to their nationals seeking concessions at the hands of this illegal regime, which in international law is committing high treason in disposing of Chinese State property. Clearly, no claim based on such acts of exploitation can be recognised by China or by any other State bound by the Assembly report. It is equally clear that holders of concessions granted by the treaty-breaking authorities in Manchuria would render themselves liable to prosecution for damages by the Chinese Government before the courts of any country bound by the Assembly report.

2. The second point I wish to make is that the League has a continuing responsibility in this matter. This responsibility is growing continually heavier with the increasing tension and menace to peace in the Far East. It cannot be affected by the refusal of any State to attend at Geneva. For the Covenant says that a State cannot cease to be a Member of the League until all its international obligations have been fulfilled. That is no accidental provision — it is a vital and fundamental obligation. The League as an instrument of peace would be a broken reed if a State could break the Covenant and then escape the consequences by withdrawing from the League. The Assembly has emphatically declared that the present military occupation of Manchuria is a violation of the Covenant, the Nine-Power Treaty and the Paris Pact. It is for the Assembly, as the guardian of the League's honour, to draw the obvious conclusion from its own declaration and from the provisions of the Covenant to which I have just alluded.

3. The third and most important point to which I wish to call your attention is the far-reaching effect on the whole world of the continuance of treaty-breaking aggression in the Far East. In its report condemning and fixing the responsibility for that aggression, the Assembly pointed out that the continuance of the present regime in Manchuria was incompatible with the maintenance of peace in the Far East.

The Lytton report¹ pointed out that no regime that had not secured the willing co-operation of the Chinese population in Manchuria could restore order and prosperity to that part of China, and added that the population was resolutely hostile to what it rightly regarded as an alien military dictatorship established by fraud and aggression. Events have unhappily proved how right the Assembly was to adopt this view of the situation created by the occupation of our North-Eastern Provinces.

Far from having improved, the situation to-day has drifted farther away from what the League expected of it, and decided in regard to it. In March of this year that illegal organisation actually declared itself an imperial State, and its puppet styled himself Emperor. Although the character and status of this puppet State remain unaltered thereby, the illegality of the issue has thus assumed more menacing proportions.

When the Assembly adopted its report eighteen months ago, it had before it the findings of the Lytton Commission, which drew a terrible picture of the conditions produced by the Japanese invasion, concluding with the statement that² "Manchuria for a year past has been given over to strife and turmoil. The population of a large, fertile and rich country has been subjected to conditions and distress such as it has probably never experienced before." That the situation is worse to-day is attested from unimpeachable and independent sources.

The Times, in London, on August 23rd, less than a month ago, published a despatch from its Mukden correspondent which states :

"There have been two attacks by bandits daily on an average since August 6th. A table issued by the 'Manchukuo' newspaper to-day also lists thirty-one bridges destroyed, sixteen overturnings of trains due to derailments, and ninety-one attacks on stations along the Eastern section of the Chinese Eastern Railway. Reports reaching the foreign authorities here indicate that danger from bandits to foreigners travelling outside the trunk system has increased."

The next day, on August 24th, *The Times* again published a cable as follows :

"The oft-repeated platitude, 'now that peace and order have been restored', which prefaces many of the pronouncements concerning 'Manchukuo', is afforded little confirmation in the list of outrages by bandits in a single day's news. On Saturday, thirty-three out of thirty-six Korean settlers in a village seventeen miles north-west of Chaohotze were slaughtered by bandits near the north mausoleum in Mukden; on Wednesday, three Japanese workmen were killed by bandits on the Kirin-Tumen railway; on Tuesday, an armoured train running between Haiaochiu and Mifeng stations, on the Eastern section of the North Manchuria Railway, was attacked by bandits after the locomotive and four cars had been derailed."

As the lurid list of attacks and disorder just quoted refers to the trunk system, the conditions in the rest of Manchuria may be left to legitimate imagination.

Very recently the palace of the puppet Emperor in his so-called capital was set on fire, and one of the biggest Japanese aerodromes just outside the so-called capital was, at the second attempt, burned to the ground last April, at a loss of many millions of yen.

¹ Document C.663.M.320.1932.VII.

² Document C.663.M.320.1932.VII, page 138.

It is apparent that this is guerrilla warfare on a widespread scale. A convenient name for spreading opprobrium is "banditry", and doubtless there is lawlessness in Manchuria with only such private motivation. But so far as the burning of palaces and aerodromes and the wrecking of railways and the attacks on troops and troop trains is a movement of protest and resistance by a downtrodden population against enormous illegal military oppression, it is in a long and fine tradition of causes that never conceive themselves hopeless and keep up sporadic warfare until the opportunity shall arise for final deliverance.

Manchuria to-day still presents, in essentials, the same picture as it did when the occupation first started — namely, of a Japanese army on active service holding many cities and the railway-lines and endeavouring to cow the population by incessant punitive expeditions. The idea that it is possible to restore law and order, let alone achieve prosperity, under an alien military occupation flies in the face of facts and flouts the lessons of history.

The repercussions of the treaty-breaking occupation of our North-Eastern Provinces are not limited to the Far East. All Europe, every nation anxious about its boundaries or its security, has suffered from what the nations of the League have failed as yet to do, or have been faint in doing — to support the judgment pronounced by the League.

But the spreading consequences have not been purely evil. The impending entry of the Soviet Union into the League and the ever closer co-operation between the League and the United States of America may be ascribed, in part at least, to the impact of events in the Far East. There is, too, a livelier and more widespread recognition of the growing importance of the Far East in world affairs. It might be exaggerated to say that the world's political centre of gravity is shifting from Europe to the Far East. It is only the melancholy truth that the Pacific is becoming the world's storm centre. Unhappily, there is no doubt at all that the continued military occupation of our North-Eastern Provinces already constitutes in the world to-day the most urgent danger of another great war. It is also becoming evident that the danger of war in the Far East is closely and inseparably linked with the prospects of peace in Europe.

At the Economic Conference, the Chinese delegate drew attention to the potentialities of the Chinese market and to the fact that the Chinese Government has for some time been executing a big programme of national reconstruction with the technical co-operation of the League. That programme, as you see from the report of the League's technical agent, covers every field of national reconstruction, such as the building of roads, the improving of silk, tea and cotton culture, education, health and so forth. At the present time there are only a few League experts in China, and their task is confined to investigations and planning of a technical character entirely dissociated from political issues. The development of air and rail transport, the vigorous campaign against the abuse of opium and drugs, and other aspects of reconstruction, are being pursued by the Government apart from the technical co-operation of the League but within the same general plan of national reconstruction. As the means of achieving the most beneficial results from this work, that is obviously and entirely a question of domestic policy to be

determined and carried out by China in the exercise of her sovereign rights. No other State has any justification or right whatever to interfere with this policy. China is gratified that her position in this regard has the support of all the nations that are interested in the policy of co-operation between the East and West, as testified by the action taken by the leading Chancelleries after the declaration from Tokio last April.

The Chinese Government is still struggling with great difficulties and the work still to be accomplished is immense. But we feel that our feet are on firm ground, that we are advancing in the right direction and that time is on our side. If only international peace can be preserved, we are confident that China's progress will be steady and rapid.

I have now put before you, as clearly and briefly as I can, and in a spirit of sober realism, what appear to the Government of China to be the salient features of the world situation in relation to Far-Eastern problems and to the purpose of the League. China considers herself to be the Far-Eastern outpost of the League and of the whole idea of co-operation between East and West. That feeling has been strengthened by the fact that, through circumstances which were not of our seeking and from which we are the chief sufferers, we have, in the last eighteen months, become the sole representatives of the Far East in the League Council. We wish to strengthen all the links that bind us to the League, both in the technical and political field, in order to help us to withstand the pressure of those who would compel us to turn our backs on the West and to enter some kind of exclusive and unequal partnership in the name of "Asia for the Asiatics". We do not believe that the world should be divided into watertight compartments according to continents and races. We believe that peace can be preserved and civilisation can flourish only through a League that is strong because it is universal and reflects in its organisation all the great geographical areas of the world. The people of China have always believed in international justice, and that is why, in spite of all disappointments and reverses, we cling to our faith in the League and to our determination to do all in our power to uphold the Covenant and to cleave to the ways of peace.

I will conclude on a note of strength for the League and hope for the future. If China is the foundation of Asia, as she is, Russia is the uniting arch of Europe and Asia. China warmly welcomes the prospect of Russia's immediate entrance into the comity of the League of Nations. Russia's collaborative work in the Disarmament Conference is a happy augury of her influence now that she is about to enter the League membership. She has contributed the most clear and acute definition of the aggressor. China is Russia's neighbour over the longest stretch of continuous boundary anywhere in Asia or Europe. We have a common interest in the preservation of peace in the Far East and the Pacific, and we are glad that, from now on, our joint efforts for peace can be co-ordinated within the framework of the League.

The President :

Translation : The Rt. Hon. Sir John Simon, first delegate of the United Kingdom of Great Britain and Northern Ireland, will address the Assembly.

Sir John Simon (United Kingdom) : I had not previously handed in my name to take part in

this preliminary and general discussion, because I had taken the view (which I think is shared by some other delegations here) that the interest of the League of Nations at this time would be best served if the present debate was limited to those who had special points to make, and if we passed as soon as possible to the real business of the present meetings, which is to carry through to a practical conclusion some immediate and important matters which await treatment and which, when they have been dealt with in a practical spirit, will constitute items of actual achievement. I agree with Dr. Beneš in an observation which he made when occupying your Chair, Mr. President, on Monday, that the true remedy for the serious situation in which the League of Nations undoubtedly stands is to carry on steadily all the practical work we can do.

Taking the view, therefore, for myself, that in present circumstances the League of Nations will not establish its authority or increase its usefulness by general observations addressed to the Assembly from this tribune, I had intended to abstain, but one or two observations made here yesterday by the Polish representative make me fear that silence might be misinterpreted, and I therefore beg leave to make, in three or four sentences, a comment and a declaration on what Colonel Beck said.

My honourable friend, the Polish Foreign Minister, dealt in his speech with two matters. The first was a proposal for the universalisation of international protection of minorities, a proposal which has been embodied in a draft resolution already submitted by the Polish delegation, and, I believe, already referred for consideration to the Sixth Committee. That is one of the two matters with which Colonel Beck dealt.

The second matter touched upon by the Polish Foreign Minister was the particular position of certain States at present bound by minority provisions.

I must point out that these two matters are entirely distinct from one another. The obligations already entered into by any particular State by treaty in relation to this subject cannot be regarded as depending upon the decision which is hereafter reached upon more general proposals. No doubt the whole matter will be referred to and dealt with in the Sixth Committee. It would be out of place, and it is no part of my intention, to discuss it here. All that I think it my duty to say here and now is that the conclusion which is reached on the first proposal is one which is quite independent of the present position of obligation of the States bound by minority treaties. I shall be excused for intervening to make this simple observation because Colonel Beck, in concluding his speech yesterday, made use of the following words: "Pending the putting into force of a general and uniform system for the protection of minorities, my Government", he said, "is compelled to refuse, as from to-day, all co-operation with the international organs in the matter of the supervision of the application by Poland of the system for minority protection."

I do not know exactly how the above sentence is to be interpreted. No doubt it will be fully explained in the Sixth Committee; but the country which I and the United Kingdom delegation represent, together with some other Powers, is a party to the Polish Minorities Treaty. Poland accepted certain treaty obligations with regard to minorities which included the guarantee of the League of Nations. I would add, in this connection, that the terms of Article 93 of the Treaty of Versailles, coming as it does in that part of the Treaty dealing with the establishment of the boundaries of Poland, cannot be overlooked. Poland has further accepted a certain procedure which is laid down in certain Council resolutions as to the manner in which this guarantee should be exercised—a procedure which clearly implies the co-operation of Poland. These resolutions

become binding on Poland by reason of her acceptance of them, and it is clear that it would not be possible for any State to release itself from obligations of this kind, thus entered into, by unilateral action.

I am far from suggesting that this was in fact the intention of my honourable friend the Polish Foreign Minister, and I make these few observations with the greatest courtesy for the sake of promoting clearness. The matter is one of such importance to the League of Nations as a whole that I must at once put on record the view of His Majesty's Government in the United Kingdom which I have just formulated, and the question can then be further discussed, so far as I am concerned, in the Sixth Committee. I feel that silence on our part might contribute to any misunderstanding which might arise, however little Colonel Beck may have intended it, from the actual words which he used yesterday. Having thus discharged what I believe to be my duty and having thus protected the position, so far as His Majesty's Government is concerned, I resume my seat.

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Translation : His Excellency M. Barthou, first delegate of France, will address the Assembly.

M. Barthou (France) :

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The Polish Minister for Foreign Affairs yesterday raised a question concerning the future application of the Minorities Treaty concluded between Poland and the principal Allied Powers on June 28th, 1919. As this discussion has been opened, it is only natural that the other signatories to that Treaty should define their attitude. The representative of the United Kingdom has just done so in no uncertain terms. France, which was also a signatory of the Treaty of June 28th, 1919, held the presidency of the Peace Conference during which it was concluded; I therefore consider myself bound in loyalty to associate myself entirely with Sir John Simon's conclusions.

I feel all the more free to say so because France, with the strength that comes of unity, has never been actuated, either directly or remotely, by motives of self-interest when examining the question of minorities. For fifteen years, whether in the Council or on Council Committees, her representatives have been guided by two considerations only: to ensure that the rights of the populations are respected; to ensure that the protection provided by the treaties is not transformed—by abuses to which even those rights that are most worthy of respect may give rise—into an instrument of political interference in the sovereign life of States.

France is therefore being perfectly logical in examining the problem raised before the Assembly exclusively from the point of view of respect for treaties. She does not intend to preclude any possibility in the matter of modifications, the principle of which is accepted in the treaties themselves; but she does not think that any single Power has the right to make such modifications unilaterally, still less to denounce treaties, outside the procedure provided, or without negotiating with the other contracting Powers. She refuses to believe that that construction is to be placed on the statement made by M. Beck yesterday.

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France is therefore being perfectly logical in examining the problem raised before the Assembly exclusively from the point of view of respect for treaties. She does not intend to preclude any possibility in the matter of modifications, the principle of which is accepted in the treaties themselves; but she does not think that any single Power has the right to make such modifications unilaterally, still less to denounce treaties, outside the procedure provided, or without negotiating with the other contracting Powers. She refuses to believe that that construction is to be placed on the statement made by M. Beck yesterday.

My friend the Polish Minister for Foreign Affairs raised two questions to which he expected a "clear and unequivocal reply". He would have been exercising an unquestionable right, in spite

of the somewhat unexpected form to which he had recourse, had he not run the risk of confronting the Assembly with a threat or even with a *fait accompli*. Such an example, which other countries might desire to follow, would imperil at once the authority of the treaties and the mandate they have conferred upon the League. France, the friend and ally of Poland, cannot believe that M. Beck's statement carries such consequences in its train. She thinks that this statement, understood in its true sense, will cease to arouse anxiety in some or to bring temptation to others. Thus, Poland's initiative may be in accordance with the respect for principles and with the conditions embodied in the treaties to which the Polish nation gave its free consent, when it recovered the "independence of which it was unjustly deprived".

The President :

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

M. Yépes (Colombia) :

Translation : I desire to say here, on behalf of the Colombian delegation, what an excellent impression was made upon me by the report submitted to the Assembly by the Secretary-General, whose political insight and clear vision of international problems are recognised by us all.

As Colombians, we desire solemnly to register our gratitude to the League of Nations for its effective contribution to the solution of the Leticia dispute, which all but caused two Latin-American nations to come to grips with one another. Thanks largely to the intervention of the League, and thanks also to the pacific spirit of the American nations, it has been possible to settle this dispute in a manner which respects the dignity of the two countries in question and the general interests of peace. Relations between Colombia and Peru, which last year hung like a great cloud over American politics, have become quite cordial again. Now that the difference has been smoothed out, there is not the slightest feeling of bitterness between the two nations, and collaboration between Colombia and Peru is now consolidated as one of the essential pillars of international politics in the New World. It is one of the characteristics of Latin America that hatred between one nation and another does not exist there. After a dispute, the spirit of fraternity transcends all, since our countries practise moral disarmament as completely as they do material disarmament. That is why it may be said that the New World is a continent, not only from a geographical but also, and more particularly, from a political and moral point of view.

The beneficent intervention of the League in the matter of Leticia has confirmed a legal result which we desire to emphasise here. It is this: the League's jurisdiction now extends to Latin America as well as to all the other parts of the world. Those who maintained that Article 21 of the Covenant and the Monroe Doctrine prevented League action in the New World were mistaken. We Latin-Americans hope that its action may daily become more widespread and more effective in maintaining peace. Our aspirations in regard to the universality of our international organisation can never harmonise with the desires of those who would make of the New World a preserve where the influence of Geneva could not be brought to bear.

May the example given by Colombia and Peru serve to act as an inducement to two sister nations — the only ones between whom there is still any considerable matter of dispute — to settle their differences in a spirit of international solidarity and real American co-operation. That day will be a day of rejoicing for all America. Peace is so great a boon that it deserves that all save national honour should be sacrificed to it.

Naturally, in a document which contains as many facts and is as full of practical information as is the Secretary-General's report, it is perhaps not possible to mention all the international happenings throughout the whole world during the period which has elapsed since the last session of the Assembly. Indeed, when perusing the report, I was surprised not to find the least allusion there to an important fact in international life which we have no right to ignore — I refer to the Pan-American Union and its recent activities in spheres in which it has collaborated in the work of peace and international co-operation which the League is striving to accomplish.

Since the last session of the Assembly, the seventh Pan-American Conference has been held at Montevideo. All the States of the New World took part, most of them being Members both of the Pan-American Union and of the League of Nations. This Conference, for the first time in the history of Pan-Americanism, formally received a Committee sent by the League, and also showed itself prepared to collaborate with the League in the restoration of peace in South America. In this way a bond was really forged between the two greatest international institutions in history. That is a great event, which deserves special mention in the League Assembly.

The time has come to say quite plainly that the League of Nations and the Pan-American Union can no longer ignore one another, as they have done up to the present. Each has much to learn from the other. The experience acquired by the Pan-American Union during half a century of active life may be extremely useful to the League, and, similarly, the Pan-American Union may derive great advantages from contact with the great Geneva institution. Moreover, the lack of official and continuous relations between the League and the Pan-American Union has been fatal to the maintenance and preservation of peace in South America. The fact that the unhappy civil war between Paraguay and Bolivia — I say "civil war", because we Americans regard wars between our countries as civil wars between children of one and the same fatherland — that this absurd war could go on, in spite of the efforts made to stop it, is largely due to the lack of regular relations between the League and the Pan-American Union. I wonder whether it would not long ago have been possible to put an end to the fratricidal struggle, and whether the world could not have been spared the spectacle of a useless war if, at the outset, these two organisations had been able to combine their efforts for peace. The instrument of co-ordination was lacking, however, and both the League and the Pan-American Union have been powerless to impose peace, because the belligerents used the pretext that the controversy was being dealt with by one or other institution to prevent action being taken by either. The Montevideo Conference, which was anxious and also had the power to put an end to the carnage, was paralysed, because the problem had already been submitted to the League; and at the moment when Geneva will be able to submit an effective solution, a pretext will be found, if so desired, for passing the question back to the Pan-American Union.

In the interests of the prestige of both these great international institutions, it is absolutely necessary that this anomaly should cease forthwith. A permanent connection must be established between the two institutions. The Montevideo Conference itself took an important step in this direction. The resolution it passed on December 16th, 1933, constitutes a real programme of international action. It seems to me the Assembly's duty is to seek a means of completing the work so wisely begun on the other

side of the Atlantic. I venture to think this question of sufficient importance to justify the Secretary-General of the League devoting to it a chapter of his report to the Assembly. I should like to think that the Assembly desired to act in conjunction with the Pan-American Union, by giving effect to the latter's noble initiative.

There is another reason which confirms the need for co-ordinating the work of the League and that of the Pan-American Union. The Pan-American Union has undertaken, with great success, the codification of public and private international law. This work is on the agenda of all the international conferences organised in the New World. The Conference of Havana and that of Montevideo made considerable progress in the work of codification. Thanks to the steps taken at Montevideo by all the American Republics, the work of codifying international law will shortly have received a fresh impetus. It does not seem logical that the League of Nations should hold aloof from the work being accomplished by an important group of its Members in association with other States — Brazil, Costa Rica, Ecuador and the United States — which do not belong to our Institution.

Since the failure of the Conference for the Codification of International Law, convened by the League in 1930, all codification work has been stopped as far as the League is concerned, and this in spite of the recommendations of the Hague Conference, which constitute a whole programme — and an obligatory one — for the League. This programme must be carried out, especially as the Pan-American Conference at Montevideo has dealt with at least one of these recommendations.

Now, more than ever in the history of the world, a statement, or a codification, of the great principles of international law is necessary, in order to give mankind, which has lost its bearings and is struggling in the midst of spiritual, intellectual and political anarchy, a number of inviolable rules of law calculated to save it from the disorder into which it has fallen as a result of forgetting the great moral ideas which have always guided nations throughout history.

In the absence of action by the Governments and official institutions, the learned societies which devote themselves to the study of international law have decided to take in hand a statement of the great international principles that must be respected by all nations. These societies have already nominated a single rapporteur,¹ and a draft declaration has already been submitted. The International Diplomatic Academy, which carries authority throughout the world, has appointed a commission of eminent jurists and diplomats, which is shortly to meet to discuss this draft. Similarly, the *Institut de droit international* and the International Law Association, whose authority in scientific matters is beyond all question, are also dealing with all these problems.

It is with feelings of the greatest regret that we note that all this vast work of codifying international law is carried on outside the League, which ought to be its centre and its inspiration. The League cannot, without failing in one of its essential duties, maintain its passive attitude in face of a juridical movement which may transform the whole of international life. According to the Preamble to the Covenant, the League was set up for the purpose of the "firm establishment of the understandings of international law as the actual rule of conduct among Governments".

How can it fulfil this duty if it takes no part in the drawing-up of the principles of international law which the Pan-American Union and the learned societies already mentioned are about to adopt? I would ask the Assembly to think very carefully over this grave problem, and to deal with it

without delay. Let us give spiritual content to the League. The League is itself an act of faith. It needs a flame, a faith, an ideal. What better ideal could it be given than the codification of international law and the establishment of severe penalties for transgressors, as the only effective means of establishing the reign of justice and peace among the nations?

Much is being said to-day about a so-called League crisis. That is a mistaken judgment. There is certainly a crisis, but it is a crisis of characters, due to the failures of men and Governments. The Covenant is a perfect instrument of human civilisation and peace, provided it is sincerely applied. But — and this must be said quite definitely — it never has been applied integrally, and, what is more, there has never been any serious intention of applying it.

Whether through weakness or through fear of committing themselves for the future, the Governments have constantly evaded doing their whole duty and applying the Covenant in full. The League cannot be held responsible for these failures. We are all responsible — the States themselves are responsible. It is really hypocrisy to criticise the League for being powerless to impose respect for its decisions, when those who criticise it are the very ones who refuse it the aid of the "secular arm" and the international force which it so greatly needs.

That is why international law must be codified, in order to provide a clear definition of the rights and duties of States. All gaps through which bad faith and fear of responsibility can find egress must be filled. The obligations of the Governments must be clearly defined, so that all those may be pilloried before world public opinion who, on account of their breaches of the law, must be placed outside the pale of civilisation.

As long as this essential task remains undone, the peace of the world will be undermined to an ever greater extent, and it will be impossible to say that the work of international organisation undertaken since the inception of the League is founded on solid bases. In conclusion, I will say this, that peace is not merely the physical absence of war; it is, above and before all, the reign of law.

The President :

Translation : His Excellency Baron Aloisi, first delegate of Italy, will address the Assembly.

Baron Aloisi (Italy) :

Translation : The speech which my eminent colleague, the first delegate of Poland, delivered here yesterday suggests to me a few considerations which do not relate to the substance of the minorities question — especially as that question is not, from a practical point of view, of importance to Italy — but are considerations of a general character.

Poland asks that, in the matter of the protection of minorities, the Assembly should acknowledge the need for a general convention, and at the same time adds that, while awaiting the putting into force of a uniform general scheme for the protection of minorities, she is obliged to refuse all co-operation with international bodies in connection with the supervision of the application of the existing Convention.

As regards the second part of this statement, I have no doubt that it was intended by the Polish representative to be taken in close relationship with the proposal which preceded it. Indeed, if it were to be regarded as an isolated statement, it would be tantamount to a simple unilateral rejection of an international undertaking. If, on the other hand, this proposal is considered — as is only logical — to be closely bound up with the other proposal, it is really tantamount to a statement suggesting that new regulations, perhaps

¹ The eminent Latin-American jurist, M. Alejandro Alvarez.

better adapted to existing circumstances, should replace the former system, which was drawn up fifteen years ago and is now regarded as no longer suitable to the requirements of our time. Such a proposal is really only a proposal for revision.

It is a matter of common knowledge that my country was the first to put forward the idea that treaties should be adapted to the changing requirements of the time, as that was the best means of ensuring the maintenance of peace; but at the same time we have always affirmed that such adaptation must be effected by legal means.

From these governing principles of Italian policy there emerge two consequences. The first is that

existing engagements must be respected until they are replaced by new provisions. The second is that the idea of revision is not an empirical criterion, the application of which depends on circumstances, but a general principle.

Consequently, if it is considered expedient to apply this principle in the case under consideration, it must at the same time be accepted for other questions which are also governed by provisions arising out of the Peace Conference, and which might seem even less adequate to meet the exigencies of the present situation.

SIXTH PLENARY MEETING

Friday, September 14th, 1934, at 4.30 p.m.

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Speeches by M. Mayard (Haiti), M. Caeiro da Mata (Portugal), Tevfik Rüstü Bey (Turkey), M. Berger-Waldenegg (Austria).

29. SLAVERY.

Draft Resolution submitted by the United Kingdom Delegation.

President : M. R. J. SANDLER.

27. — DISPUTE BETWEEN BOLIVIA AND PARAGUAY : APPEAL OF THE BOLIVIAN GOVERNMENT UNDER ARTICLE 15 OF THE COVENANT : COMMUNICATION BY THE DELEGATE OF THE ARGENTINE REPUBLIC.

The President :

Translation : Before beginning our agenda, I call upon the first delegate of the Argentine Republic, who has a communication to make to the Assembly with reference to the conflict between Bolivia and Paraguay.

M. Cantilo (Argentine Republic) :

Translation : In my speech on Wednesday, when referring to my country's general policy, I had occasion to recall the constant efforts made by my Government to put an end to the war in the Chaco.

To-day I have to give the Assembly certain additional information on this important question.

Without discussing in detail — that would take up too much of our time — the many steps taken by my Government to bring about a pacific settlement of the conflict, I may say that, ever since the first encounters in the Chaco, in 1932, the Argentine Chancellery has concerned itself with this problem and given it its most serious consideration.

It strongly supported the action of the Commission of Neutrals at Washington; it then associated itself with the other neighbouring countries; it maintained the principle that in America territorial disputes cannot be settled by force of arms — a principle which found expression in the declaration signed by nineteen American States on August 3rd, 1932. It called the Mendoza meeting, at which the Argentine and Chilean Ministers for Foreign Affairs agreed on a formula of arbitration to be laid before the belligerents. There followed, among many other efforts, in which the Argentine Republic always played a part, the Conference at Montevideo, the support given to the Commission sent by the Council of the League — a whole series of efforts, inspired by the same feeling of confraternity and good-neighbourliness, which included a comprehensive survey of the economic factors that the conflict has brought into play.

Lastly, on July 12th last, there was the presentation of a plan for peace, generously and loyally supported by the United States of America and by Brazil. That plan, based upon principles solemnly proclaimed by the American countries and fully in keeping with their traditions, was accepted in principle by the two belligerents, who expressed their readiness to submit the subject of the dispute to a procedure of conciliation, and subsequently — should this be necessary — to arbitration by the Permanent Court of International Justice at The Hague. When, however, the moment came to define their acceptance of principle, the same divergence of views reappeared on either side.

The Argentine Republic, when attempting to find formulas of agreement and when collaborating in other similar efforts, has acted with the greatest impartiality, taking care to secure the approval of the parties and scrupulously respecting their sovereignty, and has always offered its good offices within the framework and in the spirit of the Covenant.

It submitted the plan for peace to which I have just referred, at a moment when neither the Council nor the Assembly was in session, but it duly advised the Council and the Committee of Three semi-officially of what it was doing.

To-day the Assembly is in session, and my country, as a Member of the Council, considers it its duty to lay before you the plan which, in July last, was submitted by it to the belligerents, in

collaboration with the United States of Brazil and the United States of America.

The bases of that plan are as follows :

Whereas the Governments of Bolivia and of Paraguay have acceded to the Declaration of August 3rd, 1932, renouncing all territorial acquisitions obtained by force of arms ;

Whereas the two Governments have also subscribed to the Pact of Non-Aggression and Conciliation of Rio de Janeiro, under which the parties renounce war as an instrument for the settlement of international disputes, and the settlement of disputes of any kind must be effected only by the pacific means which have the sanction of international law ;

Whereas, independently of these general declarations, it is an undoubted fact that in America disputes relating to frontier questions have always been settled, in principle, by pacific means ;

Whereas, in consideration of these instruments, which involve the good faith and honour of the signatories, and in consideration of the aforesaid antecedents, the war in the Chaco has no *raison d'être*, since it is incompatible with the obligation assumed and with the antecedents referred to and may not have in view any object inconsistent with the rules of law ;

Whereas the Treaty of Rio was unreservedly accepted during the war and in consequence the dispute that led to the conflict must belong to the category to which it applies ;

Whereas the American Republics, by jointly and collectively entering into an undertaking under the aforesaid instruments, *ipso facto* sanctioned the principle that no war on that continent can be a matter of indifference to them ; and, either singly or in groups or together, they have entered into an undertaking to employ the lawful means at their disposal to prevent or arrest such war, a conception strengthened by the fact that they have ratified the Hague Convention for the Pacific Settlement of International Disputes, which expressly authorises the employment of good offices or mediation at any stage of the dispute :

The Governments of interpreting the joint will of the American Republics, as expressed in the aforesaid instruments, make the following proposals and submit them for the consideration of Paraguay and Bolivia :

(1) Bolivia and Paraguay ratify their intention to renounce all territorial conquests ;

(2) Bolivia and Paraguay declare that in the present war they do not propose to acquire territories which rightly come within the jurisdiction of one or other country ;

(3) They declare also that any dispute still pending and not yet settled that may have been the cause of the conflict shall be settled by legal procedure ;

(4) In virtue of the foregoing considerations, the war in the Chaco shall be concluded at the earliest possible date ;

(5) Bolivia and Paraguay declare that they will appoint at the earliest possible date Plenipotentiaries who will meet in the city of Buenos Aires and come to an agreement as to the final cessation of hostilities and the measures of security necessary to ensure that result ;

(6) The Plenipotentiaries shall be authorised to set up the Conciliation Commission referred to in Article VI of the Pact of Non-Aggression

of Rio de Janeiro, and that Commission shall apply, in the solution of the conflict, the procedure established in the said article, since the conflict in the Chaco can, by reason of its special character, be satisfactorily settled by a process of conciliation, which permits of considering factors of equity and mutual utility and other factors difficult to take into consideration under a system of purely legal arbitration.

(7) Should the conclusion arrived at prove ineffective, Bolivia and Paraguay undertake to submit the question to the arbitral award of the Permanent Court of International Justice, such arbitral award to be given within a period of three months, which may be extended by agreement between the parties.

These were the bases of agreement laid before the two countries by the Argentine Republic, Brazil and the United States of America.

I will not say that the negotiations entered into, in connection with the plan submitted to the belligerents, have actually failed, but they have not yet reached a successful conclusion.

I have brought these facts to the notice of the Assembly in order that the latter may take them into account when pursuing, with all the weight of its authority, the work of pacification to which my Government, with the assistance of the two great American countries, has once more been devoting its best efforts.

28. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE FOURTEENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President :

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

His Excellency M. Mayard, delegate of Haiti, will address the Assembly.

M. Mayard (Haiti). — In expressing its views on the general statement of the work accomplished by the League of Nations since its fourteenth Assembly, the Haitian delegation feels bound in the first place to draw attention to the distressing international circumstance which has struck public opinion in Haiti and, indeed, throughout all the world.

This circumstance is that, after the fourteen years during which the Covenant, which, as originally conceived and in its basic aims, was solemnly concluded to guarantee peace and security through active co-operation between nations, has been in operation, an open or latent state of war, either military or economic, exists in every continent.

Everywhere people are anxiously wondering whether, contrary to the hopes which the birth of our institution engendered, real international co-operation is only an unattainable chimera, or whether the form it was given was fundamentally unsuitable, or whether, through changes in its evolution, it has lost all efficacy, whether through the fault of the Members of the League, as Dr. Beneš has aptly suggested, or through customs unwisely established alongside and outside our constitutional rules by our active organs.

There are obviously two group-propelling tendencies in mankind : on the one hand, the synergetic association of their productive and spiritual forces combining to ensure peace and prosperity for all ; and, on the other hand, the instinctive and egoistic manifestations, whether held as sacred or not, whether superhuman or merely inhuman, which still form the core of national power. These two contradictory tendencies, instead of balancing each

other by means of a satisfactory compromise, as had been hoped since the nineteenth century even by some of the most realist minds, seem now to have reverted to the tragic culminating-point of their millennial conflict, thus bringing civilisation itself into deadly peril.

Small countries like mine, though fortunately not in a position to take part in the dangerous rivalries of world policy, are nevertheless obliged to keep as watchful an eye on those rivalries as if they were their own problems, because, when catastrophes occur, they find themselves drawn into the fray by an inescapable need to defend their culture and civilisation. In any case they suffer from the ruinous and lasting consequences of these catastrophes, which—as we are now painfully experiencing—affect the whole body of mankind.

In these circumstances, since all nations are thus bound together for better or for worse, my Government expresses the hope that within the League of Nations itself constant attention will be paid to the maintenance and strengthening of the organic clauses which ensure that each State Member, whatever its degree of strength, its geographical situation or other national characteristics of race, public wealth, language, custom or form of Government, shall have its full share in the work of peace.

My delegation is convinced that, in order to strengthen the League and devise useful means of facilitating the accession of new Members (for that seems to be a general desire) to overcome fears and susceptibilities in some quarters, and persuade others to act in a spirit of equity and co-operation, it is absolutely necessary that each Member should be actively associated in the accomplishment of the common task, so that none should imagine that, instead of the effective collaboration of States, there has grown up a dangerous government bureaucracy of the kind so strongly criticised in national organisations.

My country believes that the definite aims outlined in the Covenant and the spirit that inspired it can be achieved. It bases this conviction on the changes which have just occurred in the New World, and from which the Republic on whose behalf I have the honour to speak has particularly benefited.

The principles of international equality, compulsory arbitration for the settlement of disputes between nations small and great, mutual respect for each other's political independence and territorial security, cordial co-operation between the peoples and their Governments—all these principles have just been triumphantly vindicated in America.

In clear and well-chosen phraseology, the first delegate of the Argentine Republic told you at the beginning of this general discussion that, in our part of the world, aggressive racialism transformed into a religious and political system, artificial discriminations that lead to revolution and war, are non-existent, and that even armed conflicts regarding frontier questions appear to be only disputes regarding a succession and, once settled, permit of the revival of a spirit of fraternity.

For eighteen years my country, though never legally deprived of its sovereignty, was in practice entirely debarred from exercising it.

As during the whole of her history Haiti has been engaged in a struggle to ensure, and even to help to ensure for other neighbouring communities, the right of self-determination, she had to resort to all methods, drastic and peaceful alike, in order to regain her full independent political status.

Her claims naturally received the sympathetic support of the whole of Latin America. Liberal opinion in the United States of America echoed and powerfully seconded her demands. Finally, since 1929, under President Hoover's Republican

administration, matters began to improve greatly for ourselves and for the other sister-countries known as "countries with an amended Constitution".

On the assumption of office by President Roosevelt, who had belonged to the "Presidential family" of the Democratic President Woodrow Wilson, the main promoter of the Covenant which has brought us together here, everyone felt that the new inter-American policy "of goodwill" would be accentuated and perfected.

It was remembered that the head of the new administration had some time previously denounced the international isolation of his country and had in set terms criticised the abusive interpretation and extension of the doctrine to which the United States had traditionally subordinated its continental policy.

Mr. Roosevelt, reviving a spirit of optimism in America and, indeed, throughout the world, wrote :

"President Wilson has brought mankind the great hope that, by an association of nations, the world would eliminate armed conflicts and substitute reason and collective action for the old appeal to arms. Regarded by many as a mere experiment, that association, the League of Nations, has, even without America's participation, become for the rest of the world in recent years the principal body for the settlement of international controversies, for constructive action and for the correction of the evils that had become only too common to civilisation. . . . America can collaborate officially and to the full with any body studying and working to abolish the common ills of mankind, and can renounce for ever the practice of intervening arbitrarily in the internal affairs of her neighbours. . . ." (*Dictionnaire diplomatique*, page 856.)

Such statements, read in the light of recent events in the other hemisphere, lead me to wonder why it should be rash to hope that the road from Port-au-Prince, through Havana and Managua, might perhaps lead President Roosevelt one day to Geneva in resumption of the idealist policies which his master and predecessor, Wilson, inaugurated in the interest of world peace.

When, therefore, at the last Pan-American Conference at Montevideo, the Latin-American nations demonstrated more clearly than ever their attitude of mutual solidarity, and renewed their declarations of faith in respect for the rights of all States, whether strong or weak, the United States of North America was able to proclaim its definite intention not to intervene, in spite of all contrary interests, and the Legislature itself presently incorporated this principle as a rule of the foreign policy of the North-American Confederation.

Thus in practice the Haitian nation has, since October 14th, 1930, once again renewed its free participation in the Government of its affairs.

Gradually United States intervention has been decreasing. In the spring of this year, visits were exchanged between the Haitian chief of State and the chief of State of the United States of America. M. Stenio Vincent went to Washington and President Roosevelt came to Haiti in order to reach a final settlement of all matters that were contrary to the aspirations of the Haitian people. On August 15th there was no longer a single United States service or agent in our territory.

Relations between all the countries of America have once more become normal.

Those countries which it has now become customary to call the countries of Latin America have, under the impulsion of Brazil and the Argentine Republic, signed among themselves a system of pacts of non-aggression, to which my country naturally acceded. They have, moreover,

concluded numerous trade agreements consolidating the new order.

Thus there exists at present in our hemisphere a community of free national units enjoying equal rights, the most effective, if not the strongest conceivable, international group, because each unit has a positive interest in perpetuating the group and itself remaining within it.

Now that there no longer exist the grounds which have hitherto caused, in some quarters, apprehensions as to the principle of equality between States and their mutual obligations on the basis of justice and honour, as prescribed by the Covenant, and, in other quarters, legitimate misgivings as to the embodiment in the League's charter of the notorious "regional understandings" of Article 21, the event of capital importance which has just taken place in the New World is surely such as to encourage the League itself to hope that it will before long bring within its circle, to the general benefit of world peace, all the American States which are not yet members, including the State whose absence from Geneva has only too often made League action, which all the peoples have anxiously awaited, seem lacking in consistency or courage, or purely illusory.

Haiti itself, whose origin as a free people is due to France's generous assertion and practical observance of the rights of man and of peoples, has always felt it to be an obligation it owes to history to raise its voice — notwithstanding its small population and area — in defence of those rights whenever they have appeared to be flouted in any part of the world.

Accordingly, at the last Assembly, in 1933, at the time when our national claims were entering on a critical phase, the Haitian delegation, voicing the aspirations of Haitian public opinion and the views of the Haitian Government, felt bound to ask the League to embody amongst its fundamental principles the obligation of States to give equal protection to all inhabitants of their territory, and *a fortiori* to their own nationals, without distinction of race, language or creed.

Without going into the special features with which such a postulate, constituting as it does the foundation of modern public law, may have to cope in some continents, we felt that discriminatory treatment, based on a purely political need to arouse the passion of the masses in order to subjugate them, was importing an element calculated to intensify to a dangerous extent forms of competition between nations which are liable to obstruct or delay the aims of peaceful co-operation which we are pursuing here.

At the same time we had to avoid appearing ourselves to take sides in this matter from a racial standpoint, since such was contrary to our true intentions.

It would certainly be a mistake to take such a view. The people of Haiti, who are a mixed race, recognise in their public law the equality of all beliefs, and are proud to think that they are now not one species of men but Man himself, the man of the future, in whom all races are fused and merged, and no longer strive together because they are reconciled among themselves.

Be that as it may, my Government asked for a world-wide scientific institution, situated in Europe, to formulate with the League our desire that there should be introduced into the international law which you are elaborating the rule, adumbrated more than a century and a half ago, of the equality of all before the law, without distinction, in the national groupings.

This institution — I am referring to the Académie diplomatique internationale established in Paris and working in Paris — has from the moment of its establishment made itself the apostle of this ideal of social and international peace. My Government accordingly invited the permanent Secretary-General of the Académie to join the Haitian delegation for

this particular purpose, without concerning himself with our other obligations as an American State belonging to the League, with which I am myself concerned.

We accordingly asked the fourteenth Assembly to summon a conference to study the natural rights of man and their embodiment in a system of international juridical guarantees. The Haitian delegation hopes that this proposal will be taken into consideration in the discussions of the Sixth Committee.

In this connection, I may be allowed to recall with pride that my country, which from its first beginnings has been imbued with this international spirit, has always conformed strictly to all its obligations within the community of peoples. The individual histories of so many nations of the western hemisphere are evidence of this.

In fact, in 1932 a North-American diplomat, highly esteemed for his previous career in Paris, in presenting his credentials to the President of the Haitian Republic, stated for the first time in any American official utterance that Haitians had fought and bled for the independence of the United States of America.

At the beginning of the same year 1932, a further tribute, which we are anxious to place on record, was formally paid us in a message addressed to the Finance Committee of the American Senate by the Secretary of State, Mr. Stimson. In the course of a review of our financial relations with foreign countries, he took occasion to note that the people of Haiti had always scrupulously fulfilled its obligations, even at the cost of the most pressing necessities of its national services — a fact that obviously does not justify all the disappointments we have sustained, but which, on the contrary, places us in the forefront among the States that are conscious of their responsibilities towards other States.

Now that I have shown that the situation in my country is once more normal in every respect, and that a satisfactory view of international co-operation is now taken in the western hemisphere, my delegation desires to express the hope that :

(1) In view of this state of affairs, the League's efforts will meet with a readiness on the part of Bolivia and Paraguay, States Members of the League, to reach at an early date a solution of the regrettable conflict which has lined up these two countries against each other, in such a manner as to justify the saying honoured among the American peoples that "frontiers are made to unite rather than to divide".

(2) Just as in the case of the dispute between Peru and Colombia, solutions may be found for the Sino-Japanese dispute, the Hungaro-Yugoslav incidents and all similar incidents, as also in the case of those disputed territories whose ultimate fate is to be determined by plebiscites — solutions which, peacefully conducted by the League, may enable the parties concerned to accept the resultant legal situation.

(3) Remembering that Léon Bourgeois himself was not prepared to rely on the existing inadequate acceptance of the peace doctrine as a means of ensuring the Gospel promise of peace on earth, my delegation hopes that powers to impose sanctions — powers that may be acceptable to all — will be conferred upon the League as a means of enforcing its decisions.

(4) We trust that the increasingly urgent needs of the world and the universally recognised wisdom and usefulness of the League will lead those Members who, for the time being, have left the League, to return to it, and that those peoples who have not hitherto collaborated with us will join us, whatever their form of Government and whatever feelings of mistrust they may inspire, in order that, having joined the League and become subject to its rules of association, their national activities may develop without injury to those of other nations.

(5) Lastly, my delegation hopes that, in order to consolidate its prestige and universalise its action — which is a consummation at least as indispensable as the universalisation of its membership — the League may have the opportunity to consider more closely the world's economic problems, which are more vital and more imperiously urgent than the political or even the social problems; indeed, these latter are frequently dependent on the economic problems, in respect to both their origin and their solution. We hope that it will be able to evince in its own organisation, as it is endeavouring to do (witness the Secretary-General's admirable report), the principles of equality as between Members of the League in respect of their mutual rights and duties; that its work may no longer be open to criticism as being costly and of purely academic value; and that world opinion will compel national Governments to evolve from these principles a common international law.

The President :

Translation : His Excellency M. Caeiro da Mata, first delegate of Portugal, will address the Assembly.

M. Caeiro da Mata (Portugal) :

Translation : I should not have come to this platform had there not been a special reason which made it imperatively necessary for me to do so. This is the first meeting of the Assembly since it adopted an important proposal made by Portugal for modifying the composition of the Council of the League and appointed the Portuguese representative to fill the new vacancy created on the Council. I therefore owe you the thanks of my Government for the mark of confidence you have shown in it. It is endeavouring to show itself worthy of that confidence by its faith in our common task and by its devotion to that task.

The report on the work of the League since the fourteenth session of the Assembly is a remarkable document and does honour to the Secretary-General and his colleagues. It enables us to follow the manifold activities of the League and reveals to us in striking fashion the great difficulties it has too often had to face in the accomplishment of its task.

Political embarrassments, social unrest, inconsistencies of all kinds arising out of the war, financial difficulties, economic malaise, disorganisation of the international machinery for the distribution of credit, a general wave of speculation and a universal tendency towards the expansion of plant, involving tremendous mistakes in the direction of over-capitalisation, severe economic depression throughout the world caused by the constant fall in the price of raw materials — all this constitutes the background of the picture of the present position, which the report faithfully depicts.

The eminent delegate of Czechoslovakia, M. Beneš, in his opening speech at this Assembly, described the general political situation and the activities of the League. On the whole, that objective and impartial study was not unfavourable to our institution, and I associate myself with his conclusions. The League has a source of strength derived from its origin. A great French statesman, whose memory still abides with us, Aristide Briand, often said so, and sometimes in moving circumstances. This source of strength is the Covenant. The Covenant is the constitutional law of the League, which all its Members must honour and respect. No one can be a Member of the League who is not loyal to the letter and spirit of the Covenant. I am in entire agreement with the firm and unequivocal statements made this morning by Sir John Simon and M. Barthou.

As the instrument created to ensure peace, the League has had and still has the onerous task of clearing up the difficult situations which the world

war left as its heritage. That work is not finished, and it often complicates the achievement of the two great objects assigned by the Covenant to our institution — namely, the development of co-operation between nations and the maintenance of peace.

I am one of those believers who refuse to admit that war is firmly rooted in human nature and inevitable in the development of communities. I believe that war, like all other human crimes, can be prevented, and that at a more advanced stage of society it will be put down and punished. Nevertheless, in spite of the intense work of propaganda and education already carried out in the most civilised countries of the world, this creative work of solidarity is only just painfully emerging from a crisis which threatened to destroy it. We have anxiously followed this League crisis, which was happily only a growing-pain from which the League will recover all the stronger, and which is largely explained by the relative lack of success attending some of its activities.

The fact that the failure of the Monetary and Economic Conference and the temporary adjournment of the Disarmament Conference happened just at the time when two great Powers announced that they were leaving our institution was what made the crisis so serious. I will not go into the causes of the crisis or the means whereby it may be overcome. I will merely say that the League's work has become more stable during the last few months, that it has achieved successes in the fields of international security and the maintenance of peace, and these successes are restoring the confidence which was temporarily shaken. Thus, the settlement of the frontier dispute between Hungary and Yugoslavia, the signing of the Peace Protocol at Rio de Janeiro between Colombia and Peru and the organisation of the Saar plebiscite are so many striking achievements which the methods and machinery of the League have rendered possible. The League is thus pursuing the tasks assigned to it by the Covenant, and pursuing them, moreover, in an atmosphere of calm and dignity. It will succeed.

As the crisis is universal, there is a ready tendency to think that the remedy can come only from an institution like the League, whose ideal is universality; but that is a confusion of thought which must be avoided. We must not forget that the League is a collective body whose existence necessarily depends on the condition of each of its component parts. It is not only the collective work which may improve the situation; it is, above all, the efforts of each country to cope with its own crises which will overcome them.

The nationalism of States is sometimes contrasted with the internationalism of the League. That is perhaps a superficial view. If we mean a passionate, destructive and aggressive nationalism, then it is the opposite of the international spirit of the League; but if, on the contrary, we mean an organising, constructive, disciplined, pacific nationalism, not only is there no clash between it and internationalism, but the very life of our institution depends on the existence of such nationalism. Every country which succeeds in overcoming the crisis and ensuring order, peace and social equilibrium at home contributes to the general recovery and becomes capable of ensuring, by its collaboration, the realisation of the collective aims of the League.

We ourselves, modest collaborators though we are, have endeavoured, whenever we have been called upon to contribute our work or our influence, to place them at the service of the common cause. Thus we have concluded commercial agreements facilitating trade and navigation with some of the most important countries, and we have ratified several international Conventions. But we have before all else endeavoured to bring about at home such conditions of peace and security, both political and economic, that not only has our country

long since ceased to be an element of unrest, but it has become a model of order, security and efficient administration, and hence a factor making for peace and progress. Perhaps you will allow me briefly to give you some evidence of these affirmations.

I will not go into the work of financial recovery in Portugal carried out during the last six years, thanks to the action of that ardent patriot and able statesman, Professor Oliveira Salazar, President of the Council and Minister for Finance. I will only point out that since 1928 the Portuguese budget has been balanced, and the budget surpluses from that year onwards have amounted to some 700 millions. The Portuguese budget is very adequately safeguarded. I may quote the rule of budgetary unity inserted in the political Constitution of the Portuguese Republic as the basis of the budget itself: payment of all normal State expenditure must be made exclusively from normal revenue; the legal restriction of the conception of extraordinary public expenditure which can be met only by loans (the same principle is embodied in the Constitution); the prohibition of the financing of private concerns on any pretext of general interest; the strict regulation of payments in respect of previous financial years; protection of the budget against undue financial burdens in respect of the colonies.

The floating debt, which six years ago amounted to more than two milliards, has gradually been reduced and was completely paid off on June 30th, 1934.

The work of national reorganisation is being carried out on the basis of a balanced budget. Thus, a great effort has been made to provide equipment which we lacked almost entirely. High-roads have been reconditioned, secondary roads rebuilt and harbours enlarged or improved. The telephone service has been greatly expanded, many school buildings have been constructed, and public buildings and monuments have been renovated. Various public services have been given fitting accommodation and hospitals are being built in accordance with the requirements of modern science, while large agricultural irrigation works have been undertaken.

The face of the country is entirely changed and we may add, as consequences of sound administration, the following: the ten-year plan, duly financed, for the completion of the road system and the technical progress recently made in road construction; the innumerable local developments, in which the State has participated financially in order to combat unemployment, and the increase in the budget appropriations for productive work.

With regard to the Customs tariff, unlike so many other countries (recent statistics show that the Customs duties have been raised in twenty-nine European and American countries by 100-500 per cent), Portugal's Customs policy may be described as very moderate. This is to some extent linked with the facilities accorded for the export of money, the recent restrictions on which in our country are merely in the nature of supervision.

I may also say that our balance of payments is satisfactory and that the backing for banknotes in circulation amounts to 42 per cent (gold value), 30 per cent of which is gold in bullion.

Fresh possibilities are being opened up in my country; a new spirit is informing it and adapting it to the requirements of progress. No one can deny that the position thus created is good for the community of nations or that by organising its domestic life on the basis of a strong Government, which has known how to use the spiritual forces of the country to carry out and ensure its reconstruction, Portugal has accomplished the first of its duties to the League.

In spite of great difficulties, we have done work in our colonial empire comparable to that done in the home country. All the colonial countries

have suffered and are still suffering from an unprecedented economic upheaval, and the same has been the case in the Portuguese colonies.

In spite of this, and thanks to the energy and competence of my colleague, Professor Armindo Monteiro, Minister for the Colonies, and his collaborators, we have been able to reorganise our colonial finances, revise and balance the budget of each colony, carry out much work of public utility and improve and perfect the work of assisting the natives.

The political and administrative organisation has been modified and has been made the subject of two remarkable legislative acts — the Organic Charter of the Colonial Empire and the Law on Administrative Reform — which have earned us high praise by foreign experts.

In spite of the inevitable reduction in revenue, we have undertaken a great deal of scientific study in most of the colonies, and the sums devoted to the requirements of the natives have by no means decreased.

Our colonial work, the peace we have been able to maintain without difficulty in our eight colonies and the efforts made to ensure their economic and social progress in spite of the terrible world crisis must obviously be regarded as a national work beneficial to the community of nations.

We are at present organising a colonial exhibition at Oporto. Many foreigners have visited it and publicly expressed their admiration of this collective evidence of the remarkable progress made in colonial work during the last sixty years.

We are producing in the colonies raw materials from which many other countries are deriving great benefit; we are establishing new markets there; we are gradually educating the native populations to a new civilisation and, by granting those populations a double personal status, we are allowing qualified individuals immediate access to all the rights and duties of the citizens of the home country. I am fully convinced that there again the work we are doing is to the advantage of the community of nations.

Questions of great political complexity and extreme importance, both for the future of Europe and for the authority of the League of Nations and its normal functioning, are to be discussed in our Committees and then in the Assembly. We shall study them in an atmosphere of calm, our impartiality undisturbed by outside passions. We shall find for those questions solutions which, though they may not give satisfaction to all, will have to be universally respected, if necessary at the cost of sacrifices, as a tribute to the lofty ideal of solidarity which guides us. I hope, without too much confidence, that we shall be able to pursue our task unhindered by any new "solidarities"; but what I do firmly believe is that we shall overcome all troubles and vanquish all difficulties to maintain this peace, which is the supreme guarantee of the existence of our peoples and of the progress of our civilisation.

The President :

Translation : His Excellency Tevfik Rüstü Bey, delegate of Turkey, will address the Assembly.

Tevfik Rüstü Bey (Turkey) :

Translation : The period which has elapsed since the last Assembly has been marked, as far as Turkey is concerned, by continued collaboration and by redoubled efforts for peace and concord with all countries.

I need only refer in this connection to the new treaties with our Balkan neighbours, to the treaties concluded or renewed with our neighbours in the Eastern Mediterranean, and to the ceaseless activity shown in our increasingly close relations with the States of Central Asia. I may be permitted to take this opportunity of declaring

publicly from this platform that Turkey has contracted no engagement to any party whatever which has not been published, made known to all and duly registered — or which is on the point of being registered — with the League of Nations.

I have no wish to take up your time by repeating here what everyone has frequently seen in the world Press on this subject. I need only affirm that we have no difference on vital or even important questions with any country in the world. On the contrary, we are steadily strengthening our relations with all.

If the political action of a country is to be judged by its relations with its neighbours, we may say that we, for our part, are prepared to abide by the judgment of our neighbours in Europe and Asia in regard to ourselves, and that we entertain none but the most sincere and friendly sentiments in relation to them.

One of those questions on which every State is most sensitive is, I apprehend, the question of its frontiers; and on this highly delicate question of the delimitation of frontiers, Persia and Afghanistan have had recourse to the arbitration of their friends in Turkey. I can only, as in duty bound, express to them in this place our deep gratitude for this mark of confidence.

We shall, moreover, always make it a point of honour to continue to follow this path of good understanding and international collaboration as resolutely after as before our entry into the League. We are profoundly convinced that this is one of the best uses to which the idea on which the League is based can be put.

We are humble workers for peace; and we are present here to-day, not to submit difficulties to you for solution or disputes for settlement, but solely to contribute with all our strength to the handiwork of those who are at one with us in determining that the conception of international harmony and agreement shall be not merely a vague aspiration but a reality.

In affirming our resolve to contribute as far as lies in our power to the realisation of the League ideal, we have no thought of boasting of what we have done up to the present to promote international *rapprochement*; we venture only to hope we may deserve your cordial approval of what we aspire to do in the future.

Although the League must necessarily seek to develop and improve its rules and procedure in the light of past experience, and although, to that end, it is in every way desirable to promote this evolution by discussing in the Assembly the various proposals for improvements in this connection, I feel it is at the same time of the first importance not to be guided merely by any particular considerations of the moment which might divert the evolution of the League towards anarchy and seriously weaken the League itself.

I myself am prepared to believe that the desire to pursue and attain positive ends by constructive means is very generally felt. In this sense I have great pleasure in noting that, at a time when we still deplore the departure of certain Members of the League, a notable step forward has been taken in the direction of making the League a universal institution by securing the valuable collaboration of the Union of Soviet Socialist Republics, with which my country has always maintained the most amicable relations. I cannot but refer to the effective contribution which that great country has already made in arriving at a definition of the aggressor, which, with the collaboration of our friends — Poland, Roumania and other neighbours — has resulted in the London Treaties.

On the minorities question, which was raised yesterday by my distinguished colleague M. Beck, and has led to interesting discussions, the Turkish

delegation takes the humanitarian standpoint. We believe there is a real and urgent need to extend the contractual provisions to all nations instead of restricting them to certain countries and thus giving them the appearance of burdens calculated to excite susceptibilities.

The President :

Translation : M. Berger-Waldenegg, delegate of Austria, will address the Assembly.

M. Berger-Waldenegg (Austria) :

Translation : If once again a delegate of Austria comes to the platform to address you, it is because Austria desires to explain to you briefly the great value which the present Government attaches to international relations. In virtue of her geographical position, Austria constitutes a centre in the heart of Europe from which either good or evil can radiate out over the whole continent. Hence we consider it our sacred duty to contribute as far as we can towards safeguarding European peace. This central position which we occupy makes it our duty to take an active part in international collaboration, especially with the other States of Europe. Conscious of the noble task before her, Austria took the first opportunity which presented itself to enter the League. Since she has been a Member, she has placed herself entirely at the service of this august institution and has followed with sustained attention the important work with which it is entrusted.

As an Austrian, I am glad to be able to say from this platform that we have always encountered in the League the most generous understanding of our position and the most effective help whenever we have appealed to it. Austria has received this support for the last few years, especially in the financial field. In this connection I venture to mention, with feelings of the greatest satisfaction, the passages in the Secretary-General's report dealing with the economic and financial position of Austria, which so clearly show what good results have been produced by the assistance accorded to my country. I take this opportunity to renew, on behalf of the Austrian Federal Government, our most sincere thanks to the Secretary-General, the Financial Committee of the League and that Committee's representative at Vienna for the valuable work they have done for my country.

The slow but constant movement of economic recovery in Austria has furnished the best proof of Austria's economic viability, which is further demonstrated by the stability of the Austrian schilling. In that respect I should like to express my profound conviction that Austria would by now have travelled much farther along the road of practical achievement had she not been continually obliged to face certain threats from without, made with the obvious intention of sapping the very bases of her independent life. Threats of this kind include all acts and words of third parties likely to engender fear or failure within our country.

Obviously, machinations of this kind must sooner or later undermine the faith of the Austrian population in Austria's internal stability. Nevertheless, during the last few months Austria has given striking proof of her unshakable determination to play the part she has been called upon to play in Europe. She vigorously resisted the attacks made upon her in February and July with the object of shaking the foundations of her existence, and, in the latter case, even jeopardising her independence. She then showed the whole world,

by the successful issue of these struggles, that she was not only economically viable but was firmly determined to remain independent. From the dark stormy clouds which enveloped it, the Austrian ideal emerged victorious. This important success is primarily due to the exemplary devotion of the Austrian people to the sacred cause of their independence, and we also fully realise that we have to attribute this victory — for it was a victory — to the invaluable sympathy extended to us by a number of European Powers who were good enough to lend us effective aid in the course of the struggle that was thrust upon us.

I should like in the first instance to mention Italy, who has never failed to give noble evidence of her friendship for us at critical moments, and also the fruitful and effective collaboration of M. Scialoja, whose memory has been evoked in moving terms from this platform and will never be forgotten by us.

Our friendly relations with our neighbour, Hungary, to whom we are bound by the beneficial effects of the Pact of Rome, have also assisted us greatly in our task.

I should also like to pay tribute to the political wisdom of France, whose old traditional friendship has afforded us valuable moral support. Moreover, the sympathy and sincere friendship which we have received from the United Kingdom have also powerfully contributed towards the revival of our economic life.

As for our other neighbours, direct and indirect, our close and manifold economic relations with these friendly Powers, the list of whom it would take too long to enumerate, are paving the way for an agreement favourable to a wider mutual understanding of the political requirements of our respective countries.

Unfortunately, Austria's fight to maintain her national integrity is not yet at an end. The final victory of the Austrian ideal seems still to be contested. Our point of view is this: We Austrians, conscious of our duty towards our country, have no desire whatever to brandish the sword; we should be only too happy to sheathe it. But if we are attacked, from whatever quarter, we shall defend ourselves to the last drop of our blood, and in doing so we shall be conscious of fulfilling our European mission.

The Federal Government is firmly convinced that it can count on the continued support of the Powers represented on the League of Nations, so that Austria may be able to carry to a successful conclusion her mission, the safeguarding of which involves international interests of the highest importance.

It is principally in the economic sphere that the League's work is of peculiar value to my country. It is unnecessary for me to dwell here on Austria's very natural claims with regard to the means of facilitating international trade. We also hope to be able to count in future on the effective work of the League in this field.

The events of the last few months have, moreover, shown that for the security of Austria certain forces are required if the exceptional internal circumstances are to be adequately coped with. We feel sure the Powers represented here will take account of the special requirements of our country at this time.

As you see, I do not intend to submit to you any specific proposals calling for an immediate decision on the part of this Assembly. I think, therefore, I may be allowed to conclude my statement by requesting the Assembly to accord Austria the support necessary to ensure the maintenance of her security and to facilitate the economic consolidation which is the essential condition of that security.

The President :

Translation : The list of speakers is now exhausted, and I therefore declare closed the discussion on the report of the work of the League since the last session of the Assembly.

29. — SLAVERY : DRAFT RESOLUTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.

The President :

Translation : The United Kingdom delegation has just transmitted to me a letter containing a draft resolution which reads as follows :

“ The Assembly,

“ In view of the interest it has shown in the past in the question of slavery,

“ Decides to refer to the Sixth Committee the chapter on slavery in the report on the work of the League since the last session of the Assembly.”

In accordance with the Rules of Procedure, the text of this resolution will be printed and communicated to the delegations. I shall submit to the Assembly at a subsequent meeting suggestions as to the action to be taken with regard to it.

SEVENTH PLENARY MEETING

Monday, September 17th, 1934, at 11 a.m.

CONTENTS :

30. QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.

Inclusion of this Item in the Agenda of the Session and Reference to the Sixth Committee.

31. APPOINTMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AS A PERMANENT MEMBER OF THE COUNCIL ON THE OCCASION OF HER ENTRY INTO THE LEAGUE OF NATIONS.

Resolution adopted by the Council on September 15th, 1934.

32. SLAVERY.

Adoption of the Draft Resolution submitted by the United Kingdom Delegation.

33. REQUESTS OF CHINA AND SPAIN FOR RE-ELIGIBILITY FOR ELECTION TO THE COUNCIL OF THE LEAGUE OF NATIONS.

President : M. R. J. SANDLER.

30. — QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS: INCLUSION OF THIS ITEM IN THE AGENDA OF THE SESSION AND REFERENCE TO THE SIXTH COMMITTEE.

The President :

Translation : The first item on the agenda is the question of the entry of the Union of Soviet Socialist Republics into the League of Nations.

In this connection, the delegations have already received copies of the following communications :

1. *Letter to the President of the Assembly transmitting the Invitation addressed by Certain Members of the League to the Government of the Union of Soviet Socialist Republics.*

"The delegations of the States hereinafter enumerated :

"Abyssinia, Albania, Australia, Austria, United Kingdom of Great Britain and Northern Ireland, Bulgaria, Canada, Chile, China, Czechoslovakia, Estonia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, South Africa, Spain, Turkey, Uruguay and Yugoslavia,

have the honour to send herewith to the President of the Assembly copy of a telegram which they have just despatched to the People's Commissariat of Foreign Affairs at Moscow.

"They would ask the President to be good enough to communicate this document to the Assembly.

"Geneva, September 15th, 1934.

"People's Commissariat for Foreign Affairs, Moscow.

"The undersigned, delegates to the fifteenth Assembly of the League of Nations from the States hereinafter enumerated :

"Abyssinia, Albania, Australia, Austria, United Kingdom, Bulgaria, Canada, Chile, China, Czechoslovakia, Estonia, France,

Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, South Africa, Spain, Turkey, Uruguay and Yugoslavia ;

"Bearing in mind that the mission of maintaining and organising peace, which is the fundamental task of the League of Nations, demands the co-operation of all the countries of the world :

"Invite the Union of Soviet Socialist Republics to join the League of Nations and give the League its valuable collaboration.

"This telegram is being communicated to the President of the Assembly of the League of Nations.

"Teclé-HAWARIATE, Lec KURTI, S. M. BRUCE, E. BERGER, Anthony EDEN, C. BATOLOFF, R. B. BENNETT, Manuel RIVAS-VICUÑA, QUO Tai-chi, Eduard BENEŠ, J. SELJAMAA, Louis BARTHOU, D. MAXIMOS, C. MAYARD, G. TÁNCZOS, Denys BRAY, NOURY Said, ALOISI, W. MUNTERS, S. LOZORAITIS, F. CASTILLO NAJERA, J. PARR, B. KAZEMI, BECK, N. TITULESCO, Eric H. LOUW, S. de MADARIAGA, Tefvik RÜSTÜ, A. GUANI, Bogolioub YEVITCH."

2. *Letter addressed to the President of the Council by the First Delegate of Sweden.*

"Geneva, September 15th, 1934.

"In agreement with the heads of the Danish, Finnish and Norwegian delegations, I have the honour to inform Your Excellency that the Governments of Denmark, Finland, Norway and Sweden have to-day confirmed to the Soviet Government, through the ordinary diplomatic channel, their decision to vote in favour of the admission of the Union of Soviet Socialist Republics to the League of Nations.

"I should add that the delegations in question would have been authorised to associate themselves with an invitation to that effect had such an invitation been issued by the Assembly itself.

(Signed) Richard SANDLER,

"First Delegate of Sweden."

3. *Letter addressed to the President of the Assembly by the Government of the Union of Soviet Socialist Republics.*

"September 15th, 1934.

"The Soviet Government has received a telegram signed by a great many Members of the League of Nations — namely, South Africa, Albania, Australia, Austria, Great Britain, Bulgaria, Canada, Chile, China, Spain, Estonia, Abyssinia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, Czechoslovakia, Turkey, Uruguay and Yugoslavia — in which, pointing out both that the mission of the League of Nations is the organisation of peace, and that this necessitates the general co-operation therein of all nations, they invite the Union of Soviet Socialist Republics to join

the League of Nations and add its co-operation. Simultaneously, the Soviet Government has been officially informed by the Governments of Denmark, Finland, Norway and Sweden of their favourable attitude to the entry of the Union of Soviet Socialist Republics into the League.

"The Soviet Government, which has made the organisation and consolidation of peace the main task of its foreign policy, and has never been deaf to proposals for international co-operation in the interests of peace, considering that, coming as it does from an overwhelming majority of Members of the League, this invitation represents the real will to peace of the League of Nations, and their recognition of the necessity of co-operation with the Union of Soviet Socialist Republics is willing to respond to it, and become a Member of the League, occupying therein the place due to itself, and undertaking to observe all the international obligations and decisions binding upon members in conformity with Article 1 of the Covenant.

"The Soviet Government is especially glad to be coming into the League at a moment when the question of the amendment of the Covenant in order to bring it into harmony with the Briand-Kellogg Pact, and to banish completely international warfare, is being considered by it.

"Since Articles 12 and 13 of the Covenant leave it open to States to submit disputes to arbitration or judicial settlement, the Soviet Government considers it necessary to make it clear that, in its opinion, such methods should not be applicable to conflicts regarding questions arising before its entry into the League.

"I venture to express the hope that this declaration will be accepted by all Members of the League in that spirit of sincere desire for international co-operation and for ensuring peace to all nations in which it is made.

(Signed) Maxim LITVINOFF,

"People's Commissar for Foreign Affairs."

Upon receiving the above documents, I immediately convened the General Committee of the Assembly, which met this morning.

The General Committee discussed what procedure might be suggested to the Assembly. It was of opinion that, in this particular case, there was no need to submit the question to the Agenda Committee, but that the General Committee itself could make proposals, and it instructed me to submit to you, on its behalf, the following suggestions:

The question of the entry into the League of the Union of Soviet Socialist Republics would, without further formality, be placed on the agenda of the present session. Should this proposal be approved by the Assembly, the question would be referred to the Sixth Committee.

If there are no observations, I shall take it that the Assembly, adopting, in accordance with the Rules of Procedure, the proposals of its General Committee, decides to place the above-mentioned question on the agenda of the present session and to refer it to the Sixth Committee.

The proposals of the General Committee were adopted.

31. — APPOINTMENT OF THE UNION OF SOVIET, SOCIALIST REPUBLICS AS A PERMANENT MEMBER OF THE COUNCIL ON THE OCCASION OF HER ENTRY INTO THE LEAGUE OF NATIONS: RESOLUTION ADOPTED BY THE COUNCIL ON SEPTEMBER 15th, 1934.

The President:

Translation: The President of the Council has forwarded to me a letter dated September 15th, 1934, accompanied by a resolution which I will read to the Assembly:

"I have the honour to communicate to you herewith copy of a resolution which has to-day been adopted by the Council regarding the appointment of the Union of Soviet Socialist Republics as a permanent Member of the Council as soon as it has entered the League of Nations.

"I should be glad if you would submit this resolution to the Assembly for its approval in accordance with Article 4, paragraph 2, of the Covenant.

(Signed) Eduard BENEŠ,

"President of the Council.

"Resolution adopted by the Council of the League of Nations on September 15th, 1934.

"The Council,

"Having had communicated to it the letter of September 15th, 1934, which has been addressed by the Union of Soviet Socialist Republics to the President of the Assembly with regard to that State's entering the League of Nations:

"Decides, in virtue of the powers which it derives from Article 4 of the Covenant, to appoint the Union of Soviet Socialist Republics to be a permanent Member of the Council as soon as its admission into the League of Nations has been agreed to by the Assembly;

"Invites the Assembly to approve this decision."

I also transmitted this communication to the General Committee at its meeting this morning.

I propose, after consulting the General Committee, to take steps later with a view to the necessary action on the decision communicated to me by the President of the Council.

32. — SLAVERY: ADOPTION OF THE DRAFT RESOLUTION SUBMITTED BY THE UNITED KINGDOM DELEGATION.

The President:

Translation: The Assembly will remember that, at its afternoon meeting on September 14th, a draft resolution was submitted by the United Kingdom delegation suggesting that the chapter relating to slavery in the report on the work of the League since the last session of the Assembly should be referred to the Sixth Committee.

In accordance with precedents, I propose that the Assembly immediately adopt this draft resolution and decide, without further procedure, to refer to the Sixth Committee the parts of the report in question dealing with slavery.

The draft resolution was adopted.

33. — REQUESTS OF CHINA AND SPAIN FOR RE-ELIGIBILITY FOR ELECTION TO THE COUNCIL OF THE LEAGUE OF NATIONS.

The President:

Translation: The next item on the agenda is the Assembly's decision on the requests submitted by China and Spain for re-eligibility for election to the Council.

The Assembly will remember that I informed it, during the meeting on the afternoon of September 10th, of the requests for re-eligibility submitted to it. One of these was submitted by China, by letter dated September 7th, while the other was submitted by Spain, by letter dated September 10th. These letters having already been communicated to all the delegations, there is no need for me to read them to you again.

The Assembly will have noted that the requests for re-eligibility submitted by China and Spain have been submitted in the regular form and within the time-limits laid down in the Assembly resolution of September 15th, 1926. It is therefore for the Assembly to decide on these requests, in accordance with the provisions of the resolution of September 15th, 1926, laying down the rules for such elections.

I think I should remind you of these rules by reading the provisions of Article II, paragraphs 1 and 2, of the resolution, which reads as follows :

“A retiring Member may not be re-elected during the period between the expiration of its term of office and the third election in ordinary session held thereafter, unless the Assembly, either on the expiration of the Member’s term of office or in the course of the said period of three years, shall, by a majority of two-thirds of the votes cast, previously have decided that such Member is re-eligible.

“The Assembly shall pronounce separately, by secret ballot, upon each request for re-eligibility. The number of votes cast shall be determined by the total number of voting tickets deposited, deducting blank or spoilt votes.”

The Assembly is thus called upon to decide by secret ballot on each of these two requests. There will be two successive ballots. As the name of each delegation is called, a representative of that delegation will deposit its voting-card in the ballot-box.

Delegations to the Assembly desiring to vote in favour of the requests for re-eligibility submitted to them will write “Yes” on the voting card, and those desiring to vote against it will write “No”. Those not desiring to express an opinion will write “Abstaining”.

I will ask Mr. Eden, first delegate of the United Kingdom of Great Britain and Northern Ireland, and Baron Aloisi, first delegate of Italy, to be good enough to come to the platform and act as tellers.

(Mr. Eden and Baron Aloisi took their places on the platform as tellers.)

REQUEST FOR RE-ELIGIBILITY SUBMITTED BY CHINA.

The President :

Translation : The first vote which I propose shall be taken is the request for re-eligibility submitted by China.

The roll will now be called.

(The vote was taken by roll-call.)

The President :

Translation : The result of the voting is as follows :

Number of votes cast	53
Blank or spoilt voting-tickets.	1
Number of valid votes	52
Majority required for acceptance.	34
Number of votes in favour of the request	21

Consequently, the majority required for re-eligibility has not been obtained.

I would ask the tellers to continue to give us their assistance.

REQUEST FOR RE-ELIGIBILITY SUBMITTED BY SPAIN.

The President :

Translation : A vote will now be taken on the request for re-eligibility submitted by Spain.

(The vote was taken by roll-call.)

The President :

Translation : The result of the voting is as follows :

Number of votes cast	54
Blank or spoilt voting-tickets	2
Number of valid votes	52
Majority required for acceptance	35
Number of votes in favour of the request	44

Consequently, I declare that the majority required for re-eligibility has been obtained.

I desire cordially to thank the tellers for their kind assistance.

EIGHTH PLENARY MEETING

Monday, September 17th, 1934, at 3.30 p.m.

CONTENTS :

- 34. ELECTION OF THREE NON-PERMANENT MEMBERS OF THE COUNCIL.
- 35. CREDENTIALS OF DELEGATES TO THE ASSEMBLY. Proposals of the General Committee.
- 36. DEPARTURE OF M. BADO, DELEGATE OF URUGUAY, AND APPOINTMENT OF M. SCHMIDT, DELEGATE OF ESTONIA, TO REPLACE HIM AS CHAIRMAN OF THE COMMITTEE ON CREDENTIALS.

President : M. R. J. SANDLER.

34. — ELECTION OF THREE NON-PERMANENT MEMBERS OF THE COUNCIL.

The President :

Translation : The first item on the agenda is the election of three non-permanent Members of the Council.

Before proceeding to take the vote, I will remind you of the various rules applicable thereto.

First of all, I would inform the Assembly that the rules laid down in the resolution adopted by the Assembly on October 2nd, 1933, have been observed. I will read the relevant paragraphs of this resolution :

“No Member of the League shall be eligible to be elected as a non-permanent Member of the Council unless it has proposed itself for election or been nominated by another Member of the League at least forty-eight hours before the election, which shall not be held before the seventh day of the Assembly’s session ;

“The notice of the candidature shall be given

in writing to the Secretary-General, who shall forthwith bring it to the attention of the Assembly. The Secretary-General shall at the time of the election place before the Assembly a list of the Members which have been duly put forward as candidates."

The four proposals for candidatures received from Chile, China, Spain and Turkey were communicated within the time-limit laid down. They were incorporated in a list drawn up by the Secretary-General and submitted by him to the Assembly in document A.33.1934, dated September 15th, 1934.

Following the practice of my predecessors in this office, I would now remind you of the provisions of the Assembly resolution of September 15th, 1926, making rules dealing with the election of the nine non-permanent Members of the Council, their term of office and the conditions of re-eligibility

Article 1, paragraph 1, of the resolution reads as follows :

"The Assembly shall each year, in the course of its ordinary session, elect three non-permanent Members of the Council. They shall be elected for a term commencing immediately on their election and ending on the day of the elections held three years later by the Assembly."

Before opening the ballot, I would again remind you of the provisions of Rule 22 (a) of the Rules of Procedure of the Assembly, which apply in this case.

The rule reads as follows :

"(1) The Members whose representatives are to sit on the Council as non-permanent Members of that body shall be selected by the Assembly by secret ballot.

"(2) Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot-paper containing more names than there are seats to be filled shall be null and void.

"(3) No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those Members shall be elected which obtain the greatest number of votes.

"(4) If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them; if they again obtain an equal number of votes, the President shall decide between them by drawing lots."

In computing the absolute majority prescribed for the first and second ballots, the Assembly will, I think, agree with me that, as at previous sessions, we should here, by analogy, apply the rule contained in the Assembly resolution of September 15th, 1926, concerning the "rules dealing with the election of the nine non-permanent Members of the Council, their term of office and the conditions of re-eligibility".

This resolution provides as follows :

"The Assembly shall pronounce separately, by secret ballot, upon each request for re-eligibility. The number of votes cast shall be determined by the total number of voting-papers deposited, blank or spoilt votes being deducted."

It would appear that, in electing the non-permanent Members of the Council, blank or spoiled voting-papers must not be counted when the number of votes is reckoned. The absolute majority should be calculated on the basis of the total number of valid voting-papers.

If no one has any remarks to make, I shall assume that the Assembly, adopting the precedents of previous sessions, agrees to take the course I venture to suggest.

I would emphasise the point that, to be valid, voting-papers must bear the names of States and not of representatives of States. Further, no voting-paper must bear more than three names; otherwise it will be regarded as invalid.

May I ask M. Lamoureux, delegate of France, and Count Piola Caselli, delegate of Italy, to come to the platform and act as tellers.

(M. Lamoureux and Count Piola Caselli took their places on the platform as tellers.)

The President :

Translation : We will now proceed to ballot by roll-call.

(The ballot was taken by roll-call.)

The President :

Translation : The result of the ballot is as follows :

Number of votes cast	53
Voting-papers blank or spoilt.	1
Voting-papers valid	52
Absolute majority	27

The votes obtained by the States are as follows :

Chile	51
Spain	51
Turkey	48

I therefore declare Chile, Spain and Turkey, which have obtained the requisite majority of votes, elected non-permanent Members of the Council for a period of three years. I have pleasure in congratulating these States.

I wish also to thank the tellers for their kind assistance.

35. — CREDENTIALS OF DELEGATES TO THE ASSEMBLY: PROPOSALS OF THE GENERAL COMMITTEE.

The President :

Translation : The next item on the agenda is a proposal of the General Committee concerning the credentials of the delegates to the Assembly.

The attention of the General Committee has been drawn by the Committee on Credentials to a question which was raised in 1933 relating to the form and presentation of the credentials of the delegates to the Assembly.

The General Committee was of opinion that it might be advantageous to study the question more fully, so as to be able, if necessary, to supplement the provisions of the Rules of Procedure relating to the conditions with which the credentials of the delegates to the Assembly should comply.

The General Committee has requested me to submit the following proposals to the Assembly :

"The question of the credentials of delegates, as raised by the Committee on Credentials, would be placed, without further procedure, on the agenda of the present session of the Assembly.

"If the Assembly accepts this proposal, the question would be referred to the First Committee for examination, and the First Committee would consider it with the collaboration of the Chairman of the Credentials Committee."

If no one has any remarks to make, I shall take it that the Assembly accepts the proposal of the General Committee and accordingly decides to place on the agenda of the present session the question of the credentials of delegates and to refer it to the First Committee under the conditions which I have indicated.

The General Committee's proposals were adopted.

36. — DEPARTURE OF M. BADO, DELEGATE OF URUGUAY, AND APPOINTMENT OF M. SCHMIDT, DELEGATE OF ESTONIA, TO REPLACE HIM AS CHAIRMAN OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : His Excellency M. Bado, delegate

of Uruguay and Chairman of the Committee on Credentials, has informed me that he is obliged to leave Geneva and will probably not be able to return to take part in the work of the present session.

The Committee on Credentials, when informed of M. Bado's departure, met and nominated as its Chairman His Excellency M. Schmidt, delegate of Estonia.

The Assembly will take note of M. Schmidt's appointment as Chairman of the Credentials Committee in place of M. Bado, and M. Schmidt, in accordance with the decision taken by the Assembly at the beginning of its session, will be asked to serve on the General Committee of the Assembly.

NINTH PLENARY MEETING

Tuesday, September 18th, 1934, at 6 p.m.

CONTENTS :

37. QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.
Proposals of the General Committee of the Assembly on the Procedure to be followed.
38. QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.
Report of the Sixth Committee.
Resolution.
39. CREDENTIALS OF THE DELEGATES OF THE UNION OF SOVIET SOCIALIST REPUBLICS.
Convocation of the Committee on Credentials.
40. APPOINTMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO BE A PERMANENT MEMBER OF THE COUNCIL.
Vote on the Resolution adopted by the Council on September 15th, 1934.
41. CREDENTIALS OF THE DELEGATES OF THE UNION OF SOVIET SOCIALIST REPUBLICS.
Report of the Committee on Credentials.
42. ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.

President : M. R. J. SANDLER.

37. — QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS : PROPOSALS OF THE GENERAL COMMITTEE OF THE ASSEMBLY ON THE PROCEDURE TO BE FOLLOWED.

The President :

Translation : The first item on the agenda is the General Committee's proposals regarding the question of the admission of the Union of Soviet Socialist Republics into the League of Nations.

The Assembly will remember that, during the meeting held yesterday morning, September 17th, I reserved the right to consult the General Committee again on the procedure to be followed.

The Sixth Committee having accomplished its task and the report having been distributed to all the delegations as document A.36, I convened a plenary meeting of the Assembly, first consulting the General Committee again.

The General Committee met this morning. It instructed me to submit the following proposals to the Assembly concerning the various points of procedure connected with the question of the admission of the Union of Soviet Socialist Republics to the League of Nations.

These are the proposals :

(a) The report of the Sixth Committee would be, without further delay, submitted to the Assembly, and, if the Assembly agrees, under the conditions provided for under the Rules, to deal immediately with the matter, a vote would be taken at once on the admission of the Union of Soviet Socialist Republics into the League of Nations ;

(b) That vote having been taken, and provided it agreed with the Sixth Committee's recommendation, the Assembly would decide, without further procedure, to deal with the Council resolution of September 15th concerning the granting of a permanent seat on the Council to the Union of Soviet Socialist Republics ;

(c) If the Assembly so decided, it would immediately proceed to the vote necessitated by the resolution of the Council, under Article 4, paragraph 2, of the Covenant.

On the basis of the General Committee's proposals, I will deal successively with the various matters of procedure which thus arise.

38. — QUESTION OF THE ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS : REPORT OF THE SIXTH COMMITTEE : RESOLUTION.

The President :

Translation : I would ask the Assembly whether, in accordance with the proposal of its General Committee, it is prepared to examine immediately the report of the Sixth Committee on the conditions laid down in the Rules of Procedure.

The proposal of the General Committee was adopted.

The President :

Translation : I will now ask M. de Madariaga, as Chairman and Rapporteur of the Sixth Committee, to address the Assembly.

M. de Madariaga (Spain), Chairman and Rapporteur of the Sixth Committee :

Translation : The Sixth Committee, of which I have the honour to be Chairman, has asked me to submit to you for your adoption the draft resolution it proposes regarding the admission of the Union of Soviet Socialist Republics to the League of Nations, which subject you had referred to it.

The text of the draft reads as follows :

“ The Sixth Committee,

“ In consideration of the invitation addressed by thirty delegations to the Government of the Union of Soviet Socialist Republics on September 15th, 1934, with a view to the entry of the Union of Soviet Socialist Republics into the League, and of the communication on the same subject from the Governments of Denmark, Finland, Norway and Sweden ;¹

“ In consideration of the communication addressed to the President of the Assembly by the Government of the Union of Soviet Socialist Republics on the same day, in reply to those referred to above ;¹

“ And in consideration of the fact that the Soviet Government states in its reply ‘ that it undertakes to observe all the international obligations and decisions binding upon Members in conformity with Article 1 of the Covenant ’ :

“ Recommends the Assembly to admit the Union of Soviet Socialist Republics into the League of Nations.”

I have very little to add to this text, which is perfectly clear. As for the discussion which took place in the Sixth Committee, you all followed it in various capacities, if I may judge by the number of people who were present in the room. A further vote is to be taken again shortly. As you are aware, thirty-eight nations voted in favour of admission, three voted against and eight abstained from voting. The discussion was carried on in a spirit of moderation and terminated in an atmosphere of calm. The very lack of unanimity only gave greater prominence to the courtesy prevailing at our meetings; and this I believe to be the precursor of the spirit of co-operation which will, I hope, enable us to solve, also in a spirit of calm and moderation, the serious problems which await our attention elsewhere.

For my own part, I can only express my satisfaction that I, who, as representative of Spain, was called to this platform to take part in the admission of, first, Mexico and then Turkey, should, through the combined agency of chance and of the confidence you repose in me, have come here as Chairman of the Sixth Committee to propose the admission of Russia.

I sincerely hope that this event will give food for thought to those nations which stand on the threshold of the League, though unfortunately with their faces turned away from it, as well as those who no longer form part of our family.

I also hope that, by the early admission of the great American Republic, the League will finally attain in actual legal fact that universality which is of its very essence and without which it cannot succeed or indeed exist at all.

The President :

Translation : I now open the discussion on the report of the Sixth Committee.

His Excellency M. Motta, first delegate of Switzerland, will address the Assembly.

M. Motta (Switzerland) :

Translation : The Swiss delegation explained its attitude yesterday to the Sixth Committee. While not failing to recognise the arguments of those delegations which think it desirable and even necessary to run the evident and generally admitted risk of collaboration with the Soviet Union within the League of Nations, we maintain our vote, and we confirm all the reasons which dictated it. Shortly, when the Union of Soviet Socialist Republics has been admitted, the Assembly will have to deal with a unanimous decision of the Council that a permanent seat be granted to the new Member. It is true that Russia presents all the characteristics of a great Power, and that, in accordance with precedent, it can, as such, lay claim to such a seat. But, in view of the attitude of principle adopted by the Swiss Federal Council with regard to the application for admission, its delegation can on this special point only abstain from voting.

The President :

Translation : M. de Valera, first delegate of the Irish Free State, will address the Assembly.

M. de Valera (Irish Free State). — A few evenings ago, from this tribune, I indicated that it was not without misgiving that I proposed to cast my vote for the admission of Russia into the League. Last night, in his speech, M. Motta, in terms that everyone must have understood, made clear to the whole world the cause of this misgiving. In speaking as he did, M. Motta voiced the concern, not of the people of Switzerland alone, not merely of the three hundred millions who belong to the Catholic Church, but of those many millions more — in all, more than one-third of the inhabitants of the globe — who proclaim themselves followers of Christ and place all their hopes here and hereafter in the truth of His teaching.

If I may be permitted to say so, M. Barthou's speech was very far from relieving that concern or providing a satisfactory answer. It is not sufficient to say that we are here concerned merely with politics. No politics that is in any sense real can exclude considerations of the purpose of human life and the end which man's existence is designed to serve. There is only one way in which the troubled conscience of all those many millions to whom I have referred can be set at ease, and that is by assurances freely given and by the action of the Russian Government itself.

Delegates will bear with me if I dwell upon the importance and seriousness of this matter. I know of no greater service I can render to the League. If Russia enters the League and assurances such as those I have indicated are not given, then, whatever else may follow from Russia's entry, I am convinced that it will not secure peace. Peace can be secured only on the basis of the goodwill of peoples towards each other, and is it not evident that there can be no goodwill when men see the things that mean most to them in life — things that transcend life itself — being attacked? Common sense declares this to be true, and the whole course of human history confirms it.

The hundreds of millions of Christians for whom M. Motta spoke believe that to deprive a man of his religion is to deprive life of its meaning. To exclude religion from the domain of human conduct is to deprive morals and ethics of all the sanctions which support them against the stress of individual or national greed. Mere devotion to abstract ideals or principles is bound to crumble before the onslaught of fierce human passions, unless a supernatural motive intervenes to support it. Does not our daily experience prove that this is so?

¹ Document A.34.1934.

Christians believe that the one hope of securing peace among men is to be found in obedience to the primary Christian commandment that men should love one another for God's sake, and if Christians lose confidence in the League of Nations — there are six hundred millions of them, remember; more than one-third of the population of the globe, as I have said — if they lose confidence in the League of Nations as a means for promoting peace in this way, then the League of Nations cannot possibly succeed.

The Russian Government, in its acceptance of the invitation to join the League, has declared that it has made the organisation and consolidation of peace the main task of its foreign policy and has never been deaf to proposals for international co-operation in the interests of peace.

As one who has had hope in the League, as the representative of a nation that has no political quarrel with Russia and has no interests to serve in its foreign relations save those of promoting human welfare and happiness, I urge the Russian Government to take this occasion to proclaim that the guarantees which it recently gave the Government of the United States of America on entering into diplomatic relations with that country are to be made universal and that the rights of liberty of conscience and freedom of worship which American citizens enjoy in virtue of these guarantees shall henceforth be the rights of the nationals of all countries residing in Russia and of the Russian people.

The President :

Translation : His Excellency Mirza Seyed Bagher Khan Kazemi, first delegate of Persia, will address the Assembly.

M. Kazemi (Persia) :

Translation : The Persian delegation will be particularly glad to receive the Union of Soviet Socialist Republics into the great Geneva organisation to-day. Persia, which is a neighbour of the Union, was one of the countries which recognised the Union from the outset. Our great neighbour has always shown a spirit of understanding in international matters and has given proof of her desire to maintain peace by concluding treaties of non-aggression, particularly with her neighbours. The Soviet Union has consistently followed this policy of peace and non-aggression, and, has acceded in due course to the Briand-Kellogg Pact, which outlaws war.

Further, the definition of aggression is the work of the distinguished head of the Soviet delegation, who, by that definition, threw a new light on the conception of international law, resulting in a multilateral treaty to which Persia is one of the signatories. I am convinced that this definition will always be considered of fundamental importance in international life.

My delegation feels impelled to express its keen satisfaction at the entry of its great neighbour into our international institution, and I warmly congratulate her.

I am sure that this happy collaboration will effectively contribute towards safeguarding peace. The presence of the Soviet Union in our League, whose basis is universality, will be a happy event, and its fortunate results will help to consolidate our international institution, which is the wish of us all.

The President :

Translation : His Excellency M. Cantilo, first delegate of the Argentine Republic, will address the Assembly.

M. Cantilo (Argentine Republic) :

Translation : For reasons which I had the honour to explain yesterday in the Sixth Committee, and just as, in the juridical practice of the West, by an unalterable rule of procedure, when a judge does not feel that he is acting under conditions of

perfect impartiality he abstains from judgment, so to-day the Argentine Republic, while yielding nothing of its rights, will abstain from voting.

The President :

Translation : His Excellency M. Caeiro da Mata, first delegate of Portugal, will address the Assembly.

M. Caeiro da Mata (Portugal) :

Translation : The Portuguese Government, at the Council meeting at which the appointment of the Union of Soviet Socialist Republics as a permanent Member of the Council was discussed, abstained from voting, so as not to oppose a plan for the political reconstruction of Europe regarded by a large number of States as necessary to peace. It is a matter not of argument but of conviction; and, conviction for conviction, I venture to follow my own.

I hold as strongly as ever to my opinions, but I maintain this abstention before the Assembly in so far as the seat on the Council is concerned. As regards the admission of the Soviet Union to the League, I shall vote against it, for the reasons I gave yesterday in the Sixth Committee.

The President :

Translation : If no other delegation asks to speak, I shall declare the discussion on the report of the Sixth Committee closed.

If there are no further observations, we shall immediately proceed to take the vote required for the admission of a new State into the League.

According to the provisions of Article 1, paragraph 2, of the Covenant, the Assembly must agree by a two-thirds majority to the admission of a State into the League.

The vote will be taken by roll-call. The procedure laid down in Rule 20, paragraph 1, of the Rules of Procedure will be followed. The name of each delegation will be called, and one of its members will reply "Yes", "No", or "Abstaining". The result of the vote will be recorded and announced to the Assembly.

(A vote was taken by roll-call.)

The President :

Translation : The result of the voting is as follows :

Number of voters	49
Number of abstentions	7
Number of votes to be taken into account for calculating the majority	42
Majority required for acceptance (two-thirds)	28
Number of votes in favour of the application	39

Consequently, I proclaim that the admission of the Union of Soviet Socialist Republics into the League of Nations has been decided upon by the Assembly by the requisite majority.

I congratulate this new Member of the League, and will welcome it as soon as its delegation has taken its place among us.

39. — CREDENTIALS OF THE DELEGATES OF THE UNION OF SOVIET SOCIALIST REPUBLICS : CONVOCATION OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : In order to enable the delegation of the Union of Soviet Socialist Republics to sit in the Assembly during the present meeting, I will ask the Committee on Credentials to be good enough to meet immediately and examine the credentials of the delegates of the Union of Soviet Socialist Republics and submit its report to the Assembly.

40. — APPOINTMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO BE A PERMANENT MEMBER OF THE COUNCIL : VOTE ON THE RESOLUTION ADOPTED BY THE COUNCIL ON SEPTEMBER 15TH, 1934.

The President :

Translation : While the Committee on Credentials is examining the credentials of the delegates of the Union of Soviet Socialist Republics and drawing up its report, I propose that the Assembly should, without further delay, deal with the second question, on which the General Committee recommended that it should take a decision during the present meeting. I refer to the Council resolution, dated September 15th, 1934, concerning the appointment of the Union of Soviet Socialist Republics as a permanent Member of the Council on its entry into the League of Nations. This resolution has already been communicated to the Assembly at its seventh plenary meeting.

If the Assembly wishes to proceed in accordance with the proposals of its General Committee, it will decide to deal immediately, without further procedure, with the Council resolution in question.

If there are no observations, I shall interpret the silence of the Assembly as a sign of its acceptance of the proposals of its General Committee, and, consequently, I shall consider that the Assembly has decided to deal immediately and without further procedure with the Council resolution regarding the appointment of the Union of Soviet Socialist Republics as a permanent Member of the Council on its entry into the League.

The General Committee's proposal was adopted.

The President :

Translation : I will ask the Assembly if it wishes to discuss this question.

If no delegation asks to speak, I shall conclude that the Assembly does not desire to discuss the question but wishes to proceed immediately to a vote.

Agreed.

The President :

Translation : I will therefore submit the Council resolution to the vote of the Assembly.

This vote will be taken in accordance with Article 4, paragraph 2, of the Covenant, which provides that the Assembly must approve by an absolute majority the decision of the Council. The part of Article 4, paragraph 2, of the Covenant on the basis of which the Assembly is called upon to give a decision reads as follows :

“ With the approval of the majority of the Assembly, the Council may name additional Members of the League whose representatives shall always be members of the Council.”

The vote will take place in accordance with Rule 20 of the Rules of Procedure. The name of each delegation will be called, and one of its members will reply “ Yes”, “ No” or “ Abstaining”.

The result of the vote will be recorded and announced to the Assembly.

(The vote was taken by roll-call.)

The President :

Translation : The result of the voting is as follows :

Number of voters	50
Number of abstentions	10
Number of votes to be taken into account in calculating the majority	40
Absolute majority required	21
Number of votes in favour	40

The Assembly having approved the Council's decision by the requisite majority, the conditions required by Article 4, paragraph 2, of the Covenant are fulfilled, and the Union of Soviet Socialist Republics is henceforth one of the Members of the League which are permanently represented on the Council.

41. — CREDENTIALS OF THE DELEGATES OF THE UNION OF SOVIET SOCIALIST REPUBLICS : REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : The Committee on Credentials has acceded to my request, and its Chairman is able immediately to submit his report on the credentials of the delegates of the Union of Soviet Socialist Republics.

M. Schmidt, Chairman and Rapporteur of the Committee on Credentials, will address the Assembly.

M. Schmidt (Estonia), Chairman and Rapporteur of the Committee on Credentials :

Translation : The Committee appointed by the Assembly to verify the credentials of delegates met to-day, September 18th, 1934, at 7 p.m. in the President's room in order to consider whether the representatives of the Union of Soviet Socialist Republics are duly accredited to take part in the work of the Assembly.

The Secretary-General of the League of Nations has transmitted to the Committee a letter from the People's Commissary for Foreign Affairs, informing him that the Central Executive Committee of the Union of Soviet Socialist Republics has appointed as delegates of the Union to the fifteenth ordinary session of the Assembly of the League of Nations :

M. Maxime LITVINOFF, People's Commissary for Foreign Affairs ;

M. Vladimir POTEKINE, Ambassador of the Union of Soviet Socialist Republics at Rome ; and

M. Boris STEIN, Envoy Extraordinary and Minister Plenipotentiary of the Union of Soviet Socialist Republics at Helsinki.

Having examined this document, the Committee considers that the representatives of the Union of Soviet Socialist Republics are duly accredited.

The President :

Translation : I thank the Chairman of the Committee on Credentials for his report, of which the Assembly will take note.

If there are no observations, I shall declare the conclusions of the report of the Committee on Credentials approved by the Assembly.

The conclusions of the report were adopted.

42. — ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.

The President :

Translation : The conclusions of the report of the Committee on Credentials being adopted, I invite the delegates of the Union of Soviet Socialist Republics to take their places among us.

(The delegates of the Union of Soviet Socialist Republics took their seats in the Assembly.)

The President :

Translation : On behalf of the Assembly I have the honour to greet the delegation of the Union

- of Soviet Socialist Republics, which will from to-day occupy its place among us.

I shall not revert to what has passed in these last few days, nor shall I attempt to consider now the arguments adduced on one side and on the other. The discussions have taken their course. Each of us has been able to state his opinion with all the freedom which is the right of the Members of our League, and on his own responsibility, which does not commit the League itself. The decision has been taken. The Soviet Union has informed us that it was ready to enter the League, and the Assembly has just voted for its admission according to its laws and regulations.

I therefore extend, on behalf of the Assembly, my sincere and cordial greetings to the new Member of the League. In the League it will enjoy the rights and assume the obligations arising out of the Covenant. The Soviet Union henceforward forms part of the great world family of States co-operating for the safeguarding of peace in the interests of all mankind. *Ut bonum, felix, faustumque sit.*

In expressing the keen satisfaction I feel at having the high honour, as President of the Assembly, of placing on record this great extension of our association, I do not feel called upon — indeed, it would be beyond my powers — to attempt an estimate of the true significance of the event which is taking place to-day. It will be for the future to show us all its consequences for the destiny of mankind, that future in which we see only few possibilities, and regarding which, for the welfare of our countries and of mankind, we are endeavouring to deduce certain probabilities, but which, in spite of all, remains hidden from us.

Having said this, I think it is my duty to proclaim that this day, September 18th, 1934, marks a turning-point in the history of our League, which has been increased to-day by a Member bringing into the scale of international co-operation — as organised on precise and concrete lines by the Covenant — the weight of a population of 160 millions playing a part of primary importance in the life of two continents.

The presence of the Soviet delegation among us appears to me a happy sign, and evidence that the tendency of the organisation of States towards universality — that universality which an institution calling itself the League of Nations can never renounce — is not a mere aspiration beyond human strength, but is founded on reality — a reality that asserts itself despite differences of race, of language, of religion and of political system. By degrees the interests of the different States are being brought into harmony with the far ideal of a united humanity.

In so far as the future is determined by our own will, it will depend on our united efforts to bring about the reign of justice and honour, as the Covenant prescribes in its Preamble. I ask the Soviet delegation to help us in our work for the welfare of the world, and I take this opportunity of expressing once more my faith in our institution. Born of war and distress, may it ensure peace in the world and may it bring happiness to the peoples!

M. Litvinoff, first delegate of the Union of Soviet Socialist Republics, will address the Assembly.

M. Litvinoff (Union of Soviet Socialist Republics). — I would like my first words to be the expression of my sincere thanks to you, Mr. President, for the very kind way in which you have greeted the first appearance here of the Soviet delegation. I would extend my gratitude to all those delegations on whose invitation, and as a result of whose votes, we have come here to-day. It is also my pleasant duty to record with gratitude the initiative taken by

the French Government, actively supported by the Governments of the United Kingdom and Italy, and the sincere efforts made by the French delegation, and personally by the esteemed Foreign Minister of the French Republic, M. Barthou, and the President of the Council, Dr. Beneš, in the furtherance of this initiative.

The telegram of invitation to my Government, and the vote taken by the Council and the Assembly, convince me that all delegations, with very few exceptions, realise the importance of the arrival in this hall of a delegation from the Soviet State, as well as the favourable results to be expected from this event. It derives its significance, not merely from the formal act of our joining the League, but also from the circumstances in which this takes place, and the evolution of the relations between the Soviet Government and the League of Nations which led up to it. I should like to dwell briefly upon this evolution, even if this should involve my making — for the last time, I hope — a swift excursion to a past that has been by no means altogether pleasant. This seems to me the more necessary in that the past has been touched upon in another place, and that the entry into the League, in the fifteenth year of its existence, of one of the greatest States in the world does undoubtedly call for some explanation.

I will speak with that frankness and moderation which many of you, knowing me of old, will, I am sure, grant me, and which can only be helpful to our mutual understanding and our future co-operation.

We represent here a new State — new, not geographically, but new in its external aspects, its internal political and social structure, and its aspirations and ideals. The appearance in the historical arena of a new form of State has always been met with hostility on the part of old State formations. It is not surprising that the phenomenon of a new State with a social political system radically different from any heretofore known should come up against intense hostility from without and manifested by literally all other countries in the world. This hostility has been not merely theoretical, but has found expression even in military action, assuming the form of prolonged externally organised attempts to interfere in the internal affairs of the new State for the purpose of getting it back to the old lines. At the time when the League of Nations was being formed to proclaim the organisation of peace, the people of our country had as yet not been enabled to enjoy the blessings of peace. They still had to defend their internal peace with arms, and to contend for long their right to internal self-determination and their external independence. Even after the most extreme forms of intervention in the affairs of our State were over, the hostility of the outer world continued to be manifested in the most varying degrees and forms.

All this makes it quite obvious that the relations between the Soviet State and the League of Nations could not be other than those existing between itself and the States belonging to the League. Not only this, but the people in the Soviet Union naturally feared that these nations united in the League might give collective expression to their hostility towards the Soviet Union and combine their anti-Soviet activities. It can hardly be denied that at that time, and even very much later, there were still statesmen who thought, or at least dreamed, of such collective action. On the one hand, they were inclined to underrate the internal powers of resistance of the new State, and, on the other hand, to overrate that harmony of political and

economic interests in the other States which, it seemed to them, the League should have embodied. They continued to believe that the last world war would be the last war in the world, and that the order established by it was immutable and secure against any attempts at alteration by force. They dreamed of establishing at least temporary peace, which would, however, by no means have been extended to the new Soviet State. The history of the last ten years, the history of the League of Nations itself, the increasing conflicts of international interests, the prolonged economic crisis, and, finally, the development of the Soviet State, have shown the world how Utopian were these dreams and aspirations.

To-day we are happy to be able to state that the exponents of those Utopias and the advocates of the policy of ignoring and isolating the Soviet Union are no longer to be met among broad-minded statesmen, among the representatives of the more important States moulding international life who think on realistic lines and understand the needs of the present day, but must be searched for among narrow-minded politicians unable to rise above their petty political passions and strong prejudices and deriving their knowledge of countries and peoples from muddied sources. It remains only to pity such people and to wish them a speedy enlightenment and a return to more reliable sources of information.

I take this opportunity of expressing my conviction that, in the meantime, the League will see to it that such people have nothing to do with the settlement of affairs affecting the interests of the Soviet State in which impartial judgment and at least an elementary understanding of world events are necessary.

I have already described the attitude of the Soviet Union to the League of Nations both at its formation and during the first stages of its development and have given the reasons for that attitude. To this I must frankly add that the Soviet Government could not have agreed with all the decisions of the League at that time and that, had we taken part in drawing up the Covenant of the League, we would have contested certain of its articles. In particular, we should have objected to the provision in Articles 12 and 15 for the legalisation, in certain instances, of war, and that is why I stated in my letter of September 15th to the President of the Assembly our satisfaction at the proposals to alter these articles. Further, we should have objected to Article 22 on the system of mandates. We also deprecate the absence in Article 23 of an undertaking to ensure race equality.

All this, however, has not been important enough to prevent the Soviet Union from entering the League, especially since any new member of an organisation can be morally responsible only for decisions made with its participation and agreement.

In order to make our position quite clear, I should like further to state that the idea in itself of an association of nations contains nothing theoretically unacceptable for the Soviet State and its ideology. The Soviet Union is itself a league of nations in the best sense of the word, uniting over 200 nationalities, thirteen of which have a population of not less than one million each, and others, such as Russia and the Ukraine, a population running into scores of millions. I will make so bold as to claim that never before have so many nations coexisted so peacefully within a single State,

never before have so many nations in one State had such free cultural development and enjoyed their own national culture as a whole and the use of their own language in particular. In no other country are all manifestations of race and national prejudice so resolutely put down and eradicated as in the Soviet Union.

Here, as regards equality of rights, are neither national majorities nor minorities, since no nation, either in theory or practice, has less rights and fewer opportunities for cultural and economic development than another. Many nationalities which seemed to have been doomed to die out altogether have received a fresh lease of life and begun to develop anew, and this on territories where, before the Soviet regime, all nationalities except the dominating Russian were being stamped out by violence and oppression.

At the present time the periodical Press in the Soviet Union comes out in fifty languages. The national policy of the Soviet Union and the results of this policy have received their due both from friends and foes visiting the Soviet Union and studying the national question on the spot.

All the nationalities in our Union are, of course, united by a common political and economic regime and by common aspirations towards a single ideal, for the attainment of which they vie among themselves. The Soviet State has, however, never excluded the possibility of some form or other of association with States having a different political and social system, so long as there is no mutual hostility and if it is for the attainment of common aims. For such an association it considers that the essential conditions would be, first, the extension to every State belonging to such an association of the liberty to preserve what I might call its State personality and the social economic system chosen by it — in other words, reciprocal non-interference in the domestic affairs of the States therein associated; and, secondly, the existence of common aims.

As to the first condition, which we have named the peaceful coexistence of different social-political systems at a given historical stage, we have advocated it again and again at international conferences. We have managed to get it recognised by inclusion in some of the resolutions of these conferences. But further developments were necessary before this principle was able to gain for itself wider recognition. The invitation to the Soviet Union to join the League of Nations may be said to represent the final victory of this principle. The Soviet Union is entering into the League to-day as representative of a new social-economic system, not renouncing any of its special features, and — like the other States here represented — preserving intact its personality.

With regard to common aims, these have long ago been established in many spheres. Workers in the fields of science, art and social activities in the Soviet Union have long been co-operating fruitfully with representatives of other States, both individually and on organised lines, in all spheres of science and culture and on problems of a humanitarian nature.

The co-operation of the Soviet Union with other States within the framework of the League of Nations has also long ago shown itself to be both desirable and possible in the sphere of economics. Soviet delegations have taken part in the Committee of Enquiry for European Union, which occupied itself chiefly with economic questions; in both

Economic Conferences, and in other Conferences of a lesser range. It will not be out of place here to remark that at all these Conferences proposals were put forward by the Soviet delegations with a view to the utmost reduction of the existing chaos in international economic relations and in the interests common to all concerned.

The Soviet Government has also not abstained from co-operation of a political nature whenever some alleviation of international conflicts and increase of guarantees of security and consolidation of peace might reasonably be expected from such co-operation. I will only mention the active part taken by the Soviet delegation in the Preparatory Commission of the Disarmament Conference and in the Conference itself, when, on behalf of the Soviet Government, it declared its readiness for any degree of disarmament, taking its stand on far-reaching proposals for the ensuring of peace, some of which have received worldwide recognition and even application. In this respect, I remember, not without pride, the Soviet definition of aggression, which has been made the basis of innumerable international acts.

It needed, however, one great dominating common aim to prove incontestably to all nations, including those of the Soviet Union, the desirability — nay, the necessity — for closer co-operation between the Soviet Union and the League of Nations, and even for the entry of the Soviet Union into the League. The discovery of such a common aim has been greatly facilitated by the events of the last two or three years.

Thirty delegations to the Assembly, comprising most of the Members of the League, and representing all the big States and those of importance in international life, declared in their address to the Soviet Union that the mission of the League was the organisation of peace, and that the success of this mission demanded the co-operation of the Soviet Union. They knew that the State which they were addressing had not spared, throughout the seventeen years of its existence, its efforts for the establishment of the best possible relations with its own neighbours, on the most solid foundations, for *rapprochements* with all States desiring this, thus making itself a powerful factor for international peace.

For its part, the Soviet Government, following attentively all developments of international life, could not but observe the increasing activity in the League of Nations of States interested in the preservation of peace and their struggle against aggressive militarist elements. More, it noted that these aggressive elements themselves were finding the restrictions of the League embarrassing and trying to shake them off. All this could not be without its influence on the attitude towards the League of Nations of the Soviet Government, ever searching for further means for the organisation of peace, for co-operation in which we have been invited to come here.

The organisation of peace! Could there be a loftier and at the same time more practical and urgent task for the co-operation of all nations? The words used in political slogans have their youth and their age. If they are used too often without being applied, they wear themselves out and end by losing potency. Then they have to be revived and instilled with new meaning. The sound and the meaning of the words "organisation of peace" ought now to be different from their

sound and meaning twelve or fifteen years ago. Then, to many Members of the League of Nations, war seemed to be a remote theoretical danger, and there seemed to be no hurry as to its prevention. Now, war must appear to all as the threatening danger of to-morrow. Now, the organisation of peace, for which so far very little has been done, must be set against the extremely active organisation of war. Then, many believed that the spirit of war might be exorcised by adjurations, resolutions and declarations. Now, everybody knows that the exponents of the idea of war, the open promulgators of the refashioning of the map of Europe and Asia by the sword, are not to be intimidated by paper obstacles. Members of the League of Nations know this by experience. We are now confronted with the task of averting war by more effective means.

The failure of the Disarmament Conference, on which formerly such high hopes were placed, in its turn compels us to seek more effective means. We must accept the incontestable fact that, in the present complicated state of political and economic interests, no war of any serious dimensions can be localised, and any war, whatever its issue, will turn out to have been but the first of a series. We must also tell ourselves that sooner or later any war will bring misfortune to all countries, whether belligerents or neutrals. The lesson of the world war, from the results of which both belligerents and neutrals are suffering to this day, must not be forgotten. The impoverishment of the whole world, the lowering of living standards for both manual and brain workers, unemployment, robbing all and sundry of their confidence in the morrow, not to speak of the fall in cultural values, the return of some countries to medieval ideology — such are the consequences of the world war, even now, sixteen years after its cessation, which are making themselves acutely felt.

Finally, we must realise once and for all that no war with political or economic aims is capable of restoring so-called historical justice, and that all it could do would be to substitute new and perhaps still more glaring injustices for old ones, and that every new peace treaty bears within it the seeds of fresh warfare. Further, we must not lose sight of the new increase in armaments going on under our very eyes, the chief danger of which consists in its qualitative still more than in its quantitative increase, in the vast increase of potential destruction. The fact that aerial warfare has with such lightning speed won itself an equal place with land and naval warfare is sufficient corroboration of this argument.

I do not consider it the moment, to speak in detail about effective means for the prevention of impending and openly promulgated war. One thing is quite clear for me, and that is that peace and security cannot be organised on the shifting sands of verbal promises and declarations. The nations are not to be soothed into a feeling of security by assurances of peaceful intentions, however often they are repeated, especially in those places where there are grounds for expecting aggression or where, only the day before, there have been talk and publications about wars of conquest in all directions, for which both ideological and material preparations are being made. We should establish that any State is entitled to demand from its neighbours, near and remote, guarantees for its security, and that such a demand is not to be considered as an expression of mistrust. Governments with a clear conscience and really

free from all aggressive intentions, cannot refuse to give, in place of declarations more effective guarantees which would be extended to themselves and give them also a feeling of complete security.

Far be it from me to overrate the opportunities and means of the League of Nations for the organisation of peace. I realise, better perhaps than any of you, how limited these means are. I am aware that the League does not possess the means for the complete abolition of war. I am, however, convinced that, with the firm will and close co-operation of all its Members, a great deal could be done at any given moment for the utmost diminution of the danger of war, and this is a sufficiently honourable and lofty task the fulfilment

of which would be of incalculable advantage to humanity. The Soviet Government has never ceased working at this task throughout the whole period of its existence. It has come here to combine its efforts with the efforts of other States represented in the League. I am convinced that in this, our common work, from now on the will to peace of the Soviet Union with its 170 million inhabitants — peace for itself and for other States — will make itself felt as a powerful factor. I am convinced that, as we observe the fruitful consequences of this stream of fresh forces in the common cause of peace, we shall always remember with the utmost satisfaction this day, as one occupying an honourable place in the annals of the League.

TENTH PLENARY MEETING

Tuesday, September 25th, 1934, at 3.15 p.m.

CONTENTS :

43. REQUEST OF THE KINGDOM OF AFGHANISTAN TO BE ADMITTED INTO THE LEAGUE OF NATIONS.

Inclusion of this Question in the Agenda of the Session and Reference to the Sixth Committee.

President: M. R. J. SANDLER.

43. — REQUEST OF THE KINGDOM OF AFGHANISTAN TO BE ADMITTED INTO THE LEAGUE OF NATIONS : INCLUSION OF THIS QUESTION IN THE AGENDA OF THE SESSION AND REFERENCE TO THE SIXTH COMMITTEE.

The President :

Translation : Having received this morning a telegram containing an application for the admission of Afghanistan as a member of the League of Nations, I immediately convened the present meeting.

The Secretary-General took the necessary steps to communicate to all the delegations the text of the telegram received from the Afghan Minister in London, which reads as follows :

“London, September 24th, 1934.

“According my Government telegraphic instructions I submit you following :

“In accordance with the terms of Article 1 of the Covenant of the League of Nations, I have the honour to request that the Afghan Government may be admitted as a Member of the League of Nations, and that this request may be placed on the agenda of the present meeting of the Assembly of the League.

“The Government of Afghanistan is prepared to accept the conditions laid down in Article 1 of the Covenant and to carry out all obligations involved in membership of the League. — Ali MOHAMED, *Afghan Minister.*”

I then requested my colleagues of the General Committee to meet with a view to consulting them on the procedure to be followed, in order to be able, on behalf of the General Committee, to make proposals to the Assembly with regard to this matter.

With the unanimous approval of my colleagues of the General Committee, I have the honour to propose that the Assembly, without further procedure, place the application of Afghanistan for admission to membership of the League of Nations on the agenda of the present session.

If there are no observations or objections, I will take the silence of the Assembly as signifying that, in accordance with its Rules of Procedure, it decides to place on the agenda of the present session the request of Afghanistan to be admitted to membership of the League of Nations.

The President's proposal was adopted.

The President :

Translation : The Assembly having decided to place this question on its agenda, I have the honour, both in my personal capacity and on behalf of my colleagues of the General Committee, to propose that the Assembly immediately refer this question to the Sixth Committee for consideration.

If there are no observations, the application of Afghanistan for admission will be referred to the Sixth Committee.

The President's proposal was adopted.

ELEVENTH PLENARY MEETING

Wednesday, September 26th, 1934, at 3.30 p.m.

CONTENTS :

44. PROPOSAL BY CERTAIN DELEGATIONS ON THE QUESTION OF THE NATIONALITY OF WOMEN.
Communication by the President on behalf of the General Committee of the Assembly.
45. COMMISSION OF ENQUIRY FOR EUROPEAN UNION.
Resolution proposed by the General Committee of the Assembly.
46. REPORTS OF COMMITTEES SUBMITTED TO THE ASSEMBLY FOR APPROVAL IN ACCORDANCE WITH THE ASSEMBLY RESOLUTION OF OCTOBER 11TH, 1933, CONCERNING THE SIMPLIFICATION OF THE PROCEDURE OF THE ASSEMBLY.
- I. Manner of accrediting Delegates to the Assembly.
Report of the First Committee.
Resolution.
 - II. Work of the Health Organisation.
Report of the Second Committee.
Resolution.
 - III. Work of the Communications and Transit Organisation.
Report of the Second Committee.
Resolution.
 - IV. Collaboration of the Press in the Organisation of Peace.
Report of the Second Committee.
Resolution.
 - V. Penal and Penitentiary Questions.
Report of the Fifth Committee.
Resolutions.
 - VI. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.
Report of the Sixth Committee.
Resolutions.
 - VII. Work of the Intellectual Co-operation Organisation.
Report of the Sixth Committee.
Resolutions.
 - VIII. Mandates.
Report of the Sixth Committee.
Resolution.
 - IX. Slavery.
Report of the Sixth Committee.
Resolution.
47. REPORTS OF COMMITTEES TO THE SUBMISSION OF WHICH THE PROCEDURE PROVIDED BY THE ASSEMBLY RESOLUTION OF OCTOBER 11TH, 1933, IS NOT APPLIED.
- I. Economic and Financial Questions.
Report of the Second Committee.
Resolution.
 - II. Traffic in Women and Children.
Report of the Fifth Committee.
Resolutions.

President: M. R. J. SANDLER.

44. — PROPOSAL BY CERTAIN DELEGATIONS ON THE QUESTION OF THE NATIONALITY OF WOMEN : COMMUNICATION BY THE PRESIDENT ON BEHALF OF THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : The delegations of certain countries whose names I will read have laid before me, as President of the Assembly, in the form of a letter dated September 21st, 1934, a proposal concerning the problem of the nationality of women.

The text of the letter reads as follows :

" In view of the world-wide restrictions upon the rights of women — the right to earn a living, the right to an education, to hold public office, to enter the professions — and in view of the interdependence of nationality and the right to work, the following delegations request that there be brought before the First Committee the Convention for Equality for Women in Nationality entered into at the recent Conference of American Republics in Montevideo.

" Trusting that this action may be taken immediately, etc.

(Signed)

M. LITVINOFF (Union of Soviet Socialist Republics),
Stefan OSUSKÝ (Czechoslovakia),
Cemal HÜSNÜ (Turkey),
F. CASTILLO NAJERA (Mexico),
M. RIVAS-VICUÑA (Chile),
A. NIETO-CABALLERO (Colombia),
Quo Tai-chi (China),
B. PORRAS (Panama),
Phya Subarn SOMPATI (Siam),
E. BEACHE Jr. (Dominican Republic),
James PARR (New Zealand),
W. MUTERS (Latvia),
J. M. CANTILLO (Argentine),
Constantin MAYARD (Haiti),
J. SOUBBOTITCH (Yugoslavia)."

The text of this proposal has been communicated to the delegations.

As soon as the proposal reached me, I took the occasion of a meeting of the General Committee to consult it on this matter.

As the work of the session is now far advanced, and as the problem in question is one which would necessitate close study, the members of the General Committee agree with me that, in the present circumstances, the only means of meeting the wishes of the delegations signatories of this letter was to take note of their proposal and place the question on the agenda of the next ordinary session of the Assembly.

Mlle. Forchhammer, delegate of Denmark, will address the Assembly.

Mlle. Forchhammer (Denmark). — Equality in nationality between the sexes is a question for which women's organisations, both national and international, have worked for years. I am sure I speak for millions of women all over the world when I express our gratitude to the framers of the Montevideo Convention and those Governments which have signed it. This satisfaction was expressed a few months ago in a resolution passed by the International Council of Women at their Paris Congress, urging the national councils to press forward legislation in their own countries

to give women, married or not, the same right as men to determine their nationality, so as to make it possible for their Governments to adhere to the Montevideo Convention.

I also want to express our satisfaction that this question has been put on the agenda of the next ordinary session of the Assembly. We urge that, during this year, Governments will give this question their closest attention, and I am sure the women's organisations will be glad to co-operate with their Governments in order to reach a satisfactory result.

The President :

Translation : If there are no other observations I shall consider that the Assembly, approving its General Committee's suggestions, takes note of this proposal and decides that the question shall be placed on the agenda of the next ordinary session of the Assembly.

The General Committee's proposal was adopted.

45. — COMMISSION OF ENQUIRY FOR EUROPEAN UNION : RESOLUTION PROPOSED BY THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : The Assembly will remember that at its second meeting, on September 10th, it referred to its General Committee for preliminary consideration the following question, which appears on the agenda of the present session : Commission of Enquiry for European Union.

The General Committee of the Assembly, after considering the question, decided to submit for the approval of the Assembly a resolution based on that which the Assembly adopted on the same subject at its previous session.

This draft resolution prepared by the General Committee has been submitted to the delegations and reads as follows :

" The Assembly,

" After consulting its General Committee as to the procedure to be followed in connection with Item 8 of the agenda of this session (Commission of Enquiry for European Union) :

" Notes that circumstances have made it impossible for this Commission to meet since the last session ;

" Decides, under these conditions, to renew for twelve months the term of office of the Commission of Enquiry for European Union and to include the question in the agenda of the next session of the Assembly."

If there are no observations, I shall consider that the Assembly approves the draft resolution submitted to it by the General Committee renewing the term of office of the Commission of Enquiry for European Union.

The resolution was adopted.

46. — REPORTS OF COMMITTEES SUBMITTED TO THE ASSEMBLY FOR APPROVAL IN ACCORDANCE WITH THE ASSEMBLY RESOLUTION OF OCTOBER 11th, 1933, CONCERNING THE SIMPLIFICATION OF THE PROCEDURE OF THE ASSEMBLY.

The President :

Translation : On the agenda of the present meeting there are grouped together under a special heading the reports of various Committees which are submitted for the approval of the Assembly in accordance with the resolution of October 11th, 1933, concerning the simplification of the procedure of the Assembly.

I will remind the Assembly of the two paragraphs of the resolution which concern the application of this procedure :

" (i) When the reports and resolutions submitted by the various Committees of the Assembly are brought up for adoption in plenary session, the President, in the cases indicated below, shall read the titles of the reports and put forthwith to the vote the resolutions which are proposed.

" (ii) The procedure provided for in paragraph (i) shall only apply in cases where the Committee has unanimously declared that it does not consider a discussion of the report in plenary session to be necessary and where no delegation has subsequently asked the President to open a discussion on the report. The report must be circulated to the delegations twenty-four hours before it is brought up in plenary session."

The reports grouped under this heading of the agenda have been notified to the President of the Assembly by the Chairmen of the various Committees concerned as being reports to which the simplified procedure in question is applicable.

In other words, the Committees do not ask that these reports should be commented on or discussed in the Assembly.

Moreover, since the decisions taken on this subject by the Committees, no delegation has informed me that it wishes a discussion to be opened on these reports.

In consequence, and in application of the rules I have just quoted, I propose that the Assembly, should without further procedure, take note of the following reports and adopt the resolutions contained therein :

- I. Manner of accrediting Delegates to the Assembly.
Report of the First Committee :
Resolution. (Document A.47.1934.)
- II. Work of the Health Organisation.
Report of the Second Committee :
Resolution. (Document A.39.1934. III.)
- III. Work of the Communications and Transit Organisation.
Report of the Second Committee :
Resolution. (Document A.31.1934. VIII.)
- IV. Collaboration of the Press in the Organisation of Peace.
Report of the Second Committee :
Resolution. (Document A.44.1934.)
- V. Penal and Penitentiary Questions.
Report of the Fifth Committee :
Resolutions. (Document A.45.1934. IV.)
- VI. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.
Report of the Sixth Committee :
Resolutions. (Document A.37.1934.)
- VII. Work of the Intellectual Co-operation Organisation.
Report of the Sixth Committee :
Resolutions. (Document A.41. 1934. XII.)
- VIII. Mandates.
Report of the Sixth Committee :
Resolution. (Document A.42.1934. VI.)
- IX. Slavery.
Report of the Sixth Committee :
Resolution. (Document A.43.1934. VI.)

The Assembly took note of the above reports and adopted the resolutions accompanying them (Annex 2).

47. — **REPORTS OF COMMITTEES TO THE SUBMISSION OF WHICH THE PROCEDURE PROVIDED BY THE ASSEMBLY RESOLUTION OF OCTOBER 11th, 1933, IS NOT APPLIED.**

The President :

Translation : The next item on the agenda is the consideration of the reports to the submission of which the procedure provided by the Assembly resolution of October 11th, 1933, is not applied. Consequently, for the consideration of these reports, I shall follow the practice established in former years.

**I. ECONOMIC AND FINANCIAL QUESTIONS :
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 Economic and Financial Questions (document A.40.1934.II).

As the Chairman and Vice-Chairman of the Second Committee have been obliged to leave Geneva, I will ask only the Rapporteur, M. Munters, delegate of Latvia, to take his place on the platform.

(On the invitation of the President, M. Munters, Rapporteur, took his place on the platform.)

The President :

Translation : M. Munters, Rapporteur, will address the Assembly.

M. Munters (Latvia), Rapporteur. — The report of the Second Committee on economic and financial questions which has been circulated was unanimously adopted. It consists of five parts — a brief summary of the present economic situation, a summary of the discussion which took place in the Committee, a statement on the activity of the Economic Organisation of the League, a statement on the activity of the Financial Organisation of the League, and a draft resolution submitted for your approval.

It was the unanimous feeling of the Committee that, if the policy of combating the effects of the general depression by an ever-growing number of autonomous economic and financial measures taken by individual countries was not checked or canalised, international economic relations would be further seriously imperilled. Consequently, there was also unanimity among the members of the Second Committee that the League of Nations should continue to watch over and investigate the possibilities for common action in the field of economic relations and that the international situation should not be permitted to drift from bad to worse owing to the lack of advice or initiative.

With perfect unanimity the Second Committee decided to initiate that common action in economic matters. Whether the enquiry proposed by the Second Committee into the problem of compensation and clearing arrangements, which we hope will be sanctioned by the Assembly, will yield practical results it is impossible to predict at the present moment. One thing, however, is obvious — namely, that such results depend in large measure on the rapidity of the investigation to be undertaken so that the conclusions of the enquiry should not become inapplicable by reason of their being overtaken by the developments of the situation.

The Committee suggests, therefore, that, in the event of the adoption of the resolution submitted to the Assembly, the preparatory work for the enquiry should be undertaken in every country without delay, so that the replies to the questionnaire which will be sent to the various Governments will be forthcoming more quickly than is the usual rule in enquiries of this kind.

The President :

Translation : M. Ruiz-Guinazú, delegate of the Argentine Republic, will address the Assembly.

M. Ruiz-Guinazú (Argentine Republic) :

Translation : The Argentine delegation followed the discussions of the Second Committee with the greatest interest, and took the opportunity of supporting the French initiative with a view to an enquiry into the causes, scope, methods and results of clearing and compensation agreements, together with the amendment submitted by the United Kingdom delegation. I have already explained to the Committee the meaning of the Agreements of this nature concluded by my country with a number of European and American States, which are desirous of participating in the search for the most appropriate means of improving commercial relations and developing world trade to the extent of their economic capacity.

The majority of the international conventions concluded, however, are definitely temporary and short-term arrangements, subject to amendment at short notice, their purpose being to allow foreign trade to be carried on until economic conditions show a more favourable turn. In every country the general tendency has been to reserve liberty of action for the future and even to ensure greater liberty. We are convinced that, in reality, no country can successfully pursue an economic policy, as our Rapporteur, M. Munters, has explained, without regard to the policies of other countries, unless the very object of its policy is that of complete isolation. In the modern world, however, isolation is, in fact, impossible on account of the various factors influencing economic organisation.

In this connection, I need not, I think, emphasise the importance of increasing our efforts to harmonise divergent opinions. I consider that the time has come to seek every opportunity for common action in the field of economic relations, in order to obviate the risk of a complete collapse. We all want economic disarmament. We have turned our efforts towards a sincere and more untrammelled co-operation, the only true road leading to a solution. It was with this intention that the Argentine Republic took part in the London Conference. It considers that the resumption of close relations and the preparation of a scheme for future co-ordination are the essential conditions for a satisfactory economic recovery.

With that object the Minister for Foreign Affairs, M. Saavedra Lamas, has convoked a conference to be held in Buenos Aires next year, with a well-defined programme of commercial concessions; for he is convinced that a permanent recovery of world trade cannot be brought about so long as States are not ready to abandon the system of closed economy, which still threatens to stifle international trade.

Indeed, the President of the Republic, General Justo, in his last message to Parliament, emphasised his deep-seated conviction that the realisation of this aspiration might bring us closer to the ideal of a common Pan-American Customs policy, which would stimulate production and mutual marketing.

On the other hand, the tendency towards an acute economic nationalism is still seriously jeopardising the economic interdependence of the nations. This tendency, which is justified by exceptional circumstances, does not, however, preclude the possibility, subject to a less theoretical conception of autarchy and of security, of taking some action now to minimise the effects of such an attitude. This is proved by the action of certain statesmen in not claiming the benefits of the most-favoured-nation clause in the case of certain multilateral conventions. In this connection attention has been drawn to the Agreement which was opened for signature at Washington in July last, under the

auspices of the Pan-American Union, and approved by the Montevideo Conference in December 1933.

In reality, international equilibrium constitutes the fundamental problem, since it includes every aspect of the balance of accounts of the various countries. The restoration of this equilibrium would satisfy the hopes of producers and of consumers. It is notorious that the idea of equilibrium raises serious difficulties in all commercial discussions. The Economic Committee of the League of Nations wisely points out that the principal cause is that the equilibrium actually found is the unstable and mobile product of an almost infinite series of secondary equilibria of a temporary and constantly variable character. The economic analysis includes more than a study of the theoretically stable position of equilibrium; it also contains an interesting study of the disturbances of the equilibrium which cause economic changes and become the starting-points for new developments.

This phenomenon is dynamic in character and at the same time requires certain correctives with respect to the form of the economic organisation, based on a series of national economic systems, semi-closed, semi-interdependent, and less difficult to apply than isolated national systems. That, in our opinion, is the transitional formula best suited to present-day needs, the formula which will enable a link to be formed with the essential national elements. The science of political economy is definitely an experimental science, and I venture to add that every country is thus a laboratory. These tests tend gradually to combine international exigencies with the requirements of foreign trade.

At the present time a complete readjustment is not possible, but there are a variety of symptoms of improvement which allow us to hope that a *de facto* stabilisation will be maintained for a considerable time. The ground gained by the compensation agreements has not been entirely lost. In the Argentine, at all events, encouraging signs have been noticed, and they are making their appearance in other countries as well.

Our experts state that the movement of our foreign trade constitutes the decisive factor in the changes of our internal situation. We are, in fact, closely linked with international economy, leaving on one side the high barriers forming an obstacle to trade — restrictions, temporary aggravations, price disturbances, currency instability and so on — which the world has been obliged to accept as a necessary evil. We proclaim that, for the future, the principle of equality of treatment shall be the basis of reciprocity for every commercial policy acceptable to us; and we shall, of course, work within the framework of the League of Nations.

It is essential that greater efforts should be made. It is too soon yet to say that economic restoration will be brought about shortly; but, thanks to the anxiety shared by all, Governments are entering into negotiations, and conversations will lead to agreement.

I cannot conclude without expressing the hopes formed by the Argentine delegation. May the shrunken spiral which in the graphs represents the sharp contraction of world trade widen its curves more and more as a symbol of happier and more equitable world conditions.

The President :

Translation : If no one else wishes to speak, I shall regard the resolution proposed by the Second Committee as adopted.

The resolution was adopted (Annex 2).

II. TRAFFIC IN WOMEN AND CHILDREN : REPORT OF THE FIFTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the consideration of the report of the Fifth Committee on Traffic in Women and Children (document A.38.1934.IV).

(On the invitation of the President, M. Levillier, Chairman of the Fifth Committee, and Miss Horsbrugh, Rapporteur, took their places on the platform.)

The President :

Translation : Miss Horsbrugh, Rapporteur, will address the Assembly.

Miss Horsbrugh (United Kingdom of Great Britain and Northern Ireland), Rapporteur. — The Fifth Committee decided, in order to give the largest possible measure of publicity to the result of their work at this session in connection with the traffic in women and children, that their draft resolutions should be read and some explanation given, for it is only by obtaining well-informed support from the public that it is possible to combat successfully this social evil. The League of Nations has, I think, fulfilled its functions in connection with this question in a practical manner. Expert investigations have taken place both into the nature and extent of the traffic, and definite remedies have been suggested.

This year the Fifth Committee studied the report of the Commission of Enquiry in the Far East and discussed how the League could further the proposals of the Commissioners. It decided that, with the co-operation of the Governments concerned, a Conference should be called in the East, to be attended by the authorities dealing with these subjects. The Commissioners also drew particular attention to the plight of Russian refugee women in China; but, as there was no definite scheme for the rehabilitation of these women, it decided to obtain further information and to report to the next session of the Committee on the Traffic in Women and Children.

The enquiry in the East shows, as similar enquiries both in Europe and America have already shown, that the licensed-house system is a direct encouragement to the traffic. For many years there has been an interchange of views on that subject here at Geneva, both in the Traffic in Women and Children Committee and also in the Fifth Committee. The recent changes in medical opinion have, however, greatly modified the situation. Many countries have now abandoned the licensed-house system and have found no deterioration either in public health or public order, and no single country that has abandoned that system wishes to go back to it. This year for the first time there was complete agreement concerning the principles on the basis of which the problem can best be treated, and those principles are embodied in the resolutions of the Traffic in Women and Children Committee. This unanimity, I think, can be regarded as a distinct step forward in our work for the abolition of this traffic which we all deplore.

I therefore have the honour to submit to the Assembly for approval the resolutions proposed by the Fifth Committee.

The President :

Translation : As no delegation has asked to speak, I shall consider the resolutions proposed by the Fifth Committee as adopted.

The resolutions were adopted (Annex 2).

TWELFTH PLENARY MEETING

Thursday, September 27th, 1934, at 10 a.m.

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President : M. R. J. SANDLER.

48. — APPLICATION OF THE KINGDOM OF AFGHANISTAN TO BE ADMITTED INTO THE LEAGUE OF NATIONS: REPORT OF THE SIXTH COMMITTEE.

The President :

Translation : The first item on the agenda is the examination of the Sixth Committee's report on the request of Afghanistan to be admitted to membership of the League of Nations.

The Assembly will remember that, at its meeting on the afternoon of September 25th, it took note of a telegram containing a request from the Kingdom of Afghanistan to be admitted to membership of the League of Nations. It decided to place this question on the agenda of the present session and referred the matter to the Sixth Committee for examination.

The Sixth Committee met forthwith and examined the request of Afghanistan to be admitted to membership of the League; the report of the Sixth Committee is before the Assembly this morning.

While acknowledging that the Assembly has full discretion to decide this point, I thought that, as the Sixth Committee's report was communicated to the delegations yesterday, I ought to give the Assembly an opportunity to state its opinion on this report without delay, in view of the advanced stage of the work of the session.

I therefore think I should first ask the Assembly if it is willing to take action forthwith on the Sixth Committee's report.

If no one wishes to speak, I shall interpret the silence of the Assembly as a sign of assent, and consequently shall consider that the Assembly has decided, in accordance with the conditions laid down in its Rules of Procedure, to take action in the matter forthwith.

Agreed.

The President :

Translation : I will therefore ask His Excellency Tefvik Rüstü Bey, first delegate of Turkey, Rapporteur of the Sixth Committee, and His Excellency M. de Madariaga, first delegate of Spain, Chairman of the Sixth Committee, to take their places on the platform.

(Tefvik Rüstü Bey and M. de Madariaga took their places on the platform.)

The President :

Translation : Tefvik Rüstü Bey, Rapporteur, will address the Assembly.

Tefvik Rüstü Bey (Turkey) Rapporteur :

Translation : The Sixth Committee has done me the signal honour of entrusting to me the pleasant task of submitting to the Assembly on its behalf the report on the admission of the Kingdom of Afghanistan to membership of the League of Nations.

I feel particular satisfaction in acquitting myself of this task, since Turkey entertains relations of close friendship with Afghanistan, as with all other countries of Asia.

There is no need for me to emphasise the great importance of admitting into this body of international concord and co-operation a State which not only fulfils all the conditions required under the Covenant, but whose sincere efforts in favour of peace and progress call for the sympathy of all the nations belonging to our institution.

This country entertains good relations with all States in general and with its neighbours in particular, as was clearly evinced in the speeches made in the Sixth Committee concerning Afghanistan.

The dispute existing between Afghanistan and Persia has been referred to arbitration, as I explained yesterday in the Sixth Committee.

I therefore trust that I may be permitted to repeat my sincere hope that Afghanistan may take the place in this institution which she merits and thus give us her valuable assistance in our common task.

I am convinced, further, that this decision of the Assembly will be for this country a guarantee of the strong moral support of the League in the

path of peace and progress which it is resolved to follow.

The Sixth Committee, having taken note of the report of the Sub-Committee appointed to examine the request of the Kingdom of Afghanistan to enter the League of Nations, approves that report and unanimously submits to the Assembly a proposal for the admission of the Kingdom of Afghanistan to membership of the League.

The President :

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

M. Sepahbodi (Persia) :

Translation : As I had the honour of declaring before the Sixth Committee, I have great pleasure in giving my cordial support, on behalf of Persia, to the request of the Kingdom of Afghanistan to be admitted to membership of the League of Nations.

The President :

Translation : His Highness the Aga Khan, first delegate of India, will address the Assembly.

The Aga Khan (India). — They are no conventional feelings that have prompted me to address you, and it is no conventional speech that I wish to deliver. No representative of India, no Muslim, no Asiatic could play his part on this historic occasion unmoved. Times have been when the rulers of Afghanistan were content — were determined — to keep their nation aloof from the hurly-burly of the world; when even her historic and picturesque capital of Kabul was one of the world's forbidden cities. To-day, Afghanistan has set her seal on a momentous change. Times indeed have changed in all parts of the globe. There have been developments everywhere which none could have foreseen thirty, twenty years back. Nor has Afghanistan remained unaffected by the evolution of things within, or by the march of events outside. To-day, she formally and finally enters into the great comity of nations — no stranger indeed, for she has been playing her part in session after session of the Disarmament Conference. Nor does she enter into a strange Assembly, for not only can she claim the goodwill of all, she can claim that all her next-door neighbours are to-day — and we could not say this when the session began — Members like her of the League.

It is not without emotion that I play my part on this memorable occasion. Throughout all my associations with the League I have felt — you will pardon the frankness of a man who is perhaps all the more a true representative of India because he is also a citizen of the world — I have long felt that the League was in danger of becoming too occidental and too representative of one creed to be truly catholic and universal. To a Muslim like myself, it is no small thing that another Islamic nation is to-day entering the League. For I am convinced that her entry will strengthen the League in far greater measure than the number of her subjects or even the extent of her realm might suggest, and will invigorate it in the pursuit of our common ideals with fresh ideas and a fresh outlook.

No Indian will read unmoved the proceedings of to-day. For India, however much she may seek from the West her political institutions, remains a true daughter of the East, proud of her Eastern blood, her Eastern languages, her Eastern cultures. These she shares with Afghanistan, and seventy millions of her peoples share, as I share, with Afghanistan in the glorious brotherhood of Islam.

The President :

Translation : His Excellency Ja'far el Askari Pasha, delegate of Iraq, will address the Assembly.

Ja'far el Askari Pasha (Iraq). — There can, I think, be no two opinions as to the genuineness and the spontaneity of the welcome that is being extended to Afghanistan to-day. All the Members of our League, old and new, great and small, greet her entry as marking one more milestone towards the goal of universality.

But just as the States of Europe feel that there is an especial bond uniting them, a feeling that takes concrete shape, for instance, in the Commission of Enquiry for European Union; just as in any discussion affecting one or the other of the Republics of Latin America, the outsider is at once conscious of a strong solidarity between them all, based on their common origin, language and traditions, a solidarity that must quickly overcome any passing exhibition of temper between brothers; so we of Asia may be excused if we too feel that we are united by particularly intimate ties — for some, geographical propinquity, for others historical contacts, for others a common religion, a common alphabet, a common literary and cultural tradition — within the larger framework that embraces all.

The religion on which the moral and social code of Europe is largely based came from Asia. When the dark night of the middle ages descended on Europe, it was we, the Arabs in particular, who took into our charge the smouldering torch of learning, first lit by Greece and Rome, blew it into flame again and handed it back to burn more brightly than ever before.

And now, in more recent times, Europe has repaid the debt by endowing Asia with those material wonders which the genius of her men of learning has brought into the world.

To-day we are all striving towards an ideal. I believe that co-operation between Europe and Asia is no less essential for the future than it has been fruitful in the past. The stronger and more vigorous the Asiatic element, the more successful that co-operation will be.

For these reasons, Iraq offers a hearty and brotherly greeting to the new Member which has come to reinforce us. I venture to express the hope that the day is not far distant when we shall be welcoming Egypt, Syria and other States into the League of Nations.

The President :

Translation : As no other delegate has asked to speak, I call upon the Assembly to take note of the Sixth Committee's report recommending the Assembly to decide in favour of the admission of the Kingdom of Afghanistan to membership of the League of Nations.

If there are no observations we shall, without further delay, proceed to take the vote required for the admission of a new State to membership of the League.

According to Article 1, paragraph 2, of the Covenant, a majority of two-thirds of the Assembly is required for the admission of a new State.

A vote will be taken by roll-call. The procedure prescribed in Rule 20, paragraph 1, of the Rules of Procedure will be followed. The name of each delegation will be called and one of its members will answer "Yes" or "No" or "Abstaining".

The result of the vote will be recorded and announced to the Assembly.

The vote was taken by roll-call.

The President :

Translation : The result of the voting is as follows :

Number of votes cast	47
Number of votes valid for calculating the majority	47
Number of votes in favour of the application for admission	47

Consequently, I proclaim that the Kingdom of Afghanistan has been admitted to membership of the League of Nations by a unanimous vote of the Assembly.

I should like at once to congratulate this new Member of the League, and I shall welcome it as soon as its delegation has taken its place among us.

49. — CREDENTIALS OF THE DELEGATES OF THE KINGDOM OF AFGHANISTAN : CONVOCATION OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : In order to enable the delegation of the Kingdom of Afghanistan to sit in the Assembly at the present meeting, I will ask the Credentials Committee to be so good as to meet immediately to examine the credentials of the delegates of Afghanistan and to submit its report to the Assembly.

While the Credentials Committee is meeting, I propose that the Assembly pass to other questions on the agenda of the present meeting, and, as soon as the Credentials Committee submits its report, the report will be read and I will invite the delegates of Afghanistan to come and take their place among us.

50. — WORK OF THE CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS : LETTER FROM THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS.

The President :

Translation : The next item on the agenda is a communication from the President of the Assembly regarding a letter, dated September 26th, 1934, which I have received from the delegation of the Union of Soviet Socialist Republics concerning the work of the Conference on the Reduction and Limitation of Armaments. The text of this letter is as follows :¹

[*Translation.*]

“In view of the fact that, during the session of the fifteenth Assembly of the League of Nations, the Third Committee was not constituted and that there has thus been no opportunity of taking stock of the present position of the work of the Conference for the Reduction and Limitation of Armaments, and that, moreover, at this advanced stage of its work, the Assembly could not enter upon a discussion of the question, the delegation of the Union of Soviet Socialist Republics has the honour to request you to be good enough to submit to the next plenary meeting of the fifteenth Assembly the following draft resolution :

“The fifteenth Assembly of the League of Nations expresses the hope that the President of the Conference for the Reduction and Limitation of Armaments will report to the League Council on the position of the work of that Conference and that the Council will express its views as to the procedure to be followed.”

(Signed) M. LITVINOFF.”

¹ Document A.59.1934.IX.

Before communicating this letter to the Assembly and submitting to it my views on the subject, I consulted my colleagues on the General Committee and, with their approval, I now make the following observations :

The Assembly will remember that it considered that the Conference for the Reduction and Limitation of Armaments had suspended its work in circumstances which necessarily led the Assembly to consider it expedient this year not to appoint one of its Committees to consider the same subjects with which the Conference was still dealing. In view of this circumstance and also in view of the difficulties of entering now upon a full examination of this question, and whereas the Council is free to obtain any information it may think desirable regarding any question coming within its competence, the Assembly will perhaps consider it desirable simply to take note of the letter from the first delegate of the Union of Soviet Socialist Republics.

M. Litvinoff, first delegate of the Union of Soviet Socialist Republics, has asked to make a communication on this subject, and he will now address the Assembly.

M. Litvinoff (Union of Soviet Socialist Republics). — It was not my intention to have my letter accompanied by any speeches, nor to raise at this late hour any controversial questions entailing a debate ; but, in view of the President’s statement, I feel compelled to say a few words in order to explain at what my letter aims, or rather at what it does not aim.

It is far from my mind to endeavour to induce the Assembly or the Council to interfere with the normal procedure of the Disarmament Conference or its executive organs, and still less to do away with the Conference altogether. Let the President of the Disarmament Conference or the Bureau and other executive organs carry out, by all means, the decisions taken by the Conference or by the General Commission. Let them take the necessary steps which they think fit and timely. But I think at the same time that the Assembly and the Council of the League cannot be disinterested in the question of disarmament. After all, as I have more than once been reminded, the Disarmament Conference itself is an emanation of the League of Nations, and the President of the Conference has received his mandate from the Council of the League. It seems to me quite natural that, after two and a-half years of the existence of the Conference, at least the Council as a body, if not the Assembly, should show some interest in the work of the Conference, should take stock of what has been done and what has not been done and perhaps take some measures which might help the work of the Conference or give it some new direction.

I make no secret of what I am going to propose, when such an occasion arises, at least as regards procedure. I shall probably bring to the notice of the Council the proposal made by the Soviet delegation in the General Commission to create a special permanent organ of the League for dealing with all questions relating to peace, including disarmament. I have not given up the idea of a permanent conference of peace. On the contrary, I am more convinced than ever of its necessity ; and, if I am not mistaken, this idea is gaining ground in the circles of the League.

It is before my mind that there is still left outside the League a great country whose collaboration in the questions of peace and disarmament we all highly value. It is therefore essential to establish a common and permanent basis for such collaboration. This, however, is not the moment to say any more on that point.

The purpose of my letter was only to remind the Assembly of the question of disarmament and to show people outside the Assembly that the League of Nations does not lose sight of it. It seemed to me that a negative decision following upon the non-constitution of the Third Committee was not sufficient for that purpose, and that some positive proposal or decision was necessary. That purpose has been achieved by my letter having been made public and also by the statement of the President. If, on technical grounds, a formal resolution does not commend itself to the Assembly, as running counter to a previous decision at a time when my delegation was not yet at the Assembly, I do not insist on a formal vote being taken, and I shall be satisfied, in following the advice of the President, to raise this question in the Council itself.

The President :

Translation : I thank the first delegate of the Union of Soviet Socialist Republics for the explanation he has been good enough to make to the Assembly on a question the capital and undeniable importance of which he has rightly emphasised.

If there are no other observations, the Assembly will, in the circumstances, simply take note of the letter from the delegate of the Union of Soviet Socialist Republics and the statement he has just made.

The Assembly noted the letter and statement of the first delegate of the Union of Soviet Socialist Republics.

51. — CREDENTIALS OF THE DELEGATES OF THE KINGDOM OF AFGHANISTAN: REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : M. Schmidt, Chairman and Rapporteur of the Committee on Credentials, will address the Assembly.

M. Schmidt (Estonia), Chairman and Rapporteur of the Committee on Credentials :

Translation : The Committee appointed by the Assembly to verify the credentials of delegates met again to-day, September 27th, 1934, at 10.45 a.m., in the President's room, in order to ascertain whether the representatives of the Kingdom of Afghanistan are duly accredited to take part in the work of the Assembly.

The Secretary-General of the League of Nations has transmitted to the Committee a letter, signed by the Envoy Extraordinary and Minister Plenipotentiary of Afghanistan in London, in which he states that he is instructed by his Government to inform the Secretary-General that he himself and His Excellency General Mohamed Omar Khan have been appointed to represent the Royal Government of Afghanistan as delegates to the fifteenth ordinary session of the Assembly.

The Committee,

Having considered the contents of this document, and in view of the fact that, on account of lack of time, it has been impossible for the delegation of Afghanistan to obtain powers in good and due form ;

Considering that the Royal Government of Afghanistan authorised His Excellency Ali Mohamed Khan, Envoy Extraordinary and Minister Plenipotentiary in London, to communicate on September 24th, 1934, the request for admission of the Kingdom of Afghanistan to membership of the League of Nations ;

In view of the above-mentioned exceptional circumstances :

Considers the delegates of the Kingdom of Afghanistan accredited to take part in the work of the Assembly, and requests the Assembly to be good enough to ratify this decision.

The President :

Translation : I wish to thank the Chairman of the Committee on Credentials for his report, of which the Assembly will take note.

If no one asks to speak, I shall consider the conclusions of the report of the Credentials Committee to be adopted by the Assembly.

The conclusions of the report of the Committee on Credentials were adopted.

52. — ENTRY OF THE KINGDOM OF AFGHANISTAN INTO THE LEAGUE OF NATIONS.

The President :

Translation : I invite the delegates of the Kingdom of Afghanistan to take their places among us.

(The delegates of the Kingdom of Afghanistan took their seats in the Assembly.)

The President :

Translation : For the second time during this Assembly, I have the honour to welcome the representatives of a country which has just entered the League of Nations. I feel certain that I am interpreting the unanimous opinion of the Assembly when I express the great satisfaction I feel in seeing the delegates of the Kingdom of Afghanistan among us.

Your distant and beautiful country is rich in memories of ancient times. It possesses, too, a wealth of resources which give promise of great future development. In taking your seats in the World's Parliament at Geneva, you are lending strength such as is particularly desired to the voice of Asia in the concert of the nations. I feel sure that the cause of peace will benefit by the closer relations between East and West and the establishment of a wider basis for international co-operation.

By admitting the Kingdom of Afghanistan into the League of Nations, we have travelled one more stage along the road towards universality. It is a happy augury for the future of the community of peoples.

I repeat my welcome to the delegates of the Kingdom of Afghanistan and beg them to co-operate with us in the work of the League.

His Excellency Ali Mohamed Khan, delegate of the Kingdom of Afghanistan, will address the Assembly.

Ali Mohamed Khan (Afghanistan). — Allow me, as the Afghan representative, to thank you for the kind words in which you have welcomed my country's entry into the League of Nations ; to which I have the great pleasure of coupling the names of our esteemed neighbours and those distinguished States Members who have added their cordial felicitations. I am particularly thankful to our eminent friend, His Excellency Tevfik Rüstü Bey, the Foreign Minister of Turkey, for his great interest in our case and for his untiring efforts in this connection. Nor am I less thankful to all the Members of the Assembly for so overwhelmingly and unanimously according a warm and friendly reception to Afghanistan.

The cordiality of the atmosphere which has thus been created emboldens me to state that, although somewhat belated in coming within the fold of this great peace instrument, we do not consider ourselves as strangers either to the cause or to the Assembly itself, for it will be remembered that, in the several activities of the League — as, for instance, in the

Disarmament Conference and in your social and humanitarian activities — Afghanistan has consistently taken an active, and I hope not an insignificant, part.

In matters appertaining to general world peace and international goodwill we have an abiding interest, and contemporary history of Asia is not without instances to testify that both in promoting and maintaining world fellowship and understanding our nationals have time and again taken a prominent part.

Although technically Afghanistan may be a newcomer to the League of Nations, the idea behind the League's endeavours has not been unknown to her, for, in virtue of her nation's traditional practice and belief, equality, justice and an insistence on the minimum human rights have always guided the people in whose name I have the honour of speaking here to-day.

We heartily and devoutly welcome the object of the League, which I understand is to maintain permanent peace, for, due to our already established order, we consider peace to be sacrosanct, and that it is our highest duty to engender and protect goodwill amongst mankind, and not to disturb the earth after it has been properly set up.

Nor are we mere theorists in this regard, for, in Afghanistan, we are practical men or nothing; and what our efforts have been in the direction of human concord can be readily affirmed by our recent history.

I may assure my esteemed colleagues, through you, Mr. President, that Afghanistan is entering the League to-day full of sentiments of goodwill and fraternity towards each and all, and is determined to strengthen to her utmost capacity the progress of peace.

To reiterate again, I may safely venture to say that, distant though Afghanistan be, her geographical position is such that it is destined to play a great part by throwing her weight in favour of international friendliness, justice and human welfare. Consequently, I am confident that our entry into the League of Nations is not without significance, for to us world peace is not a vision or only a pious hope. It is a reality, in the full realisation of which I am sure my countrymen will acquit themselves worthily.

Afghanistan is zealous about the League for another reason, as well; it is this, that we consider that by her adhesion to this noble organisation she is contributing towards the universality of the League of Nations, for the universality of this effort is the only sure international guarantee for securing that which we call world peace; and surely peace and orderly progress are the least of human birthrights.

We shall therefore co-operate wholeheartedly to plant more deeply the roots of this collective peace system in the hearts of the people, a system which we hope and trust will be made ceaseless in its growth.

With this adage, and this alone, writ large upon our banners, we, Sir, enter this celebrated world gathering as your fellow-workers in this sublime cause.

53. — COMMITTEES OF THE LEAGUE OF NATIONS: RESOLUTION SUBMITTED BY THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President :

Translation : The next item on the agenda is the examination of a resolution submitted to the Assembly by the General Committee on the question of League Committees.

The Assembly will remember that, during its meeting on September 10th, it referred Item 2 of the agenda for the present session, "Committees of the League of Nations", to the General Committee for preliminary examination.

The General Committee of the Assembly examined this question and decided to submit for the approval of the Assembly the following resolution :

"The Assembly,

"Having taken cognisance of the Secretary-General's report on the League Committees, prepared as a result of the Council's decision of January 17th, 1934 (document C.287.M.125.1934);

"Considering that this report constitutes a useful basis for enquiring whether corrections, adjustments or improvements should be made in the constitution and in the practice and procedure of the committees :

"Requests the Council to have the Secretary-General's report studied by a suitable body in order that proposals for the realisation of the above-mentioned aims may, if necessary, be laid before the Assembly at its next session.

"In order to facilitate this examination, the Members of the League might be invited to communicate to the Secretary-General any suggestions they may wish to make."

If no one wishes to speak, I shall consider the resolution adopted.

The resolution was adopted.

54. — REPORTS OF COMMITTEES SUBMITTED FOR THE APPROVAL OF THE ASSEMBLY IN ACCORDANCE WITH THE ASSEMBLY RESOLUTION OF OCTOBER 11th, 1933, CONCERNING THE SIMPLIFICATION OF THE PROCEDURE OF THE ASSEMBLY.

The President :

Translation : On the agenda of this meeting the reports of the various Committees submitted for the approval of the Assembly in accordance with the resolution of October 11th, 1933, for the simplification of the procedure of the Assembly, are grouped under a special heading, as was done yesterday.

There is no need to remind you of the text of the paragraphs of this resolution, which were read at yesterday's meeting.

The Chairmen of the Committees concerned have indicated to me the reports grouped under this item of the agenda as being those to which the simplified procedure in question may be applied.

I may add that, since these decisions were taken by the Committees, no delegation has informed me that it wishes a discussion to be opened on these reports.

Consequently, and in application of the rules to which I have just referred, I propose that the Assembly should, without further formality, take note of the following reports and adopt the resolutions contained therein :

I. Protection of Minorities.

Report of the Sixth Committee.
(Document A.57.1934.I.)

II. Prohibition, under the Provisions of the Covenant of the League of Nations, of the Supply of Arms and War Material to Belligerents.

Report of the Sixth Committee :
Resolution. (Document A.56.1934.VII.)

III. Assistance to Indigent Foreigners.

Report of the Fifth Committee :
Resolution. (Document A.50.1934.IV.)

If no one desires to speak, I shall consider these reports approved *en bloc* by the Assembly and the resolutions accompanying certain of them adopted.

The resolutions were adopted (Annex 3).

55. — **REPORTS OF COMMITTEES TO THE SUBMISSION OF WHICH THE PROCEDURE PROVIDED IN THE ASSEMBLY RESOLUTION OF OCTOBER 11th, 1933, IS NOT APPLIED.**

The President :

Translation : The next item on the agenda is the discussion of the reports to the submission of which the procedure provided in the Assembly resolution of October 11th, 1933, is not applied.

I. CHILD WELFARE : REPORT OF THE FIFTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The first is the report of the Fifth Committee on Child Welfare (document A.52.1934. IV).

(On the invitation of the President, M. Levillier, Chairman of the Fifth Committee, and Mme. Malaterre-Sellier, Rapporteur, took their places on the platform.)

The President :

Translation : Mme. Malaterre-Sellier, Rapporteur, will address the Assembly.

Mme. Malaterre-Sellier (France), Rapporteur :

Translation : The Fifth Committee has instructed its Rapporteur to submit certain remarks on a few particular points.

I shall make these remarks very brief. They refer, in the first place, to the problem of the effects of unemployment on unemployed young persons and on the children of unemployed parents.

Since the question of unemployed young persons has been placed on the agenda of the next International Labour Conference, the Fifth Committee has confined itself to a few suggestions which will be transmitted to that Conference.

The Committee paid special attention to the moral consequences by which children are beset when their parents remain unemployed for months and sometimes even years at a time. It considered that the relief given to children of unemployed parents and to the families of unemployed persons should be in conformity with certain moral principles to which the Fifth Committee, and I am sure the Assembly too, attaches the greatest importance.

This relief should be given with the firm intention of maintaining the unity of the family and without impairing parental authority. It often happens that, where a family lives solely on charity or on public relief granted by Governments or private organisations, the child, on discovering that its livelihood is not provided for by its family, loses all respect for its family.

The aim of the measures submitted for the Assembly's decision is to prevent our finding ourselves confronted with a physically and morally enfeebled generation when once the world's economic equilibrium is restored.

The Fifth Committee also draws the Assembly's attention to that part of the report which refers to the development of its secretariat as a centre of information. The last Assembly requested that this question should be placed on its agenda. I do not want to take up your time, and I shall not read the resolution submitted for your consideration. I should nevertheless like to emphasise

the importance of the development of the Social Section's work in this direction for purposes of information and dissemination.

It would seem, in fact, that, though excellent child welfare work has been done, not only by the Child Welfare Committee, but also by the International Labour Office, the Office d'Hygiène and various international organisations and through the valuable legislative contributions of many Governments, too frequently adequate use is not made of this work, which is pigeon-holed. By organising this work of information and dissemination, the Secretariat will place at the disposal of all countries and all persons interested in the child material which will enable them to help in the development of child welfare and, at the same time, secure publicity for the great social and humanitarian work being done by the League.

We believe that, in this way, we are acting in accordance with the spirit of the League, which accepted the first report on child welfare ten years ago. That report contained what has been called the Charter of Children's Rights.

That Charter has become in every country the lodestar for the activity of all those interested in the problems of childhood. It lays down that the child has certain rights on the preceding generation, and that, irrespective of race, nationality or religion, mankind must place all its best at the service of childhood.

The report which I submit for adoption by the Assembly aims at enabling this noble declaration to be converted into a fact. By contributing to the success of the work of child welfare, we are conscious that we are doing good service to the League, for, to make our work really durable, we must prepare better days for future generations — happier days than those experienced by the present generation.

The President :

Translation : No delegation has asked to speak. If no one has any observations to make, I shall consider the Fifth Committee's report and the resolutions accompanying it adopted.

The resolutions were adopted (Annex 3).

II. TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS : REPORT OF THE FIFTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the examination of the Fifth Committee's report on the Traffic in Opium and Other Dangerous Drugs (document A.51.1934.X).

(On the invitation of the President, M. Casares, Rapporteur, took his place on the platform.)

The President :

Translation : M. Casares, Rapporteur, will address the Assembly.

M. Casares (Spain), Rapporteur :

Translation : I submit my report to the Assembly in conformity with the mandate given to the Fifth Committee. I shall do so as briefly as possible.

At the time of the Assembly last year — that is, barely two months after the coming into operation of part of the Convention for the Limitation of the Manufacture of Narcotic Drugs, which, bold in its conception and without precedent in the history of economic relations and international law, was directed towards the complete regulation of an entire industry and a trade extending over the entire surface of our globe — all that could be done was to express a hope that the Convention would prove itself in practice a workable, useful and effectual instrument.

To-day, we are in a position to judge it in the light of the experience we have gained during the first year of its practical application. This first year has justified the hopes of all those who, when preparing this Convention, foresaw an entirely new development of international co-operation from the economic, legal and administrative points of view.

In the economic sphere, by limiting internationally, in a direct quantitative and qualitative manner, the manufacture of, and consequently the trade in, certain industrial products strictly to the legitimate demand for those products, this Convention has given effect internationally, for a specified industry, to the essential principles of what is commonly called managed economy.

In the legal and administrative sphere, the Limitation Convention has not only bound States by mutual obligations, but, by establishing for the first time the principle of integral control as applied to a whole industry, it has provided for and imposed the organisation of a veritable international administrative authority, which henceforth will regulate and supervise day by day the relations between the contracting parties as manufacturers, exporters, importers and consumers of certain industrial products.

What is extraordinary for the times in which we are living, when disappointment and failure have become almost our daily fare, is that a work of human solidarity has been attempted and has succeeded. It may be said to-day that close and effective co-operation exists among the peoples for the purpose of overcoming a scourge the ravages of which, although they may impress the imagination of the general public less than those of wars, are no less certain and no less terrible.

Ours is the thankless task of the pioneer; but, if the historian one day retraces the beginning of the new order of things which in his view may perhaps coincide with the institution of the League of Nations, he cannot ignore this first endeavour to achieve true international co-operation, this first seed of an international administrative authority which has been set up under the auspices of the League and which already exists to-day in what may for short be called the domain of opium.

No one can say from what misery the League has saved the world by its success in this domain, since we shall never know exactly the volume of drugs which in every manufacturing country

was being diverted into the illicit traffic at a time when the trade in drugs was relatively free, before the League undertook its task in 1921.

As an example only, and without desiring to make any retrospective accusation — which would, indeed, be directed against a large number of countries — I draw attention in my report to the case of one country in the Far East which in 1920 possessed an enormous stock of more than 40 tons of drugs, two-thirds of which had their origin in exports from nearly all the manufacturing countries of Europe and America.

If this situation is compared with that prevailing at present, an idea may be obtained of the immense progress that has been made. We may therefore say that the hopes conceived when the Limitation Convention was drawn up have been fully realised, and that this battle, begun by the League fourteen years ago, will end in a striking victory over a large part of the front. Yet, amid the first echoes of the songs of triumph, the sentinels are again sounding the alarm. The fight goes on. The enemy is launching a fresh offensive over particularly difficult country, and, in order to vanquish him finally, we must make an urgent appeal to the Governments, which have always given us so much help, and to the public opinion of the whole world, which has afforded us its valuable support and confidence.

It is with this object in view that I have been requested to lay before the Assembly the Fifth Committee's unanimous hope that, in the interests of the League, more general publicity will be given to the great success achieved by the League in this sphere, and that for this purpose the report of the Fifth Committee to the Assembly will be published by the Information Section of the Secretariat, with the necessary changes or adjustments, in the form of a pamphlet for general distribution.

The President :

Translation : If no one else desires to speak, I shall consider the report of the Fifth Committee and the resolutions accompanying it adopted.

The resolutions were adopted (Annex 3).

THIRTEENTH PLENARY MEETING

Thursday, September 27th, 1934, at 5.30 p.m.

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President : M. R. J. SANDLER.

56. — RELATIONS BETWEEN THE LEAGUE OF NATIONS AND THE PAN-AMERICAN UNION : LETTER FROM THE COLOMBIAN DELEGATION.

The President :

Translation : Before proceeding with the agenda, I should like to make a communication to the Assembly in respect of a letter, accompanied by a draft resolution, which was sent to me yesterday by the Colombian delegation concerning the relations between the League of Nations and the Pan-American Union. This letter was communicated to the delegations in document C.434.M.189.1934, dated September 26th, 1934 (Annex 5).

The request submitted by the Colombian delegation is to the effect that this question should be placed on the agenda of the next ordinary session of the Assembly.

This morning I communicated this request to the General Committee. With the approval

of my colleagues on the General Committee, I suggest that the Assembly should note the Colombian delegation's request. The Secretary-General will take the necessary steps under Article 4 of the Rules of Procedure of the Assembly to have this question placed, at the request of the Colombian Government, on the agenda of the next ordinary session of the Assembly.

The President's proposal was adopted.

57. — PROPOSAL OF CERTAIN DELEGATIONS CONCERNING THE STATUS OF WOMEN : COMMUNICATION BY THE PRESIDENT.

The President :

Translation : The delegations will have received a document containing the text of a letter dated September 26th, 1934, from the following delegations to the President of the Assembly: Argentine Republic, Bolivia, Cuba, Dominican Republic, Haiti, Honduras, Mexico, Panama, Peru and Uruguay, relating to the question of the status of women. The letter reads as follows:¹

"In consideration of the fact that the League of Nations is an international organisation designed to defend human rights, the following delegations deem it urgent that the League take cognisance of the present widespread and alarming encroachments upon the rights and liberties of women, and, recognising that the League has no more loyal supporters in its work for international peace than the women of the world, believe that the League should show its appreciation of the services of women by giving immediate attention to every circumstance imperilling their welfare.

"Since the Bureau has found it impossible to give consideration at the present time to the subject of the nationality of women and has, we understand, put this subject on the agenda of the next session of the Assembly, we, the undersigned, request that there be included on the agenda, not only the subject of women's nationality, but also the entire status of women, giving particular attention to the Treaty signed by four Governments at Montevideo (December 1933) to remove all legal distinctions based on sex.

"We also request the Assembly or the proper authorities, as an emergency matter, to bring the whole critical situation affecting the position of women before the Council of the League at the earliest possible moment.

(Signed) F. TUDELA (Peru).
 Dr. G. PATTERSON (Cuba).
 M. A. COSTA DU RELS (Bolivia).
 Dr. B. PORRAS (Panama).
 Dr. E. BRACHE (Dominican Republic).
 F. CASTILLO NAJERA (Mexico).
 J. M. CANTILLO (Argentine).
 M. MAYARD (Haiti).
 M. A. BAUER (Honduras).
 M. GUANI (Uruguay)."

The delegations in question wish to have this subject placed on the agenda of the next ordinary session of the Assembly, in order that the question of the nationality of women, which it has already

been suggested should be placed on the agenda of the next session,¹ may be widened in scope.

The request put forward by these delegations on this subject has been noted, and I will leave it to the Secretary-General to take the necessary action on the various points raised in the letter.

58. — DISPUTE BETWEEN BOLIVIA AND PARAGUAY: APPEAL OF THE BOLIVIAN GOVERNMENT UNDER ARTICLE 15 OF THE COVENANT. RESOLUTIONS SUBMITTED BY THE SIXTH COMMITTEE.

The President :

Translation : The next item on the agenda is the examination of the resolutions submitted by the Sixth Committee to the Assembly on the dispute between Bolivia and Paraguay (document A.58.1934.VII).

(On the invitation of the President, M. de Madariaga, Chairman and Rapporteur of the Sixth Committee, took his place on the platform.)

The President :

Translation : M. de Madariaga, Rapporteur, will address the Assembly.

M. de Madariaga (Spain), Rapporteur :

Translation : Permit me to analyse briefly the resolution which the Sixth Committee proposes to you for adoption. I should like to call attention to six points.

The first point is that we have desired to propose that you should, in the first place, affirm the competence of the Assembly, which was questioned by the Paraguayan delegate. On this subject there is no room for further doubt after the report submitted to us by your First Committee (document A.VI.12.1934).

I would also draw your attention to the second paragraph of the second resolution :

"And whereas, in particular, the endeavour made in the interests of peace, prior to the meeting of the Assembly, by the Government of the Argentine Republic, with the support of the Governments of the United States of America and the United States of Brazil, has revealed the difficulties which still stand in the way of a settlement by conciliation."

You are all aware of this noble endeavour. It was made in common by three great Governments of the American continent and directed by a statesman who has repeatedly evinced the interest he feels in international peace, in particular by proposing to that continent and to the world at large the adoption of a new pact. M. Saavedra Lamas is to be congratulated on his untiring efforts to reach a conclusion. We have simply noted that these constant efforts, with the co-operation of two States which are both powerful and directly interested—Brazil and the United States of America—merely serve to illustrate still further the difficulties inherent in the problem we have to solve here.

I also draw your attention to the composition which we propose for the Committee. We think that, since Article 15 requires a majority of the Assembly, which must include the unanimity of the Members of the Council, it would be wise to follow the procedure we have already adopted for the dispute between China and Japan and to include all the Members of the Council in the Committee. We propose that you should add the four Members of the Assembly who have taken part in the difficulties of conciliation from the

¹ Document C.440.M.190.1934.V.

¹ See records of the eleventh plenary meeting.

outset, since they are also members of the Conciliation Commission of Washington. Lastly, we have proposed, out of a desire for equilibrium to which I will not advert further, to add four countries whose names are given by the Sixth Committee on the proposal of its Bureau.

I would also draw your attention to the last sentence of the paragraph following the enumeration of the members to which I have just referred :

“It (the Committee) may secure such assistance as it may consider necessary.”

The Sixth Committee, in a remarkable series of speeches, was at pains to make the purpose of this sentence clear. You will all be aware of it. It is to voice in the resolution the earnest desire of us all for the participation in our work of the two great American States which have co-operated with M. Saavedra Lamas in the former efforts, and without which we think our task would be much more difficult. Out of a feeling of elementary discretion, we did not think we should go further than the sentence I have just read ; but, as many speakers have given the Sixth Committee to understand, that is the meaning to be attached to the sentence. I do not think it necessary to urge the interest which we all feel — and which I, as Rapporteur and Chairman of the Committee and as delegate of Spain, wish to emphasise — in securing this co-operation.

There are, finally, two paragraphs to which I should like briefly to refer. The first of these speaks of the settlement of the dispute under Article 15, paragraph 4, while at the same time leaving the door open for conciliation, which is still possible and which we earnestly hope may actually be effected before the Assembly comes to a decision under paragraph 4.

This dispute has lasted so many years that we consider no useful purpose can be served by expressly prescribing a period of conciliation. We simply provide that the Committee's activities shall be directly governed by paragraph 4, but that the possibility of conciliation shall not be overlooked. This paragraph of the resolution, however, must be read in conjunction with that dealing with the situation arising when the Committee submits its report under paragraph 4 of Article 15, and when consideration will have to be given to the possible consequence of solutions entailing the enforcement of the prohibition to supply arms and war material, to which a large number of Governments have pledged themselves. As you are aware, certain Governments had already adopted such measures in virtue of their own sovereign rights, being moved to do so mainly in view of the very great moral and legal difficulty in determining the proper attitude to adopt towards their exports of arms ; and it is a difficulty that must be experienced by every Member of the League conscious of its moral and legal duties when two other Members are engaged in warfare.

That brings me to the end of this brief analysis. I hope that the Chairman and Rapporteur of the Sixth Committee may now be permitted to speak in his other capacity as Spanish delegate, and tell you that Spain regards this distressing dispute as a matter of quite special concern ; for it is a conflict between two nations of her own stock and her own civilisation, as whose motherland she has sometimes the joy to be hailed. The conflict therefore causes her the deepest distress — a two-sided distress. In this fratricidal strife, neither of the warring nations feels any great concern at the wounds it inflicts on the other, enmity having all but closed the eyes of each to the suffering of the other. But in the hearts of my own countrymen, the sufferings of both are felt twofold.

There is yet another reason why I must emphasise the importance which Spain attaches to this conflict. It is that, unfortunately, it has its origin

in uncertainties, difficulties and complications arising out of texts going back to our own colonial era. It is particularly tragic for Spain to see two nations of her own stock come before the forum of the League and base their claims and counter-claims on documents dating from the days of Spain's colonial empire.

It is our earnest hope that the present conflict will soon be brought to an end, and that we shall soon be able to put it out of our minds as one of the most terrible nightmares in our history. I need hardly say that Spain does not approach the solution of this problem in any self-seeking spirit of ambition. What ambition could she have other than that this terrible outbreak, which she regards as a Spanish-American civil war, should be terminated ?

It may perhaps be true to say that Spain's concern for peace goes deeper than that of the other nations because it is older historically. Spain, indeed, is an imperial nation which has completed her full cycle and whose love of peace goes hand in hand with wisdom and renunciation. It is on account of that wisdom and that renunciation that I feel it my duty to remind you that Spain approaches the study of this problem in a spirit absolutely devoid of national ambition and, I should perhaps add, absolutely devoid of personal ambition. For at a time when the primary, the only task must be to put an end to the bloodshed in America, any man whose conduct here were tinged by the least shade of personal ambition would be a criminal unworthy to address you.

The conflict has been stubborn and protracted. Do not forget that both peoples are proud and brave, and that one of them has gone down to history for the miracle of having waged a war until its male population was completely and finally exterminated. Paraguay emerged from that catastrophe only to plunge into yet another, the Chaco war, from which I hope we shall still be able to save her. This stubbornness in conflict, this certainty that each has right upon its side, this courage, this obstinacy in seeking settlement in war has led the two countries to confront you with a case for which no provision exists in the Covenant. Here are two Members of the League of Nations actively engaged in war, and, moreover, as one of them has maintained in the Council, in a war which has been legally recognised ; and to-day they stand before you in virtue of Article 15 of the Covenant.

The legal complications arising out of this situation have given our legal experts in the First Committee much food for thought ; yet they can only be regarded as mere side issues of the momentous problem we have to solve. Our main concern must be the problem of the blood which is being shed, the problem of justice and peace ; and my reference to this aspect of the dispute is intended merely as an instance of the many complications to which it has given rise.

The unyielding spirit of the disputants has already led to a great many attempts at mediation which I need not enumerate, as you are already familiar with them. I think, however, that they call for three observations.

The first, which has already been made here and elsewhere, is that if — and I should hardly make so bold as to deny it — there exist obscure forces which stand to gain by the continuation of the war, they must from time to time have derived unexpected though valuable assistance from the multiplicity of those voluntary agencies which earnestly and patiently have, on several occasions, striven to achieve a result. That must stop.

We must concentrate our efforts here, for reasons of which you are all aware and to which I shall presently advert. But we must recognise here and now that, if our aim is to achieve a lasting peace, such multiplicity of agencies does more harm than good.

My second observation is closely related to the first. It is profoundly unjust that the League

of Nations should be accused of being slow. Anyone who examines the documents relating to the Chaco case with a fair and open mind will be compelled to admit that, whenever the League of Nations has dealt with the case, proceedings have been marked by greater vigour and despatch. It has approached more quickly towards realities, and action has been prompter. If delays there have been, if this dispute has lasted for years, it is because the League's procedure has been held up either by its own self-effacement in the pursuit of its own ends or by the action of the two belligerents, on one occasion in particular, in having recourse, athwart the action of the League, to other methods which, if they did not exactly compete with it, duplicated and undoubtedly hampered its work.

These facts must be made clear, because the League's failure would be much less pronounced than is thought if its rules were strictly applied.

Yet who would venture to complain of efforts at mediation? Are they not a proof, from whatever quarter they come, of the existence of that Geneva spirit, without which no progress can ever again be made along the road to peace? Let us rather find cause for congratulation in the fact that the Geneva spirit is everywhere at work. We must not be jealous of the activities of others, provided they do not detract from the efficacy of the work of peace.

Ultimately, however, this dispute must come back to Geneva; for, I repeat, we alone are under a legal obligation to settle it.

Moreover, while the Geneva spirit is commendable and valuable at all places and at all times, it is most commendable and valuable in this city of Geneva whose name it bears. If I may be allowed to give free rein to my fancy, I would tell you that I sometimes think the Geneva spirit owes much of its inspiration to the beautiful lake on whose shores our discussions are held.

A broad expanse of water in the midst of the landscape has two great virtues, two virtues closely akin to those we are seeking. Side by side with the broken line and manifold hues of the shore, the colour of the lake itself is pure, clear and luminous — a reflection of the sky itself. Its line is unwavering as the horizontal line that is symbolic of Justice — pure even when man-made, if it reflects the Justice of Heaven — and also that other undeviating horizontal that is symbolic of Peace.

When the lake is ruffled, the line of peace is broken; and we all know — if you will allow me this digression — that when a high wind blows from the north, the lake loses its serenity, its line is broken, its colour darkens, and on its surface appear foam-flecks strangely resembling the foam-flecks of rage. But that passes. Light and brightness return, and in the bowl of the lake we see the reflection of mountain-tops, both white and blue, and, no less serene, of mountains whose summits glow with the red of strange new dawnings.

Geneva fills us with the spirit of peace. It allows us to hope that the great countries for whose co-operation we have appealed will come and join their efforts to ours. It reminds us that, distant in space but near to our hearts, two sister nations are at war, their lifeblood ebbing away. We have their goodwill to add to our own. We have our legal obligation and the spirit of Geneva to inspire us. I believe that we can go forward with the task we have to perform, in the hope that soon both those countries, for ever reconciled, will see extended above their heads the wings of the twin spirits of Justice and Peace.

The President :

Translation : I now open the discussion on the resolutions submitted by the Sixth Committee. M. Caballero de Bedoya, first delegate of Paraguay, will address the Assembly.

M. Caballero de Bedoya (Paraguay) :

Translation : I have noted the resolutions proposed by the Sixth Committee to the Assembly. I will hasten to transmit them to my Government and will await its instructions.

I must confess that some, including ourselves, had hoped that the Assembly, before separating, would itself endeavour to put an end to the bloodshed between Bolivians and Paraguayans, if only as a preface to its pacific intervention.

In any case, we hope that, in order to create a calmer atmosphere favourable to its conciliatory mission, the Committee which the Assembly is about to appoint will, at the outset of its work, call upon the parties to cease hostilities.

The President :

Translation : If there are no observations, I shall declare that the Assembly adopts the resolutions submitted to it by the Sixth Committee.

The resolutions were adopted (Annex 4).

The President :

Translation : In the third resolution before the Assembly, relating to the establishment of a Committee, it is stated that four members are to be appointed by the Assembly. The Sixth Committee has recommended the Assembly to select as members of this Committee: China, the Irish Free State, Sweden and Venezuela.

If there are no observations, and if no vote is requested, I shall interpret the silence of the Assembly as signifying that it adopts the Sixth Committee's suggestion and, therefore, that it appoints the four States which I have mentioned as members of the Committee in addition to the other members mentioned in the Sixth Committee's resolution.

The Committee was constituted in accordance with the Sixth Committee's proposal.

59. — CONTRIBUTIONS IN ARREARS: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.

The President :

Translation : The next item on the agenda is the examination of the Fourth Committee's report on contributions in arrears (document A.49.1934.X).

I will ask the Rapporteur of the Fourth Committee, M. Castillo Najera, first delegate of Mexico, to come to the platform alone, as the Chairman of the Fourth Committee, Count Carton de Wiart, has been obliged to leave Geneva.

(M. Castillo Najera, Rapporteur, took his place on the platform.)

The President :

Translation : M. Castillo Najera, Rapporteur, will address the Assembly.

M. Castillo Najera (Mexico), Rapporteur :

Translation : As the report of the Sub-Committee on Contributions in Arrears has been printed and distributed, I will merely read the resolution. It is as follows:

"The Assembly,

"Adopts the report of the Fourth Committee on the question of contributions in arrears, together with the Annex;

"Decides to appoint a special committee, which would sit at intervals from now until the next session of the Assembly and which would have full power, subject to ratification by the next Assembly, to negotiate and conclude

arrangements with States for the equitable settlement of the amount of their debt in respect of arrears outstanding at the end of 1932. This special Committee, which is also entrusted with the study of the questions referred to it by the Fourth Committee, will be composed of the following members :

Count CARTON DE WIART (Belgium);
M. Stefan OSUSKÝ (Czechoslovakia);
Sir F. PHILLIPS (United Kingdom);
M. CASTILLO NAJERA (Mexico);
M. C. J. HAMBRO (Norway);

"Decides that the Argentine Republic, which, prior to the year 1933, stood in a special relationship to the League, should no longer be regarded as being in arrear for the four years 1929 to 1932."

The President :

Translation : No delegation has asked to speak. If there are no observations, I shall declare the report of the Fourth Committee and the resolution accompanying it adopted.

The resolution was adopted.

60. — FINANCIAL QUESTIONS : ALLOCATION OF EXPENSES : REPORTS OF THE FOURTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the examination of two other reports of the Fourth Committee : the report on the allocation of expenses and the report on financial questions affecting the League's budget for next year. The Rapporteur will submit to the Assembly one statement covering both these reports (documents A.60.1934.X and A.55.1934.X).

(On the invitation of the President, the Vice-Chairman of the Fourth Committee, M. Zumeta, and the Rapporteur, Sir Homi Mehta, took their places on the platform.)

The President :

Translation : Sir Homi Mehta, the Rapporteur, will address the Assembly.

Sir Homi Mehta (India), Rapporteur. — At this late hour, when the Assembly is on the point of terminating its proceedings, you will doubtless not expect me to make a long speech. Suffice it to say, therefore, that the Fourth Committee has good grounds for being pleased with the results of its work, and that it hopes the Assembly will share its gratification.

In the first place, the financial position of the League is better than at any time since the beginning of the crisis. Thanks to the economies which were made, last year's budget was balanced, and, if receipts continue at the same rate as in the last ten months, more favourable results may be expected this year.

In the second place, the Fourth Committee submits to the Assembly for adoption a budget of 30,639,664 francs, the lowest in five years. This result was obtained notwithstanding the augmented work which will certainly arise out of the increased participation in the work of the League and of its autonomous organisations.

Thirdly, as is shown in the report of my friend, M. Castillo Najera, the Committee has taken effective steps to deal with the thorny question of contributions in arrears. When this problem is settled, I feel sure that many of our budgetary difficulties — with which, in my capacity of General Rapporteur, I am more particularly concerned — will be very near a solution.

Fourthly, thanks to the spirit of compromise shown by all concerned, the Fourth Committee has come to a provisional and temporary agreement on the question of the allocation of expenses, and has cleared the way for more definite conclusions next year.

These results do not imply by any means that our difficulties are over. Knowing, as the Committee does, that it can count on the constant vigilance of the Secretary-General and of the responsible officials of the autonomous Organisations, it looks ahead to the future with renewed confidence in the financial stability of the League.

You have before you the resolutions proposed by the Fourth Committee, which I recommend to you for adoption.

The President :

Translation : No delegate has asked to speak. If there are no observations, I will take it that the Assembly approves these two reports and adopts the resolutions attached to them.

The resolutions were adopted (Annex 4).

61. — CLOSING SPEECH BY THE PRESIDENT.

The President :

Translation : Ladies and gentlemen, — We have come to the end of our work.

Before I formally close the fifteenth ordinary session of the Assembly of the League of Nations, I should like to thank all those who have helped me to discharge my presidential duties — the delegates, who have displayed unfailing moderation and courtesy; the Chairmen and Rapporteurs of Committees, who have acquitted themselves of their task with ability and authority; and, in particular, M. Avenol, who, backed by his Secretariat, has aided me throughout with his mature wisdom, his extensive experience, and his unshakable calm.

This year, for the first time, we have experimented with a new procedure which aims at simplifying the submission of reports to the Assembly in plenary session. In the endeavour to achieve equal simplicity, I shall merely summarise very briefly the proceedings of this Assembly in the order of the Committees by which the different questions have been examined.

Through the opinions given by the First Committee, the Assembly is in possession of certain interpretations of the Covenant, the interest of which extends far beyond the particular case that they concern. The Assembly has discussed the economic state of the world, and decided that a number of problems of present interest in that field shall be studied. On the other hand, it has not made any thorough examination of the grave problem of the steady increase in armaments. It has discussed and fixed its budget, as the Parliament of the world must do, like any other legislative assembly. It has also considered a large number of social and humanitarian questions. It has likewise held a doubtless necessary discussion on the question of minorities. Lastly, it has arrived at far-reaching decisions in regard to a conflict which has already long continued between two Members of the League, and which we are jointly endeavouring to bring to an end.

This Assembly has taken a step which marks the beginning of a new era in the history of the League. It has received one of the great Powers and assigned to it the position to which it is entitled. The places of two other great Powers are empty. All friends of the League can have no more earnest wish than that one day universality, the fundamental principle of this organisation, may be realised. In the course of a single session, the Assembly has taken two important steps in that

direction by receiving the representatives of Afghanistan and of the Union of Soviet Socialist Republics.

In its composition, in its action, in its discussions, and even in its passive moments, the Assembly of the League reflects all the manifold aspects of the evolution of the world.

This year, the League can celebrate a jubilee. It has already been in existence for three lustra. As history goes, that is but a short period; but it is a big proportion of a lifetime, and, with the four years that preceded it, it represents the period of the most vast and sanguinary crisis in history. This crisis is a phenomenon which contains destructive elements and also other elements which are

constructive. What chiefly matters for the future is the new structures which are rising on the ruins of the past. Among those new structures, the League of Nations holds the foremost place. Encouraged by the results of the work of this Assembly, and especially by the notable increase in the League's territorial area, its sincere friends all over the world will persevere more resolutely than ever in their present line of action. With all its weaknesses — for every living organism has weaknesses — the League reveals to us, in the aims it seeks to achieve, the grandeur and the nobility of life.

I now declare the fifteenth ordinary session of the Assembly of the League of Nations closed.

ANNEXES

ANNEX 1.

AGENDA OF THE FIFTEENTH ORDINARY SESSION OF THE ASSEMBLY
AND SUPPLEMENTARY LIST OF ITEMS.

I. ELECTION OF OFFICERS, APPOINTMENT OF COMMITTEES AND ADOPTION OF AGENDA.

- (a) Appointment of a Credentials Committee and Adoption of its Report;
- (b) Election of the President of the Assembly;
- (c) Adoption of the Agenda;
- (d) Appointment of the Main Committees of the Assembly and Division of the Items of the Agenda among them;
- (e) Appointment of an Agenda Committee;
- (f) Election of Vice-Presidents of the Assembly.

The items of the agenda are usually divided among the main Committees in the following manner:

<i>First Committee:</i>	<i>Legal questions;</i>
<i>Second Committee:</i>	<i>Questions connected with the work of the technical organisations;</i>
<i>Third Committee:</i>	<i>Questions connected with the reduction and limitation of armaments (this Committee was not set up in 1933 as the Conference for the Reduction and Limitation of Armaments was in session);</i>
<i>Fourth Committee:</i>	<i>Budgetary and administrative questions;</i>
<i>Fifth Committee:</i>	<i>Social questions;</i>
<i>Sixth Committee:</i>	<i>Political questions.</i>

2. REPORT ON THE WORK OF THE LEAGUE SINCE THE LAST SESSION OF THE ASSEMBLY.

Each year the Secretary-General prepares a general report on the work of the League since the last session of the Assembly. This report is issued in two parts; one, covering the period up to the middle of May, is issued at the beginning of July, the other at the opening of the session.

The report forms the basis of the general discussion with which the session usually opens and during which the various delegations have an opportunity of expressing their views on the work of the League.

For information, the chapters included in the report are indicated as follows:

- (a) *Conference for the Reduction and Limitation of Armaments;*
- (b) *Political Questions;*
- (c) *Free City of Danzig and Territory of the Saar;*
- (d) *Protection of Minorities;*
- (e) *Mandates;*
- (f) *Slavery;*
- (g) *Economic and Financial Work;*
- (h) *Communications and Transit;*
- (i) *Health Questions;*
- (j) *Technical Co-operation between the League of Nations and China;*
- (k) *Social Questions;*
- (l) *Traffic in Opium and Other Dangerous Drugs;*
- (m) *Relief and Settlement of Refugees;*
- (n) *Intellectual Co-operation;*
- (o) *International Bureaux;*
- (p) *Co-operation of the Press in the Organisation of Peace;*
- (q) *Budgetary and Administrative Questions;*
- (r) *Legal and Constitutional Questions;*
- (s) *Present Situation with regard to International Engagements registered with the Secretariat of the League of Nations.*

3. ELECTION OF THREE NON-PERMANENT MEMBERS OF THE COUNCIL.

The Assembly decided, on September 15th, 1926 (seventh session), to elect each year three non-permanent Members of the Council for a period of three years from the date of their election. The mandates which expire in 1934 are those of China, Panama and Spain.

Items inserted by or arising out of Decisions of the Assembly.

4. AMENDMENT OF THE COVENANT OF THE LEAGUE IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

On September 25th, 1931 (twelfth session), the Assembly, taking note of a report of the First Committee on this question, decided to create a Committee consisting of representatives of all the Members of the League, for the purpose of seeking unanimous agreement on the bases indicated in that report and of drawing up a final text for submission to the Assembly.

The Secretary-General was authorised by the Council to convene this Committee for a date to be fixed in consultation with the President of the Conference for the Reduction and Limitation of Armaments, the President of the Council and the Rapporteur. For the reasons indicated in last year's Supplementary Report on the Work of the League (document A.6(a).1933), the Committee has not yet met.

On September 25th, 1933 (fourteenth session), the Assembly adjourned this question to its next ordinary session.

5. CO-OPERATION OF THE PRESS IN THE ORGANISATION OF PEACE: COMMUNICATION FROM THE SPANISH GOVERNMENT RELATING TO THE SECOND CONFERENCE OF GOVERNMENT PRESS OFFICES AND PRESS REPRESENTATIVES, HELD AT MADRID FROM NOVEMBER 7TH TO 11TH, 1933.

On October 9th, 1933 (fourteenth session), the Assembly, observing that the Spanish Government proposed to summon this Conference to examine, in particular, the answers to the enquiry made by the Secretariat into the problem "of the spread of false information which may threaten the peace of the world and the good understanding between nations", expressed the hope that the Assembly would, at its fifteenth session, be able to take note of the results obtained.

The communication from the Spanish Government, which makes known these results, was discussed by the Council on January 18th, 1934 (seventy-eighth session). The report of the Council contained, inter alia, the following reference to the Assembly:

"The Assembly, which will consider the results of the Madrid Conference, will have to decide the financial and administrative limits of any assistance that may be afforded by the League Secretariat."

6. NANSEN INTERNATIONAL OFFICE FOR REFUGEES.

.12.1934. By its Statutes, the Nansen International Office for Refugees is placed under the direction of the League of Nations, in conformity with Article 24 of the Covenant, and submits an annual report to the Assembly on its activities.

7. COMPOSITION OF BODIES TO WHICH APPOINTMENTS ARE MADE BY THE ASSEMBLY.

(a) Supervisory Commission.

The Assembly will be called upon to appoint, on the proposal of the Fourth Committee, two members of the Supervisory Commission for the period January 1st, 1935, to December 31st, 1937.

A.11.1934. The members whose terms of office expire at the end of 1934 are Lord Meston and M. Hambro, who are both eligible for re-election.

(b) Administrative Board of the Staff Pensions Fund.

Mr. S. Lester, appointed by the Assembly as a substitute member of the Board, has resigned his membership.

8. COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

The Assembly decided on September 27th, 1933 (fourteenth session), to renew for twelve months the term of office of the Commission of Enquiry for European Union.

Item proposed by a Member of the League.

A.7.1934.I. 9. CONCLUSION OF A GENERAL CONVENTION ON THE PROTECTION OF MINORITIES: PROPOSAL OF THE POLISH GOVERNMENT.

By a letter dated April 10th, 1934, the Polish Government requested that a draft resolution submitted by it with a view to the conclusion by an international conference of a general convention for the protection of minorities should be included in the agenda of the Assembly.

Budget of the League and Financial and Administrative Questions.

- A.3.1934.X. 10. AUDITED ACCOUNTS FOR THE FIFTEENTH FINANCIAL PERIOD (1933) AND AUDITOR'S REPORT THEREON.
- In accordance with Article 38 of the Financial Regulations, "the Assembly shall finally pass the expenditure and income accounts".*
- A.4.1934.X. 11. BUDGET OF THE LEAGUE FOR THE SEVENTEENTH FINANCIAL PERIOD (1935).
A.4(a).1934.X.
A.4(b).1934.X.
- In accordance with Chapter IV of the Financial Regulations, the budget of the League (including the budgets of the Secretariat and special organisations of the League, the International Labour Organisation and the Permanent Court of International Justice) is annually submitted to the Assembly.¹*
- A.5.1934.X. 12. REPORTS OF THE SUPERVISORY COMMISSION.
A.5(a).1934.X.
- In accordance with Article 16 of the Financial Regulations, "the Commission shall annually examine the budget and prepare a report thereon".*
- Under other provisions of the Regulations, the report of the Commission must also deal with the accounts and with such other relevant questions as might arise in consequence of decisions of the competent organs of the League. Thus, the Commission will this year report to the Assembly, inter alia, on certain questions relating to the rationalisation and concentration of the services of the Secretariat and the International Labour Office which could not finally be dealt with in the reports submitted to the Assembly in 1933 (fourteenth session).*
13. CONTRIBUTIONS IN ARREARS.
- The Assembly, on October 11th, 1933 (fourteenth session), requested "the Secretary-General to continue his efforts for the recovery of arrears and to report to the Assembly at its next ordinary session".*
- It was stated in the same resolution that the Assembly "considers that, unless the situation has distinctly improved during the course of the next year, the Assembly will be obliged to study measures of a general character to enforce the fulfilment by certain States of their financial obligations to the League".*
- A.10.1934. 14. REPORT OF THE ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND.
- It is provided in Article XX of the Administrative Rules of the Staff Pensions Regulations, which were adopted by the Assembly, that the Board shall submit a report to the Assembly.*
15. REPORT OF THE COMMITTEE ON THE ALLOCATION OF EXPENSES.
- A.9.1934.II.A. *The Assembly, on September 29th, 1931 (twelfth session), requested the Council to ask the Committee not to submit its report until the 1934 session of the Assembly. The Committee met on May 3rd to 5th and drew up its report.*

Technical Work of the League.²

16. ECONOMIC AND FINANCIAL WORK.

*Work arising from the Monetary and Economic Conference;
Work of the Economic Committee;
Work of the Financial Committee;
Work of the Fiscal Committee;
Work of the Committee of Statistical Experts;
Work of the Economic Intelligence Service.*

¹ The Secretary-General has omitted from the present agenda, while reserving the possibility of proposing it for the agenda of a later session, the following item:

"Questions relating to the staff of the First Division, which were raised in the reports of the First and Second Committees of Thirteen Members (documents A.16.1930.X and A.8.1931.X) and postponed by the Assembly."

² Though this is not required by the Rules of Procedure of the Assembly, separate items relating to the technical work of the League, the nature of which has already been indicated in connection with Item 2, are, in accordance with custom, included in the agenda.

17. COMMUNICATIONS AND TRANSIT.

*Work of the Advisory and Technical Committee on Communications and Transit and of committees connected therewith;
League Wireless Station.*

A.S.1934.
VIII.

18. HEALTH.

*Work of the Health Committee;
Work of the Service of Epidemiological Intelligence and Public Health Statistics at Geneva and Singapore;
Work of the Commission on Biological Standardisation;
Work of the Malaria Commission;
Work of the Opium Commission of the Health Organisation;
Technical Studies and Enquiries.*

19. SOCIAL QUESTIONS.

Work of the Advisory Commission for the Protection and Welfare of Children and Young People:

- (a) *Work of the Traffic in Women and Children Committee;*
- (b) *Work of the Child Welfare Committee.*

.14.1934.IV.

*Report of the Secretary-General on Standard Minimum Rules for the Treatment of Prisoners and the activities of technical organisations.
Report of the Committee of Experts on Assistance to Indigent Foreigners.*

20. TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

Work of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, and of organs with specific functions instituted under the Geneva Convention of 1925 and the Limitation Convention of 1931;

*Reports to the Council by the Permanent Central Opium Board;
Statement containing the estimates for the year 1934 issued by the Supervisory Body under Article 5 of the Limitation Convention of 1931.*

21. INTELLECTUAL CO-OPERATION.

*Work of the International Committee on Intellectual Co-operation and its Executive Committee;
Work of the Advisory Committee on League of Nations teaching;
Work of the Permanent Committee on Letters and Arts;
Work of the Permanent Conference on International Studies;
Work of the International Institute of Intellectual Co-operation;
Work of the International Institute of Educational Cinematography;
Studies and publications;
Liaison with International Bureaux.*

SUPPLEMENTARY LIST OF ITEMS.

Item proposed by the Council.

22. LEAGUE COMMITTEES.

C.287.M.125.
1934.

On January 17th, 1934 (seventy-eighth session), the Council asked the Secretary-General to draw up, for the League Committees as a whole, a report on their composition, the appointment of their members and the renewal of their terms of office.

On May 14th, 1934 (seventy-ninth session), the Council decided that the report should be circulated to the Members of the League for discussion, if necessary, by the Assembly.

Note for Information:

On June 9th, the Bolivian Government, availing itself of the right conferred on it by paragraph 9 of Article 15 of the Covenant, requested the Council to bring before the Assembly the dispute between Bolivia and Paraguay submitted to it under the above article by the Bolivian Government's note of May 31st, 1934.

This question has been inserted in the Provisional Agenda of the eighty-first session of the Council.

ANNEX 2.

RESOLUTIONS ADOPTED BY THE ASSEMBLY AT ITS ELEVENTH MEETING, WEDNESDAY, SEPTEMBER 26TH, 1934, AT 3.30 P.M.¹

MANNER OF ACCREDITING DELEGATES TO THE ASSEMBLY: AMENDMENT OF RULE 5 OF THE RULES OF PROCEDURE OF THE ASSEMBLY.

The Assembly decides to amend Rule 5 of its Rules of Procedure to read as follows :

“ Rule 5.

“ 1. Each Member shall communicate to the Secretary-General, if possible one week before the date fixed for the opening of the session, the names of its representatives, of whom there shall be not more than three. The names of substitute representatives may be added.

“ 2. The full powers of the representatives shall be delivered to the Secretary-General, if possible, one week before the date fixed for the opening of the session. They shall be issued either by the Head of the State or by the Minister for Foreign Affairs.²

“ 3. A Committee of nine members for the examination of the full powers shall be elected by the Assembly on the proposal of the President. The Committee shall report without delay.

“ 4. Any representative to whose admission objection has been made shall sit provisionally with the same rights as other representatives, unless the Assembly decides otherwise.”

WORK OF THE HEALTH ORGANISATION.

The Assembly,

Having considered the chapter on the work of the Health Organisation in the report on the work accomplished by the League of Nations since the fourteenth session of the Assembly (document A.6.1934) :

(1) Notes with satisfaction that the Health Organisation has ensured the continuity of its essential work, while adapting its activities in such a way as to take account of existing economic and financial conditions ;

(2) Approves the Rapporteur's conclusions and requests the Council to communicate to the Health Organisation the suggestions of a technical order in his report (document A.39.1934.III).

WORK OF THE COMMUNICATIONS AND TRANSIT ORGANISATION.

The Assembly approves the report (document A.31.1934.VIII) submitted to it by the Second Committee on the work of the Communications and Transit Organisation.

COLLABORATION OF THE PRESS IN THE ORGANISATION OF PEACE.

The Assembly,

Having noted the results of the second Conference of Government Press Bureaux and Press Representatives, which sat at Madrid from November 7th to 11th, 1933, at the invitation of the Government of the Spanish Republic ;

In view of the valuable contribution made by the Conference to the problem of the spread of false news which might endanger the maintenance of peace and a good understanding among the nations ;

¹ The resolutions already reproduced in the records of the meeting have not been included in this annex.

² It is obvious that, in the case of countries which do not possess a Minister for Foreign Affairs, the full powers may be issued by an authority possessing similar or equivalent powers.

Hoping that the proposed enquiries into the technical and financial means of putting an end to the spread of false news and in regard to the correction of false news appearing in the Press may prove successful ;

Believing it to be desirable that, whenever it is thought expedient, Governments should convene conferences of Directors of Press Bureaux and Representatives of the Press in the conditions contemplated by the Madrid Conference :

Requests the Council to authorise the Secretary-General to facilitate, by such means as are at his disposal, the preparation for and organisation of the next Conference of Government Press Bureaux and Press Representatives, by lending the assistance of the appropriate services of the League for the secretarial work of the Conference, if such assistance is desired by the Government convening the conference, after consultation with the Organising Committee and the Press organisations concerned.

PENAL AND PENITENTIARY QUESTIONS.

The Assembly,

Having taken note of the resolution adopted by the International Penal and Penitentiary Commission in August 1934 concerning the revised Standard Minimum Rules for the treatment of prisoners ;

Considering that these rules (document A.45.1934.IV, Annex) constitute a minimum below which no State's penitentiary system should fall ;

Considering that it is highly desirable that efforts should be made to improve the treatment of prisoners by going beyond that minimum, as has been done in several countries :

(1) Recommends Governments to take into consideration the Standard Minimum Rules framed by the International Penal and Penitentiary Commission as a minimum for the treatment of every individual deprived of his liberty ;

(2) Requests Governments to consider the possibility of adapting their penitentiary system to the Standard Minimum Rules if that system is below the minimum laid down in the said rules ;

(3) Considers that Governments whose economic or financial situation constitutes an obstacle which prevents them temporarily from complying with this minimum should endeavour to reach it as soon as circumstances permit and at the earliest possible date ;

(4) Instructs the Secretary-General :

(a) To request Governments to communicate, if possible annually, and, if necessary, with the collaboration of qualified associations, the experience obtained and any other observations relating either to the application of the Standard Minimum Rules or to reforms in general brought about in penitentiary matters ;

(b) To report on these questions to the Assembly and to communicate the information received from Governments to the International Penal and Penitentiary Commission.

RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES.

The Assembly,

Having considered the report of the Nansen International Office for Refugees on its work during the past year (document A.12.1934) :

Expresses its high appreciation of the important results achieved by the Office for the refugees and for the countries offering them hospitality, in spite of the economic crisis and of the exiguous funds at the disposal of the Office ;

Seeing that the Refugee Convention of October 28th, 1933, recognises an international status for the refugees which, *inter alia*, contemplates that measures against foreigners should not, owing to their special situation, be applied rigorously to refugees :

Urges Governments, with a view to an acceleration of the liquidation of the refugee problem, to accede as soon as possible to that Convention ;

Considering the opinion expressed by responsible Armenian refugee organisations that the settlement of the Armenian refugees in the Republic of Erivan offers one of the best solutions of the Armenian refugee problem :

Requests the Office to continue its negotiations to that end ;

Notes with anxiety the growing practice of certain Governments to expel refugees from their territories, even for minor offences, and the serious consequences thus created for neighbouring States ;

Invites Governments to undertake not to expel refugees from their territories until they have obtained visas to enter an adjacent country ;

Recognising the increasing difficulty of placing refugees in employment in European countries, and even of maintaining in employment those who already have work :

Requests the Office to continue and develop its efforts to secure the settlement of refugees in oversea countries ; and

Urges the Governments of those countries to communicate to the Office any settlement opportunities or prospects existing in their territories ;

Appreciating the difficulty experienced by Governments in continuing to support the direct and indirect charges imposed on them by the presence of large numbers of unemployed refugees in their territories :

Recommends the Governments of those countries to consider the advantage of capitalising such charges by placing credits at the disposal of the Office to enable it to settle unemployed refugees in countries willing to receive them ;

Notes that the Office could extend its activities to a larger number of refugees if adequate funds were available ;

Urges Governments to increase the revenue of the Office by a general application of the Nansen Stamp System ; and

Requests the Council to take the necessary steps to ensure that the Secretary-General may be acquainted with the effect interested Governments are able to give to the above recommendations.

WORK OF THE INTELLECTUAL CO-OPERATION ORGANISATION.

(1) The Assembly,

Approves the programme of work of the Intellectual Co-operation Organisation for the year 1934-35, as set out in the resolutions of the International Committee and the general report of the Director of the Institute (document C.339.M.156.1934.XII).

It is happy to recognise that the work done during the past year by the various bodies constituting the Intellectual Co-operation Organisation has been entirely in keeping with the intentions of the last Assembly and with the higher interests of the League of Nations and culture in general.

It notes with satisfaction that, in spite of difficult circumstances, it has been possible to maintain the resources made available by the League of Nations ; it nevertheless considers it impossible to meet the numerous requirements of the present time and enable this work to attain in all its aspects to the full development which its continuous progress makes it possible to expect, unless the material needs of the Organisation are more fully understood both by the League as a whole and by the various Member States. While conveying its renewed thanks to those States which are already showing their interest in the Institute of Intellectual Co-operation by the payment of contributions, it expresses the hope that, in future, their number will still further increase.

(2) *Moral Disarmament.*

The Assembly notes the work done by the Committee on Moral Disarmament of the Conference for the Reduction and Limitation of Armaments. Without prejudice to the further activities of that Committee, it expresses the hope that the texts drawn up by the International Committee on Intellectual Co-operation will be recommended in due course to the attention of the various States.

(3) *National Committees.*

The Assembly requests the Secretary-General of the League of Nations once more to draw the attention of the Governments to the importance of the tasks entrusted to the National Committees, for it is important that the various States should do everything in their power to assist the Committees in the regular fulfilment of their mission.

(4) *Annual Tables of Constants.*

The Assembly recognises the great value to science in general of the publication of the annual tables of constants and numerical data, as also the importance of the proposal put forward by the International Chemistry Union for the summoning under the auspices of the French Government, of a conference to consider the present position of that publication.

(5) The Assembly conveys its warmest thanks to Spain, France and Italy for the services which those countries have rendered to intellectual co-operation by facilitating the summoning of such important conferences as the seventh International Studies Conference, held in Paris, the Venice "Conversation" of July 1934 and the General Museographical Conference to be held in Madrid next October.

(6) The Assembly draws the attention of Governments to the importance of a prompt and sympathetic examination of the two draft Conventions prepared by the Intellectual Co-operation Organisation and at present submitted to the States for their consideration ; the first of these agreements relates to the legal protection of national artistic possessions and the second to broadcasting and international relations. The Assembly requests the Institute of Intellectual Co-operation to summon further meetings of the Committees of Experts by which the first drafts were prepared, as soon as enough replies have been

received. Those Committees will amend the original texts in the light of the replies from the States. The drafts thus amended will be communicated to the Governments and submitted to the Council of the League, which will decide whether they are to be considered by special conferences, or whether they can be discussed and signed during the next ordinary Assembly.

(7) *Intellectual Rights.*

The Assembly,

Having heard the particulars supplied to it in regard to the progress recently made in the matter of bringing into harmony the Berne and Havana Conventions on authors' rights :

Notes with satisfaction that, as a result of the Pan-American Conference at Montevideo, an American Committee has been set up to prepare a draft, co-ordinating the basic principles of the two Conventions.

Having regard to the interest which the Assembly has taken in this problem since September 1928 :

It asks that the Intellectual Co-operation Organisation should study, before the Brussels Revision Conference, the terms of a preliminary draft convention combining the above-mentioned Conventions.

(8) *Origins of American Civilisation.*

The Assembly,

Approves of the very interesting suggestion made by M. Levillier, delegate of the Argentine Republic, that the Institute of Intellectual Co-operation of the League should publish, by international scientific collaboration, a collection of original works on the native civilisations of America and a similar collection dealing with the great American discoveries and history of the sixteenth century ;

And requests the Director of the Institute of Intellectual Co-operation, after consulting the Publications Committee of the Ibero-American Collection, to bring that suggestion forward at the next session of the Executive Committee of the Intellectual Co-operation Organisation, with a view to the appointment, as proposed by the Argentine delegate, of a small Committee of Americanists for the purpose of drawing up a scientific and financial plan for the proposed work, such plan to be submitted to the next ordinary Assembly for its approval.

(9) *League of Nations Teaching.*

The Assembly is gratified to note the impulse given by the new Advisory Committee for the League of Nations Teaching to the efforts that are being made with a view to the instruction of the younger generation in the aims and work of the League of Nations, and approves the method recommended, which would embody that teaching in a number of measures intended to awaken an international spirit and to promote mutual knowledge of different civilisations.

(10) *Educational Cinematography.*

The Assembly is gratified by the considerable work accomplished by the International Educational Cinematographic Institute during the past year, and in particular by the holding of the International Congress of Educational and Instructional Cinematography in Rome in April 1934.

It is glad to see in the results of the Congress, not merely the successful conclusion of work already systematically carried on among educationists and the film industry, but also the starting-point of a whole series of new activities.

It desires to emphasise the fact that among the effects of the Rome Congress has been that of stressing the increasingly large part played by the International Educational Cinematographic Institute in the technical field.

It notes that a large number of signatures have been secured for the Convention for facilitating the International Circulation of Films of an Educational Character, and expresses the hope that the requisite number of ratifications will be obtained to enable that international instrument to come into force at an early date.

MANDATES.

The Assembly,

Having noted the activities of the mandatory Powers, of the Permanent Mandates Commission and of the Council as regards the execution of Article 22 of the Covenant :

Once more expresses its confidence in them, and hopes that they will pursue in the same spirit of close co-operation the work of progress constituted by the mandates system.

SLAVERY.

The Assembly,

Notes the Rules of Procedure¹ drawn up by the Advisory Committee of Experts on Slavery and approved by the Council on January 19th, 1934 ;

Renews its appeal to the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention to send, without delay, to the League information on all forms of slavery in their own countries, or in other parts of the world, in order that the Advisory Committee can meet early in 1935 ;

Authorises the Secretary-General each year, should it appear to be necessary, to request Governments to supply further information on slavery within the limits of the provisions of the Assembly resolution of 1932 ; this action will be taken in agreement with the Chairman of the Advisory Committee ;

Requests the Secretary-General to bring the present resolution to the notice of the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention.

ECONOMIC AND FINANCIAL QUESTIONS.

The Assembly requests the Council to arrange for an enquiry to be made by the Economic and Financial Organisation of the League concerning the causes, scope, methods and results of compensation and clearing agreements.

It requests that this study should, in particular, include an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained.

TRAFFIC IN WOMEN AND CHILDREN.

(1) The Assembly is of opinion that the report of the Commission of Enquiry in the East (document C.849.M.393.1932.IV) should be considered at a conference of the authorities who are responsible in Eastern countries for the measures taken to prevent traffic in women, with a view to securing closer co-operation and greater exchange of information between them ; and that the Governments concerned should be consulted by the Secretary-General as to their willingness to co-operate in such a conference, to be held in the East under the auspices of the League of Nations.

(2) The Assembly, having considered the statements made by the Commission of Enquiry in the East as to Russian women refugees in China becoming victims of the traffic, decides to instruct the Secretary-General to collect further information from official and unofficial sources and to report the result of such enquiries to the Traffic in Women and Children Committee.

(3) The Assembly, having taken note of the resolutions passed by the Traffic in Women and Children Committee (document C.149.M.62.1934.IV) on the subject of the abolition of licensed houses, decides to communicate these resolutions to all States Members and non-members of the League, and to invite them to give their earnest consideration to these resolutions in dealing with the problem of prostitution.

(4) The Assembly observes that the Traffic in Women and Children Committee has decided to consider at its next session the question of the preparation of an international convention for the punishment of *souteneurs*.

(5) The Assembly, recognising that, to ensure the effective suppression of the traffic in women, it is important that as many States as possible should become parties to the International Convention for the Suppression of the Traffic in Women of Full Age, which was concluded in Geneva on October 11th, 1933, instructs the Secretary-General to invite those States which have signed the Convention to ratify their signatures as soon as possible and to draw the attention of those States which have not signed the Convention to the importance of acceding to it without delay.

See *Official Journal*, February 1934, pages 222 to 225.

ANNEX 3.

RESOLUTIONS ADOPTED BY THE ASSEMBLY AT ITS TWELFTH MEETING, THURSDAY, SEPTEMBER 27TH, 1934, AT 10 A.M.¹

PROTECTION OF MINORITIES.

The Assembly takes note of the report of the Sixth Committee (document A.57.1934.I).

PROHIBITION, UNDER THE PROVISIONS OF THE COVENANT, OF THE SUPPLY OF ARMS AND WAR MATERIAL TO BELLIGERENTS.

The Assembly decides to request the Council to appoint a Committee to study, from the standpoint of pure law and, in particular, from that of interpretation of the Covenant, the question of prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents and to present its conclusions to the Council and to the Assembly.

ASSISTANCE TO INDIGENT FOREIGNERS.

The Assembly,

Having studied with keen interest the work accomplished by the Committee of Experts on Assistance to Indigent Foreigners and the Execution of Maintenance Obligations abroad at its first session, in December 1933 (document C.10.M.8.1934.IV);

Having noted the replies received from twenty of the seventy Governments to which the proposals of the Committee of Experts have been submitted.

Being of opinion that, since so few replies have yet been received, it is not possible to take any decision on the substance of the draft Convention and the fourteen recommendations drawn up by the Committee of Experts :

Expresses the hope that those Governments which have stated that they are in favour of the fourteen recommendations will apply them at the earliest possible moment, and

Instructs the Secretary-General to request those Governments which have not yet sent their observations on this subject to send them to the Secretariat of the League of Nations as soon as possible, and to submit those observations to the Committee of Experts for examination at its next session.

CHILD WELFARE.

I.

The Assembly affirms the need for the systematic collation by the League of Nations of information bearing on child welfare with a view to the formation of a centre of information and diffusion. When the Child Welfare Committee was established, it was recognised that this would be one of its main duties, and it is only lack of staff which has prevented its carrying it out in full. The general scheme recommended by the Child Welfare Committee (document C.149.M.62.1934.IV) and approved by the Assembly is that the Library of the Secretariat should collect and keep up to date the most complete information possible, including :

- (a) Present and contemplated legislation of different countries and its application;
- (b) The work done by institutions and organisations, both official and unofficial;
- (c) The activities of international bodies; and
- (d) Bibliographical material.

It will be necessary to that end :

- (a) To approach the various Governments;
- (b) To collect full information regarding the activities on this subject of institutions and associations, whether of an official character or due to private initiative, in accordance with the rules and regulations of the Secretariat and with the procedure agreed upon with the Governments concerned;
- (c) To be informed of the activities of international bodies;
- (d) To have access to bibliographical information in regard to child welfare questions.

¹ The resolutions already reproduced in the records of the meeting have not been included in this annex.

For that purpose, the Secretariat should maintain close contact with the International Labour Office and the other organs of the League, together with the different centres of documentation. The material thus collected should be placed at the disposal of persons in all countries engaged in research or enquiries in respect of child welfare.

The work of collecting information and utilising it will be carried out in accordance with the regulations in force for the organisation of the League of Nations Library and with the plans to be approved from time to time by the Child Welfare Committee, and will cover only such subjects concerned with child welfare as may be approved by that Committee.

To enable the Secretariat to fulfil the function of a centre of information as described, the staff of the Social Questions Section will have to be strengthened. The work will have to be done by an official of not lower rank than Member of Section, who has had special training and experience in regard to child welfare questions, which conditions are essential if the information service desired by the Assembly is to work efficiently.

Other incidental expenditure will also be necessary.

II.

The Assembly approves the report submitted to it by the Fifth Committee (document A.52.1934.IV) on the question of child welfare.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

I.

The Assembly,

Being convinced that specialised police services represent the only means whereby Governments can detect and close clandestine drug factories and effectively combat illicit traffic ;

Noting the lack of information regarding the numbers and character of the personnel assigned to this class of work in the various countries :

Requests that the Advisory Committee on Traffic in Opium and Other Dangerous Drugs should take steps to obtain the necessary information by placing this question on the agenda for its next session.

II.

The Assembly,

Referring to the draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, transmitted to the Governments on July 16th, 1934, with a view to a second consultation (C.L.120.1934.XI) in application of the procedure laid down in the Assembly resolution of September 25th, 1931, for the conclusion of all general conventions to be negotiated under the auspices of the League of Nations ;

Considering that, in conformity with that resolution, the results of the aforementioned second consultation, which is still in progress, should in the ordinary course be communicated to the Assembly, which would decide whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which it would request the Council to fix a date ;

Considering, moreover, that the aforementioned resolution of September 25th, 1931, expressly empowers the Assembly and the Council to adopt more appropriate methods when circumstances render this desirable ;

Having regard to the necessity of facilitating the adoption of a draft, the urgency and importance of which have been emphasised by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs as well as by the Council and Assembly, and of not postponing the above-mentioned decision until the next ordinary session of the Assembly :

Instructs the Council, for the reasons set out above, to decide, in the light of the results of the second consultation, whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which the Council will fix a date.

III.

The Assembly takes note of the report submitted by the Fifth Committee (document A.51.1934.XI) and adopts the resolutions and the conclusions of the report.

ANNEX 4.

RESOLUTIONS ADOPTED BY THE ASSEMBLY AT ITS THIRTEENTH MEETING, THURSDAY, SEPTEMBER 27TH, 1934, AT 5.30 P.M.¹

DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

I. In consideration of the request made by the Bolivian Government on May 31st, 1934, for the application to the dispute of the procedure provided by Article 15 of the Covenant of the League ;

In consideration of the request made by the Bolivian Government on June 9th, 1934, that the dispute be referred to the Assembly in accordance with Article 15, paragraph 9, of the Covenant, and the Council's decision of September 7th, 1934 ;

In consideration of the opinion of its First Committee dated September 22nd, 1934 (document A.VI/12.1934), on the question of the full application of Article 15 of the Covenant, which was raised by the delegate of Paraguay :

The Assembly declares that the dispute between Bolivia and Paraguay has been duly referred to it, and that it is obliged to follow the procedure provided in Article 15 of the Covenant.

II. Whereas hostilities have been proceeding in the Chaco for more than two years, and all the efforts that have been made to secure the cessation of hostilities and the pacific settlement of the dispute have so far proved ineffectual ;

And whereas, in particular, the endeavour made in the interests of peace, prior to the meeting of the Assembly, by the Government of the Argentine Republic, with the support of the Governments of the United States of America and the United States of Brazil, has revealed the difficulties which still stand in the way of a settlement by conciliation :

The Assembly considers that, while endeavouring to secure a settlement of the dispute by the procedure of conciliation provided for in Article 15, paragraph 3, of the Covenant, it should forthwith take steps to prepare the report contemplated in paragraph 4 of the same article, on the understanding that the conciliation procedure remains open until such time as the said report shall have been adopted.

III. The Assembly hereby decides to establish a Committee comprising :

(a) The Members of the Council ;

(b) Those Members of the League which, not being at present Members of the Council, have taken part in the attempts previously made in America, as members of the Washington Committee of Neutrals or as States bordering upon the parties to the dispute — that is to say, Colombia, Cuba, Peru and Uruguay ;

(c) Four other Members to be selected by the Assembly.

The Committee will be formed without delay. It will settle its own procedure with a view to discharging its duty as effectively and speedily as possible. It may secure such assistance as it may consider necessary.

Should it succeed in bringing about the settlement of the dispute by applying Article 15, paragraph 3, of the Covenant, the Committee will make public, on behalf of the Assembly, a statement giving facts and explanations regarding the dispute and the terms of settlement thereof.

Should it prove impossible to settle the dispute, the Committee will submit to the Assembly the draft report contemplated in Article 15, paragraph 4, of the Covenant, containing a statement of the facts of the dispute and the recommendations concerning the cessation of hostilities, the settlement of the dispute, and any consequences arising out of those recommendations in regard to the application of the prohibition to supply arms and war material, to which numerous Governments have subscribed, in some cases " subject to any further recommendation by the Council or the Assembly ".

In accordance with Rule 1, paragraph 2, of its Rules of Procedure, the Assembly will meet in extraordinary session at the request of the Committee hereby set up.

* * *

The Sixth Committee recommends to the Assembly to select as Members of the Committee : China, the Irish Free State, Sweden and Venezuela.

FINANCIAL QUESTIONS.

1. The Assembly, under Article 38 of the Regulations for the Financial Administration of the League of Nations, finally passes the audited accounts of the League of Nations for the fifteenth financial period, ending December 31st, 1933.

¹ The resolutions already reproduced in the records of the meeting have not been included in this annex.

2. The Assembly,

Under Article 17 of the Regulations for the Financial Administration of the League of Nations :

Passes for the financial period 1935 the budget of the League of Nations, amounting to the total sum of 30,639,664 francs ;

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

3. The Assembly,

Takes note of the report of the Administrative Board of the Staff Pensions Fund for the year 1934 (document A.10.1934) ;

Adopts the accounts of the Fund as submitted by the Auditor ;

And decides, having regard to Article 7, paragraph (a), of the Staff Pensions Regulations, that the contribution of the League to the Pensions Fund for 1935 shall be 9 per cent of the pensionable emoluments of the members of the Fund.

4. The Assembly adopts the conclusions of the various reports of the Supervisory Commission submitted for its consideration (documents A.5.(a) and A.61.1934.X).¹

5. The Assembly appoints for the period ending on December 31st, 1937, as regular members of the Supervisory Commission : Lord MESTON OF AGRA and M. C. J. HAMBRO.

6. The Assembly appoints for the period ending on December 31st, 1936, as substitute member of the Administrative Board of the Staff Pensions Fund : Mr. Francis T. CREMINS.

7. The Assembly adopts the report of the Fourth Committee (document A.55.1934.X).

ALLOCATION OF THE EXPENSES OF THE LEAGUE.

I.

In view of the material impossibility of referring the question of the contributions of Afghanistan and the Union of Soviet Socialist Republics to the Allocation Committee for a detailed study :

The Assembly decides to fix the contributions of these two States for 1935 only, and without prejudice to any decision that may be reached next year, as follows :

Afghanistan	1 unit ;
Union of Soviet Socialist Republics	79 units.

II.

The Assembly decides that :

(1) Twenty units shall be distributed for the year 1935 by the Allocation Committee in reduction of the contribution of those States which, in its opinion, have the strongest claims to relief ;

(2) The Allocation Committee, in carrying out this task, may establish contact with the special Committee on Arrears of Contributions with a view to obtaining any additional information required ;

(3) Subject to the foregoing, the present scale shall remain in force for the year 1935.

III.

The Assembly,

Having noted the United Kingdom proposal² made during the discussion of the report of the Allocation Committee (document A.9.1934.X) and the observations to which it gave rise :

¹ These conclusions relate to the accounts for the financial year 1933 ; budgetary methods of the League, form of the budgets, contributions in arrears ; budget for 1935 ; disposal of the surplus from the 1933 budget and repayment to the Working Capital Fund ; reimbursement to States of their share of the Working Capital Fund ; branch offices ; recruitment and promotion (in the scale) of Members of Section ; reduction of scales of salary ; contribution to the Sickness Insurance Fund ; rates of subsistence allowance to officials ; allocation of surpluses as between Members of the League ; construction of the new buildings and expenses of the architects' offices ; entry of receipts in the accounts after the close of the financial period to which they refer ; proposal for the amendment of Article 22 of the Financial Regulations ; form of the budget and various miscellaneous questions.

² The British proposal was as follows :

“ His Majesty's Government in the United Kingdom, for reasons developed at length by the United Kingdom delegate, propose as a measure for dealing with the present difficulties of the League that a fixed number of units (105) should be allocated to the four States with permanent seats on the Council.

“ They have calculated that a prospective balance of some 37 units would become available as a result of this proposal. They have therefore suggested that this balance should be used for the relief of States not permanently represented on the Council, especially those suffering most severely from the present economic stress.”

Requests the Governments of States Members of the League to study the question ;
And decides that this proposal, and all proposals made by Governments which are
communicated in good time, concerning the method of contribution of Members of the
League, shall be placed on the agenda of the sixteenth Assembly.

IV.

The Assembly decides that the Allocation Committee, in agreement with the special
Committee on Arrears of Contributions, shall consider forthwith the request put forward
by the Chinese representative on the Fourth Committee of the Assembly and submit
concrete proposals concerning it to the sixteenth Assembly.

ANNEX 5.

Official No. : C.434.M.189.1934.

RELATIONS BETWEEN THE LEAGUE OF NATIONS AND THE
PAN-AMERICAN UNION.

LETTER, DATED SEPTEMBER 26TH, 1934, FROM THE COLOMBIAN DELEGATION
TO THE PRESIDENT OF THE ASSEMBLY.

[*Translation.*]

As a result of the speech delivered by one of our number at the plenary meeting on
September 14th, several delegations have suggested to us that a concrete form should
be given to the observations made on that occasion regarding the necessity of establishing
a link between the League of Nations and the Pan-American Union. It is in consequence
of these suggestions that the delegation of the Republic of Colombia to the fifteenth
Assembly has thought it desirable to prepare the draft resolution which we have the honour
to submit to you hereinafter, with the request that you will be good enough to have it
placed on the agenda of the next session of the Assembly.

It had originally been our intention to raise this question direct before the Assembly
at its present session ; but, in view of the importance of the problem and having regard
to the fact that it has not yet been sufficiently investigated, we have thought it preferable
to take the present opportunity of proposing that it should be placed on the agenda of
the next session of the Assembly, just as it has already been incorporated in the programme
of the next Pan-American Conference. In this way, the Governments will all have an
opportunity of studying this new question and will be in a position to give specific
instructions to their delegates. We feel, therefore, that close co-operation between the
League of Nations and the Pan-American Union will help to consolidate the rule of law
and to facilitate a better understanding amongst the peoples. It is for that reason that
we attach the highest importance to the proposal which we have the honour to submit
for the consideration of the Assembly.

We should like to avail ourselves of the present communication to state some of the
ideas which have guided the Colombian delegation in this matter. It should, in the first
place, be made clear that the Pan-American Union is in no way opposed to the principle
of the universality of international organisation towards which the League of Nations is
happily progressing. The Pan-American Union, to which all the States of the New World
belong without exception, has been in existence for half a century. It is designed to
co-ordinate their interests in every sphere of activity. Furthermore, the Member States
meet periodically in the so-called Pan-American Conference to deal with matters of particular
interest. The seventh Conference has just taken place at Montevideo and was attended
by more than ten Ministers for Foreign Affairs, including the United States Secretary of
State. That Conference adopted a resolution the purport of which was that a link should
be established between the Pan-American Union and the League of Nations in everything
appertaining more especially to the codification of international law.

On the initiative of that distinguished statesman the late M. Briand, the States of
Europe also desired to found a European Union, since when reference is constantly being
made to the "European spirit" and to the "good European", an expression which was
used in the Assembly by the Chancellor of Austria when speaking of his eminent predecessor.
There are also two other groups in Europe ; that formed by the Little Entente and that
formed by the Baltic States, not to mention the parties to the Balkan Pact. These groups
are endeavouring to establish closer mutual relationships with each other, without any
suggestion that such a policy implies a desire to set up a special international community
separate from the world community. The Pan-American Union is a continental form of
the same tendency to the organisation of regional groups as is to be observed in Europe.
That being the case, it may be claimed that it constitutes one of the "regional under-
standings" mentioned in Article 21 of the Covenant of the League of Nations.

As suggestions are frequently heard that the Pan-American Union, like what is known as American international law, detracts from the universality of the law of nations, we believe it necessary to place matters in their proper light in order to dispel such misunderstandings. So far as we are aware, no one has ever maintained that there is an *exclusively* American international law — that is to say, a body of law established solely for the use of the States of the New World and entirely distinct from universal international law. But, at the same time, no one would at present deny that there are in America problems, doctrines and situations of a clearly American character ; and that, in order to solve them, recourse is frequently had to principles of American origin. Taken together, these problems, doctrines and situations make up what it is usual to call American international law. Thus defined, the latter is in no way antithetic, but, on the contrary, complementary to universal international law.

We should be greatly obliged if you would kindly transmit to the Member States, at the same time as the draft resolution which we ask should be placed upon the agenda of the next session of the Assembly, the present statement of the considerations which are its explanation and justification.

(Signed) A. NIETO-CABALLERO.

(Signed) E. CUERVO-MARQUEZ.

(Signed) J. M. YÉPES.

DRAFT RESOLUTION SUBMITTED BY THE DELEGATION OF COLOMBIA FOR INCLUSION IN THE
AGENDA OF THE NEXT SESSION OF THE ASSEMBLY OF THE LEAGUE OF NATIONS.

The Assembly of the League of Nations,

Considering that the establishment of regular and permanent links between the League of Nations and the Pan-American Union is a factor which would effectively contribute to the consolidation of peace and the strengthening of the rule of law in international relations :

Notes the resolution of the seventh Pan-American Conference regarding an enquiry into the possibility of establishing a link between the League of Nations and the Pan-American Union ;

Expresses the hope that the question of the establishment of regular and permanent relations between the League of Nations and the Pan-American Union may be investigated by a committee appointed by the President. The said committee would consider the possibility of each of the two institutions appointing official observers attached to the other, together with the desirability of drawing up a declaration of the great principles of international law which are common to both.

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LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 126

RECORDS

OF THE

FIFTEENTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FIRST COMMITTEE

(Constitutional and Legal Questions)

GENEVA, 1934

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LIST OF MEMBERS OF THE FIRST COMMITTEE.

Chairman : His Excellency M. Edouard RACZYŃSKI (Poland).

Vice-Chairman : M. J. LIMBURG (Netherlands).

<i>Abyssinia</i> :	His Excellency the Badjironde HAWARYAT.
<i>Union of South Africa</i> :	His Excellency Mr. Eric Hendrick LOUW. Mr. H. T. ANDREWS (substitute).
<i>Albania</i> :	M. Fouad ASLANI.
<i>Argentine Republic</i> :	His Excellency Dr. Enrique RUIZ-GUINAZÚ. His Excellency Dr. Roberto LEVILLIER (substitute).
<i>Australia</i> :	The Right Honourable S. M. BRUCE, C.H., M.C.
<i>Austria</i> :	Dr. Markus LEITMAIER. Dr. Franz MATSCH (substitute).
<i>Belgium</i> :	His Excellency M. Henri JASPAR. M. P. E. JANSON. M. Maurice BOURQUIN (substitute).
<i>Bolivia</i> :	M. Ernesto FRICK-LEMOINE.
<i>United Kingdom of Great Britain and Northern Ireland</i> :	Mr. W. E. BECKETT, C.M.G.
<i>Bulgaria</i> :	His Excellency M. Constantin BATOLOFF. M. Nicolas ANTONOFF (substitute).
<i>Canada</i> :	Mr. Jean DÉSY, K.C. Mr. O. D. SKELTON, M.A., Ph.D. (substitute).
<i>Chile</i> :	His Excellency M. Manuel RIVAS-VICUÑA. M. Enrique GAJARDO (substitute).
<i>China</i> :	His Excellency M. Quo Tai-chi. M. Lone LIANG (substitute). Mme. Luh-Tsen T. LIU (substitute).
<i>Colombia</i> :	Dr. J. M. YÉPES.
<i>Cuba</i> :	His Excellency Dr. Carlos DE ARMENTEROS Y CÁRDENAS.
<i>Czechoslovakia</i> :	His Excellency M. Štefan OSUSKÝ. M. Bohuslav VEČERKA (substitute).
<i>Denmark</i> :	M. Erik DE SCAVENIUS. M. Gustav RASMUSSEN (substitute).
<i>Dominican Republic</i> :	—
<i>Estonia</i> :	His Excellency M. Auguste SCHMIDT. M. J. KÓDAR (substitute).
<i>Finland</i> :	His Excellency M. A. HACKZELL. M. B. KIVIKOSKI (substitute).
<i>France</i> :	M. Jules BASDEVANT. M. René CASSIN (substitute).
<i>Germany</i> :	—
<i>Greece</i> :	His Excellency M. Nicolas POLITIS. M. B. P. PAPADAKIS (substitute). M. A. DÉMERTZIS (substitute).
<i>Guatemala</i> :	M. Virgilio RODRIGUEZ BETETA.
<i>Haiti</i> :	M. A. F. FRANGULIS.
<i>Honduras</i> :	—
<i>Hungary</i> :	M. Tibor DE ECKHARDT. M. Béla DE SZENT-ISTVÁNY (substitute).
<i>India</i> :	Sir Denys BRAY, K.C.S.I., K.C.I.E., C.B.E.
<i>Iraq</i> :	—
<i>Irish Free State</i> :	M. John J. HEARNE. M. Frederick H. BOLAND (substitute).

- Italy* : His Excellency Count Eduardo PIOLA CASELLI.
Professor Tommaso PERASSI (substitute).
-
- Japan* :
Latvia : M. Jules FELDMANS.
M. Karlis KALNINŠ (substitute).
- Liberia* : His Excellency M. Clarence L. SIMPSON.
His Excellency Dr. Antoine SOTTILE.
- Lithuania* : His Excellency M. Petras KLIMAS.
M. Tadas PETKEVIČIUS (substitute).
- Luxemburg* : His Excellency M. Emile REUTER.
M. Albert WEHRER (substitute).
- United States of Mexico* : Dr. Enrique JIMÉNEZ.
Dr. Pedro DE ALBA (substitute).
- Netherlands* :
New Zealand : M. J. LIMBURG.
The Honourable Sir James PARR, K.C.M.G.
Mr. C. KNOWLES, C.B.E. (substitute).
-
- Nicaragua* :
Norway : M. Joh. Ludw. MOWINCKEL.
M. Carl. J. HAMBRO (substitute).
M. R. I. B. SKYLSTAD (substitute).
- Panama* : His Excellency Dr. Belisario PORRAS.
Dr. Ernesto HOFFMAN (substitute).
- Paraguay* : His Excellency Dr. R. V. CABALLERO DE BEDOYA.
- Persia* : His Excellency M. Anochirevan Khan SEPAHBODI.
- Peru* : His Excellency M. Francisco TUDELA.
His Excellency M. Ventura GARCÍA CALDERÓN.
M. José-María BARRETO (substitute).
- Poland* : His Excellency M. Edouard RACZYŃSKI.
M. Thadée SOBOLEWSKI (substitute).
M. Titus KOMARNICKI (substitute).
M. Ladislas KULSKI (substitute).
- Portugal* : His Excellency Dr. José CAEIRO DA MATA.
His Excellency Dr. José Lobo D'AVILA LIMA.
M. Henrique DA GUERRA VIANNA (substitute).
- Roumania* :
Salvador : M. Constantin VISOIANU.
-
- Siam* : His Excellency Phya Subarn SOMPATI.
Luang BHADRAVADI (substitute).
- Union of Soviet Socialist Republics* : M. B. STEIN.
M. W. EGORIEW (substitute).
- Spain* : His Excellency M. Julio LÓPEZ OLIVÁN.
M. Leopoldo PALACIOS (substitute).
M. Juan TEIXIDOR (substitute).
- Sweden* : M. B. Oesten UNDÉN.
M. K. I. WESTMAN (substitute).
- Switzerland* : M. Camille GORGÉ.
M. Robert SCHÖPFER (substitute).
- Turkey* : His Excellency Necmeddin SADIK Bey.
Celal HAZIM Bey (substitute).
- Uruguay* : His Excellency Dr. Augusto César BADO.
His Excellency Dr. Alberto GUANI.
- Venezuela* : His Excellency Dr. Diógenes ESCALANTE.
Dr. Aurelio ARREAZA (substitute).
- Yugoslavia* : Dr. Marko KOSTRENTCHITCH.
Dr. Ivan SOUBBOTITCH (substitute).
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FIRST COMMITTEE OF THE FIFTEENTH ORDINARY SESSION
OF THE ASSEMBLY.

(CONSTITUTIONAL AND LEGAL QUESTIONS.)

AGENDA.

1. METHOD OF ACCREDITING DELEGATES TO THE ASSEMBLY.
2. APPLICABILITY IN ITS ENTIRETY OF ARTICLE 15 OF THE COVENANT TO THE DISPUTE BETWEEN BOLIVIA AND PARAGUAY :
Request of the Sixth Committee for a Legal Opinion from the First Committee.
3. DISPUTE BETWEEN BOLIVIA AND PARAGUAY : SUPPLY OF ARMS AND OF WAR MATERIAL TO THE TWO PARTIES :
Request of the Sixth Committee for a Legal Opinion from the First Committee.

FIRST MEETING

Held on Tuesday, September 11th, 1934, at 10 a.m.

Chairman : Count RACZYŃSKI (Poland).

1. **Election of the Vice-Chairman.**

The Committee unanimously elected M. LIMBURG (Netherlands) Vice-Chairman.

2. **Agenda.**

The Committee, having no items on its agenda, *decided to adjourn*, and to hold a further meeting, should questions be referred to it at a later date.

SECOND MEETING

Held on Tuesday, September 18th, 1934, at 10.30 a.m.

Chairman : Count RACZYŃSKI (Poland) ; later, M. LIMBURG (Netherlands), Vice-Chairman.

3. **Publicity of Meetings.**

The Committee decided that its meetings should, in principle, be held in public.

4. **Manner of accrediting Delegates to the Assembly: Inclusion of this Item in the Agenda: Appointment of a Sub-Committee.**

The CHAIRMAN read the following letter, dated September 17th, 1934, in which the President of the Assembly informed him of the Assembly's decision to include in the agenda of its present session, and to refer to its First Committee, the question of the conditions with which the credentials of delegations must comply :

“ The Assembly, at its meeting this afternoon, decided, on the proposal of the General Committee, to include in the agenda of the present session, and to refer to its First Committee, the question of the conditions with which the credentials of delegations should comply.

“ This question has been raised by the Committee on Credentials, which recalled this year the observations that it had already made on the subject in 1933. In deciding to refer the question to the First Committee for examination, the Assembly expressed the hope that such examination would be carried out in collaboration with the Chairman of the Committee on Credentials.

“ I should be grateful if you would take such action on the present communication as you may think fit.

*(Signed) R. J. SANDLER,
President of the Assembly.”*

He thought that it would be well to appoint a sub-committee to study the question and to submit suggestions to the Committee.

M. SCHMIDT (Estonia), Chairman of the Committee on Credentials, explained the situation as follows :

The Committee appointed by the Assembly to report on the credentials of delegates to the present ordinary session was again faced with the same variety of forms as in 1933 in regard to the procedure adopted by Governments in accrediting their delegates. Certain of these forms are calculated, in the opinion of the Committee, to give rise to doubts as to the validity of the credentials in question. The Committee accordingly desires to draw attention to the recommendation submitted last year, which the Assembly approved in adopting the Committee's report.¹

The recommendation was to the effect that, in future, all delegates should present full powers issued by their respective governments.

This year, the States represented on the Assembly have accredited their delegates in the following manner :

Twenty-six States by full powers issued by the Heads of their respective States ;
One State by full powers issued by the Minister for Foreign Affairs ;
Seven States by credentials forwarded by the competent authorities of their respective Governments (Prime Minister, Minister for Foreign Affairs, Governor-General, or authorities to whom powers were delegated by the Minister for the purpose) ;

Nine States by letters or telegrams signed by the Ministers for Foreign Affairs ;

Ten States by the permanent delegates accredited to the League of Nations appearing themselves as delegates to the Assembly ;

Lastly, the delegates of two States have been accredited, one by a letter from the Assistant Secretary of the delegation to the Assembly, the other by a letter from the Secretary of the Bureau of the Government of his country.

These varying forms of procedure in connection with the accrediting of delegates have made it somewhat difficult for the Credentials Committee to submit to the Assembly a clear and definite report.

Although, up to the present, there has been no opposition in the Assembly to the acceptance by the Committee of these different forms of appointment, it is not impossible that such opposition might on some occasion arise and give birth to complications that would be better avoided.

With this object I venture to ask the First Committee to consider the substance of the matter, with a view to establishing what documents are to be regarded as credentials in accordance with paragraph 2 of Article 5 of the Standing Orders of the Assembly, and whether it would not be desirable to clear up the situation and facilitate the labours of the Credentials Committee by including in the Standing Orders definite details as to the documents to be regarded as accrediting delegates to the Assembly in good and due form.

I would further ask the First Committee to consider whether it would not be desirable to amend paragraphs 1 and 2 of Article 5 of the Standing Orders in such a manner as to provide that the credentials of delegates to the Assembly should be sent to the Secretariat one week before the opening of the session, in order to facilitate the preparation by the Secretariat of the documents to be submitted to the Committee, and so to enable the latter to report as soon as possible, and at the same time save it from having to meet, on a number of occasions during the session, to examine credentials arriving—as they at present frequently do—after the opening of the Assembly.

M. GORGÉ (Switzerland) approved the proposal that the question should be referred, for preliminary study, to a sub-committee, as the delegations had not yet had time to consider it. The fundamental principle underlying the question appeared to be that the Assembly was a diplomatic conference composed of delegates who represented their respective States and had power to commit them. It was therefore a logical premise that, in conformity with traditional diplomatic law, the powers of delegates should be conferred by the Head of the State himself. As, however, radical solutions were not generally viewed with favour at the League, it might be admitted that, in exceptional cases, the Minister for Foreign Affairs should have power to accredit a delegate to the Assembly. But the competence of delegates should, he thought, vary according to the powers conferred on them. Unless they were appointed by the Head of a State, delegates should, in M. Gorgé's view, have the right to take part in the work of the Assembly in a deliberative capacity, but they should not possess the right to vote. In any case he thought that the sub-committee would be better able to study the question and to submit suggestions, if it could obtain some guidance from the discussions of the Committee itself.

M. MEDINA (Nicaragua) pointed out that, in addition to determining what authority was to accredit delegates of States to the Assembly, it must be decided also whether a State could be permitted to confer on its delegate powers to represent it at every Assembly, or if, on the other hand, fresh powers must be conferred for each session of the Assembly. The question was of some importance for distant countries which had a permanent delegate

¹ See *Official Journal*, Special Supplement No. 115, page 30.

accredited to the League, possessing powers that enabled him to represent his Government at all the sessions of the Assembly, the latter being regarded as a single body sitting on successive occasions. M. Medina thought that, if the Secretary-General were duly notified of the decision of the Head of the State to accredit a delegate to all the sessions of the Assembly, that should be regarded as adequate and that such a delegate should not be required to produce fresh credentials at every session of the Assembly. He pointed out that, as yet, no delegate had been excluded from the Assembly on the grounds that general credentials had been conferred on him for every session.

The Committee decided to appoint a sub-committee to report to it on the conditions with which the credentials of delegates to the Assembly should comply.

That sub-committee would consist of the delegates of the UNION OF SOUTH AFRICA, CHINA, NICARAGUA and SWITZERLAND, of M. SCHMIDT in his capacity as Chairman of the Committee on Credentials, and of M. LIMBURG, Vice-Chairman of the First Committee.

5. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion.

The CHAIRMAN read the following letter, dated September 17th, 1934, addressed to him by the Chairman of the Sixth Committee :

“ I have the honour to inform you that, after consulting the General Committee of the Assembly, the Sixth Committee has decided to ask the First Committee to be good enough to examine the legal doubts expressed by the representative of Paraguay regarding the integral application of Article 15 of the Covenant to the dispute between Bolivia and Paraguay, in the existing circumstances.

“ At the third meeting of the Sixth Committee, held on September 15th, the representative of Paraguay made the following observation :¹

“ ‘ My country’s deference to the League and the Assembly cannot, however, prevent the Paraguayan Government from communicating to the latter its doubts as to the manner in which the question has been submitted to the Assembly and the possibility for the Assembly of applying Article 15 in its integrity, under the conditions at present obtaining in the conflict between Bolivia and Paraguay.’

“ The Minutes of this meeting of September 15th will, of course, be placed at the disposal of the First Committee.

“ I venture to add that the Sixth Committee would greatly appreciate it if the First Committee would kindly regard the question thus referred to it as urgent.

(Signed) Salvador DE MADARIAGA,

Chairman of the Sixth Committee.”

The Chairman added that the text of the letter and of the Paraguayan delegate’s declaration, which existed at present only in French, would be distributed to delegates as soon as possible in English.

Mr. OFFICER (Australia), rising on a point of order, protested against the Committee being asked to discuss an important legal question when the relevant texts were only available in one language. He realised, however, the urgency of the question and would not press the matter of form.

The CHAIRMAN said that he fully appreciated the importance of submitting texts in both the League languages. He pointed out that the present meeting of the First Committee was only a preliminary meeting, at which he had thought that it would be possible to hear the statements of the delegates of Bolivia and Paraguay.

M. CABALLERO DE BEDOYA (Paraguay) stated that, in the Paraguayan Government’s view, the application to the conflict between Bolivia and Paraguay of Article 15 of the Covenant in its integrity, under the conditions then prevailing, and in view of the manner in which the question had been referred to the Council and the Assembly by Bolivia, raised one rather serious question of interpretation : that of the partial non-applicability of the article in question.

The Paraguayan Government questioned whether the provisions of Article 15 of the Covenant could, as the Bolivian Government claimed, be applied literally and in their integrity, either during the phase of conciliation or during that of recommendations in accordance with the procedure laid down in that article, in the case of an actual war which had notoriously persisted for upwards of two years, a war which, moreover, had been legally declared between two Members of the League of Nations, particularly when the Council had itself already taken cognisance of that war as it were *sponte sua*—that is to say, without either of the parties to the dispute having submitted such a request—and that in virtue of Article 11. The Paraguayan Government felt justified in directing the friendly attention

¹ See *Official Journal*, Special Supplement No. 124, page 57.

of members of the First Committee to that legal problem, which required to be settled in the general interest of fixing legal rules which should govern the application of the constitutional provisions of the Covenant.

It appeared, indeed, indispensable to define the conditions for the application of that article. It was in the essential interests of the international community that those conditions should be defined, in order that the States Members might have a clear conception of the extent of their undertakings and their rights. In acting thus, the Paraguayan Government was not trying for selfish ends of its own to evade by subterfuges any procedure for pacific settlement instituted under the Covenant. Paraguay, an unconditional signatory of Article 36 of the Statute of the Permanent Court of International Justice at The Hague, had already accepted unreservedly the plan recently proposed by the Argentine Republic, Brazil and the United States of America,¹ and was above such a suspicion. On the contrary, she hoped to hasten the termination of a war which had been imposed on her and which she wished—as earnestly as anyone might—to see at an end, being of opinion that the defining of the rules of international law constituted progress in itself and that any progress in that sphere must serve the cause of international peace.

M. Caballero de Bedoya desired to make a statement on the facts and on the legal position. He would first briefly recall the facts :

The Council, it would be remembered, had taken cognisance of the dispute in virtue of Article 11 of the Covenant. While the procedure of conciliation instituted on the basis of that article was in operation, the Bolivian delegate, at the Council meeting on May 31st, 1934,² had first invoked Article 13 of the Covenant and asked for “the organisation of a tribunal with a view to the settlement of the dispute”, and then, a few minutes later, had laid before the Council a request for the application of Article 15 of the Covenant.

The following day, on June 1st,³ while noting the Council's acceptance of the Bolivian representative's application, the Paraguayan representative had felt obliged to point out the premature nature of the statement made by the Bolivian representative as to the failure of the attempts at conciliation on the basis of Article 11, which would authorise him to ask for the application of Article 15. He had, at the same time, insisted on the dilatory character of the request of the Bolivian Government, which was anxious to obviate all risk—in the event of the continuance of hostilities—of the Council approving uniform measures of embargo on arms and implements of war.

On June 11th,⁴ M. Caballero de Bedoya had had the honour to submit to the Council, on his Government's instructions, certain reservations concerning the possibility, from a legal standpoint, of applying the procedure of Article 15 in its entirety in a case in which there was not merely a dispute likely to lead to a rupture, but a war legally declared by the Government of a State which had been the victim of an aggression, as was the case with Paraguay.

In the first place, a legal analysis of Article 15 of the Covenant showed that three conditions must be fulfilled before that article could be applied. First, a dispute must have arisen between Members of the League likely to lead to a rupture, and, secondly, such dispute must not have been submitted to arbitration or judicial settlement; lastly, notice of the existence of the dispute must have been given to the Secretary-General by one of the parties.

A mere perusal of these conditions proved clearly that the Bolivo-Paraguayan dispute did not come within the category of disputes referred to in Article 15 of the Covenant, since there had, in fact, been a rupture which had led to that very state of war legally declared, and hostilities were known to have been in progress for upwards of two years. For such a case, the Covenant provided the procedure laid down in Article 11, the field of application of which was much wider, covering as it did both the threat of war, which formed the subject of Article 15, and war itself. For that reason, when war had been declared, it was impossible to proceed from Article 11 to Article 15.

An examination of the conditions required for the application of Article 15 showed then that there was one condition which was primordial, and failing which it would be absolutely impossible to apply that article, at all events in its entirety, namely, the absence of any armed conflict and, *a fortiori*, of any officially declared war.

The application of Article 15 in its entirety presupposed simply a menace to the state of peace. Before Article 15 could be applied in its entirety, there must previously have been a cessation of hostilities, accompanied by measures of conservation, including firm guarantees of security which should make such cessation effective.

Article 15 considered exclusively the case of a state of peace maintained or brought about by the cessation of existing hostilities. It was in regard to that point that the conditions of application of Article 15 differed from those of Article 11, which permitted of the intervention of the Council or the Assembly at any stage of the conflict, even when a state of declared war existed or when the rupture was recognised as equivalent to a war.

The Council itself had had occasion to lay stress on that difference when, in its resolution of January 20th, 1934,⁵ in answer to the doubts expressed by the Chaco Commission (which was then at Buenos Aires), it had specified that the maintenance of hostilities did not constitute an obstacle to the Commission's pursuit of its work of conciliation.

¹ See *Official Journal*, Special Supplement No. 124, page 9.

² See *Official Journal*, July 1934 (Part I), pages 778 and 783.

³ See *Official Journal*, July 1934 (Part I), page 785.

⁴ See *Official Journal*, July 1934 (Part I), page 846.

⁵ See *Official Journal*, February 1934 (Part II), page 243.

That perfectly legitimate argument based on Article 11, which contemplated the case of war in addition to the threat of war, was not admissible in the hypothesis set forth in Article 15.

The conditions necessary for the application of Article 15 did not at present exist.

At the meeting of the Council on June 1st, 1934,¹ Mr. Eden, the United Kingdom representative, had stated that he could not "agree that, in peculiar circumstances such as these, when neither party has invoked any article of the Covenant and when hostilities have been in progress for two years, either party had the right to insist that the Council should proceed under Article 15".

The Paraguayan Government was happy to endorse that point of view expressed by the United Kingdom representative—namely, whether a party could invoke Article 15 in a case of which the Council, in the absence of any request from the parties, had itself taken cognisance on the basis of Article 11.

One preliminary condition—namely, the cessation of hostilities, guaranteed by adequate measures of security and followed, if necessary, by the withdrawal of the declaration of war—was thus indispensable in order to make possible and ensure the application of Article 15 in its entirety.

The Paraguayan Government was gratified to find that the conditions deemed necessary for the application of Article 15 thus confirmed the argument which it had consistently maintained since the outbreak of the conflict—that is, that the cessation of hostilities must precede the institution of any form of procedure for the pacific settlement of the dispute.

The Paraguayan Government accordingly desired to direct the Assembly's special attention to the impossibility in law of applying the procedure of Article 15 before the preliminary conditions of the cessation of hostilities and security, indispensable for the application of that article, had been fulfilled.

Of the two phases of the procedure laid down in Article 15—that of conciliation prescribed in paragraph 3 and that of the recommendation referred to in paragraph 4—only the first, which reproduced the procedure of Article 11, could therefore be applied in the event of a state of hostilities existing between the parties.

On the basis of Article 15, the Council or the Assembly, in view of the state of hostilities still existing between the parties, could not legally go beyond the phase of conciliation and enter upon the next phase contemplated under paragraph 4: a state of war requiring the application of Articles 16 and 10 of the Covenant for the determination of responsibilities and of the aggressor, with a view to sanctions.

The Bolivian representative had also invoked the application of Article 15 as a roundabout way of bringing into play Article 13, which, according to him, offered the only means of settling the substance of the whole of the Bolivo-Paraguayan problem by making the decision binding on the parties to the dispute. "And it is because I believe", he had said at the meeting of the Council on May 31st last, "that this procedure provides various possibilities of putting Article 13 into force that I have the honour, on behalf of my Government, to call for the application of Article 15".

It would be clear, however, to anyone commenting on the Covenant that, as those provisions now stood, Article 15 did not provide for such a possibility. Article 15 did not permit of contemplating a solution similar to that of Article 13. A reference to what had been done with a view to bringing the Covenant of the League of Nations into harmony with the Briand-Kellogg Pact was sufficient to justify the Paraguayan Government's assertion. The proposal of the Committee of Eleven that even recommendations of the Council or Assembly unanimously agreed to under the terms of paragraph 6 of Article 15 should be binding had come to nothing.² It was clear that, in the circumstances, Article 15 did not at present offer, as a means of assisting in the solution of the dispute, the possibilities claimed by the Bolivian representative.

Experience of the recent application of Article 15 served to confirm that conclusion. It was perfectly clear that the substitution of the procedure under Article 15 for that of Article 11, in the dispute between Colombia and Peru—quite apart from the question whether it was legally permissible—had not yielded the results that might have been hoped for.

Furthermore, recommendations did not constitute *vis-à-vis* the parties a compulsory solution of the dispute, as was proved by Advisory Opinion No. 12 of November 21st, 1925, of the Permanent Court of International Justice, in connection with the question of the frontier between Iraq and Turkey.³ It was stated in that opinion that the Council, in virtue of the powers conferred on it by Article 15, "can only make recommendations which, even when made unanimously, do not of necessity settle the dispute".

Recourse to arbitration or judicial settlement—in that particular case to the Permanent Court of International Justice—offered, from the point of view of a settlement of the dispute, an undeniable advantage over Article 15. Only a settlement by the Court or by means of arbitration was final, whereas a settlement by the Council or Assembly was merely provisional. Even a unanimous report was not binding; one that was not unanimous left the parties free. Only arbitral awards or judicial decisions were binding upon the parties (last paragraph, Article 13).

The Paraguayan Government therefore held to its view that, instead of following the circuitous, dilatory and useless course represented by Article 15, whereby it was impossible to settle authoritatively the substance of the question, the Bolivian Government could

¹ See *Official Journal*, July 1934 (Part I), page 786.

² Document A.8.1930.V.

³ Publications of the Permanent Court of International Justice: Series B, No. 12, page 27.

best express its intention, many times repeated, of "finding a judge" by acceding to the Optional Clause of the Statute of the Permanent Court of International Justice, which involved the acceptance of the compulsory jurisdiction of the Court. When the war was at its height, on May 11th, 1933, Paraguay had *unconditionally* ratified the Optional Clause, recognising the Court's jurisdiction as laid down in Article 36 of its Statute. The statement submitted by the Bolivian Government, on September 4th, 1934, in virtue of Article 15, paragraph 2, of the Covenant, began by saying that :¹

"In appealing to Article 15 of the Covenant, Bolivia, which deeply deplores the prolongation of the Chaco conflict, has no other aim in view than to obtain a final settlement of the dispute which will firmly establish peace on a just basis."

If such were the Bolivian Government's view, the method it has chosen was hardly likely to lead to the desired result, as had just been seen, since it met with difficulties of a legal nature. Accordingly, if a solution were not found by those means, Bolivia would have only herself to blame.

In order to sum up the scope of the question which had been referred to the First Committee, M. Caballero de Bedoya desired to conclude his statement by making the following declaration :

"Paraguay, a country which is suffering cruelly from a war that has been imposed upon her and has already recently accepted unreservedly the plan proposed by the Argentine Republic, Brazil and the United States of America for the peaceful settlement of her dispute with Bolivia, desires to proclaim her readiness to participate with the same goodwill in any similar attempt which the Assembly may desire to make for the settlement of this dispute.

"Paraguay, being anxious above all to put an end to bloodshed, calls upon the League of Nations, in conformity with the high mission laid upon it under Articles 3, 4 and 11 of the Covenant, to take measures calculated to re-establish and ensure effective guarantees of peace, which has now been broken.

"Should it prove impossible to settle the dispute by friendly means in conformity with Article 15, paragraph 3, which reproduces the procedure of Article 11, the Paraguayan Government would point out that its unconditional acceptance of the compulsory jurisdiction of the Permanent Court (Article 36) already defines its position in relation to the Bolivo-Paraguayan dispute and that, in consequence, it agrees that the dispute shall be submitted to the Court or to arbitration.

"Should all these means of pacific settlement be rejected, or should it be impossible to obtain the effective and guaranteed cessation of hostilities, the Paraguayan Government desires to raise now the question whether the provisions of Article 15, paragraphs 4 *et seq.*, of the Covenant can be applied in their entirety by the Assembly in the case of a war actually proceeding which has been legally declared between two Members of the League, more especially when the Council has already taken cognisance of that war under Article 11."

M. RAY (Bolivia) stated that, at the third meeting of the Sixth Committee, after hearing Paraguay's objections as to the applicability of Article 15 in its entirety, the Mexican delegate,² the Chairman of the Committee of the Council, had pointed out that a decision had already been taken in the matter by the Council : on June 1st, 1934,³ the Council had unhesitatingly and unreservedly decided that Article 15 was applicable.

Thus the contention now advanced in the First Committee was contrary to a decision of the Council and tended, further, to withdraw the matter from the competence of the First Committee and of the Assembly. Very strong arguments would be required to substantiate such a contention. What were those arguments ?

The Paraguayan delegate had claimed, in the first place, to make a distinction between paragraph 3 and paragraph 4 of Article 15 ; his Government accepted paragraph 3, the procedure of conciliation, and rejected paragraph 4, the procedure of recommendation. It might seem paradoxical that a state of war should be invoked as an argument for retaining only that stage of a procedure which related to conciliation. There was no need to stress that point. Article 15 formed a whole ; there could be no authority for dismembering it in arbitrary fashion. Moreover, it was highly important that it should not be dismembered, for the chances of success under the procedure of conciliation laid down in paragraph 3 depended very largely on the possibility of going on, in case of failure, to the procedure of recommendation laid down in paragraph 4.

As regards that procedure, the Committee had been told that the Bolivian Government regarded Article 15 as a means of reaching an arbitral or judicial settlement in conformity with the recommendation of Article 13 of the Covenant. The Committee knew, and the Bolivian Government knew, that the procedure of Article 15 did not lead to a compulsory solution of the dispute ; but Bolivia accepted the criticism that, by invoking Article 15, she had thought to increase the chances of a pacific settlement on a legal basis.

As to the possibility of a settlement by the intervention of the Permanent Court of International Justice, the Committee knew that the Bolivian Government had agreed, in its conversations with the Chaco Commission, to the institution of such a procedure before the Court. Not the slightest criticism could be levelled against Bolivia on that score.

The Paraguayan delegate had claimed, moreover, to draw a distinction between Article 11 and Article 15 : the first would apply only in the case of preventing or arresting war ; the second would apply only to the settlement of disputes in time of peace. But it had always been admitted in the League that both articles could apply concurrently. The two hypotheses did not, indeed, fall within two separate domains. The purpose of the Covenant, as expressed

¹ See *Official Journal*, Special Supplement No. 124, page 89.

² See *Official Journal*, Special Supplement No. 124, page 61.

³ See *Official Journal*, July 1934 (Part I), page 784.

in Articles 10 to 17, was one and the same ; its purpose, to borrow the words of the preamble, was to achieve international peace by the maintenance of justice. The real guarantee of peace was the settlement of disputes. That was why, even when a question was referred to the Council under Article 11, the Council almost invariably endeavoured to make the parties agree to a settlement of the dispute.

But Article 11 did not offer decisive resources ; and that was why there had been added to the Covenant Articles 12 to 15 relating specifically to the settlement of disputes, articles which, without going as far as compulsory arbitration, imposed on Members of the League definite obligations from which they could not escape.

The objection had been raised, however, that Article 15 had been invoked too late, since hostilities had already been proceeding for several years. The explanation of that fact would be found in the report of the Chaco Commission¹—namely, the succession and duration of a number of procedures which might legitimately have been expected to lead to a settlement of the dispute. It was only when the Bolivian Government had realised the impossibility of reaching agreement that it had decided to have recourse to Article 15 of the Covenant as a last resource.

The existence of *de facto* hostilities could not constitute an obstacle to the application of that article. In the most outstanding case in which a question had been referred to the League organs under Article 15, hostilities had already been proceeding for a very long time between the two States parties to the dispute ; the Council and the Assembly alike had decided that the procedure of Article 15 should none the less pursue its course.

As to the question of the previous cessation of hostilities, M. Ray desired simply to recall the statements made by the Bolivian delegate at the third meeting of the Sixth Committee.² War broke out ; hostilities continued ; was it possible to demand that the victim of the aggression should lay down arms, without being assured at the same time that there would be a fair settlement of the conflict ? The Bolivian Government agreed to the principle of simultaneity ; it asked that the procedure should be applied rapidly and in its entirety, in order that a decision on the two points might lead at an early date to the cessation of bloodshed. That object could not be achieved by raising difficulties of procedure such as had just been raised.

In point of fact, the only circumstance which was peculiar to the present case and which had been brought forward in the Committee was, to employ the Paraguayan delegate's expression, the existence of a "legally declared war". It was Paraguay that had declared war on May 10th, 1934 ; and it was Paraguay which now claimed to quote that declaration of war as a pretext for evading the application of Article 15.

Even if it were necessary to accept so audacious an argument, even if it had to be admitted that, by declaring war, Paraguay had made the application of Article 15 impossible, it was not to Article 11 that they would turn ; it would be necessary to envisage a text far severer in character—that of Article 16.

Even if the Committee did not think fit at the present juncture actually to draw that conclusion, it must at all events admit the radical inefficacy of the argument and decide that the procedure of Article 15 should follow its normal course. It was essential that a rapid decision should be taken in the matter. M. Ray would venture, in conclusion, to recall in that connection, with all deference to the Committee, the desire expressed by the Chairman of the Sixth Committee that the First Committee should regard the question referred to it as calling urgently for a decision.

Count PIOLA CASELLI (Italy) observed that, though the question referred by the Sixth Committee to the First Committee was a legal question of general application concerning the interpretation of Article 15 of the Covenant, it was essential that he should recall one fact relating to the procedure which had previously been adopted before the Council in the present conflict.

In the course of that procedure, the Italian delegation had maintained that it was necessary, as far as possible, to examine the actual substance of the divergence between the two cases put forward by the Governments parties to the conflict, and to decide which of the two countries was the aggressor and which the victim of the aggression.

In pursuance of that principle, which was in accordance with the well-known ideas of the Italian Government in the matter of international conflicts, the Italian delegation had urged, and it had been agreed, that the Commission of Conciliation which had then been appointed should be given powers of investigation ; and again, in the question of the measures of embargo called for against Bolivia and Paraguay alike, that delegation had in a certain measure reserved its Government's freedom of decision.

The subsequent development of the conflict proved, in his opinion, that it was hardly possible to arrive at any honourable form of conciliation between the parties until an organ of the League, or a board of arbitrators, or the Permanent Court of International Justice, had expressed an opinion as to the justice of one or other of the conflicting cases.

Referring next to the interpretation of Article 15 of the Covenant, Count Piola Caselli thought that the doubts expressed by Paraguay were very well founded, if the letter only of that article were adopted.

It was perfectly true that the case contemplated by Article 15 was merely that of a threat of rupture between two countries and not that of an actual rupture or *a fortiori* a situation such as existed between Bolivia and Paraguay, a situation which approximated to a state of war, if it were not war in actual fact.

¹ Document C.154.M.64.1934.VII.

² See *Official Journal*, Special Supplement No. 124, page 52.

That hypothesis had certainly not been contemplated by the authors of the Covenant when framing Article 15. That was clear also from the fact that Article 15 did not provide for or lay down any procedure—obviously necessary and urgent—with a view to the temporary suspension of hostilities, pending the results of the application of measures under that article.

But the great jurist whose place Count Piola Caselli had now taken on the Committee had taught him that the Covenant was a document of a very special character, in the interpretation of which the rules ordinarily applicable to laws and conventions could not be applied. The Covenant was primarily a political document, which set forth certain ideas and laid down certain principles. Viewed from that angle, it was inconceivable that the procedure of Article 15 should be applicable when a threat of war existed and should cease to be applicable when that threat materialised into an actual rupture.

If the procedure of Article 15, as it appeared from the text, were a procedure more serious and effective in scope than the procedure of Article 11, it should *a fortiori* be applied when the conflict had broken out. In that case, the League organs to which the Covenant entrusted the duty of endeavouring to ensure the reign of peace and justice among the associated countries must be able to exercise, not only some power of conciliation, but a power of investigation and recommendation.

If Article 15 were not applicable in a case such as the present case of a sanguinary conflict between two countries, it would be necessary to have recourse to Article 16, which had never yet been applied by reason of the serious difficulties it involved.

Paraguay had declared her willingness to accept Article 15 as a procedure of conciliation, but not as a procedure of investigation and recommendation by the Council or the majority of the Assembly. The whole aim and special scope of Article 15, however, consisted precisely in that power of investigation and recommendation. It was that power in the hands of a political organ of the highest authority, an organ which must be deemed independent and impartial, such as the Council or the Assembly of the League of Nations, that could determine world opinion as to the aggressor and the victim of an aggression and on which side the right and reason of international justice were to be found, so that the parties might subsequently be reconciled on fair terms, while it would in any case justify the attitude adopted towards the parties by the countries Members of the League.

The Italian delegation was accordingly of opinion, as regards the general issue and legal aspect of the question, that the procedure authorised by Article 15 of the Covenant, in the case of a threat of rupture, was *a fortiori* applicable in the case of an open threat, and even more emphatically when acts of hostility or war were proceeding between the two parties to the conflict.

M. UNDÉN (Sweden) expressed the view that the legal question brought up before the First Committee raised an important and at the same time a delicate issue. In order that the Committee might examine different arguments in favour of the conflicting theses, it would, he thought, be of interest to know exactly what was the position of the delegate of Paraguay. It appeared that the latter had submitted legal arguments which, in his view, would prevent the application of Article 15. The difficulties might easily be eliminated if Paraguay voluntarily accepted the procedure of that article. M. Undén accordingly desired to ask the Paraguayan delegate whether the statement he had just made was to be understood as signifying that his Government was not prepared to withdraw its legal objections to the application of Article 15.

On the other hand, the Covenant stipulated that Article 15 was not applicable if the dispute had been submitted to arbitration. According to the Paraguayan delegate's statement, the Bolivian Government had not ratified the Optional Clause of the Statute of the Hague Court. M. Undén enquired whether that information was correct, and what was the Bolivian Government's attitude in the matter.

M. RAY (Bolivia) replied that political circumstances had hitherto prevented the Bolivian Government from ratifying the Statute of the Permanent Court of International Justice at The Hague and the Optional Clause, but that, in regard to the present conflict, the Bolivian Government had agreed, on more than one occasion—more particularly during the conversations with the Committee of the Council—to the jurisdiction of the Court. In his view, then, the question did not arise.

M. CABALLERO DE BEDOYA (Paraguay) thought that there was an obvious contradiction between the views which the Bolivian delegate had just put forward and those he had maintained in the interpretation of Article 15 of the Covenant in his book "Commentaire du Pacte de la Société des Nations" (page 473), where, referring to the conditions for the application of Article 15, paragraph 1, he specified three conditions which must be fulfilled: (1) there must be a dispute likely to lead to a rupture; (2) there must be no arbitral or judicial procedure already instituted; (3) notice of the dispute must have been given to the Secretary-General.

Replying to the delegate of Sweden, he stated, with reference to his declaration, that it was in the event that all means of conciliation failed and the cessation of hostilities was not achieved that the Paraguayan Government desired to raise the question whether Article 15, and more particularly paragraph 4, could apply when war had been officially declared and when the Council had already taken cognisance of the question in virtue of Article 11.

Mr. BECKETT (United Kingdom) said that he did not propose to express an opinion at the moment on the applicability of Article 15. He, and probably other members of the Committee, wanted time to reflect on the arguments they had heard. He enquired whether the Chairman proposed to open a discussion on the further procedure to be adopted by the Committee.

The CHAIRMAN replied that the question of procedure must depend to some extent on the general discussion, since it might perhaps become clear from the statements made what was the general opinion of the Committee on the question now before it. The general discussion not having been completed, it would be continued at the Committee's next meeting.

M. COSTA DU RELS (Bolivia) stated that the Bolivian delegation had no objection to the procedure proposed by the Chairman, but that it desired respectfully to remind the Committee that the Sixth Committee had asked it to regard the question as urgent. The Sixth Committee might, indeed, be prevented from finding a solution which would end the war at present proceeding. Bolivia, moreover, desired that the conflict should be settled as rapidly as possible.

Mr. OFFICER (Australia) suggested that a sub-committee be appointed at once to correlate the views that had just been put forward by the delegates of Bolivia and Paraguay and by other members of the Committee, and to present a short report at the next meeting. That procedure would expedite a decision by the First Committee and enable the Sixth Committee to pursue its discussion.

The CHAIRMAN was not opposed to that suggestion. He thought, moreover, that, if he was rightly informed, the Sixth Committee might continue its work, since the Paraguayan Government had agreed to the procedure of conciliation laid down in Article 15, paragraph 3. The examination by the First Committee of the question referred to it was thus not quite so urgent as it might seem.

M. BASDEVANT (France) said that, without going into the question of substance, he desired to support the Chairman's suggestion that the Assembly could act on the basis of Article 15, paragraph 3, which would enable the Sixth Committee to continue its discussion at once without waiting for the First Committee's decision. He thought that the Chairman might be asked to inform the Sixth Committee of the First Committee's views in the matter, as the procedure now proposed would have the advantage of enabling the Sixth Committee and the First Committee to work concurrently and would allow delegates to think over the very important points raised by the delegate of Paraguay.

The Committee approved the suggestion of M. Basdevant. It requested its Chairman to communicate with the Chairman of the Sixth Committee accordingly (Annex 1).

THIRD MEETING.

Held on Thursday, September 20th, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

6. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion (continuation).

Mr. BECKETT (United Kingdom) said that he would like to offer a few short remarks on the important question of the interpretation of Article 15 which had been raised by the delegate of Paraguay—namely, whether Article 15 applied when there had been an outbreak of hostilities.

The delegate of Paraguay had based his arguments upon a literal interpretation of the words in the first paragraph of the article : " any dispute likely to lead to a rupture ", and his principal argument had been that a dispute which had actually led to a rupture did not come within the words " likely to lead to a rupture ". Mr. Beckett suggested that that interpretation, even as a literal one, was not really correct. What was the object of the insertion in Article 15 of the words " likely to lead to a rupture " ? He suggested that the object was to exclude from the article disputes which were not of a grave character. In order to come under Article 15, a dispute must be sufficiently grave to render it likely to lead to a rupture. Surely a dispute which had actually led to a rupture was sufficiently grave to be likely to lead to one, and that was the argument upon the literal interpretation of the words which Mr. Beckett would like to put before the Committee.

He quite agreed with an observation which had been made that, in interpreting the Covenant, it was not right to base oneself entirely on a purely literal interpretation. He did not think one could go contrary to a literal interpretation of a text ; but, if a text were open to two different constructions as a matter of literal interpretation, it was surely right, then, to examine the consequences of the two possible views upon the literal interpretation. He suggested that the consequence of a literal interpretation which excluded from Article 15 disputes that had actually led to a rupture was somewhat curious and almost paradoxical. First of all, the word was " rupture ", not " hostilities ". A rupture meant, not merely the outbreak of hostilities, but also the cessation of diplomatic relations. If, therefore, the text were taken literally, it excluded all cases of dispute between two countries where diplomatic

relations had already ceased. Therefore, a case might arise where two countries, on account of a quarrel, had ceased diplomatic relations, and, without resorting to hostilities in any way, had remained without diplomatic relations for two years. The consequence of that literal interpretation suggested by the delegate of Paraguay would be that that dispute could not come before the Council or Assembly under Article 15. To take, again, the case where there had been an outbreak of hostilities, but those hostilities had ceased, though the parties were still not in diplomatic relations. He rather gathered that the delegate of Paraguay thought that, where hostilities had ceased, the case would come under Article 15, but that was not so under the literal interpretation which the delegate of Paraguay had suggested to the Committee.

If that view were correct, it meant that one of the two most important organs of the League—namely, the Assembly—had no right under the Covenant to exercise its powers of conciliation in the case of a dispute which had led to a rupture. Article 11 gave the Council power when war had broken out, but the Assembly was not mentioned in Article 11. If the interpretation of Paraguay were accepted, the Assembly could never exercise its powers of conciliation in those most serious disputes when a rupture had actually taken place.

It had been said that, when hostilities had broken out, Article 16 was to be applied, and that that was the article which much always be applied in such a case; but, on reading Article 16, it would be found that that article only applied when it was determined that one State, X or Y, had resorted to war in disregard of its covenant under Articles 12, 13 or 15.

He was sure that, at that stage, he did not need to labour the point that the determination as to whether in a given case X or Y had broken Articles 12, 13 or 15 might be an extraordinarily complicated problem. Article 15 provided a means of investigation. Why should it be excluded? It was perfectly possible that there might be an instance where the responsibilities between the two Powers in hostility were equal. Why was conciliation—conciliation by the Assembly—not desirable in a dispute when hostilities had actually broken out? Surely it was even more desirable in a case of that kind.

He could not believe that the Covenant intended to exclude the Assembly from exercising its powers in a case where hostilities had broken out, when the Covenant under Article 11 expressly gave the Council powers in such a case.

There were, of course, two other arguments. There was, in the first place, the question whether the point had not been decided by the Council, because the Council had, in fact, accepted jurisdiction under Article 15 and then referred the matter to the Assembly. That point clearly had considerable weight, but he felt, personally, that perhaps it would not be altogether satisfactory if the First Committee were to base itself entirely on that ground. The question of the interpretation of the article of the Covenant had been raised in the Assembly, and it might not be altogether satisfactory if the Assembly and its First Committee were to rely entirely, in that argument, upon what the Council had done. There was also a second question. The delegate of Paraguay, if Mr. Beckett understood him rightly, seemed to have recognised that the first three paragraphs of Article 15 did apply. But it was perfectly clear, Mr. Beckett thought, that it was either the whole article or nothing. Again, clearly it was a strong argument; but he did not wish personally to base himself entirely upon that.

M. VISOIANU (Roumania) wished to make a few brief observations, which he would endeavour to keep within the scope of the question as submitted and within the competence of the First Committee.

The Roumanian delegates would certainly have occasion to examine the political aspects of the question under discussion, as they had done in connection with other matters, and to express their views upon them.

M. Visoianu, for his part, would confine himself to considerations closely related to the two main objections that had been raised to the simultaneous application of Article 15 and Article 11. His observations would, however, be considerably abridged in consequence of the explanations given by the United Kingdom delegate, with whose interpretation he was in complete agreement. The Roumanian delegate was of opinion that the text of that article, which provided that a dispute must be likely to lead to a rupture before the organs of the League could take cognisance of it under Article 15, indicated only a minimum and not a maximum degree of gravity; in other words, the Council was competent to act on the basis of Article 15 when a dispute was, at the very least, likely to lead to a rupture. But that did not mean that, when the dispute was so grave that its development had already led to a rupture, the organs of the League were not competent to act on the basis of Article 15.

He agreed with the United Kingdom delegate that the intention of those who had framed that article had been to institute certain minimum precautions, so as to exclude disputes of negligible importance from discussion under Article 15, and to prevent impatient plaintiffs from appealing to the Council or Assembly in regard to disputes of lesser gravity, for which a solution might be found by different means.

His second observation concerned more especially the simultaneous application of Articles 11 and 15. Successive Roumanian delegates had had frequent opportunities of expressing their views on that point. They had done so in purely theoretical discussions remote from practical preoccupations such as might have demanded special consideration of existing conflicts; in particular, they had done so in connection with the discussions in the Committee set up with a view to bringing the League Covenant into harmony with the Briand-Kellogg Pact—and even before that. The organs of the League had themselves had occasion to express their opinion; and, apart from the recent applications, in connection with which,

on practical grounds, theoretical and doctrinal considerations had had to yield to expediency, the Council had itself had occasion to consider the question on more general lines.

M. Visoianu referred to a report¹ approved by the Committee of the Council on March 15th, 1927. A special Committee had been set up to consider methods or regulations which would enable the Council to take such decisions as might be necessary to enforce the obligations of the Covenant as expeditiously as possible. As the title suggested, the purpose was of a general nature; but, at the same time, the starting-point was a particular interpretation of Article 11 in relation to the other articles directed, perhaps, towards the same object. On that occasion, the question of the simultaneous application of Article 15 and Article 11 had been considered, and the Committee had expressed itself as follows:

“If the action to be taken under Article 11, paragraph 1, is of particular concern to States which are not members of the Council, such States must, under the terms of paragraph 5 of Article 4, be given a seat at the Council.”

Particular importance attached to the second part of the paragraph:

“The procedure instituted under Article 11 in no way implies the exclusion of procedure taken under other provisions of the Covenant. The Aland Islands question, for example, was referred to the Council by the British Empire in virtue of Article 11; this did not, however, prevent the Council from declaring itself competent under Article 4, paragraph 4, and at the same time applying, as far as possible, Articles 12, 15 and 17.”

That argument was even further strengthened by the manner in which it was developed. He did not propose to read the relevant passage.

Such, from the legal standpoint, was the Roumanian delegation's position. On previous occasions, when it had been necessary to consider the application of Article 15, his delegation had also been of opinion that that application could not be impeded, or even precluded, except in regard to certain domains for which a special procedure was explicitly provided by some other article of the Covenant.

The Roumanian delegation had ventured to offer the foregoing observations, primarily in order to assist, to the best of its ability, in the interpretation of the two articles in question, but also because it was anxious that the two parties should be deprived of no legal means of arriving at a settlement of the existing dispute before the competent organs of the League. His remarks had been made in a spirit of equal friendliness and respect for both parties.

M. BASDEVANT (France) observed that, at the previous meeting, the delegate of Paraguay had enunciated with great force and precision the objections which, in his view, might be raised to the application, in the particular case referred to the Committee, of Article 15 of the Covenant. The point at issue was the application of that article in its entirety. The delegate of Paraguay had raised before the Assembly, and in the Sixth Committee, the question whether that text should be applied in the present instance. Was it his intention, on behalf of his Government, to submit a peremptory objection to that application, or had his purpose been simply to raise a question deserving of consideration? Perhaps the second interpretation corresponded more nearly to his intention, and, at certain moments, to the formulas which he had employed? However that might be, the First Committee was called upon to continue its examination and to decide whether the application of Article 15 in its entirety was possible.

The Committee had heard the very definite statement of the objections which the delegate of Paraguay had raised to the application of Article 15. The delegates had had time to reflect on the matter. Those objections, as had already been pointed out during the present meeting, rested essentially on an exegetic interpretation of Article 15 of the Covenant and, even more specifically, on certain expressions used here and there in that text.

Viewing the matter from that angle—an exegetic interpretation—he had had the impression, at the previous meeting, when listening to the delegate of Paraguay, that there was some force in the arguments invoked by the latter. At the present meeting, however, the Committee—still on the basis of Article 15, taken as it stood, without exegetic interpretation—had heard serious objections raised to the interpretation submitted by the delegate of Paraguay. Those objections had been developed in particular by Mr. Beckett. M. Basdevant did not propose to revert to that aspect; he proposed also to leave on one side the strictly exegetic interpretation. At the previous meeting—indeed, at a very opportune moment, before the Committee had begun to reflect on the complex questions now submitted to it—Senator Piola Caselli had directed the Committee's attention to the necessity of not interpreting the Covenant as a civil law would be interpreted. The Italian delegate had spoken with his great authority as a jurist and, in support of his opinion, had recalled the authority of a man whose memory would always be kept alive in the First Committee—the late Senator Vittorio Scialoja. M. Basdevant proposed to follow the advice as to method which had been given with such wisdom and authority, and he desired, in the very brief observations that he was about to submit, to go back to the principles of which Article 15 was the expression.

Moreover, he found an expression of those principles in the Covenant itself—and he did not propose for one moment to depart from the Covenant. Two principles enunciated in the Covenant were utilised, for the special case of disputes likely to lead to a rupture, in Article 15. One of those principles was set forth in Article 3, paragraph 3, of the Covenant:

“The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

¹ Document C.169.M.119.1927.IX.

That was the general duty of the Assembly—to deal with questions affecting the peace of the world. And Article 15 showed how, in regard to certain disputes, the Assembly was to fulfil the general function conferred on it by Article 3, paragraph 3.

The second principle—another essential principle—was set forth in Article 12, paragraph 1, of the Covenant :

“ The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council [There might be added : “ or by the Assembly ”.] and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council [There might be added : “ or by the Assembly ”].”

There were thus two principles : On the one hand, the general competence of the Assembly to deal with questions that concerned the peace of the world ; on the other, the obligation incumbent upon Members of the League not to resort to war before certain procedures had been exhausted, and more particularly before the framing of the report by the Council. There was, on the one hand, the rôle of the Assembly or the Council, the rôle of the League of Nations ; and, on the other, the duty of the States Members.

What was the situation to-day ? Hostilities had broken out. They had broken out before the prescribed interval had elapsed, and even before the report had been made by the Council or the Assembly, without the Members of the League who were implicated in those hostilities having had—in accordance with the tenor of Article 12—recourse to the procedure laid down in Article 15 of the Covenant.

That being so, was it possible that the competence conferred on the Assembly and the powers laid down in Article 15 should be withdrawn from the Assembly by the action of one or other of the parties to the dispute, or by the action of both those parties, when such action was contrary to the undertaking entered into under Article 12 ? To put the question in those terms was, M. Basdevant thought, to settle it. And that in substance was how the question presented itself in reality.

A consideration of the principles governing Article 15, which should be recalled, and the formula for which he had taken from the Covenant itself, impelled him to declare, further, that it was not possible that the powers conferred on the Assembly for the maintenance of peace should be withdrawn from it by an act of which the least that he could say was that it was not in conformity with the obligations ensuing from the Covenant of the League.

He would add that the power that the Assembly derived from Article 15 was, in the last resort, if it had not been possible to reach a settlement of the dispute by conciliation, the power to make a recommendation as laid down in Article 15, paragraph 4. Was the present case one in which the power of recommendation enunciated in general terms by Article 15 should be refused to the Assembly ?

If Article 15 were read with reference, not to one or other of its provisions only, but as a whole, it would be found that only in a single hypothesis was the power of recommendation refused to the Assembly or the Council. That hypothesis was set forth in Article 15, paragraph 8 ; it was the case of a dispute that arose out of a matter which, by international law, was solely within the domestic competence of one of the parties. The Committee was not dealing at the moment with a case of that description ; but M. Basdevant wished to point out that in such a case, and in such a case only, the power of recommendation was refused to the Assembly and the Council. They had no right, then, by means of an interpretation, to refuse to the Assembly, in another hypothesis, the power of recommendation which Article 15 conferred on it in general terms.

He would add one last consideration. He had just laid stress on the mission of the League and the competence of the Assembly, and the duty of the States implicated in the dispute. But, at the same time, the States implicated in the dispute were not the only States in the League ; there were all the other States, and the authors of the Covenant had enunciated certain duties devolving upon them and given them guidance as to their conduct. Those duties and the conduct prescribed were set forth in Article 15, paragraph 6, of the Covenant, as follows :

“ If a report by the Council is unanimously agreed to by members thereof other than the representatives of one or more of the parties to the dispute, the Members of the League [and not only the parties to the dispute] agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.”

Now those Members of the League which were not involved in the dispute desired to know what should be their attitude, their line of conduct, and what exactly was their duty. It was the Assembly that would inform them by its recommendation, by the terms of its report ; and that recommendation and the terms of that report they would be called upon to compare with the conduct of the parties which were implicated in the dispute, after which they would apply the provisions of paragraph 6. They would act in conformity with those provisions. But they were entitled to know what exactly were their obligations in that connection, and it was by the exercise of the power which the Assembly possessed, in virtue of Article 15 considered as a whole, that they would be informed on that point. They were entitled to call upon the Assembly to tell them which was the straight line that they were under an obligation to follow. For all those reasons, to which he would add the considerations submitted by previous speakers, and after having duly reflected on the very complex problem referred to the Committee—he quite appreciated why the matter should have been submitted to it—he felt that the First Committee's reply to the Sixth Committee should be that there was no legal obstacle to the application in its entirety of Article 15 in the dispute which had been laid before the Assembly.

M. GORGÉ (Switzerland) said that, when listening to the Paraguayan delegate's speech recently, he had received an impression similar to that just described by Professor Basdevant. The argument appeared impeccable in the light of a literal interpretation or, if the term were preferred, an exegetic interpretation.

There could be no question that the procedure under Article 15 was designed, at all events so far as was revealed by the actual terms, solely for disputes likely to lead to a rupture. Did that mean that the procedure could not be applied if the rupture were no longer imminent but had actually taken place? If certain action could be taken when peace was in danger, surely that same action could be taken when peace was broken and war had broken out. In his view, everything depended on what was the essential aim of Article 15. What was the fundamental mission of Article 15? However paradoxical it might seem, that mission was not to smooth over a dispute; for, as the members were aware, the procedure did not necessarily bring about a final settlement of the dispute, even when the Council's or the Assembly's report was unanimous. It was, he admitted, a means of pacific settlement, but that was only a secondary aspect. The parties were always entitled to ignore the unanimous opinions of the Council and Assembly. The singular feature of the procedure was that it might prove successful, even while leaving the dispute in being. Successful in what? In preventing war. The procedure under Article 15 was first and foremost a method of preventing war. It was primarily directed, not against the dispute, but against its possible consequences. But, if the real object of the procedure were to prevent bloodshed, was it reasonable to maintain that the procedure was no longer applicable when bloodshed had already occurred? Appeal was made to the letter of the Covenant, to an article which, as Senator Piola Caselli had said, had doubtless been somewhat hastily drafted—when the whole point was to silence the guns.

When an endeavour was made to capture the monster of war in the net, it was said that the net had a hole in it. Appeal was made to the letter of a text. The letter was all very well, but there was the spirit. When the letter and the spirit conflicted, the spirit must of necessity triumph. After all, the letter without the spirit was nothing. The argument *a contrario* sometimes offered fruitful resources; but, when the literal interpretation did violence to the logical interpretation, he rejected the first and kept to the second.

What did Article 15 actually say? Literally interpreted, it said that, when two States were divided by a serious dispute, likely to lead to a rupture, one of them might compel the other to submit to a procedure which, when it reached the stage of a recommendation, deprived both parties of the possibility of nullifying the decisions of the Council or Assembly. The result would be that, when those same two countries had already come to blows, when they were no longer in a state of tension but in a state of war, one of them alone could no longer have recourse to action by the Council or the Assembly. When the dispute was serious, the League would say: I will deal with this. When war had actually broken out, it would say: I cannot do anything. That consequence might appear to ensue from the Covenant, but M. Gorgé refused to believe that that had been intentional. Such a deduction would be incompatible with the Covenant, incompatible with its *ratio legis*, incompatible with its essence, and, above all, incompatible with its aims.

The procedure under Article 15 was a procedure which undoubtedly had drawbacks and even involved risks for the States parties to the conflict. It might lead to results which would have important legal consequences for them and which they would be powerless to prevent, since a unanimous recommendation might be made, against their will, and compel them not to resort to arms. A State which, for one reason or another, was unwilling to expose itself to such drawbacks and risks would have a convenient means of escaping from a procedure that implied the alienation of its freedom of action. It would always have it in its power to declare war. War being declared, there would no longer be a dispute likely to lead to a rupture; there would no longer be any possibility of appealing to Article 15; the reef would have been successfully circumnavigated.

Was that really the meaning that it was desired to attach to Article 15? Was it to become, by a strange turn of the wheel, an encouragement to violence, an encouragement to war? Was it to be an incentive to war instead of a check? Surely it was better to admit quite frankly, quite calmly, in accordance with the arguments that had been so well expressed by the delegates of the United Kingdom, Roumania and France—arguments which he did not propose to repeat—that, if the procedure under Article 15 had been created to prevent war, *a fortiori*—that was the Italian delegate's argument—it could be and should be applied for the purpose of checking hostilities.

It would be objected, it had been objected, that there were other means of stopping war. There were Articles 11 and 13; in particular, there was Article 16. They were, indeed, means of preventing or stopping war. But was that any reason for rejecting Article 15, which the League was asked to apply without delay? He thought not.

Article 11 might offer a salutary means of putting an end to war; but the extremely generous, flexible and elastic procedure under Article 11 had one grave defect. It was governed, as was known, by the unanimity rule. The war might cease, but only provided both parties consented. That was what he might call a procedure of persuasion. It contained no element of coercion. It had been used for the past two years, and all its resources had been exploited. The result was known. The parties had stood upon their positions; war was raging, and men were killing one another. There was no need to labour the point.

Article 13 was what might be called an optional article. It did not really contain anything more than a declaration of principle. Its application likewise presupposed the consent of both parties. It indicated a means of settlement—namely, arbitration. The Assembly might recommend arbitration, but could not impose it, because, according to the Covenant, arbitration was not compulsory. In any case, the procedure of arbitration would only be,

in M. Gorgé's view, a second-stage or second-degree procedure. It would bring about a final settlement of the conflict. But before a settlement could be thought of, the bloodshed must be stopped. The judges might step in, and he thought they ought to step in ; but, before that, there was something more urgent to be done—namely, to strangle the war. The first thing was to stop the disastrous loss of life ; afterwards, the ways of restoring peace could be considered.

As to Article 16, which had also been mentioned, in his view there could be no question, at all events in the present case, of applying it automatically. The text was clear :

“ Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League.”

Its application therefore presupposed an event which in itself was quite simple—a definite aggression. But, in the case with which the Committee was concerned, which was the State that had violated Article 12 of the Covenant ? Which was the aggressor ? Bolivia claimed that the aggressor was Paraguay ; Paraguay asserted with equal force that it was Bolivia. There was a divergence of opinion on that capital point. Where did the truth lie ? He hoped that the Bolivian delegate would not take it amiss if he said that he was not yet convinced of Paraguay's responsibility, and that the Paraguayan delegate would not complain if he admitted that he did not know whether Bolivia had actually committed an aggression. The truth was that he simply did not know. The parties had laid their complaints before the League. The relevant papers had been furnished. They would have to be examined before any decision was taken ; they would have to be studied before the question were asked whether Article 16 was applicable. Very possibly—and on that point everyone no doubt shared, to some extent, the sceptical feeling expressed by the Italian delegate at the previous meeting—the application of Article 16 implied a spirit of solidarity and co-operation which was at present beyond the strength of the League of Nations. He would like to point out, however, that, even if Article 16 seemed to be applicable in practice, it would nevertheless be necessary to give it a preliminary trial, unless, heavily tried by an exhausting war, ravaged internally by poverty, those two countries—faced by the immensity of their misery and ruin—ended by becoming reconciled, sacrificing, in one last effort of courage and abnegation, the theses that they had upheld with equal faith and eloquence.

How was that trial to be conducted ? How must they act within the framework of Article 16 ? The aggressor must be determined. By what procedure ? By a procedure of unanimity such as was provided in Article 11 ? That was impossible, since neither State could be expected to regard itself voluntarily as the aggressor. It was quite obvious that the parties could not in any case take part in the delivery of judgment. That being so, there was really only one procedure that was applicable—the procedure under Article 15, which, in its decisive stage, the stage of the recommendation, excluded the vote of the parties. To prepare for the application of Article 16 with the direct collaboration of the parties would be, if he might venture to say so, an absurdity. Since Article 16 referred to violations of Articles 12, 13 and 15, why not resort to the very procedure—that of Article 15—which Article 16 was designed to safeguard ?

As would be seen, whether the arguments were based on Article 15 or on Article 16, the conclusion was the same—the procedure provided for the settlement of disputes likely to lead to a rupture could and should, *a fortiori*, apply to disputes which had degenerated into declared hostilities.

M. Gorgé would like to make one final point. The Covenant was an imperfect instrument, and those who, like himself, had had the not very enviable privilege of working in the small Committee that had drawn up the recommendation regarding the unhappy affair of Manchuria, had frequently had occasion to note and proclaim that fact. Its imperfection was a fact, and nothing could be done for the moment to alter it. The Covenant had its obscurities and its gaps, but it was a treaty, and they could not, on their own authority, make in connection with any one particular case the improvements that would be desirable in the interests of peace.

No more could be got out of the Covenant than there was in it ; but, in the interests of peace, everything that it could be made to yield must be extracted. The Covenant, that monument of law, was faulty in its architecture and its construction. It was a work of the human mind. It might be criticised ; but none the less, if only its spirit—its philosophy—were followed, it was a marvellous instrument. Phidias and Praxiteles, working with a mere chisel, had produced divine works of art. The League, with its implement, the defects of which were all too apparent, could in its turn produce masterpieces ; but if it were to do so, too much attention must not be paid to the defects of the implement ; it was necessary to concentrate on the work to be done.

In the present case, what was to be done ? What was the task before the Assembly ? To stop the war ; to stop the destruction and carnage by every possible means. Once again the eyes of the world were upon the League. Was the world going to be discouraged once again ? The world had suffered disappointment ; it must not be angered. It was not by speeches that the League would be saved. On the contrary, unnecessary speeches had diminished its prestige. What public opinion wanted and expected was not speeches but action. It was unnecessary to say it, but the point could never be over-emphasised.

There was a war in progress that was ruining and devastating two countries which were equally dear to the League. That war, with its known and its hidden dramas, with its sacrifices out of all proportion to the interests at stake, wrung the hearts of all honest men, of all who were shaken to the depths of their being by the thought that, during the past two years,

hundreds and thousands of human lives had been flung away—in the name of law—for the sake of a few acres of land or a river bank.

That war, which, like all wars, was a challenge to human reason, the Assembly had been asked to bring to an end. All mankind demanded it. It was its duty to do so. Was it going to seek to evade that imperative duty? Would it coldly answer the anguished world that it was powerless to act because there was a clause in Article 15 of the Covenant which applied only to disputes likely to lead to a rupture? Would it say that that was the letter of the law—and so much the worse for peace? What would the peoples think, the peoples who, in the last resort, were the judges?

He must apologise for having resorted finally to a line of argument scarcely suited to a Committee so learned as the First Committee, which was generally concerned with questions of law. He had introduced a touch of sentiment. He had given more thought to the dead in the Chaco than to the text of Article 15. But when war swept two civilised peoples into a tornado of hatred and death, when the guns never ceased churning up human flesh, and the gravediggers, spade in hand, unendingly performed their sad office, members of the Committee must be mindful more than ever of the fact that they were not at Byzantium but at Geneva.

M. POLITIS (Greece) observed that, after hearing the learned statements made before the Committee, he might be tempted to think that everything had been said on the subject and that he need simply say that he was in complete agreement with the opinion of previous speakers. He thought, however, that it would be well to consider the question from a purely legal standpoint, and to decide, on the basis of principles—and without reference to the details of the affair out of which the Sixth Committee's request for an opinion had arisen—how best the First Committee could frame its answer.

He felt that the Committee must give a legal opinion with all the serenity of view which wise men were wont to show when called upon to decide a dispute. The question referred to the Committee might be formulated in very simple terms: Was Article 15 of the Covenant applicable in the special hypothesis in which the parties to the dispute were already at war and that war had been officially declared?

Doubts had been expressed on that point, because the actual wording of the text did not, at first sight, appear to provide for such a hypothesis. It referred, indeed, to disputes likely to lead to a rupture—which presupposed a threat of war and not war itself. Paragraph 6 of Article 15 laid down that, in a certain hypothesis, the parties agreed that they would not go to war—which implied that war had not yet broken out. Lastly, that literal interpretation appeared to be confirmed by a comparison of Article 11 with Article 15 of the Covenant, since, unlike Article 15, Article 11 did not simply provide for the threat of war; it expressly covered the case of war.

What was the value of those arguments? If the Covenant were to be applied with the arid accuracy of a literal interpretation, the position might seem somewhat doubtful; but, if, as he thought should be done, the Committee went deep into things and concentrated on the real spirit of the Covenant, it quickly came to the conclusion that those arguments were more than weak; they were, he would venture to say, devoid of legal value.

M. Politis desired first to note, and the point, he thought, was deserving of special attention, that the expression "any dispute likely to lead to a rupture" which appeared in Article 15 was not peculiar to that article. It was found in exactly the same terms—"any dispute likely to lead to a rupture"—in Article 12; and it was probable that, in that text, the expression bore the same meaning and had the same bearing as in Article 15. In both those texts it had been inserted in view of the general preoccupation of the Covenant with a view to organising the prevention of war; it signified, in both cases, that only disputes of a certain gravity were to be dealt with, disputes such as imperilled or might imperil peace. The Covenant did not concern itself with minor disputes, but remained indifferent to them; like the Roman Praetor, the Covenant *de minimis non curat*.

If the expression employed in those two texts eliminated unimportant disputes, did it also exclude the most serious disputes? To admit that would be, he thought, to forget the chief purpose of the League. It could not be objected that, if the intention had been to include in Article 15 the most serious hypotheses, and, in particular, the most serious of all—war declared—that could have and should have been stated expressly. Such an objection would not, he thought, be well founded, for the Covenant, like every general law, could only contemplate what jurists would describe as a *plerumque fit*, a usual case, a logical case, a case which would normally come to mind.

The authors of the Covenant, indeed, had not thought that States which, when they became Members of the League, had undertaken to follow a certain specific procedure, would fail to comply with that procedure. They could not have supposed that those States would violate their undertaking by having recourse to war, before having exhausted all the means that the Covenant offered them for preventing it, and that was why, in his opinion, they had not thought it necessary to mention expressly the case of war, either in Article 15 or in Article 12.

But, it might be asked, why was that not so in the case of Article 11? Why did Article 11 not refer simply to a threat of war? Why did it also mention—in explicit terms—war itself? The considerable difference which existed, in every respect, between Article 11 on the one hand, and Article 12, and, above all, Article 15, on the other, must not be forgotten. The purpose of Article 11 was not so much to organise a procedure as to lay down a general rule, a rule which introduced the greatest innovation to be found in the Covenant.

It must not be forgotten that, until the Covenant came into force, it was regarded as incontestable that the right of war was an emanation of sovereignty, an unrestricted right, unconditional, admitting of no control. As opposed to that view, the Covenant introduced an

innovation which might be described as revolutionary, in deciding that henceforth the right of war should be made subject to certain limitations. Those limitations were described in the preamble as a necessary means, a first means, of achieving international peace and security. That, then, was the primary object in view in framing Article 11. It meant that henceforth a war was not the particular affair of the States that were fighting; it was an affair of general interest; it was an affair of interest to the whole of the international community. Article 11, then, had in view essentially the exercise of a collective effort with a view to the effective safeguarding of peace. It did not institute a special debate between the parties to the dispute. It placed at the disposal of all the Members of the League a form of public action. And the very elasticity with which it was framed was intended to ensure that that collective effort should not assume any character of constraint, that it should appear in the form of persuasion, in order to induce the parties to accept, by joint agreement, a friendly settlement of their dispute.

The situation in Articles 12 and 15 was entirely different. There, procedures were set up. They formed as it were a barrier—at all events a provisional barrier—against resort to war. Those procedures were provided to meet a normal case, to meet the threat of war. They were not provided explicitly for the case of war. But they did apply to war; they must *a fortiori* apply to it. For, if it were right that war should be prevented, it was infinitely more important that, when, by some mischance, it broke out, it should end as speedily as possible. It was in the highest interests of the international community that, when the peace was broken, it should be re-established at the earliest possible date.

To exclude, in that extreme case, the application of pacific procedures, and more particularly that of Article 15, would be—he would stress that point in particular—to admit that the Covenant had thereby authorised Members of the League to evade the procedures to which he had just referred. That, he thought, was the real essence of the question, the capital argument for the application of Article 15.

It was claimed that Article 11 could supply the deficiency, that the necessity for applying Article 15 in the extreme case of war was not justified, since Article 11 would serve. But that line of argument was faulty, for the system of Article 11 was manifestly inferior to that of Article 15. It did not go beyond conciliation and it necessitated the agreement of the parties, whereas Article 15 could lead, without the assent of the parties, to a settlement which, though not binding as to substance, nevertheless involved a certain number of legal effects of the greatest importance. Legal effects in regard to the parties; since Article 15 prohibited States, both the parties and the other Members of the League, from going to war with a country which complied with the recommendations of the unanimous report of the Council or the Assembly. Legal effects *vis-à-vis* third parties also; since the unanimous report would have the effect of restricting their freedom of intervention. They would be obliged, after a unanimous report of the Council, to discriminate between the parties. Their intervention would have to be for the benefit of the State which complied with the recommendations of the report.

If the report were unanimous, the parties would thus be obliged not to resort to war one against the other, if both complied with the recommendations of the report. And, if war had broken out, the unanimous report would have the legal effect of obliging them at once to put an end to hostilities. As to third parties, it would have the effect of enlightening them as to the situation and imposing upon them the duty of adapting their attitude to the action taken by the parties to the dispute with regard to the report of the Council or the Assembly. M. Basdevant had mentioned that point just before; M. Politis did not think it necessary to dwell on it at greater length.

He desired to submit a final argument for the application in its entirety of Article 15 in the extreme case with which the Committee was dealing. If Article 15 were rejected, the consequence would be very grave; since neither the Council nor the Assembly would and since war had broken out, contrary to the undertakings entered into by the parties, more particularly the general undertaking embodied in Article 12, it followed that Article 16 was immediately applicable.

He had been surprised on reading in the Minutes of the third meeting of the Sixth Committee¹ communicated to the Committee on the previous day that the Paraguayan Government was in complete agreement with that conclusion. He found in that document the following passage:

“ In the event of war involving a violation of the Covenant, it is no longer Article 15, paragraph 4, that can be applied, but Article 16 and the sanctions named therein.”

M. Politis appreciated the logic of that statement. But the Paraguayan Government appeared to him less logical when it added: “. . . which implies the determination of responsibilities”, suggesting that that investigation might take place independently of Article 15. That was where the reasoning was defective. An investigation regarding responsibility would indeed be necessary; but it could not properly take place except within the framework of Article 15. Indeed, the purpose of Article 15, in the second phase of the procedure, was to establish either the responsibilities already assumed by action in the past or those that might be incurred in the future by the subsequent attitude of the States parties to the conflict.

¹ See *Official Journal*, Special Supplement No. 124, page 58.

Should the procedure result in the adoption of a unanimous report, there were two alternatives : either the parties would comply with it, and then hostilities must cease immediately ; or one of them at least would not comply with it, and then it would be demonstrated that it had violated its undertakings, that it had incurred the gravest responsibilities, and that it deserved the application, by the Members of the League, of the sanctions laid down in Article 16.

It was no doubt desirable that the procedure of Article 15 should stop at its first phase, that the Council or Assembly should succeed in inducing the parties to agree to a friendly settlement of their dispute. But the hope of such a success would rest on a securer foundation if it were strengthened by the prospect that, should that attempt at conciliation prove abortive, it might prove possible to adopt a report unanimously. The fear of such an eventuality would stimulate the spirit of conciliation in the parties to the conflict. As the Government of Paraguay had admitted before the Sixth Committee, it would always be to the interest of the parties to enlighten public opinion, by a frank and open debate before the Assembly, as to the justice of their cause.

That argument completed those that M. Politis had presented in order to explain why he personally was still convinced that a sound interpretation of the Covenant, confirming the supreme interests of peace, made it incumbent upon the First Committee to reply unhesitatingly to the question referred to it and to reply in the affirmative.

Mr. HEARNE (Irish Free State) agreed with the views expressed by the previous speakers. The First Committee rarely found in its discussions such general agreement as it appeared to have found that morning, and if a practically unanimous conclusion could be reached—as seemed possible—that would give a certain moral authority to the reply which it was proposed to send to the Sixth Committee on the question referred to the First Committee by the former. The value of a particular interpretation of a text such as the Committee was examining depended largely, if not entirely, upon the nature of the consequences to which that interpretation might lead. Mr. Hearne found himself quite unable to subscribe to a view of the meaning of Article 15 which would have the effect of ousting the jurisdiction of the Assembly when the dispute was so grave that hostilities had actually broken out. He agreed with Mr. Beckett that the words “likely to lead to a rupture” did not refer to a particular stage or moment, or, to use M. Politis’ word, to a particular “phase” in the development of the dispute, but rather to the character of the dispute. The words “likely to lead to a rupture” in Article 15 referred, he thought, to the logical rather than to the chronological order—in other words, to the order of things and not to the order of time.

He could not think that it had been the intention of the parties to the Covenant to set up an international law whereby a dispute otherwise within the jurisdiction of the Assembly could be removed from that jurisdiction by reason of the fact that the dispute had reached a certain degree of gravity. That interpretation would clearly stultify the meaning of Article 15 of the Covenant, which related to disputes, and frustrate the intention of the authors. They could not give a literal interpretation to any article of the Covenant which would bear down upon the general sense and intention of that instrument as a whole.

Mr. Hearne supported the view of Count Piola Caselli and M. Basdevant that the Covenant ought not to be interpreted as if it were a literal law ; he agreed with M. Gorgé that the Pact was an imperfect instrument, merely the dry bones of a regime to which decisions such as those the Committee was about to take gave life and efficacy. The Covenant was a treaty, and should be construed in such a way as to give effect to the broad intention of its authors. For his part, he saw no legal objection whatever to the application of Article 15 to the Bolivo-Paraguayan dispute.

M. UNDÉN (Sweden) observed that the delegate of Paraguay had quoted the terms of Article 15 in support of his contention that the procedure laid down could not be applied once hostilities had begun. Previous speakers had already replied, and he would like to support their line of argument. He wished, however, to add one further consideration.

Article 15 of the Covenant laid on the Members of the League the obligation of submitting their disputes to the Council at a stage previous to rupture. Article 15 could not be interpreted in such a way that a State would be free to release itself from the obligations under that article by resort to force contrary to the Covenant. Consequently, in any case, State X, the State which had first resorted to force, could not quote its own acts of force as a reason for objecting to the application of the procedure of Article 15. M. Undén desired to recall, in that connection, the precedent offered by the Sino-Japanese conflict and the application on that occasion of the procedure of Article 15 by the Assembly.

He wished to consider next another more important argument submitted by the delegate of Paraguay. That argument concerned the right of a Member who had been attacked to the support of the other Members, the support that was mentioned in Article 16. The delegate of Paraguay had maintained, if M. Undén had understood him correctly, that the application of Article 15 would constitute an obstacle to the immediate application of sanctions against the aggressor. In order that the Council might recommend the application of sanctions, it must first be determined who was the aggressor and, as previous speakers had pointed out, the Council had not, in the case under consideration, been able to establish which of the parties had first been guilty of attacking the other.

One of the reasons of that difficulty which the Council had not yet been able to overcome was to be found no doubt in the actual nature of the territorial dispute which divided the

parties. The two States were disputing one another's right to a vast territory, and it was not only the sovereignty over that territory that had been contested, but also, in part, the *de facto* possession. In order to determine which of the States had committed the first violation of the territory of the other party, it was necessary to determine first which of the States had, previous to hostilities, exercised sovereignty and *de facto* possession over the territory in question. That point it had not been possible to determine. In the circumstances, then, the Council was compelled to act starting from the hypothesis that neither of the parties could at present demand the application of sanctions. Neither of the parties could claim that it was being deprived, by the application of the procedure of Article 15, of the support of the other Members of the League, according to the terms of Article 16, the one State being entitled to such support and the League being under an obligation to give it that support.

M. Undén had, therefore, come to the conclusion, like his colleagues, that the arguments put forward by the delegate of Paraguay were not decisive and that the application of Article 15 in its entirety was called for.

M. RIVAS-VICUÑA (Chile) desired first to stress the importance that Chile attached to the Bolivo-Paraguayan dispute. Before the conflict, during the conflict and at every juncture, Chile had been prepared first to seek some means of preventing it and then of bringing it to an end. Chile had co-operated in all the efforts of the neighbouring States and in those of the Pan-American Union; she had been represented in all the commissions and sub-committees that had dealt with the question and had been ready, as always, to collaborate with the League. She still desired to maintain that interest and was prepared to assist in the framing of the resolution to be adopted by the League.

He had stated the previous day, in the Sixth Committee, and desired to repeat, that what chiefly concerned the Chilean Government was to put an end to the conflict and to apply the Covenant. He desired to state also that his country had viewed with great satisfaction the interest that was taken in the matter in Europe and the scrupulous care with which the eminent jurists on the First Committee had given their opinion, after exhaustive study, on a problem which concerned Latin-America more particularly but which in the last resort concerned the whole world. Such an attitude showed that the idea of the universality of the League was deeply rooted in every heart.

He was not prepared to follow the eminent jurists who had taken part in the discussion in the First Committee. He desired to note, however, that Paraguay, in view of Bolivia's request for the application of Article 15 of the Covenant, had expressed certain doubts as to whether Article 15 or Article 11 was applicable to the present case. Every doubt must be duly respected and taken into consideration. The Covenant, in his opinion, was an instrument of the greatest value to mankind, and comprised a body of measures designed with a view to maintaining world peace. He saw no contradiction between Article 15 and Article 11. From Article 10 onwards, the Covenant, in his view, provided a whole system relating to conflicts that might arise between States.

Article 10 provided as follows :

“ The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.”

That was the starting-point of a whole system relating to conflicts that might arise.

Article 11 went into details and considered the case of a declaration of war and a threat of war whether immediately affecting any of the Members of the League or not. Article 11 conferred competence on the Council in the matter.

Articles 12 and 13 related to arbitration or judicial settlement. Article 14 provided for the establishment of the Permanent Court of International Justice, and Article 15 dealt with the procedure that was to be applied if the dispute were not submitted to arbitration or judicial settlement. Article 16 referred to sanctions.

There was, in his view, no fundamental difference between those articles; together, they formed a complete whole, a system, a method. Whether there was a threat of war, actual war or a conflict likely to lead to war, the situation was the same; the Council must deal with the affair. What would the Council do? In the case of a war—according to the view of the delegate of Paraguay—it would seek to reconcile the parties, to make them agree to the procedure of arbitration or judicial settlement; it would itself take cognisance of the question or refer it to the Assembly. It would endeavour to maintain or restore peace. M. Rivas-Vicuña felt, then, that there was no contradiction in that system. There was a starting-point; there was the application of various procedures.

He felt that the doubt expressed by the delegate of Paraguay as to the applicability of Articles 11 or 15 was not justified, as things stood. First the Council and then the Assembly had taken cognisance of the question. What could the League do? Apply the articles of the Covenant from Article 13 or Article 14 onwards? Had any procedure of arbitration been instituted? Had a judicial settlement been agreed on? The answer was in the negative. Starting, then, from Articles 10 and 11, they came to the application of Article 15. There was no possible doubt on that point. All the jurists were agreed, and the moment had come for the Committee itself—without further delay or study—to pass a resolution at that very meeting in order to hasten the settlement of the conflict by informing the Sixth Committee that Article 15 was applicable. Every successive day, every minute, meant that the blood of two peoples, who should love one another as brothers, was being shed. His chief purpose

in proposing that procedure was that a solution should be found which would not only satisfy mankind but would re-establish the bonds that should unite all the American countries and all the countries of the world in a feeling of brotherly love.

The CHAIRMAN said that, but for the fact of his being in the chair, he might perhaps have wished to make a speech in his capacity of delegate of the Netherlands. For the time being, he would confine himself to a brief statement, since, generally speaking, he concurred in the arguments put forward by the various speakers. The members of the Committee were, he thought, all agreed in considering that it was logical to apply Article 15 in a case in which a rupture had already occurred. Were there any factors of interpretation that ran counter to logic? The answer was in the negative. On the other hand, there were arguments based on general interpretation which ran counter to the other system. Those arguments had already been enumerated and he would confine himself to repeating one of primordial importance—namely, that, if the interpretation of the delegate of Paraguay were accepted, it would be possible to evade Article 15 by declaring war.

He desired next to consider the various methods of interpretation.

1. To take, first, civil law. An example might be found in the French Code of Civil Procedure—and also in the Netherlands Code of Civil Procedure—where it was provided that the debtor's goods might be seized when there was a danger of their being unlawfully removed. Would anyone argue that seizure was no longer applicable when the debtor was already engaged in removing his goods? Merely to raise that question was to settle it.

2. To take, next, criminal procedure. The Code of Criminal Procedure conferred the right to place an accused person (*inculpé*) under arrest before trial (*arrestation préventive*), among other cases, when there was the danger of flight. Would anyone say that an accused person could not be arrested when he had already taken flight? Again, merely to raise that question was to settle it.

The position was the same under public law, under constitutional law, if the Covenant were regarded—as there was justification for doing—as the League's Constitution. Was there any matter in which a more extensive interpretation was to be found than under constitutional law? He need not remind the Committee what the English law, with its conventions, had done with Magna Carta and the Act of Settlement. Under the regime of the different constitutions—even the rather strict constitutions of various countries—the whole parliamentary system had evolved.

The first member of the Committee who had spoken on the question was Count Piola Caselli, who, he would venture to say in conclusion, had shown himself a worthy successor of the Roman jurist Celsus: *Scire leges non est hoc verba earum tenere sed vim ac potestatem.*

M. CABALLERO DE BEDOYA (Paraguay) thanked the eminent jurists, members of the Committee, for their learned and eloquent statements. They had, he felt sure, contributed towards a solution of the eminently juridical problem which had been raised in connection with the observations of the Paraguayan delegation.

It would be doing the Paraguayan Government an injustice to suppose that it had called for that discussion with the object of evading its obligations. It had not been its intention to restrict the competence of the Assembly. The smaller nations could not in any case think of restricting it in any way whatsoever. It was, indeed, the guarantee of their rights.

He desired, nevertheless, to add to the discussion the opinion of M. Barandon, a former member of the Legal Section of the League Secretariat, which would be found on page 134 of his work, *Le Système Juridique de la Société des Nations pour la Prévention de la Guerre*:

“In future, this application is limited to cases involving a danger of a breach. The motive of this provision is to be found in the more general conceptions governing the relations between Articles 13 and 15 of the Covenant on the one hand and Article 12 on the other hand. These are provisions relating to the prevention of war which, taken in conjunction with the provisions for peaceful settlement, concern only disputes involving a danger to peace. The fact that the danger of a breach is not mentioned in Article 13 and is only referred to in Article 15 is explained by the further fact that the procedure for mediation before the Council constitutes the *ultima ratio* in cases which are exceptionally serious and of a political character but do not admit of arbitration.”

And further on one read:

“The first condition involving the application of the procedure governed by Article 15 of the Covenant is that the dispute arising between States Members of the League shall involve a danger of a breach.”

It would appear, then, that it was not solely in virtue of Article 15 that the Assembly was competent, but in virtue of its general competence, as defined, in particular, in paragraph 3 of Article 3, a point which nobody contested.

That competence of the Assembly (it would appear from the discussion) was not based on a literal interpretation of Article 15 but on a consideration—supplementally or conjointly—of the other articles of the Covenant which had not been invoked by the party that had brought the dispute before the Assembly. The point which the Paraguayan delegate desired to make was that the application of Article 15 presupposed the previous cessation of hostilities by the enforcement of adequate conservatory measures. That precisely was the difference between the conditions of application of Article 11 and Article 15. He referred to a work by M. Philipse.¹

¹ *Le Rôle du Conseil de la Société des Nations dans le Règlement pacifique des Différends internationaux* (1928), page 64.

On the question of the Greco-Bulgarian frontier incident in October 1925, which had been brought before the Council under Articles 10 and 11 of the Covenant, Philipse wrote :

“ After the application of measures for the arrest of hostilities adopted in the spirit of Article 11, a procedure resembling rather that of Article 15 was employed at the request and with the approval of the two parties to the dispute.”

There was thus a previous cessation of hostilities before Article 15 could be applied. The discussions on the previous day, first in the Council and then in the Sixth Committee, all concurred in recommending the previous and effective cessation of hostilities as an indispensable prelude to a pacific settlement and deprived of their *raison d'être* the legal objections and fears formulated with regard to Article 15. My Government therefore hopes that the Assembly will endeavour, in the first place, to put an end to hostilities.

The CHAIRMAN thought that he was right in stating that the large majority of the Committee appeared to be of opinion that Article 15 was applicable. The discussion on the subject could, he thought, be closed.

7. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Appointment of Rapporteurs.

The Committee appointed as Rapporteurs M. POLITIS (Greece) and M. UNDÉN (Sweden).

8. Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and War Material to the Two Parties: Request of the Sixth Committee for a Legal Opinion from the First Committee.

The CHAIRMAN stated that he had just received from the Chairman of the Sixth Committee a letter, dated September 20th, 1934, which read as follows :

“ I have the honour to acknowledge receipt of your letter of September 18th, drawing my attention to the fact that, the delegate of Paraguay accepting the procedure laid down in paragraph 3 of Article 15 of the Covenant, the Sixth Committee could, without awaiting any conclusions which the First Committee might submit to it in connection with the application of certain other paragraphs of that article, continue its examination of the question, and, in particular, apply the provisions of paragraph 3.

“ The Sixth Committee continued its study of the dispute at its meeting yesterday. In the course of the discussions, certain delegations referred to the question of prohibiting the supply of arms and war material to Bolivia and Paraguay, the discussion of which, according to the report adopted by the Council on September 19th, has now been accorded its natural place in the discussions of the Sixth Committee.

“ The Italian delegation, having pointed out that there arose in this connection¹ ‘ a point of principle which requires consideration from the standpoint of pure law and, in particular, from that of the interpretation of the Covenant ’, the Sixth Committee would be grateful to the First Committee if it would examine that question of principle.

“ I venture to add that the Sixth Committee would be extremely obliged if the First Committee would inform it of the results of its examination as soon as possible.

(Signed) S. DE MADARIAGA,
Chairman of the Sixth Committee.”

The Committee decided to place the question on its agenda.

FOURTH MEETING.

Held on Friday, September 21st, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

9. Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and War Material to the Two Parties: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion.

The CHAIRMAN referred to the question arising out of the letter from the Chairman of the Sixth Committee which he had read at the previous meeting and in which he desired to stress the following passage :

“ The Italian delegation having pointed out that there arose in this connection a ‘ point of principle which requires consideration from the standpoint of pure law and, in particular, from that of the interpretation of the Covenant ’, the Sixth Committee would be grateful to the First Committee if it would examine that question of principle.”

¹ See *Official Journal*, Special Supplement No. 124, page 72.

He desired also to point out that the documents relating to the question were too numerous to be distributed, while considerations of impartiality had prevented the Secretariat from making a selection from among them. Those documents would always be at the disposal of the delegates.

Count PIOLA CASELLI (Italy) said that, since the question had been raised by the Italian delegation, he considered it his duty to make a statement, but he craved the Committee's attention and indulgence, as it was a complex and difficult question. Indeed, it was one of those questions in which—as lawyers so often found—it was necessary to make an analysis and to go into considerations which seemed to run counter to the apparently legitimate trend of public feeling. He would venture to draw an analogy between that question and one which had arisen a few years before in North America, when, owing to the ravages of alcohol, public opinion had demanded its prohibition. Such a prohibition, it had seemed, might form the subject of legislative and administrative measures which apparently were not calculated to meet with any difficulty in application. The results were, however, a matter of common knowledge.

Italy's position in regard to the Bolivo-Paraguayan conflict was simple, in that, as might be seen from the documents of which a list had been given to the Committee,¹ Italy had acceded to the embargo and had even announced that she had already been enforcing embargo measures since July—complete measures, that was to say, without even taking current contracts into account, whereas other countries had made reservations on that point. Nevertheless, Italy's accession had not been given without certain reservations of another kind, to which he had already referred at the meeting of September 18th, 1934.²

The statement of the Italian delegate before the Sixth Committee on September 19th, 1934,³ should be taken in conjunction with the remarks made by the head of the Italian delegation at the Council meeting on the same day,⁴ when the Council had examined a protest by Bolivia against the application of the embargo. It had been decided that the question should be submitted to the Assembly, like all the other questions relating to that dispute.

On that occasion, the head of the Italian delegation had made the following statement :

“ I have no difficulty in accepting the Rapporteur's conclusions. The whole dispute between Bolivia and Paraguay having now been referred to the Assembly, the question raised in the Bolivian delegate's note concerning the embargo on exports of arms to the two countries might also be considered in the Assembly.

“ The Italian Government's view on the matter has already been defined in our note of July 20th, 1934. We hold that, in principle, the embargo on supplies of war materials to the belligerent countries cannot be regarded as a measure which should be adopted outside the procedures laid down in the Covenant for the settlement of a dispute or until a decision has been taken as to which State or States are to be condemned as responsible for the conflict.

“ The Italian Government accordingly reserves its right to restate this view when the question is examined again, either in the Assembly or in the Council.”

The object of Count Piola Caselli's present remarks was to explain certain points, without going into the substance of the question, while, of course, reserving the right to speak again, if necessary, in defence of the Italian Government's views.

The points that might be examined by the Committee seemed to fall into two categories : first, the general question of principle relating to the embargo, quite apart from the conflict in regard to which an embargo was now demanded ; secondly, the question of the embargo in relation to that conflict.

The question of principle could, he thought, be considered under three aspects : Were there, generally speaking, any conditions to be laid down for the application of the embargo ? If so, those conditions might, in his opinion, be examined in themselves, first objectively and then subjectively. In the third place, they could be examined in relation to the articles of the Covenant.

Embargo : an old word and a new thing. It was a word which would be found in every elementary treatise on international law, but in connection with measures which had nothing to do with the question under review. Embargo : the seizure, detention and sequestration of a vessel or its cargo or even the detention of the crew. It was a measure adopted after a declaration of war, or even before, by one of the countries parties to the conflict as against the other, or even sometimes as against neutral countries. In the present case, on the contrary, it was a measure which was without definite precedent internationally, and which concerned the trade in arms.

The idea of the embargo had been launched in England three years previously, if Count Piola Caselli was not mistaken, as a new measure of international coercion demanded by public opinion, to be applied in order to prevent and frustrate armed conflicts or to put an end to such conflicts when they arose. It had been adopted by the United Kingdom Government in the Sino-Japanese dispute as against both countries. But—the delegate of the United Kingdom would correct him if he were wrong—no action had been taken on that proposal and the United Kingdom Government had withdrawn the embargo ; it had, indeed, observed that the only result of the embargo had been to penalise the United Kingdom's manufacture and trade in

¹ For the communications received from Members of the League of Nations on the question of the embargo, see *Official Journal*, July 1934 (Part I) ; November 1934 (Part II).

² See page 13.

³ See *Official Journal*, Special Supplement No. 124, page 72.

⁴ See *Official Journal*, November 1934 (Part II), page 1536.

arms for the benefit of other countries which had desired to continue such manufacture and trade in favour of the belligerents.

He remembered that public opinion, which had protested through the Press against that measure, had pointed out that the embargo applied to two countries in which it would have had totally different consequences. Japan was a country which produced arms and in whose case the efficacy of that measure could only be limited in extent; whereas, in the case of China, which did not manufacture arms, it might have had very considerable effects.

The proposal with regard to an embargo had then been made by the United Kingdom and French delegations and subsequently by the Committee of Three, before the League, in connection with the Bolivo-Paraguayan dispute. He had at the time been acting as President of the Council. That measure, which had seemed novel and the scope of which he had been unable to determine, had immediately raised objections and doubts in his mind which he had endeavoured to formulate. The Italian delegation,¹ which shared those doubts and hesitations, while agreeing to accede to the embargo as a measure coming within the sovereign authority of the Government, had nevertheless reserved the right to withdraw its accession if circumstances seemed to demand it, and had stated that it was acceding as a quite exceptional measure. The same reservation had been repeated by the Italian Government, which emphasised its view that, in principle, the embargo on supplies of war materials to the belligerent countries could not be regarded as a measure which should be adopted outside of the procedures laid down in the Covenant for the settlement of a dispute or until a decision had been taken as to which State or States were to be condemned as responsible for the conflict.

An embargo as a general measure of security had its *raison d'être*, regarded objectively, not in the form of isolated acts by different countries, but in the form of concerted action by a certain number of countries to prevent the manufacture of and trade in arms for belligerents. It seemed to him, indeed, that it ought to comply with the condition which, in international law, a blockade must fulfil; it must be effective and, therefore, it must take the form of concerted action. It had been suggested that the accession of the principal arms producing and exporting countries would be sufficient. It appeared, however, from the documents before the Committee that that agreement was not yet complete, at all events as regards its execution. Difficulties had arisen. In any case, even if the agreement of those fifteen States which were the principal producers and exporters of arms could be secured, it might still be asked if that was sufficient to render the embargo effective.

The first result of the embargo had naturally been to increase the economic value of arms and consequently to give a greater impetus to their manufacture and export. Were the countries which did not manufacture arms, but which naturally had stocks of arms, not inclined to take advantage of that situation to replenish their war material—that had been proved—by sending to the belligerent countries all the material which they desired to replace?

The question might, therefore, be asked whether, to be really effective, an embargo ought not to be made universal. How, moreover, was the embargo to be put into force? By orders, by prohibitions imposed on arms factories, and by effective supervision of ports. But was such supervision adequate? Was it possible to be sure of the final destination of a cargo? Might not the cargo, consigned to a particular port, subsequently arrive at a port belonging to a belligerent?

Moreover, if he remembered rightly, the proposed prohibition did not apply to transit. How, then, could the efficacy of the embargo be ensured if there was no right of inspection in transit? How, moreover, could a cargo of arms be supervised on arrival in a belligerent country without resort to other accessory measures, such as a blockade of the coast, or agreements with neighbouring countries? The last-named difficulty had been encountered in the present case of the conflict between Bolivia and Paraguay. Thus, from an objective standpoint, the embargo gave rise to such objections, apart from the question of smuggling, that it was not irrelevant to ask whether the difficulties that might arise and the lack of success attending the measures taken did not make its practical usefulness open to doubt.

In the second place, the Italian delegation had explicitly raised the question whether an embargo could be admitted without having previously established the responsibility of the belligerent countries to which it was applied. Any measure calculated to prevent war might well be viewed with favour, but it was not possible to prevent the conflict arising or forbid a country to take up arms in legitimate self-defence. The question then arose whether the application of the embargo might not have consequences at variance with international justice, unless the responsibility for the conflict had been previously determined.

An embargo enforced against both the opposing countries, without going into the details of the dispute or the substance of the question dividing them, might be regarded as constituting a menace to national security. That was the consideration to which the Italian delegation desired to draw the Committee's special attention so far as concerned an embargo proposed as a general measure which might any day be applied in a specific case when a dispute had arisen or there was a threat of war. In that connection it was necessary, it seemed, to examine whether the proposal for an organised embargo without restriction or condition or particular regulations, and without the determination of responsibilities, would not be incompatible with Article 10 of the Covenant, which provided that:

“The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.”

¹ See *Official Journal*, November 1934 (Part II), page 1597.

It must also be remembered that Article 8, paragraph 5, recognises the right to manufacture the munitions and implements of war necessary for national safety.

As a measure recommended by the League, an embargo would in any case have to come within the framework of the Covenant and have some connection with the application of a provision of the Covenant.

The embargo which had been agreed to and in part executed in the case of the conflict between Bolivia and Paraguay had been asked for when, in application of the procedure laid down in Article 11, the dispute had been brought before the Council. Article 11, like Article 16, had, as everyone was aware, formed the subject of studies by the League, more particularly in 1926 and 1927, with a generic indication of the decisions which the Council or League could take in order to arrest a conflict, a threat of war or even war itself when declared. There had even, with regard to Article 11, been some talk of certain naval demonstrations. For his part, however, he had not found anything in those proposals that could be held to justify the application of so serious a measure of coercion as the embargo. The question of law submitted at his delegation's request to the Committee was, then, also whether and in what conditions an embargo could, in general application of Article 11, be recommended by the League.

In the matter of intervention by the League, the second procedure, which was quite distinct, was that of Article 15. There was also Article 16. Article 15, which he regarded as very effective in determining public opinion as to the responsibilities of the parties to the dispute and which, if, as he hoped, conciliation proved possible between the parties, might furnish guidance in drawing up the terms of the settlement, nevertheless stopped short at a recommendation in the event of conciliation proving to be impossible. The delegate of Greece, who was so well qualified to speak, had, however, told the Committee the day before that Article 15 prepared the way for the application of Article 16; that is, if, notwithstanding the recommendation of the Council or the Assembly, one or both of the parties to the dispute continued hostilities, Article 16 then became applicable. The question, then, was whether and under what conditions an embargo in application of Article 16 of the Covenant could be contemplated.

Count Piola Caselli had submitted all his observations to the Committee with the object of directing its attention to the seriousness and complexity of that question, the settlement of which might, in the future, produce results of the highest importance. He wondered whether, on the question of principle, it would not be well to have investigations carried out by experts and jurists, with the object of determining how such an international measure of constraint (which might obviously contribute towards efforts for the maintenance of peace) could be provided for and regulated.

As regards the present dispute, the Bolivian delegation had explained in the Council and in the Committees all its arguments in support of its contention that the embargo ought not to be applied. He would not repeat them. The point of view which the Italian delegation desired to submit was indirectly connected with the reservation made and repeated by it, to the effect that, in principle, the application of the embargo ought to follow upon an examination of the question of responsibilities. The League of Nations had happily adopted that course, which the Italian delegation had recommended from the outset, but on which, until the previous day, he had feared that they were hesitating to embark. All the speeches at the last meeting, indeed, had shown that the majority, perhaps, indeed, all the members, of the Committee agreed in urging that it was time to go into the substance of the dispute. In spite of the difficulties which such an examination might present, it was time to examine both the substance of the cases of both parties to the dispute and the responsibilities that those same parties had assumed by their conduct during the two years of hostilities.

If, then, such an examination were about to be made with a view to a recommendation, if the embargo were to be and remain a measure within the framework of the Covenant, arising out of the application of Article 15—for the present stage of the procedure was that laid down in Article 15—the question that might be asked was, in his opinion, whether it was not necessary, before enforcing the embargo, to await the result of the attempt at conciliation or the recommendation to be adopted by the Council. Those seemed to him to be, from a strictly legal point of view, the questions that arose in connection with the objections raised in the Sixth Committee by the Italian delegation and those were the questions which he ventured to submit for discussion in the First Committee.

Mr. BECKETT (United Kingdom) pointed out that hostilities were contrary to the Covenant, which was designed to secure international peace and security. The object of embargoes on the export of arms was to stop or shorten hostilities. That object was certainly one which was in accordance with all the ideas underlying the Covenant, and that was why, he thought, the proposal for an embargo which had been made in the dispute then under discussion had been accepted by so many Members of the League, had been considered by the Committee of Three, and was in a sense suggested by the report of the Chaco Commission. The Government of the United Kingdom had taken the initiative in suggesting an embargo on the export of arms as a measure which it thought might assist in achieving the main object of the Covenant—namely, the prevention of hostilities.

The United Kingdom delegation fully appreciated the course which had been taken by the Italian delegation and the spirit in which Count Piola Caselli had presented the question. It was clearly absolutely right that a measure which was proposed for achieving one of the main objects of the Covenant should be considered in all its various aspects, and also that it should be considered by the principal organ of the League—the Assembly—and on its legal side by the Legal Committee of the Assembly. The United Kingdom delegation therefore welcomed an investigation of the matter, and had every confidence in the spirit in which the First Committee

would investigate, on its legal side, a proposal which, everybody admitted, had an entirely worthy object.

It was in that spirit that the United Kingdom delegation would collaborate in the investigation of a question which the United Kingdom had initiated. He did not think that his Government had ever suggested that an embargo on the export of arms was a measure suitable in every case where hostilities arose, but it was obviously a question to be considered in what cases it was suitable. He did not intend to present arguments on the purely legal side. He preferred to hear first the views of his colleagues on the subject.

M. UNDÉN (Sweden) said that, long before the United Kingdom Government had raised the question of an embargo, and before the Council had made its recommendation, Sweden had refused to grant export licences for war material. The Swedish Government had not thought for one moment that such an attitude could give rise to criticism of any kind.

He had understood that the objections submitted by the Italian delegate referred to the League's power to apply the embargo, and not to the right of the various Members of the League severally to adopt such a policy. He thought that the question should be examined, on the one hand, from the point of view of the competence of the League organs and, on the other, in its relation to the parties to a dispute which were both Members of the League, and, as such, enjoyed the rights arising out of the Covenant.

As regards the League, he found nothing in the provisions of the Covenant that prevented the League organs from contemplating and recommending an embargo as a measure for the preservation of peace, provided that such a measure was not prejudicial to the rights of a Member of the League.

With regard to the second aspect of the problem, he thought that all the members of the Committee would agree that State X, in the present dispute unknown, which was guilty of a breach of the Covenant, would not be entitled to complain of the embargo. But the State which had been attacked might complain of a measure which would prevent it from obtaining war material, a measure taken in place of those mentioned in Article 16 of the Covenant, a measure which did not provide it with the support of the other States Members of the League.

On the other hand, the policy of supplying war material to both parties to the dispute was just as prejudicial to the State which was the victim of aggression as the policy recommended by the Council. In the present case, it was not known which was the aggressor State. He thought, therefore, that the embargo was justified from every point of view, and stated that his country would have no scruples about applying it.

M. BASDEVANT (France) was of opinion that the various hypotheses that might present themselves, if one referred to the Covenant, were as follows :

First, taking the case of Article 16—that was to say, the case which appeared to be simplest—the question of the arms embargo, at all events under one of its aspects, could present no difficulty. A State was recognised as having violated the Covenant, as having failed in the obligations specified in Articles 12, 13, 14 and 15. Article 16 laid down certain measures that must be taken against that State, and provided more particularly that Members of the League

“ undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.”

It was clear from that text that such a rupture was compulsory and implied *a fortiori* a prohibition to engage in trade in arms. No question arose on that score, at all events when it was a question of trade in arms destined for the aggressor. At most, one might pause to consider—but he thought there need be no very serious hesitation—whether, in such a hypothesis, a Member of the League would retain the right to prohibit trade in arms destined for the State which had been a victim of aggression, when it was perfectly clear that it was that State that was the victim and Article 16 was applicable.

The second hypothesis was that in which the rupture of the Covenant had not yet occurred or was not recognised, manifest, proved. That was the hypothesis that obtained in the procedure laid down in Article 15 or rather in the event of the procedure of Article 15 having been followed to its extreme limit—that was to say, until the recommendation had been made on the basis of paragraph 4. There, the Council, or the Assembly, had made known the circumstances of the dispute and had made known also the solutions that it recommended as being most equitable and best adapted to the case.

It was permissible to think that, among such recommendations, the Council or the Assembly might include some provision referring, not only strictly to a settlement of the dispute, but also to the line of conduct to be adopted by the third Powers, Members of the League of Nations, and that on that point the Council or the Assembly might, if necessary, in certain circumstances—that would depend very much on concrete cases—make recommendations on trade in arms. The recommendations that it might make would depend on the circumstances and, in that connection, account must be taken of the considerations just submitted by the Italian delegate as to the conditions in which an arms embargo might be effective and also the practical difficulties of the problem. However that might be, there were concrete questions, special questions to be settled according to *de facto* considerations ; but the power of the Assembly or the Council in the matter hardly appeared to be open to dispute.

There remained a third hypothesis—he would apologise for having taken the cases in inverse chronological order, for the purposes of presenting his argument—the hypothesis in which, in a difficult international situation, the Council or the Assembly might have taken cognisance on the basis of Article 11.

Here, in what did the difficulty of the problem consist? The difficulty lay in the rule according to which the decision must be unanimous. The almost certain effect of that rule was that unanimity could not in practice be obtained on a problem such as the arms embargo. That was precisely the difficulty that had arisen when the conflict with which the Assembly was at that moment concerned had been dealt with by the Council on the basis of Article 11, and that difficulty had been got over by obtaining an autonomous decision from the several Governments—an autonomous, but at the same time a concerted, decision. In that case, each Government had acted with a realisation of its responsibilities and taking into account, of course, its obligations, more particularly its obligations as a Member of the League.

In a hypothesis of that kind, how should the question be settled, with due reference both to the principles of the Covenant and the principles of international justice?

As Senator Piola Caselli had so rightly pointed out, in the presence of an armed conflict it was not always possible to give as a hard and fast solution, which would always be valid, the imposition of an arms embargo. That could not be done, because if, in the presence of such a conflict, it were immediately said, as it were automatically, that an embargo would be placed on arms, practical solutions would be reached which were absolutely contrary to the principles of the Covenant (more particularly, Article 10) and contrary to justice, because they would be ignoring the right of legitimate defence. If a country were in a state of legitimate defence, it was right that it should defend itself. The hostilities that it was sustaining were not, so far as it was concerned, contrary to the Covenant. They constituted, on its part, an essential duty, and actually, in a hypothesis of that kind, the application of an arms embargo might prove unfair and injurious to that State.

Accordingly, M. Basdevant shared entirely the Italian delegate's opinion that the arms embargo could not be regarded as a formula applicable to all conflicts and that it was essential, in a conflict, to determine who was the aggressor, who was wrong and who was right, who was in a state of legitimate defence and who was not in that position. That was an incontestable principle, so incontestable that legitimate defence was taken for granted in the Briand-Kellogg Pact; it was understood by unanimous agreement. Those, he thought, were the principles governing the matter.

Why, in the concrete case with which the Assembly was at present concerned, why, in the Chaco affair, had the arms embargo been applied to both parties? The reason had been given in the Sixth Committee and in the First Committee. The essential idea that had emerged from the discussion in the Sixth Committee and from the speeches made there, speeches which had been concordant and varied only in points of detail, was that the Members of the League considered the outbreak, or at all events the prolongation of that armed conflict, of those hostilities, in South America to be unreasonable. That, it might truly be said, was the profound conviction of the Members of the League. The prolongation of that armed conflict was unreasonable on either side. There was nothing to justify it. On the previous day, in the First Committee, M. Undén—with his great competence as a jurist and with his high sense of responsibility as an international arbitrator—had said: "We have before us two parties, neither of which has proved as yet that the other is the aggressor." That was the *de facto* situation, the situation with which the League was faced, and it was that particular situation, peculiar to the case before the Assembly, that explained and justified the arms embargo on which a large number of the Members of the League had agreed. That justified it, provided and as long as the hypothesis envisaged by M. Undén on the previous day still applied, and it was the League's duty not to let things remain indefinitely at that stage of the procedure.

Consequently, it seemed to the French delegation desirable, as far as possible, to expedite the examination of the substance of the affair, in order to permit of the correct and complete application of the provisions of the Covenant; and, in saying that, he really felt that the provision which would be applied and which would cover everything, which would, in consequence, leave the other provisions on one side, was the obligation laid down in paragraph 3 of Article 15—namely, the settlement of the dispute by the conciliation and mediation of the Assembly.

M. GORGÉ (Switzerland) wondered if it would not be better to circumscribe the question. The first thing to do was to determine how the problem actually presented itself. Senator Piola Caselli had put it before the Committee first of all in its entirety and then in relation to the special case—that of Bolivia and Paraguay—now before the Assembly. M. Gorgé wondered if it were the task of the Committee to enquire, at that juncture, whether, generally speaking, the League could, in a given case, take measures of embargo. That was an interesting but vast and complex problem. The Committee ought, therefore, at present to confine itself to the concrete case referred to it. Thus, there would be no need to attempt a sort of review of the Covenant and of Articles 11, 15 and 16 for the purpose of considering all the legal possibilities arising from those articles. Such a review would take the Committee very far.

It was a question, more simply, of considering what had been done in the matter. The Council or, if it were preferred, the Committee of Three, as had been recalled, had adopted a recommendation on the basis of Article 11. It was on the basis of that article that the Committee should, in his view, discuss the matter; it should leave the future and the past alone and concern itself with the present.

The recommendation was to the effect that measures of embargo should be taken against both the belligerent countries. On what basis? On the basis of Article 11. The Swiss Government had acceded without hesitation to the Council's recommendation, and there was a certain merit in its action, since in Switzerland there was no law under which it was possible to decree an export prohibition in regard to those two countries. Switzerland had been obliged to have recourse to an article of the Constitution, as she had been waiting for the results of the work of the Disarmament Conference in order that she might base her future legislation concerning the manufacture of and trade in arms on an international convention.

The Federal Council had not entertained the doubts expressed by the Italian delegate. It was undeniable that the procedure contemplated under Article 11 was, above all, a procedure of persuasion; but, without wishing to express a final opinion, M. Gorgé was not altogether in agreement with M. Basdevant's view that Article 11 was always governed by the rule of unanimity.

He admitted that, generally speaking, when the Council had to take a decision under Article 11, it must do so conjointly with the parties concerned. Article 11 read as follows:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Should that provision, the full scope of which the Committee would appreciate, really be interpreted as meaning that a measure adopted on the basis of Article 11 always required unanimity? For his part, he doubted it. Unanimity was the rule, but there might, it seemed, be exceptions, more particularly in the case of measures that did not require the co-operation of the parties. The embargo was a typical case in that respect, since it was applied without the co-operation of the parties. M. Gorgé confessed that he could not see anything illegitimate or illicit about a measure which consisted in taking, against the wishes of belligerents, action that was deemed wise and effectual to safeguard the peace of nations. To lay down the principle that measures taken on the basis of Article 11 to safeguard peace must be approved by the parties would be to deprive that important article of the Covenant of a great part of its value.

When the Council's recommendation had become known to the Swiss Government, it had said: The members of the Council are unanimous; they are entitled to take a decision binding upon the League; they have unanimously adopted a measure on the basis of Article 11. The parties are not in agreement, but the measure envisaged is not one that is imposed on the parties. It is not, as a matter of fact, a measure analogous to those contemplated in the case of the Sino-Japanese dispute. Japan had been requested to co-operate. In the present case, nothing is asked of the parties. The parties have merely been told: We have to take measures calculated effectively to safeguard the peace of nations, and, on the basis of Article 11, in so far as the Council is unanimous, and without asking the opinion of the parties, we are taking certain measures and we shall enforce them. That was why the Swiss Government had had no serious legal scruples and little hesitation in giving effect to the recommendation of the Council. In short, if it were desired to get something useful done, the Committee should, he thought, keep to that basis; it would do well to circumscribe the discussion on the scope of Article 11, considered in relation to the concrete case referred to the Committee.

The Committee, or perhaps a sub-committee, would have to examine very carefully whether the Council could not, in a perfectly lawful and legitimate manner, take measures such as those under Article 11 without having to obtain the assent of the parties.

The delegate of Italy, after demonstrating all the difficulties entailed by the application of the embargo, had come to the conclusion that, in order to be operative, an embargo must, in practice, receive the unanimous co-operation of the non-belligerent States. He had envisaged a complete system, and the moment a fissure appeared the system fell to pieces. He had even considered the case of a country which, though it did not manufacture arms, might still play an important rôle, since such a country might, with a view to renewing its stock of arms, send its old rifles to countries that were in particular need of them. Those were important questions of fact which showed the difficulties encountered in applying an embargo, but the legal question was unaffected.

The Council had been unanimous in proposing an embargo. The embargo was a measure which it was extremely difficult to apply. The whole point was to determine whether or not it was applicable in practice. If the Council had doubts on that score, and if it thought that all States should take part in such a measure, it might decide accordingly; but if, on the contrary, the Council thought that it was not necessary to seek the co-operation of all States Members of the League, M. Gorgé did not personally infer that the Council could no longer base its action on Article 11. Acting under Article 11, the Council could, it seemed, in so far as it was unanimous, rightly adopt measures of that nature. If it thought that even the fourteen States composing the Council could of themselves assume responsibility for measures which it proposed unanimously, M. Gorgé would not object to those measures being taken on behalf of the League of Nations on the basis of Article 11.

It might be objected that, if it were to be applied in the particular case under consideration, Article 11 must be applied on a basis that, if not universal, was at least general. That was what had been done in the present case. The Council had addressed itself to the other Members of the League. The great majority had supported the Council; but, there again, M. Gorgé did not consider that it was absolutely necessary to have unanimity. The Council adopted measures; it made sure of the general opinion of the League. If a large majority of the States agreed to support the Council, that was an added guarantee in favour of the enforcement

of the measures it desired to take. If Article 11 were to be interpreted to mean that in every case unanimity was necessary, even without the co-operation of the parties, he thought that that article would be devoid of all meaning. It would be a mistake to go too far in that direction. Supposing that fifty States were in favour of such a measure, would the veto of one State in Europe or America suspend the whole effect of the arrangements made for the purpose of effectually safeguarding the peace of nations ?

M. Gorgé thought that it was desirable, highly desirable, that the question should be examined from that angle. But, for the moment, the point was not to justify the measure taken on the basis of Article 12 or Article 15 or Article 4. Such a discussion would tend to be entirely theoretical in character. For the moment, the question was whether the Council might perhaps have been forcing the sense and scope of Article 11 in proposing, against the wishes of Bolivia, that States Members of the League should apply embargo measures to the belligerents.

M. LIANG (China) observed that the attitude of the Chinese Government on this question had already been made known—namely, that, although China was in general ready to accept any recommendation by the Council to Members of the League to adopt an embargo on arms as an interim conservatory measure in a serious conflict between two States Members of the League, she was of the opinion that, in the event of one of the parties to the dispute accepting a recommendation of the Council or the Assembly for the settlement of the dispute, the measure of embargo should not be adopted by the Members of the League against such party.

It had been urged that an embargo should be put on arms in order to hasten the end of the conflict. It was thought that that would be the quickest way to extinguish resistance. He could not appreciate the argument that the purpose of the Covenant was only, by any and every means, to restore or preserve peace. In order to have a real peace, justice must be ensured. He did not think that the purpose of the Covenant was for all the States producing arms to place an embargo on the export of arms to both parties, irrespective of the merits of the case. Article 8 of the Covenant, paragraph 5, read as follows :

“ The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented ”.

Then came the safeguarding clause :

“ due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.”

That was the clause which, he urged, bore out the spirit of the Covenant—namely, not to prevent conflict by simply preventing defenders from obtaining sufficient munitions to continue their resistance.

Measures taken by Members of the League in a spirit of apparent justice might bring about consequences of great injustice. M. Gorgé had said that, under Article 11, unanimity of the Council was perhaps not necessary. M. Liang did not know whether that interpretation was correct or not ; but, in the case of the Sino-Japanese dispute, it had not been China that had refused co-operation, as M. Gorgé had seemed to suggest. In the case of the Sino-Japanese conflict, of course, the aggressor had been declared by the Assembly of the League, but, unfortunately, Article 16 had not been followed. Great pressure had been brought to bear on China not to bring up the question of the application of Article 16. It had not been the fault of the Chinese Government that that article had not been applied. China had wanted to apply Article 16, which was the proper course to follow after the Assembly had duly passed the recommendation in proper form and with unanimity. That article had not been applied, but China had not been to blame. China had been very shy in speaking about Article 16, but that article was being brought up in the present issue.

Was everyone satisfied, in the case of the conflict between Bolivia and Paraguay, that the question of the aggressor had been established ? That was the first question. In the Sino-Japanese dispute it had been established, yet the League had been able to do nothing. In the case now under discussion nothing had been established. Why should such a question be brought up when it had not been clearly established who was the guilty party, and how could Article 16 be applied ? Some eminent jurists in the First Committee had seemed to suggest the application of other articles, such as Article 15, Article 11 and so on ; but was the League justified, under those articles, in bringing up the question of an embargo, which clearly must have effects upon the course of the conflict ?

The Chinese delegation took the view of the Italian delegation. It was in the fullest agreement with the Italian delegate that, until the League had ascertained who was the guilty party, the question of an embargo should not be brought up. In the event of either of the parties to the conflict being found to have broken the Covenant, then the embargo should apply only to that guilty party. He would only add, as the delegate of a country which had had bitter experience during the past three years, that his delegation had not much confidence in the efficacy of such a measure.

M. POLITIS (Greece) said that what had moved him to speak was the way in which the question had been put. The Committee was being consulted on a question of principle and being asked to examine a point of pure law, more particularly from the angle of the interpretation of the League Covenant. If it had been a matter of studying the question in actual fact, as it presented itself in the case now before the Assembly, or of examining it in its various complex aspects, he would not have been so bold as to express an opinion on the spur of the moment. Since, however, the question was one of principle, to be examined from the point

of view of pure law and more particularly in its bearings on the interpretation of the Covenant, it was perhaps easier to form an opinion.

The note from the Italian Government, to which Baron Aloisi had referred in the Council some days previously, contained two statements : the first was that the prohibition to export arms to a belligerent—in other words, an embargo—could not be decided upon apart from League procedure ; and the second, that the embargo could not be decided upon without the previous determination of responsibility, or, as it was put in the note, of the State or States which must be held responsible for the hostilities which were being pursued. He would like to explain his views on those two points.

Were States actually bound to refrain from imposing an embargo until the League organs had been able to examine the question ? He very much doubted whether that was the case, since the export of arms from a country was absolutely free and came entirely within its sovereign rights. A country might decide, as a general measure, to prohibit completely, when a war was going on, the export of arms and war material from its territory. During recent wars—at the end of the nineteenth and the beginning of the twentieth centuries—various States had adopted such measures in order to strengthen their position as neutrals.

The prohibition might also, in the exercise of a country's sovereign rights, be limited in its application, whether as regards the goods to be exported—this or that category of arms, but not all arms ; this or that category of war material, but not all war material—or as regards the countries affected, one particular country or one class of countries, but not all countries. It appeared to him to be within the autonomous right of each State to adopt any such measure, and the fact that a State was a Member of the League did not seem at first sight to constitute an insuperable obstacle to the exercise of that right.

He might perhaps have one reservation to make, but it was not one of pure law : in his opinion, such freedom of action must be unrestricted, if the dispute had not come before the League. If, on the other hand, the dispute had been submitted to the League, a country which was contemplating the adoption of such a measure had, he would not say a legal obligation, but a moral duty, to ascertain what policy the League was proposing to follow, in order to bring its action into line with that of the international community. But, from a purely legal standpoint, and especially in the hypothesis of the dispute not having been referred to the League, he considered that each State was free to act as it thought fit and to decide either to prohibit the export of arms and war material or to restrict that prohibition to export to some particular country.

To consider the next hypothesis : the League had taken cognisance of the dispute and the question had been duly brought before the organ which was to deal with it—the Council or the Assembly. He would leave on one side for the moment the question of the article of the Covenant under which the question had been submitted to that body—whether Article 11, Article 15 or Article 10, which provided that, in case of aggression or threat of aggression, the Council would advise upon the means by which the obligations of Members of the League to respect and preserve the independence and territorial integrity of the Members were to be fulfilled. No matter which article had been invoked, the question might arise of how the embargo was to be imposed.

What was an embargo ? In M. Politis' view, it was not a sanction or a penalty which it was sought to inflict upon a guilty party ; it was simply a provisional conservatory measure designed to deprive countries which were fighting one another—rightly or wrongly, whether as aggressor or defender—of the possibility, if they did not produce war material, of continuing hostilities. That was the general aspect of the question. Could such a measure be taken by the body to which the dispute had been submitted ? He could not find any text that would enable it to take a decision binding on the Members of the League. It could only make a recommendation. It might say that, in view of the facts before it, it considered it desirable that States Members of the League should decide to prohibit the export of arms and war material from their territory to all the belligerents or to some of them only.

How could that recommendation be made ? Like M. Gorgé, M. Politis did not think that the participation of the States involved in the dispute was necessary for the adoption of such a recommendation, since the embargo was not a sanction or a penalty inflicted on some particular State. It was a provisional conservatory measure. It would, obviously, be prejudicial to the combatant States ; it might even in certain cases appear somewhat unjust towards the State which was actually defending itself against an aggressor. But it could not be described as a measure directed against that State. It was imposed in the interests of peace and the rapid cessation of hostilities. On the basis of Article 11, although in principle, according to the text, no decision could be reached without unanimity, including the votes of the parties concerned, the point now was not to take a decision, but to make a recommendation that could be put into effect without applying to the States which were the subject of it, a recommendation that could be made by the Council or the Assembly, as the case might be, without the assent of the belligerents.

There remained the second question, at first sight more disquieting. It had been argued that such a measure should not be taken until the aggressor had been determined, the responsibility fixed and the guilty party ascertained. If those considerations were to be borne in mind and a recommendation to impose an embargo was to be conditional upon the previous fixing of responsibilities, he was very much afraid that that provisional conservatory measure would rarely be adopted.

Without going into all the facts, he felt bound, as regards the dispute for which a further request for an advisory opinion had been received, to point out that, although those two

countries had been fighting for the past two years, he had not heard any of the experts who had studied the question say definitely : This country is the aggressor, the other the victim of aggression. Doubt appeared to subsist in the minds of the most competent experts as to which country was really responsible for the conflict. That might often be the case, and, notwithstanding the rules which had been accepted by certain States for the quasi-automatic determination of the aggressor, doubts might always exist, rendering the application of the rules impossible and making it necessary that the international body appointed to determine the question of responsibility should possess very wide powers in determining the question, powers which would also involve a duty, since that competent body could hardly say : There is some doubt ; I can reach no decision. The functions of such a body were practically those of a court of law. At some moment or other it must be able to view the matter clearly and decide where the responsibility lay. It was inconceivable that any international body entrusted with such a task should be able, to use an expression commonly employed in municipal practice, to non-suit both parties. Must it be concluded, then, that it was impossible, so long as any doubt remained, to take conservatory or provisional measures ? Were hostilities to be allowed to continue under cover of that doubt ? M. Politis did not think that would be a satisfactory solution.

He had come to the conclusion, therefore, that, for the League organ to recommend the imposition of an embargo, it was not essential to determine previously who was the aggressor. Such a solution might possibly involve a measure of injustice, since, notwithstanding the element of doubt that remained, the truth which was not revealed to human eyes must after all exist ; one of the two States must be more guilty than the other ; one rather than the other must be in a state of legitimate defence. Consequently, while to recommend an embargo and apply it to both States would be a just measure to take against the aggressor, it would manifestly be unjust towards the victim of the aggression.

But what was to be done ? Was such a consideration to prevent the adoption of the proposed conservatory and provisional measure ? Would justice be done and would the victim of the aggression be in a better position if its adversary, the alleged aggressor, was already in possession of sufficient armaments to enable it to continue the hostilities and if that adversary was, like itself, at liberty to obtain further supplies ? He did not think that that consideration of aggression was, in principle, as a rule of law, sufficient to prevent the adoption of the provisional conservatory measure.

If it were decided to discuss considerations of that kind—whether the embargo must be preceded by the determination of the aggressor—M. Politis would direct the Committee's attention to the fact that, at present, under the existing system of the League, as normally interpreted, there was no body with competence to determine the aggressor compulsorily and *erga omnes*.

He did not feel that it was necessary to revert to the lengthy discussions in the Committee on the interpretation of Article 16. He thought he was right in saying, however, that the interpretation which found most favour was that the Council could give some indication. The Council would make a recommendation, when it said who was the aggressor, and each State Member of the League was completely free either to follow that recommendation or to take a different view as to the responsibility for the war. That interpretation was, he thought, in itself open to criticism, not as being contrary to the Covenant, but as a solution by which the League was governed, because better solutions were conceivable. In view of that interpretation, however, he would put the following question to the Committee : If you continue to make the adoption of a conservatory measure such as the embargo dependent upon the determination of the aggressor, would not that in reality render such a measure impossible and permit each State to refrain from carrying out the Council's recommendation until it had itself become convinced that the aggressor designated by the Council was really the aggressor ?

That brought M. Politis to the conclusion that each State was free to regulate its exports of armaments as it thought fit ; that, when an armed conflict had been brought before some organ of the League, that organ had a perfect right to make a recommendation without consulting the parties, and that it could do so precisely because the embargo was a provisional conservatory measure that was to be taken before it had been possible accurately to determine the aggressor. That was his reply in the domain of pure law to the question put to the Committee.

M. SKYLSTAD (Norway) said that the Norwegian delegation fully shared the views expressed by the Swedish delegate regarding the right of individual States to adopt, on the League's recommendation, measures with a view to imposing an embargo on the export of arms and war material, provided that the embargo applied to both parties to the dispute. In its opinion, there was no doubt whatsoever as to the legality of such a measure.

M. RAY (Bolivia) said that he might not have considered it necessary to speak had it not been for one fact, to which the Chairman had drawn the Committee's attention when opening the debate—namely, that, in the interests of impartiality and in view of the mass of material relating to the question, the Secretariat had refrained from distributing the relevant documents to the members of the Committee.

Although the First Committee was dealing with a question of pure law, and although it was on that question of pure law that the Sixth Committee had consulted it, he did not think it was really possible or right to detach the abstract question of law from the circumstances of the case, and the Bolivian delegation would not, he felt, be carrying out its duty, either to its country or to the League, if it failed to put forward certain concrete and positive facts which were possibly not present to the minds of members of the Committee. On the general question

of law submitted to the Committee, he would be brief, as the Italian delegate had gone exhaustively into the various aspects. He proposed therefore simply to refer to certain points mentioned by the different speakers.

If he had understood him rightly, M. Gorgé, in his statement, had spoken as if a decision had already been taken by the Council on the basis of Article 11. Unless M. Ray was mistaken, no such decision had been taken; that fact constituted a serious matter in law. Assuming for a moment that the argument of substance put forward by M. Gorgé, and supported by M. Politis, were correct and that, on the basis of Article 11, the Council had the right to adopt measures relating to an embargo, in the nature of conservatory measures and not in the nature of penalties, he still considered it necessary for the parties to be heard on the substance of the question and the circumstances of the case.

Before the Council could take a decision regarding an embargo or the expediency of that measure, it would first have to study the general questions to which attention had been drawn by the delegate of Italy and again by M. Politis. But it would also have to examine the precise circumstances of the dispute and to judge whether the embargo could be enforced on sufficiently general lines. It would have to see whether it could be established by a decision taken individually by the several States. Lastly, it would have—and that was the fundamental point—to examine a question of fact which affected all the legal problems raised in the Committee—namely, whether, under the appearance of abstract equality, the embargo would not actually weigh unequally on both parties or whether, by reason of geographical or political circumstances, it would not weigh solely or mainly on one of them.

In the hypothesis now under consideration, and proceeding on the assumption that there was no question of penalties or guilt, but that the proposed measures were conservatory measures, care must be taken to see that they actually were of that character, that they did not weigh, perhaps heavily, on the future course of events. For, if such measures were taken purely as conservatory measures, the Assembly or the Council would one day have to pronounce on the substance of the question. As M. Politis had already observed, the measures were to be taken pending a final solution. Let it be supposed that that solution was reached; let it be supposed that the Council or the Assembly was able to assert that State X was the guilty party. A few months earlier—say six months, the time-limit laid down in the Covenant—an embargo had been imposed. Let it be supposed for a moment that these measures had weighed heavily on one State only and that, while the procedure was pursuing its course, that State had been utterly crushed; the League would then be faced with a very heavy responsibility. Would the Council or the Assembly then be prepared to say: "By so-called conservatory measures, we have decided the fate of the war. The war has gone against the party which we now declare innocent. We are about to restore legal order. We are about to re-establish justice which our conservatory measures have imperilled"? M. Ray would simply like the Committee to examine that aspect of the question.

What was the legal situation with which the Committee was faced in the conflict before the Assembly? Certain expressions had been used during the discussion to which he felt obliged to direct the Committee's attention.

Certain delegations had said, for instance: "In principle, we agree that an embargo could not be imposed outside the procedures laid down in the Covenant and without the previous determination of the aggressor; but, in the present instance, as an exceptional case, we consider that circumstances justify an exception to the rule." That was a disturbing assertion. If the Covenant really contained provisions stipulating that a definite procedure should be followed for a serious measure such as an embargo, if it were admitted that that procedure must be applied before the measures of embargo were imposed, was it right to say: In view of the particular circumstances of the case, we shall leave the Covenant out of the question; generally speaking, the Covenant lays down such and such a procedure, but, in this particular case, we think that it should not be applied? M. Ray wished, without expressing an opinion, to draw the Committee's attention to that point. If he might be allowed to make a distinction between the countries represented on the Committee, he would ask the representatives of what were often called the smaller States specially to reflect on it.

The Covenant was the safeguard of all the Members of the League. It was, more particularly, the safeguard of the smaller States. Was it not a dangerous thing to lay down the principle that the rules of the Covenant, if they were recognised as such, if they were admitted to have some particular meaning and purport, might nevertheless be set aside in certain cases?

Another expression had been used which had caused him some uneasiness. When referring to the extremely painful and difficult situation—it must be recognised as such—with which the Council was coping, someone had said: "We have gone into the matter; we have done all we could, we have got round the difficulty". M. Ray was quite prepared to admit that certain provisions of the Covenant needed to be interpreted and possibly supplemented. He was quite prepared, to use an expression employed by M. Gorgé, to reject any "Byzantine" interpretation of the provisions of the Covenant. Those provisions should, he felt, be interpreted in a perfectly reasonable and human manner; but certain of them were somewhat vague and indefinite, and consequently offered ample scope for exegetic treatment and interpretation. But there were certain fundamental provisions of such importance that they had undoubtedly influenced the decisions of all the States which had acceded to the Covenant. Among those provisions were the two most important texts to which the Committee's attention had been directed at that meeting.

There was, first, the text of Article 16—for he did not propose to examine for the moment the question whether measures of embargo were sanctions or conservatory measures. He would merely note that, in the view of not one delegation only—the documents at the Secretariat

proved that that opinion was shared by at least one other—those measures were actually in the nature of sanctions. Now, a decision or a recommendation relating to sanctions or similar measures was of so grave a nature that, as the Committee was aware, speakers had often hesitated even to mention Article 16. That essential provision of the Covenant had been surrounded with a sort of halo, had formed the subject of a sort of taboo, and it was when such a redoubtable, such a terrible text was in question that the suggestion was made: We can interpret; we can find something outside it; we can try to find something equivalent!

There was also another provision which was possibly even more fundamental in character and of which a great deal had been heard. That was the text of Article 5 of the Covenant, which provided that the agreement of all the Members of the League was required. He was quite aware that, to enable the League to accomplish its purpose, exceptions must be made to that rule; but such exceptions were provided for in certain stipulations either of the Covenant or of other international agreements. And where there was no formal stipulation providing for an exception, it was, he thought, a very serious matter to introduce such an exception by an interpretative reading or by a supplement to the Covenant. On that point, again, he did not wish to express an opinion. He simply desired to submit to the Committee for consideration a question which, in his eyes, was of the utmost importance from the standpoint of the problem referred to it.

It had been his intention to recall the very grave reasons of fact which had compelled Bolivia to bring up the question of the embargo as a matter calling for the Assembly's urgent consideration. He was prepared, in view of the lateness of the hour, to postpone the remainder of his statement to the next meeting of the Committee.

The continuation of the discussion was adjourned to the next meeting.

FIFTH MEETING.

Held on Saturday, September 22nd, 1934, at 3.30 p.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

10. **Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and War Material to the Two Parties: Request of the Sixth Committee for a Legal Opinion from the First Committee: General Discussion (continuation).**

M. RAY (Bolivia) reminded the Committee that the most enthusiastic supporters of the embargo had recognised that such a measure was conceivable only if applied to both parties on equal terms. What was meant by equality? Abstract equality, existing only in the wording of the relevant decrees? He thought not. Or complete equality, presupposing absolute similarity in the conditions? That, again, was clearly not meant, for it would be demanding the impossible. In his opinion, what was really intended was reasonable similarity, sufficient analogy, in the situation of the two parties.

Now, if the circumstances of the two parties to the present dispute were considered, the striking dissymmetry in their geographical situation was immediately apparent. He desired very briefly to indicate the essential features, as already described to the Council and the Sixth Committee. Bolivia was a completely land-locked country, a country to which access was particularly difficult. Paraguay, on the other hand, had very ready access to the sea by means of great waterways—the Rio Paraguay, the Rio Paraná and the Rio de la Plata—waterways which, it was important to note, were not under the control of any exclusive national jurisdiction.

In the circumstances, the inequality of the situation from the point of view of supplies of arms and war material was most striking. That was why the Bolivian delegate had said, in the Sixth Committee,¹ a few days earlier, that, if an embargo on arms were in principle decreed, Bolivia would be blockaded, whereas Paraguay would not.

It was sought to rebut this argument by maintaining that the point was not access to the belligerent countries, but measures to be taken by and in the countries exporting arms and ammunition. He did not think that there was any need for him to reply to that objection, since a complete reply would be found in the various statements that had been made; for instance, in that of the Norwegian delegate in the Sixth Committee,² and, in particular—developed at considerable length—in Senator Piola Caselli's speech in the First Committee the previous day.³ Whatever measures of prohibition were taken by the different countries, it was perfectly obvious that quantities of arms could still reach the belligerents by indirect channels. It was perfectly obvious—since every country was involved in the arms trade—that, with the lure of gain, there was bound to be an enormous amount of contraband traffic.

Now, who would benefit by those indirect and clandestine consignments? Undoubtedly, the country that had ample means of access to the sea; whereas the country which was land-

¹ See *Official Journal*, Special Supplement No. 124, page 75.

² See *Official Journal*, Special Supplement No. 124, page 64.

³ See page 27.

locked, in the interior, would, in fact, feel the full weight of the embargo. And thus, in the conflict now referred to the Assembly, the special circumstances of the case, in his opinion, made it quite unfair to impose an embargo on both parties, before there had been any sort of judgment as to their responsibilities. Nevertheless, there would be justification for alarm if such a consideration, peculiar to that case, were found to conflict with the considerations that would arise as a general rule, in the abstract case, for instance, recently envisaged by M. Undén. He felt, however, that there was, in fact, no such contradiction; on the contrary, the two kinds of consideration were in harmony.

To consider, for a moment, the abstract case. Two States, X and Y, were at war, were engaged in hostilities. Doubt existed as to which was the aggressor. It was decided to impose an embargo. M. Ray maintained that, irrespective of the particular circumstances of the case, there was every likelihood that the embargo would bear more heavily on the victim than on the aggressor. It was self-evident. In the international sphere, aggression was usually premeditated. In nearly every case, therefore, it would be the aggressor who would, beforehand, have accumulated stocks of arms, concluded contracts, built munition factories at home, and so on. It would, on the other hand, be the victim that would be taken by surprise and really paralysed by the embargo, without having been able to take preventive measures. Moreover, the guiltier the aggressor, the better prepared he would be and the less he would feel the effects of the embargo; whereas, the more innocent the victim, the more completely would he have been taken by surprise and the more heavily would the embargo weigh upon him. Thus, it would appear that the considerations that might determine the Committee's decision in the particular case under review coincided with those which might govern the general attitude if they paused to consider the subsequent effect on judicial practice of the precedent set up by an individual case.

It had been said: These are simply conservatory measures. The day before, when listening to M. Politis, M. Ray had had a vision—no doubt, like many other delegates—of the international society of the future taking shape before him. When the League of Nations was fully organised, when it possessed powers of compulsion and an executive force, he felt sure that the international judge who was required to adjudicate upon a dispute would, at the very outset of the conflict, have to take conservatory measures, and no doubt very drastic conservatory measures, which would have the happy effect of ensuring alike the maintenance of peace and the triumph of law.

But, unhappily, that ideal was still very far from being realised, and, in the actual circumstances, those measures which were termed conservatory would conserve nothing at all. The League of Nations could not act upon the course of events. The war would continue, and, while the League procedure was still going on, that war might even reach a decisive issue. What then? The upshot was not in doubt. It would be *ex victis*, and the loser would remain the loser. Therefore, since the enforcement of real conservatory measures could not be secured, he felt that it was not possible to take, under that name, measures such as the embargo now under discussion.

Passing next to the legal points that had been referred to the Committee for examination, M. Ray emphasised the fact that the question in its entirety had been referred to the Assembly. As yet, no legal decision had been taken in the matter by the League of Nations. The last resolution of the Council on the question was that of May 19th, 1934,¹ the essential passage of which read as follows:

“ . . . the Council begs the Committee of Three at once to resume the examination of this question and to proceed to the consultations that are indispensable in order that measures may be taken, if need be, during the next extraordinary session.”

That special session had been held; the measures under consideration had not been decided on by the Council. As everyone was aware, the Committee of Three had continued its consultations—that is, the negotiations preparatory to the embargo. On September 17th,² the Bolivian delegation had asked that the Council should resume its examination of the question. On September 19th, the question had, indeed, been brought before the Council, which had decided to refer it to the Assembly; in so doing, however, it was evident that it recognised once again that the question was not yet settled, since it was entrusting the task of settling it to the Assembly. The reason why M. Ray had stressed that point, which was very obvious, was simply that, at the meeting on the previous day, a statement had been made which might seem to show that some doubt had remained in the minds of certain delegations.

What exactly had been done up to date? At the previous meeting, M. Basdevant had explained the position exactly: various Governments had taken an autonomous but concerted decision. As to the right of the individual State, acting in virtue of its sovereignty, he thought there could be no possible doubt; he entirely concurred in the opinion of M. Basdevant and M. Politis. But he would add that, at the present stage of the Committee's deliberations, that decision could not be brought forward as the application of a policy decided upon or recommended by the League.

As to the real character of the measures of embargo taken thus far, he would ask the Committee's permission to express his views very fully and perhaps a little indiscreetly. He found a large group of countries, countries great and small, which had agreed to material sacrifices that were very real and perhaps important to some of them; he could not for one instant believe that those countries were making such personal sacrifices in a state of indifference to law. Believing as he did that between their attitude and the strict rules of

¹ See *Official Journal*, July 1934 (Part I), page 766.

² See *Official Journal*, November 1934 (Part II), page 1593.

law there was, not a divergence, but some uncertainty, some doubt, he proposed to advance a hypothesis ; and if by chance that hypothesis proved correct, there might perhaps be less difference than appeared at first sight between the attitude adopted by the States which had decided on the embargo and those which had questioned its legitimacy in principle under the conditions upon which it had been decided.

M. Ray wondered whether all those measures of embargo had not, in the minds of their authors, been essentially nominal in character, something in the nature of the system of *astreintes* in French law. The League of Nations had taken cognisance of the matter ; it would announce its decision. Hostilities had been going on for a very long time between the parties. Already there was almost a vague atmosphere of condemnation *vis-à-vis* the two belligerents. Members of the League said : " We must settle the matter and the parties must realise that we are determined to settle it ; but if we wait for the last moment of the procedure, will it be time enough then to take measures of embargo, or rather to take preparatory steps with a view to such measures ? " And it was decided to do something in advance. It was decided to make preparations beforehand which might at the last moment facilitate the actual decision to impose an embargo. M. Ray did not know whether his hypothesis was correct. If it were, then it would be perfectly true that, so far, in substance, there had really been nothing but preparatory measures, and that the League's decision, as voiced by its legal and regularly constituted organs, still had to be taken.

If an embargo were decided on, on what text could such a decision be based ? There was no need for him to emphasise the general interest from the point of view of other cases, from the point of view of League jurisprudence, of texts such as Article 11 conferring competence on the Council ; but he thought that, for the moment, the League should confine itself to examining simply those texts of the Covenant which conferred competence on the Assembly.

What were the texts in point ? There was the text of Article 3, paragraph 3 ; that was a general text which read :

" The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world."

On the basis of a text such as that, under what conditions could measures of embargo be taken ? So far as M. Ray was concerned, no doubt whatsoever existed that unanimity was an essential condition. He supposed that it would not occur to anyone to imagine that a question of such fundamental gravity could be classed in the category of questions of procedure and, indeed, such an idea had not occurred to anyone either in the Council or in the discussions in the First Committee.

Another text that might be considered was that of Article 15. But here a distinction must be made. At what moment in the application of Article 15 could the question of an embargo arise ? Would it be at the beginning of the procedure ? He did not think so. In the text of Article 15, there was no rule relating to that point for the beginning of the procedure and, in any case, no exception to the rule of unanimity. If, then, the possibility of a decision to impose an embargo could be contemplated in connection with Article 15, he thought that it would be in virtue of paragraph 4 and the following paragraphs. In other words, it was when the League came to adopt its report, when it made its recommendations, that it could, as an accessory measure, adopt measures of embargo. Had it the power to do so ? On that point he admitted that he could not reply definitely either in the affirmative or in the negative. Those delegates who still recalled the terms of the report which had put an end to the Sino-Japanese conflict would no doubt remember the very embarrassed formulas by which that report had endeavoured to suggest certain measures to third parties. The reason was that the recommendation referred to in Article 15 was addressed, not exclusively, but in any case first and foremost, to the parties. Even as regards the parties, those recommendations were not binding ; consequently, *a fortiori* they would not be binding on third parties. As M. Politis had pointed out the previous day, if a recommendation to impose an embargo were made in virtue of paragraph 4 and the following paragraphs of Article 15, it would be a recommendation pure and simple which would not lay any real obligation on third parties.

Even in that form, M. Ray was not certain that Article 15 really provided for recommendations addressed to third parties. But the paragraphs of that article which he had in mind might, as regards the embargo, have a different and a more important bearing, which had been noted the day before by several speakers. The very nature of the recommendation to be adopted still left one essential possibility open—a possibility which would no doubt be decisive in determining the responsibility or culpability of the parties to the dispute and the subsequent attitude of the parties towards the report and the recommendation of the Council.

The recommendation with regard to an embargo, which it would seem might, according to the letter of the Covenant, be made in application of Article 16, would, in reality, have been prepared and would, as it were, already have virtually existed in the recommendation resulting from the discussions in virtue of paragraph 4 and the following paragraphs of Article 15.

That strictly legal conclusion, which was in conformity with the argument so brilliantly presented by the Italian delegation, seemed to M. Ray to be at the same time in perfect conformity with justice and equity. That conclusion would, in his view, provide the best, or at all events the likeliest, means of re-establishing, not simply any sort of peace, but, as Mr. de Valera had recently put it, a peace that was based upon justice. Accordingly, it seemed to him desirable that the First Committee should be able to give the Sixth Committee a really clear and definite answer.

At the beginning of that debate it had been pointed out that it was essential for Members of the League to avoid any attitude that might have the appearance of an attitude of indifference

towards peace. It seemed to him equally important, for the prestige and future of the League, that the latter should make a very deliberate effort to avoid a solution that might appear to ignore the claims of justice.

M. CABALLERO DE BEDOYA (Paraguay) said that, Paraguay having been specifically referred to by M. Ray, legal adviser to the Bolivian delegation, he desired to avail himself of his right of reply and to intervene in the present legal discussion. M. Ray had maintained that Paraguay would, in the event of a uniform embargo on arms and war material, be in a privileged position compared with Bolivia, owing to her geographical position and the existence in her territory of arms and munition factories and also by reason of her considerable stocks of war material.

In the first place, those arguments already put forward on several occasions during the discussion before the Council by the Bolivian delegate, M. Costa du Rels, were of an extra-judicial nature and could not be taken into account in a discussion on a question of pure law. When there was an effective and guaranteed cessation of hostilities, and the embargo measures were being strictly applied by the countries which exported arms and war material, arguments of that kind should, in his view, be ruled out. They could only be invoked by a belligerent with the idea of avoiding the cessation of hostilities until it had obtained, by force of arms, a definite advantage over its adversary.

He would take the Bolivian arguments point by point and reply to them as follows :

First, there were no war-material factories in Paraguay. Anyone who wished to satisfy himself on that point could simply refer to the passage on page 54 of the report of the Chaco Commission :¹

“ The arms and material of every kind are not manufactured locally, but are supplied to the belligerents by American and European countries.”

A uniform embargo would, therefore, particularly favour the country which possessed the larger stock of arms and war munitions. It would favour the country which, in order to carry out its aggressive intentions, had accumulated large reserves before and during the conflict. That did not apply to Paraguay. On that point, again, a passage in the report of the Chaco Commission (same page) was most enlightening. There it was stated that the Bolivian army “ had more arms and material than its adversary ”. Consequently, it was Paraguay and not Bolivia which would be placed at a disadvantage by an embargo applied equally to both belligerents.

Moreover, Paraguay, to cope with the invasion, had with slender resources been compelled hastily to call up an irregular army, inferior in numbers to that of Bolivia. There, again, the report of the Chaco Commission was most instructive. It stated (also on page 54) as follows :

“ The Paraguayan army, which was very small and had very few arms and little material, was formed during the period of operations by the enlistment of brave but untrained volunteers, who improved day by day under the direction of native-born officers, who also received their training on the battlefield.”

Paraguay could not therefore be suspected of premeditated aggression.

He now came to the second point, relating to the privileged geographical situation of one of the belligerents. According to the delegate of Bolivia, that country, owing to her geographical position, was to some extent isolated from the rest of the world, which was not, it was alleged, the case with Paraguay, though she, too, was an inland country, like Switzerland or Czechoslovakia. There, again, he regretted to have to say that the statement was inaccurate. Bolivia possessed, apart from facilities on the Atlantic coast by means of the tributaries of the Amazon, means of access and communications with the outside world on the Pacific which were more rapid, shorter, more convenient, safer and better developed than those possessed by Paraguay. Those facilities for communication by rail made up for the absence of a waterway—if that really was an advantage, from the point of view of Paraguay, for the Rio Paraguay was not navigable for sea-going vessels and could only be utilised by shallow-draught vessels, and even then only during part of the year, owing to seasonal variations.

Still proceeding objectively with his refutation of the Bolivian delegate's arguments, he ventured to quote a passage from the speech delivered on September 7th, 1921, at the second Assembly of the League of Nations by the first delegate of Chile, M. Edwards, on the occasion of Bolivia's request for the revision of the Treaty of Peace of October 20th, 1904, a request based, *inter alia*, on the very fact that Bolivia had no access to the sea. At that time, Bolivia had only had designs on the Pacific. It was no doubt because she had not obtained satisfaction in that quarter that she had desired, at Paraguay's expense, to obtain access to the Atlantic by the Paraguay River. M. Edwards had said on that occasion :

“ Bolivia to-day has far better access to the sea than she had before the war of 1879. [That is, the delegate of Paraguay added, when she had a Pacific seaboard.] At that time she exercised no more than nominal sovereignty over a lonely stretch of coast separated from the seat of her Government by mountains which no railway traversed. Chile, whom Bolivia accuses of having deprived her of the sea, undertook by the Treaty of Peace of 1904 to give her easy access to the ocean, and Chile has brought the productive regions of Bolivia into closer relations with the coast by entirely constructing a railway and facilitating the construction of a whole system of lines, at a cost to herself of over £6,000,000.”

¹ Document C.154.M.64.1934.VII.

The facility with which Bolivia had used and was still using that freedom of transit during the present war in order to introduce through Chile the war material which she purchased abroad only served to corroborate M. Edwards' assertions. The Paraguayan delegate also drew attention to the fact that in the matter of freedom of transit Bolivia engaged the same advantage as Peru.

Count PIOLA CASELLI (Italy) pointed out that the main reason why the Italian delegation had been instrumental in having the question of the embargo discussed in the First Committee was, as stated in the Sixth Committee, on grounds of pure law, in connection—as he had already remarked—with the statement made by the Head of the Italian delegation on the Council as follows :¹

“ The Italian Government's view on the matter has already been defined in our note of July 20th, 1934.² We hold that, in principle, the embargo on supplies of war materials to the belligerent countries cannot be regarded as a measure which should be adopted outside of the procedures laid down in the Covenant for the settlement of a dispute or until a decision has been taken as to which State or States are to be condemned as responsible for the conflict.”

At the previous meeting, after having examined the question of principle, he had referred also to the conflict between Bolivia and Paraguay and had wondered whether it was not advisable, before maintaining the embargo, to await the result of the attempt at conciliation or the resolution which the Council would ultimately adopt. He desired, however, to keep the two questions entirely distinct from one another—the question of pure law which concerned the embargo in general, and the question which related simply to the dispute between Bolivia and Paraguay.

As regards the second question, he would merely say that the query at the end of his speech had been answered by various other speakers in the course of the discussion. It had been explained that the countries which had acceded to the embargo had taken that decision in the exercise of their territorial sovereignty and thus not directly in connection with any provision of the Covenant.

For its part, the Italian Government had expressly stated that it was acceding to the embargo on consideration of the quite exceptional situation in this dispute, and its action was to be regarded as coming within its territorial sovereignty, while it reserved the right to withdraw the measures in question if circumstances made it desirable that it should do so. For the moment, the Italian Government did not intend to withdraw that accession and on that point Count Piola Caselli had nothing to add.

With regard to the question of law, his Government, as he had stated, considered it particularly important for the future to establish as definite rules as possible in the matter of the embargo and to fix the main points that he had already enumerated—namely, that the embargo must be carried out in relation to a procedure laid down in the Covenant, and that an investigation must first be made into the responsibilities of the parties to the dispute. He was grateful to members of the Committee who had submitted their views on that question of pure law, and, in particular, to the United Kingdom delegation, which had stated that it recognised the difficulties arising out of the question of the embargo and that it desired to associate itself with the Italian delegation's proposal to make a careful study of the question. The results of those discussions showed that, as regards the question before the Committee, there were certain points on which it seemed likely that agreement would be reached and others in connection with which some considerable divergence of views was apparent.

While the imposition of the embargo came within the sphere of the territorial sovereignty of each State—that point might be regarded as established—it was equally true, in the case of an embargo applied by the concerted action of Members of the League, to say that the evolution of the will of the State could be regarded as the outcome of the obligation that the State assumed under the Covenant. By that he meant that the evolution of that will must be connected with the obligation assumed by Members of the League as such to try, as far as possible by joint action, to achieve international peace and secure the maintenance of international justice. If that obligation were considered on the one hand, and, on the other, the necessity of action which, if the embargo was to be effective, should not be individual but collective and concerted, the inference was that, in the case of a dispute referred to the League, the embargo must always be regarded as the application of a will, the evolution or determination of which had the character of an act that was essentially collective and originated in the League. The embargo became a *casus federis* within the meaning of the Covenant and must come within the scope of the procedure laid down in the Covenant and must comply with the forms prescribed in that procedure. Consequently, it must be recommended as the expression of the will of the Members of the League in the form of a resolution drawn up in conformity with the articles of the Covenant.

What provisions, then, of the Covenant could be invoked in the matter? It would seem from the discussion that the provisions of Article 16 or of Article 11 might be applicable. But was formal action by the Council really necessary in the situation created by the Bolivo-Paraguayan conflict? There had been some hesitation in recognising that, and no formal action had been taken. He thought that, in future, formal action must always be taken by the Council, since that was a guarantee for all the Members of the League.

The difficulty that presented itself in regard to the application of Article 11—several speakers had alluded to it—was the question of unanimity in the Council's decision. In that connection, he fully shared the view that the Covenant must be interpreted according to legal

¹ See *Official Journal*, November 1934 (Part II), page 1536.

² See *Official Journal*, November 1934 (Part II), page 1597.

principles. It would have to be decided whether the provisions of Article 4, paragraph 5, and of Article 5, stating that decisions of the Council required the agreement of all the Members of the League represented at the meeting, and that the countries concerned in the question must sit on the Council, must really be interpreted to mean that the consent of the countries concerned was indispensable to secure unanimity.

Count Piola Caselli was inclined to think that, besides that rule, which could be interpreted literally, account must also be taken of the general principle of law summed up in the adage *nemo iudex in causa propria*, and that it was open to debate whether, for the purposes of unanimity, the parties should sit on the Council.

The other questions of a technical kind which had already been mentioned also required consideration. They related to the manifest necessity, emphasised in the recent discussions in the Council, of rendering a concerted embargo, like a blockade, effective. How could an effective embargo be organised? Was the participation of all the arms-producing countries sufficient? He had already expressed doubts on the subject of that solution. Moreover, there was the question whether the measure should stop at a mere prohibition *vis-à-vis* national producers or whether it should not extend to supervision of transit, the right of search and certain measures of peaceful blockade.

These were questions that required examination, as did those of a third category relating to the investigation into previous responsibility, which the Italian delegation considered an essential condition for the application of an embargo. During the discussion a number of speakers had referred exclusively to the question of the Bolivo-Paraguayan conflict. On the question of pure law, the Committee had heard the opinions of two eminent jurists—the delegate of France, who had formally stated that, in his view, the determination of responsibility was a necessary preliminary, and the delegate of Greece, who had propounded the theory that the embargo might be regarded as a conservatory measure that could be taken irrespective of an investigation of the question of previous responsibility.

He wondered whether the objections to the enquiry concerning previous responsibility did not arise from the fact that the question had been partially and incompletely dealt with. Obviously, there were cases in which the situation of the parties might authorise a presumption, a provisional judgment, to the effect that both parties had failed in the duties imposed upon them by the Covenant.

But, apart from such a situation, how could it be maintained that in serious cases where there was, on the one side, an aggressor, a country which produced arms, and, on the other, a country which had been attacked and which did not produce arms—as was the case in the Sino-Japanese dispute—how could it be said that an embargo was a measure of a purely conservatory character? How could it be maintained that, even before hostilities had broken out, intervention in the form of an embargo preventing the weaker State from defending itself against the threat that menaced it was simply a conservatory measure? And in more serious cases, where the threat had materialised into hostilities and even invasion of the national territory, in cases which came under Article 10, how could it be claimed that that measure of embargo was merely a measure conserving a *de facto* and *de jure* situation?

The Italian delegation still adhered wholly to the view that an embargo must always, to a greater or lesser extent and to a more or less absolute degree, be preceded by a judgment, an appreciation of the situation of the parties from the standpoint of the obligations they had assumed under the Covenant.

In Count Piola Caselli's opinion, the questions which had arisen or which might arise, and which were of a very special and delicate nature from the standpoint of international law, called for a comprehensive and thorough examination. He therefore proposed that, if possible, the question should be referred to a committee of enquiry, whose work should not be restricted to the period of the Assembly but which would go fully into every aspect of the question, with a view to findings that could be accepted by all.

The question of pure law was not necessarily related to the question of the dispute between Bolivia and Paraguay—he would like to repeat that—and, in his opinion, the First Committee, in its reply to the Sixth Committee regarding the legality of the embargo as individually authorised on that occasion by the autonomous will of the Members of the League, must make it clear that the question could be solved independently of the purely legal issues raised in the course of the discussions.

M. GAJARDO (Chile) said that, in order to make his delegation's position in the discussion quite clear, he would like to offer a few brief observations on the embargo on arms and war material intended for Bolivia and Paraguay, a question on which the First Committee had been asked by the Sixth Committee for a legal opinion following on the Italian delegation's request. He wished to point out the following facts:

When the Committee of Three of the Council had decided, on the initiative of the United Kingdom representative, to resume the consultations held in 1933 regarding the embargo, the Chairman of that Committee had applied to, among others, the Chilean Government, whose help was considered indispensable by certain Governments in view of its position as a State adjacent to one of the belligerents. The Chilean Government's reply was as follows (document C.218.M.86.1934.VII):¹

“ In reply to the telegram from the Chairman of the Chaco Committee of the Council, I have the pleasure to inform you that my Government would participate with all other Powers in an agreement to prohibit the export and re-export of arms to Bolivia and

¹ See *Official Journal*, July 1934 (Part I), page 830.

Paraguay. As regards the transit of arms, my Government will carry out all its international obligations deriving from the resolutions on this matter which may be adopted by the competent organs of the League and from its existing treaties. I think it necessary to add that my Government does not consider it advisable (to adopt) measures dealing with the transit of arms until measures dealing with export have been adopted and effectively applied, since export is the cause and transit merely the consequence.—Miguel CRUCHAGA, *Minister for Foreign Affairs.*”

Shortly afterwards, on June 1st, the Chairman of the Committee of Three had asked the Chilian Government for certain explanations concerning that reply, in order to ascertain which were the Powers upon whose acceptance its own was conditional. The Chilian Government had sent the following reply (document C.218(g).M.86(g).1934.VII) :¹

“ In reply to your communication of June 1st, requesting me, on behalf of the Chairman of the Committee of Three, to ask my Government whether, in accordance with the replies received up to that date from the Governments that had been consulted, it considered that the condition which it had laid down in its reply to the Chairman of the Committee of Three, dated May 22nd, 1934, of ‘an agreement of all the Powers to prohibit the export and re-export of arms to Bolivia and Paraguay’, was fulfilled, I have the honour to communicate the following to you, under instructions which I have just received from my Government :

“ In accordance with its reply of May 22nd, 1934, to the questions asked it on the previous day by the Chaco Committee of the League of Nations, the Chilian Government, which abides by the whole of that reply, will forbid the export and re-export of arms to Bolivia and Paraguay, on condition that all the other Powers consulted by the Chairman of the Committee of Three also do so, including, that is, Germany, Italy and Japan, which, according to information which has reached Chile, do not yet seem definitely disposed to order the prohibition of the export and re-export of arms to the two belligerent countries.

(Signed) Enrique J. GAJARDO,
*Head of the Permanent Bureau of Chile
accredited to the League of Nations.*”

Lastly, quite recently a third telegram had been sent to the Chilian Government by the Chairman of the Committee of Three as the result of a further step taken by the United Kingdom Government. The Chilian Government had sent a reply on July 26th, as follows (document C.322.M.146.1934.VII) :²

[*Translation from the Spanish.*]

“ In reply to your telegram of yesterday’s date, I hasten to inform you that my Government fully adheres to its replies dated May 22nd and June 9th to your previous consultations on the same matter. Consequently, and provided that the condition mentioned in those replies is fulfilled, my Government would participate in the immediate action to which you refer with a view to prohibiting export and re-export of armaments to Bolivia and Paraguay, on the understanding that it will recover its freedom of action in the matter if the above-mentioned condition is not completely fulfilled by the application of the same measures by all the other Powers.—Miguel CRUCHAGA, *Chilian Minister for Foreign Affairs.*”

The Chilian Government’s attitude had not changed. It was still the same now that the dispute had been referred to the Assembly under Article 15. Chile was ready to fulfil her duties towards the League, as a Member of the League, and urged that, if the measure concerning the embargo were taken in virtue of provisions of the Covenant, it should be accepted by all the Members of the League and, more particularly, by the Powers mentioned in the Chilian Government’s replies which had just been quoted.

M. VISOIANU (Roumania) expressed the opinion that the question submitted to the Committee, on the initiative of the Italian delegation, was both a delicate and a serious one. It was a delicate one from the legal point of view, as the Italian delegate had shown ; and it was serious, on account of the consequences that might ensue in the event of concrete application. The divergence of view between the parties concerned revealed in itself how serious the question was viewed from that angle.

The statements that had been made in the Committee might perhaps give the delegations sufficient food for thought and provide useful indications for the work of the committee which it was proposed to set up. M. Visoianu did not intend to offer any new arguments, but desired to note, in particular, the statement made by the French delegate, M. Basdevant, who, in the three hypotheses he had considered, had covered practically all the cases that could be imagined as coming within the framework of the present provisions of the Covenant. M. Visoianu would confine himself, therefore, to saying that the Roumanian delegation approved M. Basdevant’s statement and the conclusions he had reached.

What was of immediate importance in the discussion was not so much to express an opinion from the standpoint of future legislation on the embargo as to determine which provisions of the Covenant would enable measures of embargo to be applied and the extent to which they could be applied. In that connection, he desired to point out that embargo

¹ See *Official Journal*, July 1934 (Part I), page 830.

² See *Official Journal*, November 1934 (Part II), page 1604.

measures might find a juridical basis in the Covenant in its present form and also under different conditions. Article 11 of the Covenant clearly empowered the Council to order measures of embargo ; but, as had been pointed out, that article required unanimity, including the votes of the parties. The difficulty would be, not to find a basis for such measures, but to apply Article 11 with due regard to circumstances. The Council of the League had had occasion several times, more particularly in 1927, to consider what possibilities Article 11 offered it. It had then drawn up a list—by no means exhaustive—of such cases. Neither in Article 11 nor in that list was there any specific mention of measures of embargo, but that did not mean that on the basis of that article the Council would have no power to order them.

Measures of embargo could also be ordered on the basis of Article 15, in accordance with the procedure therein laid down, with the possibility of reaching a decision without the votes of the parties, as the outcome of the measures of investigation mentioned in the article.

It would not be correct to say that the provisions of Article 15 referred only to the parties concerned. Several paragraphs of Article 15—in particular, paragraphs 6 and 7—enabled the Council or the Assembly—of course, after the measures of investigation—to take measures in regard to Members of the League other than the parties concerned. Other articles of the Covenant certainly gave the Council and Assembly legal power to order measures of embargo. The question, however, obviously remained a somewhat delicate one, and, in order to determine accurately and precisely in what circumstances the Covenant would enable the League, the Assembly or the Council to take measures of embargo, it might perhaps be desirable to set up a committee. The Roumanian delegation was, however, in favour of limiting the committee's terms of reference to a study of the juridical possibilities of ordering measures of embargo on the basis and within the scope of the Covenant in its present form.

M. EGORIEW (Union of Soviet Socialist Republics) said that he did not propose to repeat the arguments that had been so brilliantly presented in support of the embargo on arms destined for Bolivia and Paraguay. He simply wished to emphasise the necessity of interpreting the Covenant of the League as an instrument for the maintenance of peace. In the present case the measure contemplated must prevent or hinder the continuation of hostilities which had been going on for the past two years. For that reason, the Soviet delegate supported the view that the application of the embargo was permissible.

The CHAIRMAN declared the general discussion closed.

He desired to endorse the suggestion made by the delegate of Italy—namely, that the Committee should first of all define its views on the question of the embargo as applied to recent months, and should then propose either to the Council or to the Sixth Committee that a committee of experts be appointed. He would ask the First Committee to give its opinion on that question at its next meeting. In the meantime, the Bureau would prepare a draft letter to the Sixth Committee and would submit that draft to the First Committee.

The Chairman's proposal was approved.

II. Dispute between Bolivia and Paraguay: Applicability in its Entirety of Article 15 of the Covenant to the Dispute: Examination of the Opinion to be given to the Sixth Committee (Annex 2).

M. POLITIS (Greece), Rapporteur, commented on the draft and pointed out various changes that the Rapporteurs wished to make—in particular, the addition to Part II, paragraph (c), of the following sentence :

“ The exclusion of the application of Article 15 would only be conceivable in the hypothesis of a State Member of the League of Nations which is the victim of an aggression applying to the Council under Article 10 of the Covenant.”

That would involve amending the conclusion to read :

“ For the reasons above stated, the Committee is of opinion that, *subject to the reservation made in regard to the eventuality provided for by Article 10, Article 10, Article 15 of the Covenant is applicable in its entirety even in a case where the parties are at war.*”

That addition was intended to cover a very embarrassing hypothesis which might present itself and which would come under Article 10 of the Covenant. An aggression occurred ; and—in order to make the argument clearer—suppose that it was a flagrant aggression and the State guilty of it was hypocritical enough to bring the matter before the Council under Article 15, speculating on the length of the procedure, which would enable it to crush the victim of the aggression at its ease. It was obvious that, if the application, in every hypothesis, of Article 15 were to lead to such a result, the system would be both absurd and unjust. That hypothesis must therefore be provided for, and it was necessary to ensure, if the victim of the aggression applied to the Council under Article 10, that there was no risk of his being told in reply : Wait until the entire procedure of Article 15 has been enforced, and we will see what can be done.

In case of an aggression, and in the example given of flagrant aggression, the Council's duty under the very terms of Article 10 was to advise upon the most suitable means by which the obligation named in that article should be fulfilled.

M. GORGÉ (Switzerland), while declaring his readiness to accept unreservedly the draft as a whole submitted by M. Politis and M. Undén, suggested various formal changes. He proposed that the last sentence in Part II, paragraph (c),¹ should be amended to read :

“ It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, which the parties cannot bring to a standstill when it reaches the phase of the recommendation.”

The application of Article 15, in correlation with Article 16, should therefore be characterised by a procedure which the parties could not bring to a standstill when it reached the phase of the recommendation.

In the hypothesis of flagrant aggression mentioned by M. Politis, M. Gorgé did not wish the Committee to appear, in a case such as that, to be excluding the intervention of the Assembly on the pretext, for instance, that Article 10 was applicable. In his opinion, the two procedures were not mutually exclusive, and, in the case mentioned by M. Politis, they might be combined. He could quite well imagine a State the victim of an aggression laying the matter before the Assembly without the Council being thereby prevented from applying Article 10. The procedure under Article 15 involved long delays—a point which M. Politis had so rightly stressed. But M. Gorgé did not think that, while that procedure was being applied, the Council was unable at the same time to employ the measures provided for in Article 10.

Such being the case, he proposed that the addition made by M. Politis at the end of Part II, paragraph (c), should be amended to read :

“ Article 15 would not necessarily apply in the event of a Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10.”

The CHAIRMAN thought M. Gorgé was right in his view that Article 10 did not necessarily exclude the application of Article 15, more particularly in the case of flagrant aggression ; he desired to point out, however, that, in its letter to the Sixth Committee, the First Committee was not required to consider the relationship between Article 10 and Article 15.

M. POLITIS (Greece), Rapporteur, stated that he did not concur in the Chairman's opinion on the question of substance. He thought it impossible that the Committee should not make some allusion—however brief—to Article 10. The very circumstances of the question made it incumbent to do so. The Committee had been asked whether Article 15 was applicable in its entirety in a case where the parties were at war. It replied : Yes. But, if it did not add a reservation concerning Article 10, a misunderstanding was possible. The casual reader might say : The Committee was of opinion that, in the hypothesis actually considered, and in all cases, Article 15 is applicable in its entirety. That, however, was not the view of the Committee and, indeed, the latter could not hold such a view when its attention was drawn to the case of Article 10.

Moreover, it would not be replying fully to the objection in paragraph (c) of Part I of the draft opinion, which read :

“ The doubt felt is thought to be corroborated by the consideration that, in the contemplated case, it should be Article 16 rather than Article 15 which should be applied, and that this could not be done immediately if it was necessary as a preliminary to follow the procedure laid down in Article 15.”

The Committee was replying to that objection by paragraph (c) of Part II. But its reply would be incomplete if it made no mention whatsoever of Article 10.

After having reviewed several texts, M. Politis accepted M. Gorgé's proposal, which was also approved by his co-Rapporteur, M. Undén.

The Committee adopted the following text :

“ It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, paragraph 4, which the parties cannot bring to a standstill. Article 15 would not, however, necessarily apply in the event of a Member of the League of Nations which was a victim of an aggression applying to the Council in virtue of Article 10.”

M. CABALLERO DE BEDOYA (Paraguay) said he had noted with great interest the draft prepared in reply to the Sixth Committee's request to the First Committee for an opinion regarding the application in its entirety of Article 15 of the Covenant in a case where the parties were at war.

He had expressed legal doubts concerning the application of Article 15 in its entirety under the actual conditions of the Bolivo-Paraguayan conflict. The First Committee's opinion was an attempt to reply to his objections. But he was not authorised to state that his Government's doubts and scruples were now dispelled. The Paraguayan delegation duly

¹ Original text as proposed in the draft opinion :

“ The enquiry into this question of responsibility may be greatly facilitated by applying Article 15, which provides for a procedure the second phase of which may result in showing that a party to the dispute is already at fault or the circumstances in which a party will be at fault.”

noted the Committee's opinion, which authorised the application of Article 15 with a view to the cessation of hostilities. It also noted the statement that Article 15 would not necessarily apply in the event of a State Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10 of the Covenant. Without formally and officially accepting the procedure under Article 15, M. Caballero de Bedoya could assure the Committee that he would do nothing to obstruct the course of that procedure.

The CHAIRMAN said that the Committee took due note of the Paraguayan delegate's statement.

The Committee adopted the draft opinion as amended (Annex 2) and decided to send it to the Sixth Committee, in reply to the latter's request for an opinion.

SIXTH MEETING.

Held on Monday, September 24th, 1934, at 10.15 a.m.

Chairman : M. LIMBURG (Netherlands) (Vice-Chairman).

12. **Dispute between Bolivia and Paraguay: Question of the Prohibition of the Supply of Arms and of War Material to the Two Parties: Examination of the Opinion to be given to the Sixth Committee (Annex 3).**

The CHAIRMAN announced that, in accordance with the Committee's decision taken on the previous day, the Bureau had prepared a draft reply to the Chairman of the Sixth Committee on the question of the embargo, stating that the embargo had been decided upon by certain Members of the League and that it had been imposed outside the framework of the Covenant and in virtue of the sovereign rights of those States.

The question of principle underlying the prohibition of the supply of arms and war material within the framework of the Covenant raised problems so complex that the First Committee could not hope to settle them in the course of a few days' discussion.

M. GORGÉ (Switzerland) said that he was prepared to accept the draft opinion as a whole, in the preparation of which he had collaborated. He doubted, however, whether it was correct to say that no decision had been taken by the Council directing that there should be a prohibition to supply arms or war material to Bolivia and Paraguay, seeing that the decision had been taken by the Committee of Three. From a legal standpoint, it would be possible to examine the question of the capacity in which the Committee of Three had acted, whether it had not been in virtue of a sort of delegation of powers by the Council, and whether, since the Council covered the Committee of Three, the decision in question was not, legally speaking—though no formal resolution had been passed—nevertheless a decision of the Council. The Swiss Government, in adopting its decision, had obviously taken into account what had happened at Geneva, and, when informed of a recommendation of the Committee of Three, manifestly approved by the other members of the Council, had been of opinion that it was dealing with a recommendation which went rather further than a recommendation from three Members.

He felt, again, that the realities were not taken sufficiently into account in the paragraph which read :

“It follows that the Members of the League of Nations which have imposed the prohibition did so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant.”

In the case of Switzerland, in point of fact, the measures taken had not been outside the framework of the Covenant ; they owed their inspiration to the Covenant. Switzerland had felt that she was complying with a duty required of her in the name of solidarity, as indicated in Article 11 of the Covenant, the article on the basis of which, more or less exactly, the dispute was being dealt with at Geneva.

In order to satisfy, on the one hand, the States which had not been guided by the Covenant and, on the other, those which had taken their decision on the basis of that instrument, he proposed that the text be amended to read :

“It follows that the Members of the League of Nations which have imposed the prohibition were able to do so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant.”

As to the task of the committee of enquiry which the First Committee proposed should be set up, it seemed clear from the discussions that the legal problem involved was of particular importance. The Council would probably not be prepared to accept responsibility for settling it, and would in all likelihood refer the findings of the special committee to the Assembly. If that were so, it should be clearly stated in the opinion.

His personal view had been that the First Committee might simply have referred the whole problem to the next Assembly ; but it had been pointed out to him that it was not impossible that, before the next Assembly, another case might occur which would perhaps make it necessary again to contemplate measures of embargo, without waiting for the next Assembly. As the question was both important and perhaps urgent, he was quite prepared to admit that it might be wise to submit it for examination, without too much delay, to a committee appointed by the Council, it being understood that the Assembly would have the final say in the matter.

Mr. BECKETT (United Kingdom) said that he accepted the report as a whole and simply wished to note one or two small points, which were really matters of phrasing. He suggested that in Section I, paragraph 3, which read :

“ No decision directing that there should be such a prohibition has been taken by the Council ”,

the word “ recommending ” was more appropriate than “ directing ”. All the members were agreed that a decision of the Council, if taken, would not have obligatory force for everybody.

In Section I, paragraph 4, one idea seemed to have been repeated. Instead of saying :

“ It follows that the Members of the League of Nations which have imposed the prohibition did so outside the framework of the Covenant of the League of Nations and not in application of any of the articles of the Covenant ”,

it was, he thought, sufficient—and, on the lines of M. Gorgé's remarks, rather more accurate—simply to say that Members of the League which had imposed the prohibition had done so, or had been able to do so, not in application of any of the articles of the Covenant. The words “ outside the framework of the Covenant ” repeated the same idea, or, if they did not, they said a little too much.

The imposition of the embargo had been a concerted act, though performed in the exercise of the individual sovereignty of States, and its legal character was derived from its having been so done. He desired accordingly to propose an amendment in Section I, paragraph 5, to read :¹

“ The establishment of the prohibition by these Members of the League, though concerted, was a lawful act performed in the exercise of their sovereignty and without infringing any provision of the Covenant.”

A further addition, at the end of that paragraph, would make the sentence read :

“ It was motivated by anxiety in the particular case to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for Members of the League to promote.”

M. TUDELA (Peru) said that the Peruvian delegation also desired to make clear its attitude in the debate concerning the embargo on arms and war material for the two countries engaged in the Chaco conflict. The Peruvian Government desired, first, to state that it was prepared, as in the past, to participate in any attempt to bring the present hostilities to an honourable conclusion. Peru had taken part in the efforts of mediation made by the States neighbours of the two parties to the conflict : the Argentine Republic and Brazil on the Atlantic side, who were neighbours of Paraguay, and Chile and Peru on the Pacific side as neighbours of Bolivia. It was to the interest of those four countries—as would be readily understood—from a general as well as a local standpoint, to ensure that peace should be re-established in that sector of the American continent, and they would certainly spare no effort towards that end. Peru accordingly confirmed her decision not to refuse her collaboration, if that were desired.

As to the embargo itself, Peru was prepared to fulfil her duties as a Member of the League, being convinced that the decisions that might be adopted would ensure the efficacy of the measure by prohibiting the export of arms and war material to the belligerent countries. It was the countries which manufactured arms and war material and those which had stocks to get rid of that should enter into the most explicit undertakings in the matter. For the States neighbours of those inland belligerents, with whom they had concluded special commercial treaties based on a guarantee of freedom of transit, the situation created by the embargo was particularly difficult. The problem should in any case be settled by uniform action on the part of all the neighbouring countries, such action being, of course, inspired by feelings of friendship towards the countries at war. He would stress the point that the essential thing was to prohibit the export of arms and war material.

As to the question of principle, which had to be examined from the standpoint of pure law and more particularly of the interpretation of the Covenant—namely, the question of the prohibition of supplies of arms and war material to the belligerent parties, within the framework of the Covenant of the League—the Peruvian Government was in full agreement with the suggestion that a special committee should be appointed to study the matter.

The CHAIRMAN said that, although the general discussion had been closed, the First Committee would take note of the statement made by the delegate of Peru.

¹ Original text as proposed in the draft opinion :

“ The establishment of the prohibition by these Members of the League was a lawful act performed in the exercise of their sovereignty which does not conflict with any provision of the Covenant. It was motivated by anxiety in the particular case to contribute in the general interest towards putting an end to a war.”

Count PIOLA CASELLI (Italy) desired only in part to associate himself with the observations and suggestions put forward by the Swiss and the United Kingdom delegates.

One sentence in the draft opinion seemed to him calculated to prejudice unnecessarily—particularly if, after the word “prohibition”, there were added the words “though concerted”—as regards substance, the questions raised with regard to the regulation of the embargo; he referred to the sentence in the last paragraph but one of Section I as follows: “The establishment of the prohibition by these Members of the League was a lawful act performed in the exercise of their sovereignty which does not conflict with any provision of the Covenant.” In that connection, he desired to recall certain ideas which he had weighed one against the other in his statement at the previous meeting. The first was this: if Article 11 were applied in its entirety, if the embargo were regarded as an act of the League, it was clear that such an act must be the outcome of a resolution taken by the League organs; whence the necessity for a recommendation by the Council.

The second idea, which offset the first, was that, in a situation which had been recognised from the outset to be quite exceptional, the fact that a formal resolution had not been passed by the Council was entirely justified, since the States Members of the League had only acceded to the embargo by an act of sovereignty, in the exercise of their own individual judgment, and could always withdraw that measure. In the Italian Government's reply, particular stress had been laid on the right to go back on that decision and on the fact that the question of the embargo in the conflict between Bolivia and Paraguay could be entirely separated from the general question of the conditions in which an embargo might be authorised.

He felt that it would be well, therefore, for the First Committee, in giving its opinion, to confine itself to the essential point—namely, the clause declaring that accession had been, or that it had been possible for it to be, the result of action that could be taken by the countries Members of the League without applying any article of the League Covenant.

M. RIVAS-VICUÑA (Chile) stated that he was in agreement with the Italian delegate's observations and with the views expressed by the Peruvian delegate.

M. SKYLSTAD (Norway) proposed that, in order to avoid all ambiguity, the word “formal” be inserted before the word “prohibition” in paragraph 3 of Section I. All the delegates, he thought, agreed that no formal prohibition had been prescribed by the Council, but that, on the other hand, by its resolution of May 19th, 1934, the Council had taken the initiative in recommending the embargo.

M. EGORIEW (Union of Soviet Socialist Republics) stated that he was prepared to accept the draft opinion, with the additions and amendments proposed by the United Kingdom delegate.

No delegate having expressed the opinion that the Covenant had been violated, there seemed to him to be no point in saying that the prohibition decided upon by the States Members of the League was not contrary to any provision of the Covenant—a fact which was implicitly admitted, as was the right of the States to take such a measure.

Finally, in the last paragraph of Section I, the Committee seemed to him rather exceeding its powers and to be touching on paragraph 3 of Article 3 of the Covenant.

M. WESTMAN (Sweden) supported the proposals of the Swiss and United Kingdom delegations. He would have some difficulty in endorsing the suggestions of the Italian delegate, feeling as he did that the essential point was the sentence in which it was noted that the countries which had prohibited the export of arms had not violated any provision of the Covenant. He would have no objection to that sentence appearing in conjunction with the statement that Members of the League which had decreed such a prohibition had been able to take those measures, in that particular instance, without applying any of the provisions of the Covenant.

M. GORGÉ (Switzerland) supported the proposal of the Norwegian delegate that the refusal should state that there had been no “formal” decision of the Council, that expression, in his view, being more consistent with the facts. Decisions in the matter had been taken at Geneva. These were not formal resolutions of the Council, but it would hardly do to give the impression that the Council had played no part in the affair.

M. BASDEVANT (France) pointed out that the construction of the draft opinion was such that there was no need for the detail suggested by the Norwegian and Swiss delegates. The first paragraph of Section I showed what the Council had done, and the second what had been done by the Committee of Three, while the last paragraph noted that no decision had been taken by the Council. The situation was thus put very clearly.

M. SKYLSTAD (Norway) wished to maintain his suggestion that the word “formal” be inserted before “decision” only if the Committee adopted the United Kingdom delegate's proposal. The Council, as was clear from the first paragraph, had taken an initiative, with a view to measures of embargo being adopted; it was a sort of recommendation on its part, but it was not a formal decision.

The CHAIRMAN pointed out that every recommendation of the Council was a formal recommendation. A recommendation of the Council was a recommendation within the meaning of the Covenant, and required no qualification.

The Committee approved the wording proposed by M. Basdevant, as follows:

“No further decision has been taken by the Council.”

The Committee also approved the proposal of M. Gorgé that the end of Section II should be amended to read :

“ If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a committee for the purpose, which would present its conclusions to the Council and to the Assembly.”

The CHAIRMAN, at the request of the Soviet delegate, explained what was meant by the sentence :

“ It rests with the Assembly to appreciate whether, in the recommendation which it may be led to adopt under the provisions of Article 15, it would be desirable to insert provisions dealing with the matter.”

It meant that, when the Assembly came to deal with the substance of the conflict between Bolivia and Paraguay, it could make all sorts of recommendations, including recommendations concerning the embargo.

After an exchange of views, *the Committee adopted, for the fourth paragraph of Section I, the following text :*

“ It follows that the Members of the League of Nations which have imposed the prohibition could take this measure in the particular case without any application of an article of the Covenant. They were acting lawfully in the exercise of their sovereignty and without infringing any provision of the Covenant. They were actuated by anxiety to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for the Members of the League to promote.”

The words “ in that particular case ” were introduced at the request of the Italian delegation, Count Piola Caselli having pointed out that, while the Italian Government had acceded to the embargo and followed the procedure established at the League, it had done so in order to comply with a universal sentiment and world opinion. Whatever might be the tenor of the recommendation made by the Assembly, the conflict which had now been referred to it offered an exceptional situation of extreme gravity justifying the measure taken on the basis of a legal principle but lying outside the usual smaller arguments of detail and interpretation—a situation which was summed up in the Latin adage : *Salus publica suprema lex esto*. In that case the imposition of an embargo was an act which, at all events in its international moral expression, pointed to the existence of an absolute determination on the part of humanity as a whole that that sanguinary conflict should be brought to an end.

The Committee adopted the draft opinion (Annex 3) as amended, and decided to send it to the Sixth Committee, in reply to the latter's request for an opinion.

13. Manner of accrediting Delegates to the Assembly: Examination and Adoption of the Report and Resolution (Annex 4).

M. Schmidt (Estonia), Chairman of the Credentials Committee, came to the table of the Committee.

M. LIMBURG (Netherlands), Rapporteur, pointed out the difficulties with which the Credentials Committee was faced each year owing to the fact that incomplete and sometimes very defective credentials were submitted by delegates to the Assembly. Up to the present it had always dealt with the situation by the exercise of the right of discretion which was conferred on it, as on any other Committee of that kind. The question had, however, arisen whether it would not be expedient to amend the Rules of Procedure, which at present offered no definite indication as to the credentials to be presented by delegates to the Assembly.

At its fourteenth session, in 1933, the Assembly had approved a recommendation of the Credentials Committee that the full powers of delegates should, in future, comply with certain minimum conditions. The League Assembly was an international diplomatic Conference, and there was no reason why the rules with which delegates were required to comply should be less clearly defined than was the case for other conferences. Although, as yet, no regrettable incident had occurred, such a contingency was always possible in connection, for example, with important questions, such as the election of a member of the Permanent Court of International Justice or a Member of the Council—questions on which opinions were sharply divided. The Sub-Committee accordingly proposed that it should be laid down in Rule 5 of the Rules of Procedure that credentials of delegates must be issued either by the Head of the State or by the Minister for Foreign Affairs. The Credentials Committee would still be given a certain power of discretion. There would be a footnote, to the effect that, in the case of countries which did not possess a Minister for Foreign Affairs, the full powers—the credentials—might be issued by an authority possessing similar or equivalent powers.

Mr. BECKETT (United Kingdom) pointed out that many of the arguments brought forward as to the desirability of the highest credentials for delegates to the Assembly would seem to apply very much to the case of the Council as well. It had not been the practice, he understood, for the Council to have any credentials. It was simply for the Council, in the one case, or the Assembly in the other, to lay down what rules it thought appropriate. He added that the practice that prevailed in international diplomatic conferences was not entirely applicable to the Assembly, which was a meeting of a very special character ; the rules applying to it must necessarily be somewhat special and peculiar.

M. BASDEVANT (France) proposed an amendment to the effect that the Sub-Committee was of opinion that, in principle, the Assembly should continue to adhere to the international practice that prevailed in international diplomatic conferences; there were both similarities and differences between the League Assembly and an international diplomatic conference.

Count PIOLA CASELLI (Italy) was of opinion that the analogy between the position of delegates to the League Assembly and that of delegates to a diplomatic conference was not quite sound, considered from the standpoint of their respective undertakings.

M. GORGÉ (Switzerland) preferred to avoid using the rather vague term "adhere to the international practice". "Adherence" to that procedure had already led to results that were well known. If it were desired not to weaken the legal scope and character of Assembly resolutions as international undertakings—an aspect to which certain countries attached great weight—care must also be taken not to weaken too much the value of the powers accorded to delegates. A delegate would more readily accept an undertaking on behalf of his country if his credentials were in order.

M. SOTTILE (Liberia) emphasised the distinction which, in his view, existed between the expression "credentials" and "full powers". In ordinary parlance, full powers presupposed credentials, but credentials did not necessarily presuppose full powers. The distinction between the two had always been made by the Credentials Committee at previous sessions of the Assembly.

He feared that the adoption of the Sub-Committee's text might imply the abolition in international law of the distinction between the terms "credentials" and "full powers".

M. GORGÉ (Switzerland) replied that (in the French text), in Rule 5 of the Rules of Procedure of the Assembly, the expressions "lettres de créance" and "pouvoirs" were used indifferently—in paragraphs 2 and 3—to signify the same thing. The confusion between those two terms had in theory been very severely criticised. A delegate to the Assembly could not have credentials; he had full powers, like delegates to any international diplomatic conference.

Mr. BECKETT (United Kingdom) noted that it was proposed that the Minister for Foreign Affairs should have power to sign delegates' credentials. He assumed that when the Minister himself came to the Assembly—as very frequently happened—he would not have to produce any official document, but would simply notify the Assembly of his intention.

He emphasised the fact that the Committee was dealing only with the powers of delegates entitling them to take part in the Assembly. That did not cover cases where a League Convention was open for signature at the Assembly. A note might be added, to make that point clear.

The Committee adopted the draft report and decided to submit the annexed draft resolution to the Assembly (Annex 4).

The Committee decided, in application of the resolution adopted by the Assembly on October 11th, 1933, concerning the procedure to be applied at the ordinary session of 1934, that it did not consider a discussion of the Committee's report to the Assembly in plenary session to be necessary.

14. Close of the Session.

The CHAIRMAN declared the session closed.

ANNEX 1.

APPLICABILITY IN ITS ENTIRETY OF ARTICLE 15 OF THE COVENANT
TO THE DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

LETTER, DATED SEPTEMBER 18TH, 1934, FROM THE VICE-CHAIRMAN OF THE
FIRST COMMITTEE TO THE CHAIRMAN OF THE SIXTH COMMITTEE.

Geneva, September 18th, 1934.

I have the honour to inform you that the First Committee is dealing with the question referred to it by your letter of yesterday's date.

The First Committee began its examination of this question this morning, and intends to pursue the matter as expeditiously as possible.

It desires to draw your attention to the fact that the delegate for Paraguay agrees that the Assembly should first endeavour to obtain a settlement of the dispute, as laid down in paragraph 3 of Article 15, and only expressed doubt concerning the application of certain other paragraphs of the said article. The Sixth Committee may, therefore, pursue its examination of the question and, in particular, apply the provisions of paragraph 3 of Article 15 without waiting for the conclusions which the First Committee will not fail to transmit to it.

(Signed) LIMBURG,
Vice-Chairman of the First Committee.

ANNEX 2.

A.I/6(I).1934.
A.VI.12.1934.

APPLICABILITY IN ITS ENTIRETY OF ARTICLE 15 OF THE COVENANT
TO THE DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

(a) LETTER, DATED SEPTEMBER 22ND, 1934, FROM THE VICE-CHAIRMAN OF
THE FIRST COMMITTEE TO THE CHAIRMAN OF THE SIXTH COMMITTEE.

In continuation of the communication which I addressed to you on September 18th last regarding the opinion which the Sixth Committee has asked the First Committee to give it on the subject of the applicability in its entirety of Article 15 of the Covenant to the dispute between Bolivia and Paraguay, I have now the honour to enclose herewith a copy of the legal opinion drawn up this afternoon by the First Committee.

The representative of Paraguay has informed the First Committee that, though he is unable formally and officially to agree to the procedure of Article 15 of the Covenant, he would not do anything to impede the carrying through of this procedure.

(Signed) LIMBURG,
Vice-Chairman of the First Committee.

(b) OPINION OF THE FIRST COMMITTEE.

The First Committee, having been asked by the Sixth Committee in connection with the dispute between Bolivia and Paraguay for its opinion upon the question :

Whether Article 15 of the Covenant is applicable in its entirety in a case where the parties to the dispute are at war,

Gives its opinion as follows :

I.

(a) The use in the text of the article of the expression "likely to lead to a rupture" has given rise to doubts as to whether Article 15 is applicable in its entirety in the case contemplated. The fact that the text thereby expressly contemplates the case in which normal relations exist between parties is supposed to exclude the case where a rupture has already occurred.

This interpretation is said to be consistent with the provision of paragraph 6 of Article 15 relating to the obligation of non-recourse to war.

It is further held to be confirmed by comparison of Article 15 with Article 11, in which war is mentioned as well as threat of war.

(b) There would not, it is said, be any disadvantage in excluding the applicability in its entirety of Article 15 in the contemplated case, since it would always remain possible to seek a settlement of the dispute by applying Article 11 or even the first three paragraphs of Article 15.

(c) The doubt felt is thought to be corroborated by the consideration that, in the contemplated case, it should be Article 16 rather than Article 15 which should be applied, and that this could not be done immediately if it was necessary as a preliminary to follow the procedure laid down in Article 15.

(d) Finally, it is said that, in the case under consideration, Article 15 could not be applied in its entirety unless the hostilities which were in progress ceased.

II.

The above-stated reasons for the doubts which have been expressed as to the applicability of Article 15 in its entirety are not well founded, for the following reasons :

(a) The expression "dispute likely to lead to a rupture" is not peculiar to Article 15. It is to be found also in Article 12, where it has exactly the same scope. It is due to the fact that the general purpose of the Covenant is to organise prevention of war. It means that only disputes having a certain degree of gravity are to be dealt with. Its object is not therefore to exclude disputes the gravity of which is not purely hypothetical, but proved to be real by the fact of a rupture having already occurred.

The Covenant, like any general law, cannot be correctly interpreted without taking account of its spirit. Its twelfth and fifteenth articles provide for proceedings calculated to render effective the limitation which the Covenant imposes on the previously absolute right of States to have recourse to war. Those who drew it up certainly supposed that the countries which, by becoming Members of the League of Nations, had undertaken to have recourse to such proceedings would not fail to do so. They cannot have had the idea of permitting them to release themselves from this obligation by provoking a rupture.

If the procedure laid down in Article 15 is expressly provided for in cases of danger of rupture only, it must *a fortiori* be applicable in case of an actual rupture, and more particularly in case of war. If it is desirable to prevent war from occurring, it is still more necessary to put an end to it promptly if it has occurred. To exclude the application of Article 15 in its entirety in a case where war existed would be to admit that the Covenant entitled the States in conflict to withdraw from their obligations under it by resorting to war.

The above-given interpretation of Article 15 is made still more consistent with the general spirit of the Covenant by the circumstance that, in most cases, the application of Article 15 in its entirety will enable the Members of the League of Nations to know what behaviour they ought to adopt towards the parties in conflict in case the dispute should not have been amicably settled.

(b) Article 11 could not serve to complete Article 15, for it has a very different character. Its effect is not to confront the States in conflict in a debate to which they alone are parties. It gives the Members of the League of Nations, so to speak, a right of taking proceedings which any one of them can exercise. It contemplates for the effective safeguarding of peace a collective endeavour, operating by persuasion, to bring the parties to accept an amicable settlement. While Article 11, as a general rule, does not go beyond conciliation and requires the concurrence of the parties, Article 15 may, without the assent of the parties, lead to a solution which, though not obligatory, has definite legal consequences, not merely for the parties to the dispute, but also for all the Members of the League.

(c) It is not true that, in the case where a dispute has already led to war, exclusion of the application of Article 15 in its entirety would facilitate immediate recourse to the sanctions provided by Article 16. Application of Article 16 presupposes that it has been ascertained which party is responsible for the rupture which has occurred. It would seem only natural to consider that the question of responsibility, both as regards responsibility for what has already occurred and as regards the incurring of responsibilities in the future, ought to be investigated by a procedure such as that of Article 15, paragraph 4, which the parties cannot bring to a standstill. Article 15 would not, however, necessarily apply in the event of a Member of the League of Nations which was the victim of an aggression applying to the Council in virtue of Article 10.

(d) Although to obtain a cessation of hostilities must be one of the principal concerns of the body which has to take a decision under Article 15, it cannot be considered as an indispensable condition for the application of the article. If it were so, it would be in the discretion of a party to allow or not to allow the article to be applied.

III.

For the reasons above stated, the Committee is of opinion that, subject to the reservation made in regard to the eventuality provided for by Article 10, Article 15 of the Covenant is applicable in its entirety even in a case where the parties are at war.

ANNEX 3.

A.I/7(I).1934.
A.VI.14.1934.

QUESTION OF THE PROHIBITION OF THE SUPPLY OF ARMS AND WAR
MATERIAL TO BOLIVIA AND PARAGUAY : OPINION OF
THE FIRST COMMITTEE.

The Sixth Committee has informed the First Committee that, in the course of its debate on the dispute between Bolivia and Paraguay, some delegations referred to the question of the prohibition of supply of arms and war material to Bolivia and Paraguay, and the Sixth Committee, adding that the Italian delegation had submitted that this matter raised "a question of principle which should be considered from the standpoint of pure law and, in particular, from the standpoint of interpretation of the Covenant", requested the First Committee to study this question of principle.

The First Committee gives its opinion as follows :

I.

The Council, by its resolution of May 19th, 1934, recalling the action begun last year with a view to prohibiting the export or transit of arms and war material intended for Bolivia or Paraguay, requested the Committee of Three at once to resume examination of this question and to proceed to the consultations that were indispensable in order that measures might be taken, if need be, during its next extraordinary session.

As the result of the steps taken by the Committee of Three, a number of Members of the League of Nations prohibited the supply of arms and war material to Bolivia and Paraguay.

No further decision has been taken by the Council.

It follows that the Members of the League of Nations which have imposed the prohibition could take this measure in the particular case without any application of an article of the Covenant. They were acting lawfully in the exercise of their sovereignty and without infringing any provision of the Covenant. They were actuated by anxiety to contribute in the general interest towards putting an end to a war, an object which it is eminently proper for the Members of the League to promote.

It rests with the Assembly to appreciate whether, in the recommendation which it may be led to adopt under the provisions of Article 15, it would be desirable to insert provisions dealing with the matter.

II.

The question of principle which was to be examined from the standpoint of pure law, and, in particular, from that of interpretation of the Covenant—viz., the question of prohibiting *under the provisions of the Covenant of the League of Nations* the supply of arms and war material to belligerents—was shown by the discussion in the First Committee to be one which, presented in these wide terms, raised problems of a very diverse and very complicated nature which the First Committee would not be able to solve in the space of a few days. If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a committee for the purpose, which would present its conclusions to the Council and to the Assembly.

ANNEX 4.

A.47.1934.V.

MANNER OF ACCREDITING DELEGATES TO THE ASSEMBLY.

REPORT SUBMITTED BY THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. J. LIMBURG (Netherlands).

The First Committee, to which this question was referred by the Assembly on the proposal of the General Committee, referred it to a Sub-Committee, whose report it approved in the form in which it is annexed to the present document.

For the reasons given by the Sub-Committee, the First Committee proposes to the Assembly to amend Rule 5 of its Rules of Procedure by adopting the following resolution :

DRAFT RESOLUTION.

“ The Assembly decides to amend Rule 5 of its Rules of Procedure to read as follows :

“ *Rule 5.*

“ 1. Each Member shall communicate to the Secretary-General, if possible one week before the date fixed for the opening of the session, the names of its representatives, of whom there shall be not more than three. The names of substitute representatives may be added.

“ 2. The full powers of the representatives shall be delivered to the Secretary-General, if possible, one week before the date fixed for the opening of the session. They shall be issued either by the Head of the State or by the Minister for Foreign Affairs.¹

“ 3. A Committee of nine members for the examination of the full powers shall be elected by the Assembly on the proposal of the President. The Committee shall report without delay.

“ 4. Any representative to whose admission objection has been made shall sit provisionally with the same rights as other representatives, unless the Assembly decides otherwise.”

Appendix.

REPORT OF THE SUB-COMMITTEE AS AMENDED AND APPROVED BY THE FIRST COMMITTEE.

In his statement of September 18th, 1934, the Chairman of the Committee on Credentials requested the First Committee to consider what documents are to be regarded as “ credentials ” within the meaning of paragraph 2 of Rule 5 of the Rules of Procedure of the Assembly. He asked whether it would not be desirable to clear up the situation and facilitate the labours of the Credentials Committee by including definite details in the Rules of Procedure as to the documents to be regarded as accrediting delegates to the Assembly in good and due form.

At its meeting on September 18th, 1934, the First Committee appointed a Sub-Committee to consider this matter. The Sub-Committee consisted of :

- Mr. H. T. ANDREWS (Union of South Africa) ;
- M. Lone LIANG (China) ;
- His Excellency M. SCHMIDT (Estonia) ;
- His Excellency M. T. F. MEDINA (Nicaragua) ;
- M. J. LIMBURG (Netherlands) ;
- M. C. GORGÉ (Switzerland).

The Sub-Committee met on September 19th, M. Limburg being Chairman and also Rapporteur.

As the Chairman of the Credentials Committee recalls in the above-mentioned statement, a recommendation was last year made by the Committee and approved by the Assembly, which adopted the Committee's report, to the effect that, in future, all delegates should present full powers issued by their respective Governments.

It will be seen from the statement of the Chairman of the Credentials Committee that this year the States represented in the Assembly have accredited their delegates in the following manner :

- (a) Twenty-five States by full powers issued by the Heads of the States ;
- (b) One State by full powers issued by the Minister for Foreign Affairs ;
- (c) Seven States by credentials forwarded by the competent authorities of the Governments (Prime Minister, Minister for Foreign Affairs, Governor-General, or authorities to whom powers were delegated by the Minister for the purpose) ;
- (d) Nine States by letters or telegrams signed by the Ministers for Foreign Affairs ;
- (e) Ten States by the permanent delegates to the League of Nations appearing themselves as delegates at the Assembly ;
- (f) Lastly, the delegates of two States have been accredited, one by a letter from the Assistant Secretary of the delegation at the Assembly, the other by a letter from the Secretary of the Bureau of the Government of his country.

¹ It is obvious that, in the case of countries which do not possess a Minister for Foreign Affairs, the full powers may be issued by an authority possessing similar or equivalent powers.

The Sub-Committee is of opinion that, *in principle*, there should not be too great a departure from the practice that prevails in international diplomatic conferences. For diplomatic conferences, the delegates' full powers are normally issued by Heads of States.

While recognising the undesirability of too much rigidity and the fact that at Geneva a certain latitude in the matter has always been allowed, the Sub-Committee feels that such methods of accrediting delegates to the Assembly as those mentioned above under (e) and (f) cannot properly be accepted as satisfactory. Moreover, the documents mentioned in (d) do not, as a rule, constitute adequate full powers. The Sub-Committee realises that exceptional circumstances may arise in which the Credentials Committee—which should, of course, as always, be allowed a certain degree of discretion—might be satisfied with a telegram (*e.g.*, in the event of the resignation of a Cabinet, the illness of a properly appointed delegate, etc.); but it feels that this should not be regarded as a normal method of issuing full powers.

The Chairman of the Credentials Committee is right in emphasising in his statement of September 18th that, although hitherto there has been no opposition in the Assembly to the acceptance of these different forms of appointment (some of which are more or less irregular), it is not impossible that they might one day give rise to objections. One has only to reflect on the case of the Assembly having to adopt very important resolutions for which unanimity is necessary or of delegates who have not been accredited in a satisfactory manner having to participate in important elections of which the result is doubtful.

Rule 5 of the Rules of Procedure of the Assembly, in its present form, gives the Credentials Committee no guidance. Such guidance is needed, however, if the Committee is not to be led to allow too great latitude in the matter. In order to avoid the maintenance of methods which develop into a complete absence of rules without imposing too rigid rules, the Sub-Committee proposes the addition of a clause to paragraph 2 of Rule 5 of the Rules of Procedure to the effect that “credentials” *must be issued either by the Head of the State or by the Minister for Foreign Affairs.*

It is obvious that, in the case of countries which do not possess a Minister for Foreign Affairs, the “credentials” may be issued by an authority possessing similar or equivalent powers.

The expression “credentials” is not wholly correct, since delegates to the Assembly are not Ministers Plenipotentiary accredited to a Government; and the Sub-Committee therefore proposes that the word “credentials” be replaced by the words “full powers”.

In his statement of September 18th, 1934, the Chairman of the Credentials Committee further asked the First Committee to consider whether it would not be desirable to amend paragraphs 1 and 2 of Rule 5 of the Rules of Procedure in such a manner as to provide that the powers accrediting delegates to the Assembly, and the communications referred to in paragraph 1, should be sent to the Secretariat one week before the opening of the session.

After consulting the Secretariat, the Sub-Committee replies to this question in the affirmative, but adds that the time-limit of one week should not, of course, be imperative. For that reason, the Sub-Committee proposes that, in paragraph 2 of Rule 5 of the Rules of Procedure, the words “as soon as possible, and preferably” be replaced by the words “if possible, one week”.

The Sub-Committee's proposals may be summarised as follows: to amend Rule 5 of the Rules of Procedure of the Assembly, paragraph 2, to read as follows:

“The full powers of the representatives shall be delivered to the Secretary-General, if possible, one week before the date fixed for the opening of the session. They shall be issued either by the Head of the State or by the Minister for Foreign Affairs.”

The Committee also proposes to add to this paragraph as a footnote the following sentence:

“It is obvious that, in the case of countries which do not possess a Minister for Foreign Affairs, the full powers may be issued by an authority possessing similar or equivalent powers.”

To bring paragraph 1 of Rule 5 into line with the amendment to paragraph 2, the Sub-Committee also proposes the addition of the words “one week” to the said paragraph. It should accordingly read as follows:

“Each Member shall communicate to the Secretary-General, if possible one week before the date fixed for the opening of the session, the names of its representatives, of whom there shall be not more than three. The names of substitute representatives may be added.”

At the same time, the Sub-Committee proposes two amendments to paragraph 3:

(1) That the words “eight members” be replaced by “nine members”, to avoid having an even number;

(2) That the words “shall be elected by the Assembly by secret ballot” be replaced by the words “shall be elected by the Assembly on the proposal of the President”. The sole object of this amendment is to bring the text into line with the practice of recent years.

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RECORDS

OF THE

FIFTEENTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

SECOND COMMITTEE

(Technical Questions)

GENÈVA 1934

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LIST OF MEMBERS.

<i>Chairman</i> :	The Right Honourable R. B. BENNETT, P.C., LL.B., K.C., (Hon.) LL.D., M.P. (Canada).
<i>Vice-Chairman</i> :	M. W. M. VAN LANSCHOT (Netherlands).
<i>Abyssinia</i> :	His Excellency Count LAGARDE, Duke of ENTOTTO.
<i>Union of South Africa</i> :	His Excellency Dr. Herman Dirk VAN BROEKHUIZEN. Mr. W. C. NAUDÉ (substitute).
<i>Albania</i> :	His Excellency Dr. Fuad ASLANI.
<i>Argentine Republic</i> :	His Excellency Dr. Enrique RUIZ-GUINAZÚ.
<i>Australia</i> :	Mr. F. L. McDOUGALL, C.M.G.
<i>Austria</i> :	His Excellency Dr. Richard SCHÜLLER. Dr. Franz MATSCH (substitute).
<i>Belgium</i> :	His Excellency M. Henri JASPAR. His Excellency Count CARTON DE WIART (substitute). M. F. VAN LANGENHOVE (substitute).
<i>Bolivia</i> :	M. Ernesto FRICK-LEMOINE.
<i>United Kingdom of Great Britain and Northern Ireland</i> :	Mr. G. H. SHAKESPEARE, M.P.
<i>Bulgaria</i> :	His Excellency M. Constantin BATOLOFF. M. Nicolas ANTONOFF (substitute).
<i>Canada</i> :	The Right Honourable R. B. BENNETT, P.C., LL.B., K.C., (Hon.) LL.D., M.P. Mr. Walter A. RIDDELL, M.A., Ph.D. (substitute).
<i>Chile</i> :	His Excellency M. Luis V. DE PORTO-SEGURO. His Excellency M. Jorge VALDÉS-MENDEVILLE (substitute).
<i>China</i> :	His Excellency M. Wunsz KING. M. LOU Che-Ngan (substitute).
<i>Colombia</i> :	M. Emilio CUERVO-MÁRQUEZ.
<i>Cuba</i> :	His Excellency Dr. Carlos DE ARMENTEROS Y CÁRDENAS.
<i>Czechoslovakia</i> :	His Excellency M. Rudolf KÜNZL-JIZERSKÝ. M. Karel TRPÁK (substitute).
<i>Denmark</i> :	His Excellency Dr. Peter MUNCH. M. F. J. BORGBJERG (substitute). M. F. R. CHRISTIANI (substitute). M. Ole Björn KRAFT (substitute). M. William BORBERG (substitute).
<i>Dominican Republic</i> :	—
<i>Estonia</i> :	His Excellency M. Auguste SCHMIDT. M. J. KÓDAR (substitute).
<i>Finland</i> :	M. Paavo PAJULA. Dr. H. RAMSAY (substitute).
<i>France</i> :	M. Louis GERMAIN-MARTIN. M. Lucien LAMOUREUX. M. Jules GAUTIER (substitute). M. René CASSIN (substitute). M. CAHEN-SALVADOR (substitute).
<i>Germany</i> :	—
<i>Greece</i> :	His Excellency M. D. MAXIMOS. His Excellency M. R. RAPHAËL. M. P. PIPINELIS (substitute).
<i>Guatemala</i> :	—
<i>Haiti</i> :	His Excellency M. Constantin MAYARD. M. Alfred ADDOR (substitute).
<i>Honduras</i> :	—
<i>Hungary</i> :	His Excellency General Gabriel TÁNCZOS. His Excellency M. Ladislav DE TAHY (substitute). M. Zoltán BARANYAI (substitute). M. François MENGELE (substitute). Dr. Joseph JUDIK (technical adviser).
<i>India</i> :	Sir V. T. Krishnama CHARI, C.I.E. Sir Homi MEHTA (substitute).
<i>Iraq</i> :	—
<i>Irish Free State</i> :	Mr. Eamon DE VALERA. Mr. Frederick H. BOLAND (substitute).

<i>Italy :</i>	The Honourable Vincenzo CASALINI. The Honourable Giuseppe BIANCHINI.
<i>Japan :</i>	—
<i>Latvia :</i>	M. Wilhelms MUNTERS. M. Jules FELDMANS (substitute).
<i>Liberia :</i>	His Excellency Dr. Antoine SOTTILE. His Excellency M. C. BOSMAN VAN OUDKARSPHEL.
<i>Lithuania :</i>	His Excellency M. Bronius K. BALUTIS. Dr. Ladas NATKEVIČIUS (substitute).
<i>Luxemburg :</i>	M. Albert WEHRER.
<i>United States of Mexico :</i>	Dr. Pedro DE ALBA. His Excellency Dr. Enrique JIMÉNEZ (substitute).
<i>Netherlands :</i>	M. W. M. VAN LANSCHOT. M. A. J. LIEVEGOED (substitute) (for the question of collaboration of the Press in the organisation of peace).
<i>New Zealand :</i>	The Honourable Sir James PARR, K.C.M.G. Mr. C. KNOWLES, C.B.E. (substitute).
<i>Nicaragua :</i>	M. Tomás Francisco MEDINA.
<i>Norway :</i>	Commandant Birger BRAADLAND. M. E. O. MASENG (substitute). M. Rolf ANDERSEN (substitute).
<i>Panama :</i>	His Excellency Dr. Belisario PORRAS. Dr. Ernesto HOFFMAN (substitute).
<i>Paraguay :</i>	His Excellency Dr. R. V. CABALLERO DE BEDOYA.
<i>Persia :</i>	M. Mohammad Khan SCHAYESTEH.
<i>Peru :</i>	His Excellency M. Francisco TUDELA. M. Pedro UGARTECHE (substitute).
<i>Poland :</i>	His Excellency M. Witold CHODZKO. M. Adam BENIS (substitute).
<i>Portugal :</i>	His Excellency Dr. Augusto DE VASCONCELLOS, or His Excellency Dr. José Capelo DE FRANCO-FRAZÃO, Count DE PENHA GARCIA. Dr. N. M. FREIRE DE ANDRADE (substitute).
<i>Roumania :</i>	M. Mircéa DJUVARA. M. Constantin VISOIANU (substitute). M. Eugène NÉCULCÉA (substitute). M. Jean CHRISTU (substitute).
<i>Salvador :</i>	—
<i>Siam :</i>	His Excellency Phya Subarn SOMPATI. Luang BHADRAVADI (substitute).
<i>Union of Soviet Socialist Republics :</i>	M. MARCEL ROSENBERG. M. Edouard HOERSCHELMANN (substitute).
<i>Spain :</i>	His Excellency M. Teodomiro DE AGUILAR. Mlle. Clara CAMPOAMOR (substitute). M. Tomás SIERRA (substitute).
<i>Sweden :</i>	M. N. R. WOHLIN. Mlle. Kerstin HESSELGREN (substitute). M. E. HENNINGS (substitute).
<i>Switzerland :</i>	M. Walter STUCKI. M. Albert OERI. M. William RAPPARD (substitute).
<i>Turkey :</i>	His Excellency Cemal HÜSNÜ Bey. His Excellency Necmeddin SADIK Bey (substitute).
<i>Uruguay :</i>	His Excellency M. Victor BENAVIDES, or His Excellency Dr. Augusto César BADO.
<i>Venezuela :</i>	His Excellency M. César ZUMETA. His Excellency Dr. C. PARRA-PÉREZ (substitute).
<i>Yugoslavia :</i>	Dr. Milan TODOROVITCH. M. Milan STEVANOVITCH (substitute).

SECOND COMMITTEE.
(TECHNICAL ORGANISATIONS)

AGENDA.

1. WORK OF THE COMMUNICATIONS AND TRANSIT ORGANISATION.
 2. CO-OPERATION OF THE PRESS IN THE ORGANISATION OF PEACE.
 3. WORK OF THE HEALTH ORGANISATION.
 4. ECONOMIC AND FINANCIAL QUESTIONS.
-

FIRST MEETING.

Held on Tuesday, September 11th, 1934, at 10 a.m.

Chairman : Mr. BENNETT (Canada).

1. Election of Vice-Chairman.

The Committee appointed M. VAN LANSCHOT (Netherlands) Vice-Chairman.

2. Adoption of Agenda.

The Committee adopted its agenda—namely :

1. Work of the Communications and Transit Organisation.
2. Co-operation of the Press in the Organisation of Peace.
3. Work of the Health Organisation.
4. Economic and Financial Questions.

3. Appointment of Rapporteurs.

The Committee appointed M. DE PORTO-SEGURO (Chile) Rapporteur for the work of the Communications and Transit Organisation ; M. DJUVARA (Roumania) Rapporteur for the Co-operation of the Press in the Organisation of Peace ; M. MUNTERS (Latvia) Rapporteur for Economic and Financial Work.

4. Publicity of Meetings.

The Committee decided that, in principle, its meetings should be public.

SECOND MEETING.

Held on Wednesday, September 12th, 1934, at 11 a.m.

Chairman : M. VAN LANSCHOT (Netherlands).

5. Communications and Transit Organisation : General Discussion : Examination and Adoption of the Draft Report of the Second Committee to the Assembly (Annex I).

M. DE PORTO-SEGURO (Chile), Rapporteur, submitted and commented on the draft report on the work of the Communications and Transit Organisation.

Mr. SHAKESPEARE (United Kingdom) said that the United Kingdom Government attached great importance from an international point of view to the communication it had made regarding the pollution of navigable waters by the discharge of oil. Every country with a considerable

coastline was to a certain degree affected. The effects of pollution by the discharge of oil were threefold. In the first place, much suffering was inflicted on all varieties of sea-birds, whose wings became saturated with oil. Unable to swim, fly or dive, they died a painful and lingering death from starvation. Secondly, there were complaints from those associated with Fishery Boards, supported by statements of eminent scientists, as to the damage done to the feeding-grounds of fish by the discharge of this oil refuse. Thirdly, there were the harmful effects on the amenities of seaside resorts in all countries.

The United Kingdom had prevented the contamination of its territorial waters by the Oil in Navigable Waters Act of 1922. That Act had been satisfactory as far as it went, but it was clear that further international action was necessary, as damage was also caused by oil discharged outside territorial limits. The speaker reminded the Committee that an international conference at Washington in 1926 had considered remedies for oil pollution and that a draft Convention was then drawn up providing for the voluntary imposition by participating maritime countries of zones from 50 to 150 miles wide round their coasts, within which the discharge of oil or oily water into the sea should be prohibited. This Convention had never been ratified, but shipowners of certain countries, including the United Kingdom, had voluntarily respected the terms of the Convention.

Public opinion was becoming conscious of the damage caused by failure to put an end to this mischief. There were three methods of doing this : by fixing zones of immunity in which oil was not to be discharged ; by the provision of separating barges in ports and harbours ; and by fitting oil separators to ships. These separators were now cheaper than formerly and many shipowners claimed that the value of the oil extracted had covered the cost of installation.

His Majesty's Government was prepared to fall in with any international scheme calculated to lessen the damage and suffering arising from this evil.

M. WUNSZ KING (China) said that the Communications and Transit Organisation certainly deserved the Committee's gratitude and felicitations for the work it had done since the last session of the Assembly. He noted with particular satisfaction that the technical co-operation between the Organisation and the National Economic Council of his country was continuing. His Government appreciated that collaboration all the more deeply, inasmuch as the fact that there was an ever-increasing number of China's own experts who were applying themselves resolutely to various fields of technical work for the economic reconstruction of China helped to knit closer and closer ties between the technical organisations of the League and those of his own country. In that connection, in anticipation of the preliminary report on the achievements of the Health Organisation which would be laid before the Committee in the next few days, he would like to add a word of appreciation for the useful work that organisation also had done and was doing in China.

M. BIANCHINI (Italy) said that Italy, with her very extensive coastline, was desirous, if only from the point of view of the tourist traffic, of obviating the disadvantages of the pollution of the sea by the discharge of oil. The Italian Government was prepared to support any efforts to that end which might be made in the international field.

Mr. RIDDELL (Canada) said that the Canadian Government had given a good deal of attention to the question, and would wholeheartedly support every effort which might be made to avoid further pollution of coastal waters. Canada, with a coastline on both the Pacific and the Atlantic oceans, and great inland navigable waters, had felt the need for international co-operation along those lines, in order to avoid the danger of fire and the damage caused to summer resorts, fisheries and bird life. Some action was urgently necessary, and the Canadian Government would be only too glad to do anything it could to assist in bringing about international co-operation in that field.

Sir KRISHNAMA CHARI (India) said that the Government of India strongly supported the United Kingdom delegation's request that the question of oil pollution of navigable waters be taken up at once. His Government was very keenly interested in that question, and hoped that international action would be taken at an early date.

M. RUIZ-GUINAZÚ (Argentine Republic) said his Government also was prepared to support any efforts that might be made in the sense of the British proposal, with a view to an international agreement on the subject.

M. DE ARMENTEROS Y CÁRDENAS (Cuba) said that, in view of the geographical position of his country, which was on a very busy sea route between North and South America, he could only agree entirely with the United Kingdom representative's proposal.

M. DE PORTO-SEGURO (Chile), Rapporteur, felt sure that the Communications and Transit Section would endeavour, in co-operation with the United Kingdom delegation, to find a solution of the problem, which was of great international interest.

The Committee adopted its report to the Assembly on the work of the Communications and Transit Organisation between the fourteenth and fifteenth ordinary sessions of the Assembly, and the draft resolution¹ attached thereto.

The Committee unanimously declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

6. Work of the Health Organisation : Appointment of Rapporteur.

The Committee decided to empower the Chairman to appoint a Rapporteur for the work of the Health Organisation.

THIRD MEETING.

Held on Saturday, September 15th, 1934, at 4 p.m.

Chairman : M. VAN LANSCHOT (Netherlands).

7. Work of the Health Organisation : Appointment of Rapporteur (continued).

The CHAIRMAN informed the Committee that, in accordance with the decision taken by the Committee at its previous meeting, he had appointed Mr. Riddell, delegate of Canada, Rapporteur for the work of the Health Organisation between the fourteenth and fifteenth sessions of the Assembly.

8. Co-operation of the Press in the Organisation of Peace : Discussion of the Draft Report to the Assembly and the Draft Resolution² : Adoption of Draft Resolution.

M. VISOIANU (Roumania), Rapporteur, submitted the draft report by the Second Committee to the Assembly on the co-operation of the Press in the organisation of peace and the draft resolution contained therein.

The CHAIRMAN read the following note by the Secretariat, which had already been distributed to the delegations :

“ If the Second Committee approves the draft resolution submitted by its Rapporteur on the question of the co-operation of the Press in the organisation of peace, it will have forthwith to refer the question to the Fourth Committee, as provided in Article 16 (a) of the Financial Regulations. If a two-thirds majority of the Fourth Committee is in favour of an appropriation for this purpose, the Supervisory Commission will then have to examine the financial aspects of the matter. The appropriation should be sufficient to enable the Secretariat to lend its assistance in a further conference which might take place in 1935, on conditions similar to those on which it did so at the Madrid Conference.

“ As we do not know what Government may be prepared to convene another conference, the appropriation required can only be estimated on the basis of the cost of the Madrid Conference.

“ In that case, the Government of the Spanish Republic paid all the expenses of local organisation. It also paid the travelling and subsistence expenses of some members of the staff.

“ On the understanding that the inviting Government would again defray the cost of organising the conference, the appropriation that would be required is estimated at 7,000 francs—viz. :

	Francs
“ Travelling and removal expenses	5,000
Printing	1,000
Sundries	1,000
	<hr/> 7,000 ”

M. VISOIANU (Roumania), Rapporteur, pointed out that, however limited the co-operation of the League Secretariat might be at future conferences, it would involve certain expenditure. The necessary credits were very small in view of the work to be accomplished. He added that the unanimity of the Second Committee would give greater weight to the draft resolution.

M. BORGBJERG (Denmark), as a member of the Government which had taken the initiative of convening the conference held in Copenhagen in January 1932, supported the Rapporteur's

¹ The resolution was adopted by the Assembly on September 26th, 1934.

² See report of the Committee to the Assembly (Annex 2).

proposal that, in future, the secretarial work of conferences of Government Press Bureaux and Press representatives should be carried out by its competent services.

He thought the Press was to a great extent responsible for the development of the feelings which had led to the last war. A similar responsibility was borne now by the Press, which was constantly announcing that a fresh world war was inevitable. The present development of the air and chemical technique of war should render war impossible. A choice had to be made between the destruction of European civilisation and the peaceful progress of national communities, by applying modern technical methods and advances to the development of international relations. As Minister of Public Instruction, M. Borgbjerg himself was doing all he could to place the teaching of history on a basis of truth and to endue it with a spirit of peace. He would like the Press to use its powerful influence in the same direction.

M. SIERRA (Spain), as representative of the country which had invited the Assembly to convene the last Press congress in Madrid, reminded the Committee that the starting-point for the active work undertaken in this sphere was the resolution of the thirteenth Assembly, based upon a report by Viscount Cecil. The Assembly had formally stated that means should be sought to establish the closest possible connection between the work of the League and the work of the Press, in order to prevent the spread of false information. It was the Spanish Government which on that occasion drew the Assembly's attention to the evil effects of the dissemination of false information by the powerful means now at the disposal of the Press.

Lord Cecil's illuminating report had pointed out that an obstacle existed in the shape of the liberty of the Press. The question arose whether the spread of false information could be avoided without affecting the liberty of the Press. The Assembly had recognised that that was an extremely difficult question, and the resolution implied that, in the first place, the liberty of the Press should be maintained. The organs of the world Press, for their part, had stated that they could not consider the study of such an important problem if there was the slightest danger of the liberty of the Press being affected.

Nevertheless, the question existed. As the Danish delegate had just remarked, the great war had, to a certain extent, been the consequence of Press intrigues and campaigns. Who could say whether future international conflicts might not arise in the same way? The question, therefore, was to find some way to prevent the Press from exercising a bad influence on public opinion, without affecting the liberty of the Press.

The Copenhagen Conference had begun the study of an extremely complicated problem, and the Madrid Conference had gone into that question at length. In the resolutions adopted in Madrid to which the Rapporteur had referred, it would be seen that the two considerations with which Lord Cecil had been concerned still existed. There was no doubt that a problem of such importance ought to be brought before the League of Nations and that the work accomplished in Madrid should be continued, even if no State issued a special invitation. The question was too serious to be lost sight of by the League, which should, on the contrary, study the best means of solving it.

Among the resolutions voted in Madrid, there were some of a general character which represented statements of principle, such as the liberty of the Press and the necessity for co-operation in order to prevent the spread of false information, while there were others relative to professional matters. In particular, the congress had noted a resolution proclaiming the necessity for establishing closer collaboration between the Government Press Bureaux and the organs representing concerns belonging to the free Press. Some of these resolutions were of very great importance, such as the establishment of a court of honour for journalists as a means of suppressing the spread of false news. Questions concerning the professional, economic and political status of foreign Press representatives had also been dealt with, together with questions as to the status of journalists as intellectual workers, questions, that was to say, connected with the work of the International Labour Organisation.

At the thirteenth Assembly, it had been proposed that the resolutions of the Assembly and the various Committees of the League should be rapidly communicated to the Press organisations by the League wireless station, and that means should be sought to obtain greater flexibility in the official Press organs.

All those resolutions proved the importance of the problem, and the League must certainly continue the work which had been initiated, without waiting for invitations from any State.

The Spanish delegate did not think the financial aspect of the question of the collaboration of the Press in the organisation of peace could raise the slightest difficulty in the Fourth Committee. The credit of 7,000 francs required for such a work seemed to him insignificant.

M. CASSIN (France) said that his delegation supported the resolution submitted by the Rapporteur. He pointed out that the Committee on Moral Disarmament had marked off the questions with which it could deal itself from those relating to the Press. It could be noted with satisfaction that the questions which had not been handled by the Committee on Moral Disarmament had been treated in Madrid in a sense favourable to moral disarmament.

There was, however, a nice point which he felt he must raise. The Rapporteur and the Spanish delegate had touched on the principle of liberty of the Press. The French delegation strongly supported the liberty of the Press, but was of opinion that the less liberty enjoyed by the Press in any country, the greater was the responsibility upon the Government of that country as regards the action of the Press in arousing popular feeling.

He could not omit to mention the important work done by the Madrid Conference in respect of the desires of ex-servicemen. The Danish delegate had referred to the evils of false information. The men who had suffered physically from the evil effects of false news—he was referring not only to French ex-servicemen but also to the international organisations of ex-servicemen—had

consistently stated in all their congresses that the system of the dissemination of news should be reformed. Consequently, the French delegation could not but support the conclusions of the Madrid Conference—*i.e.*, the prevention of the spread of false information, the rectification of false information and—what was of the highest importance—the granting of a status to foreign newspaper correspondents. If such status was not some day adopted, it would be impossible to guarantee the trustworthiness of news. With the whole work of the Madrid Conference, there was connected the establishment of the League's wireless station.

Obviously, that work could not lead to immediate results, but undeniably progress had been made already, and certain problems which had appeared extremely difficult in Copenhagen had been found easier of solution in Madrid. If a third and fourth Conference met, it might be possible to reach a settlement. At present, the Assembly could not discuss the substance of the problem, but could only give material facilities. The definite, practical and modest solution submitted by the Rapporteur therefore deserved the Committee's approval.

M. Cassin desired to submit one remark regarding the interpretation to be placed on the last paragraph of the resolution. As regards the phrase "requests the Council to authorise the Secretary-General", it was understood that the Assembly did not thereby wish to deny that it possessed the power itself to authorise the Secretary-General; the Secretary-General and the Secretariat collaborated with the Assembly as well as the Council. The Assembly acted through the Council because, not being itself a permanent body, it entrusted to the Council the duty of granting the necessary authorisation when the occasion arose.

M. Cassin pointed out that resolution VI adopted by the Madrid Conference¹ expressed the desire that the League Council should examine the question of the differences in the internal law of States so far as concerned responsibility for false information and its rapid correction, since such divergences might delay the appeasement of public opinion in the various countries. It might be possible to draw the Council's attention to resolution VI of the Madrid Conference, in order that the Council might not limit its assistance to a pecuniary authorisation but might also consider the work which it was expected to do in order to facilitate future conferences. The point might be mentioned in the report if not in the resolution.

M. MENGELE (Hungary), who had taken part in the Madrid Conference, paid a tribute to the experience and work of the members of the Secretariat. While it was perhaps regrettable that definite or more complete solutions had not been found in Madrid, especially as regards the suppression of false news, and while questions had been discussed which, in his opinion, were outside the scope of the Conference, the meeting had nevertheless achieved very real progress, and such congresses made a very valuable contribution to the fulfilment of the ideas on which the League was based.

The Madrid Conference had unanimously expressed the desire that such meetings should be convened periodically. Since it was important that the League Secretariat should continue to give its assistance, M. Mengele associated himself with the Rapporteur's proposal.

M. KOMARNICKI (Poland) agreed to the text of the resolution submitted to the Committee and also approved M. Visoianu's report.

The Polish delegation had been one of the first to raise, during the discussion on moral disarmament, the question of the most suitable means of combating the spread of false news. Numerous proposals on the subject had been submitted to the Disarmament Conference.

He asked M. Visoianu to insert in his report—for instance, it might be introduced in the part referring to the efforts of the Institute of Intellectual Co-operation in the sphere of broadcasting—the text adopted by a large majority in the Committee on Moral Disarmament.

The Polish delegate also warmly supported M. Cassin's suggestion regarding the resolution adopted in Madrid. The latter constituted a complete programme, which should be warmly recommended to those preparing for the next Press Conference. The agreements which had already been applied in that sphere between some countries of Central and Eastern Europe had, with few exceptions, rendered extremely valuable services from the point of view of moral disarmament.

M. Komarnicki also wished to draw attention to the statement attached as Annex A² to the report on the discussions at the Madrid Conference concerning the campaign against the spread of inaccurate information. This statement, which was, as it were, a "protocol of non-aggression" of the Press, had been signed by the representatives of the Government Press Bureaux of sixteen countries.

Attention should also be drawn to the importance of the first paragraph of resolution VI adopted in Madrid emphasising the differences at present existing in the internal law of States so far as concerns responsibility for false information.

The work submitted by M. Pella to the Committee on Moral Disarmament would also be extremely valuable for those preparing for the new conference.

M. LIEVEGOED (Netherlands) noted that the two main ideas by which the members of the Madrid Conference had been guided—namely, the freedom of the Press and the abundant supply of authentic information communicated to the Press with the least possible delay—were entirely

¹ See "Second Conference of Governmental Press Bureaux and Representatives of the Press", Madrid 1933, page 36.

² See "Second Conference of Governmental Press Bureaux and Representatives of the Press", Madrid 1933, pages 40 to 42.

in keeping with the principles which governed the position of the Press in the Netherlands. For that reason, he was in favour of anything that would secure a wider recognition of those two fundamental ideas, whether in the field of law or in that of agreements between Press associations.

In accordance with the Netherlands' tradition, which was reflected in the fact that there was no special legislation dealing with the Press in the Netherlands, it seemed preferable that the reform of the Press, including the campaign against false news, should, as far as possible, be in the hands of the Press organisations themselves. It was nevertheless obvious that the Netherlands Government would always be prepared to give effective assistance whenever required, with a view to reaching the ideal of journalism based exclusively on the search for truth. The Netherlands delegation therefore attached the greatest importance to the agreement between the Swiss, Netherlands and Polish associations of newspaper publishers concerning the rectification of false news. The results of such agreements would be more substantial if the journalists' organisations were to take part in them.

In that connection, the Netherlands delegation, while supporting the conclusions contained in the report of the Madrid Conference and the draft resolution submitted by the Rapporteur to the Committee, wondered whether, in the event of the example set by the three countries mentioned being followed by a series of bilateral and multilateral Press agreements providing for the possibility of rectifying false news, any international settlement as to the right of rectification should not be limited to co-ordinating and sanctioning the results which were the outcome of spontaneous growth. M. Lievegoed therefore advocated a study of the action taken by the Press organisations. It would be interesting to see what methods the journalists would employ to prevent any abuses to which the right of rectification might give rise.

Political propaganda, from whatever side it was exercised, always sought fresh channels, and it was by means of rectifications which would be nothing less than disguised propaganda that such propaganda would find new means of access to the Press. This it was essential to avoid, in order to obviate discrediting a right that deserved the fullest measure of respect and moral support. It was to be hoped that the Press organisations would find means of counteracting those abuses.

M. Lievegoed wondered whether that result could be attained by an international settlement drawn up without recourse to practical experience. He would merely put the question, since he was convinced that the danger to which he referred would not escape the attention of the experts dealing with that important question of the day.

He also supported the proposal that the Secretariat be authorised, by the inclusion in the budget of a small but sufficient credit, to take over the secretarial work at such conferences.

In conclusion, the Netherlands delegation highly appreciated the work begun at Geneva and so ably continued in Copenhagen and Madrid, work that raised great hopes for the future.

Mr. VAN BROEKHUIZEN (Union of South Africa) said that, as an old newspaper man of more than fifty years' experience, he was in a position to say a few words about the Press. The Rapporteur had placed before the Committee a very optimistic view of what was going to happen in the future. He must admit that he personally was very pessimistic. Liberty of the Press existed in the Union of South Africa, but he would ask how many countries allowed the publication of the real truth about every other nation in the world.

The Madrid Conference had recommended the establishment of an "impartial fact-finding body". In view of every nation's national aspirations, was it possible to get such a body? He made bold to state that in time of war if an angel from Heaven were to try to enlighten the people he would be crucified. He feared he was expressing a very pessimistic view, but such was his experience of very many years in South Africa, a country which had suffered in the past from misrepresentation. In time of war, opponents tried to misrepresent each other and to bring forward the worst side of the other nation. Liberty of the Press was an ideal which could be claimed to exist at present in South Africa and in some other countries, but he asked whether the liberty of the Press was not restricted on the one side by money and on the other side by politics. That was a question which might be asked at the Conference, and he looked forward to the dawn of a new era when there could really be established, in the words of the report of the Madrid Conference, "an impartial fact-finding body, composed of impartial non-official experts, who, with the full but informal collaboration of the Government Press Bureaux, will report on technical and financial methods of remedying the spread of false news". To him, that was really a question of the greatest importance, and, after an experience of fifty years in public life, he asked if it was possible. Everyone realised what the League of Nations had done in the past in that connection, but suppose such a body of men existed, and had to report the truth to the nations at war, was it probable that it would reach the men at war, or would it only be published by nations not interested in what was happening? He feared that the latter would be the case.

He hoped, however, that his pessimistic view of the question would be changed by future events. It was very easy for the Committee airily to predict a wonderful future, but he felt that it must get down to practical facts and try to decide what could really be done so that true facts might be published by all the nations. When that day arrived, he felt that a new era would have dawned and that everybody would live in an El Dorado.

General TÁNCZOS (Hungary) said that his delegation approved M. Visoianu's report and the accompanying resolution as they stood.

M. CAVAZZONI (Italy) paid a tribute to the words of warning uttered by Mr. van Broekhuizen. He would, however, point out that, while realities must not be overlooked, all effort should be made to strive towards the ideal which the South African delegate had so well described. For that reason, M. Cavazzoni would vote in favour of the proposals submitted to the Committee.

With reference to the French delegate's remark that the responsibility of Governments increased in proportion to the restrictions on the freedom of the Press, he would add that there were many cases in which the organs of the Press, besides obeying Government instructions, were subservient to certain groups of industrialists whose only object was to make money and who did not hesitate to convulse the peoples with the menace of war.

M. Cavazzoni emphasised the importance of the assistance which the Press rendered to the work of the League by the publication of its discussions and their results in such a manner as to arouse the interest of public opinion. As an example he might mention the assistance granted by the world Press in the League's campaign against the abuse of narcotic drugs. That campaign had already given good results, especially in Europe, and, in that respect, the League could thank the Press, which had helped it in the good work. That was an additional argument for approving the report and adopting the resolution.

Mr. McDUGALL (Australia) said that the Australian delegation was fully in sympathy with both the report and the resolution ; but some words which the Rapporteur used in introducing the note by the Secretariat had caused certain misgivings in his mind. The Rapporteur had indicated the desirability of a unanimous vote on the resolution, in order that the Fourth Committee might be induced to grant the small credit which was said to be necessary. That was a suggestion that pressure should be brought to bear on the Fourth Committee to make the sum available for that particular purpose. Mr. McDougall reminded the Committee that the failure of a number of nations to pay their contributions to the League made it impossible at the present time for the League to undertake new work involving new expenditure. He was not aware whether the collaboration of the League in the Madrid Conference involved any special vote, but the note of the Secretariat suggested that future collaboration might do so. He did not think it at all desirable that the Second Committee should attempt in any way to influence the decisions of the Fourth Committee, faced, as the Fourth Committee was, with the quite appalling situation of unpaid contributions.

M. WUNSZ KING (China) supported the resolution and paid a tribute to the valuable work done at the Madrid Conference, which had been convened and conducted by the Spanish Government with the assistance of the League Secretariat. So far as he could judge, the importance of this question and, he might add, its chief difficulty, lay in the manner in which the liberty of the Press could be reconciled with the suppression of false news in the interests of international peace and good understanding. He would therefore urge, in the name of the Chinese Government, that at the next Conference a satisfactory arrangement to reconcile these two factors should be made.

In the meantime, he wished to state that the Chinese Government had accepted the resolutions of the Madrid Conference. He also wished to associate himself with the remarks made by the Polish delegate in referring to the declaration made by representatives of Government Press Bureaux regarding the spread of inaccurate information.¹ To that declaration China was a party, and an additional declaration was made by the Director of the Information Section of the Kuomintang in Europe.

M. VISOIANU (Roumania), Rapporteur, replying to the various observations in his report, wished, in the first place, to inform the Spanish delegate that he shared the desire that the Conference might be certain of meeting again. He thought, however, that it was not within the competence of the Committee to take steps to that end, and that great caution was necessary. If no Government took the initiative of inviting the Conference within such period as might be agreed to be unduly protracted, and if, on the other hand, it was felt that the conference ought to meet, the Assembly would a'ways be able to reconsider the matter.

The Rapporteur was further convinced that the Press organisations would appreciate the support of the organisations of ex-servicemen, of whom M. Cassin had made himself the spokesman. That would, no doubt, confirm the determination of the Press organisations to achieve results.

The Rapporteur agreed with the interpretation which M. Cassin had proposed to place on the last paragraph of the draft resolution. He was also prepared to mention in the report the question raised by M. Cassin as to the differences existing in the internal laws of States regarding responsibility for false information.

He was also prepared, if the Committee agreed, to insert in the report a reference to the work of the Committee on Moral Disarmament as proposed by the Polish delegate. He would, however, point out that that was a very delicate question. Indeed, it was not for the Committee to prejudge the programme of work of future Press conferences. The previous conferences had themselves drawn up the procedure to be followed for drafting their programme. That work had been entrusted to a Committee of very complex composition. The Second Committee should observe every precaution and should not forget that, in any case, all the proposals would have to be submitted to the competent Press organisations.

¹ Annex A of the report on the Second Conference of Government Press Bureaux and Representatives of the Press, held in Madrid.

The Rapporteur shared the anxiety expressed by the Netherlands delegate in his observations, and agreed with him as to the necessity for acting with the greatest caution. He realised the advisability of recommending the study of the steps taken by the Press organisations.

Mr. McDUGALL (Australia) and Mr. VAN BROEKHUIZEN (Union of South Africa) stated that while they were entirely in sympathy with the objects of the resolution they must, for the reasons already mentioned, abstain from voting for it.

The Committee unanimously adopted the resolution¹ on the co-operation of the Press in the organisation of peace, the delegates of the Union of South Africa and of Australia abstaining from voting, and requested the Chairman to bring the resolution to the notice of the Fourth Committee.

FOURTH MEETING.

Held on Monday, September 17th, 1934, at 4.30 p.m.

Chairman : Mr. BENNETT (Canada).

9. Economic and Financial Questions : General Discussion.

M. BIANCHINI (Italy) expressed his appreciation of the work performed by the Economic and Financial Committees, whose members, though often very closely associated at home with their Governments' current activities in the economic and financial sphere, displayed the utmost independence and the widest possible spirit of co-operation at Geneva. He then proceeded to review the main economic and financial questions investigated by the two Committees.

He described first the efforts made since 1906 for the unification of laws relating to bills of exchange. He surveyed the action taken by the League and its Economic Committee, and observed that the two Conferences convened in 1930 and 1931, although they had not achieved universal unification, had nevertheless attained the very considerable result of reducing the various legal systems relating to bills of exchange to two—viz., the continental system as codified by the Conferences mentioned, and the Anglo-Saxon system, as codified by the Bills of Exchange Act and the Negotiable Instruments Act. That represented a noteworthy simplification, which might be the first step towards a measure of standardisation that was much to be desired. It would henceforth be easy to lay down sure and precise rules for the solution of conflicts between the laws embodying the two fundamental types.

M. Bianchini went on to describe the practical and technical results of the simplification thus achieved. He arrived at the conclusion that the Conferences had done extremely fruitful work and that the Economic Committee might feel every satisfaction at having afforded them its full support. He hoped that this first codification of private law, in the strict sense of the word, would be followed by progress in other fields, and that it represented a contribution to legal studies applied to the development of the technique of international trade.

He noted that, at its last session, the Economic Committee had considered the question of tourist traffic as an international economic factor. He drew special attention to the fact that it was incorrect to suppose that the growth of the international tourist traffic concerned certain countries alone. All countries, either because of their climatic or geographical advantages, or because of the special features of their national culture, might offer attractions to foreign tourists. The growth of tourist traffic was a matter of social progress. Its importance was constantly increasing and did not stop short at the frontiers of any country. For that reason, he hoped that the study proposed by the Economic Section and initiated by the Economic Committee would be continued, and that the efforts thus begun would give useful results.

He passed next to the economic and financial situation in general. Here he noted that the growing importance of the home market had relegated foreign trade to the second rank and that the organisation of trade in general was gradually becoming a function of government in several countries. He observed that the general strengthening of Customs barriers, the protection of agriculture in the industrial countries, the industrialisation of the agricultural countries, quantitative restrictions and currency control measures had more and more reduced the volume of international trade and speeded up the race towards self-sufficiency and economic nationalism. That policy might have yielded results had it been pursued by one country only and had the others consented to represent the necessary makeweight ; but as each country took identical measures in the national sphere, they cancelled one another out. The result had been not only null ; it had been definitely negative. It had seriously added to the disturbances which it had been desired to remove. In no case, had the individual problem been solved. That therefore was a difficulty which transcended the national boundaries and the final solution of which could be found only in concerted action on the international plane. After describing certain of the principles by which the Fascist Government had been guided in its action both at home and in international relations, and after depicting the corporative organisation by which those principles had been given shape

¹ The resolution was adopted by the Assembly on September 26th, 1934.

and form in the economic and social life of the country, M. Bianchini went on to examine the results of tariff and currency restrictions. The measures adopted by various countries to safeguard their economic existence and their own foreign currency holdings had, he observed, ended in the erection of numerous barriers to the flow of world trade and had considerably restricted its volume, while at the same time creating a dangerous disturbance of the equilibrium. Italy had, generally speaking, refused to take such action, and if, in spite of herself, she had been obliged to accept certain restrictive measures, she had done so within as narrow limits as possible, and mainly with the object of restoring the necessary reciprocity of treatment in the case of certain countries.

She considered that all those measures were breaches of the fundamental principles on which international trade was based and were among the principal causes of the continuance of the slump. She believed that the world must revert to the wise policy of commercial treaties based on mutual tariff concessions. She had therefore, even latterly, made it her constant endeavour to avoid unilateral restrictive measures. She had attempted to conclude treaties of commerce and to avoid preferential tariffs, quotas and prohibitions had except when she had, to defend herself against the measures of other States that had been detrimental to her. That was the path which international collaboration should follow in order to restore the trade situation.

A further condition for the maintenance of normal commercial relations between countries was currency stability. The last Congress of the International Chamber of Commerce, held in Vienna, had rightly agreed that exchange restrictions had had a harmful effect on trade and on the world economic position; that foreign currency restrictions and control, applied as an instrument of commercial policy, were particularly deplorable; and that the reversion to a stable currency standard was an essential requisite for the restoration of freedom in exchange transactions and the movement of capital. M. Jung, the Italian Finance Minister, had made some clear and unambiguous statements on the subject. "Customs truce and currency stability are", he had said, "inseparable terms. The whole structure of international trade is dislocated when cost prices can no longer be based on a stable currency. May I remind you again of my country's faith in the gold standard? Italy stabilised her currency in terms of gold in December 1927, and she intends to maintain, without wavering, the rate then fixed. The Italian Government regards the earnings of work and thrift as sacred, since they supply the only sound resource by which the economic development essential to our steadily growing population can be ensured. We do not believe either in an elastic yardstick or in a managed currency." The truth was that the sentiment of international unity and of the bonds existing between internal and external relations in economic and financial matters had too often been lacking.

It would not, of course, be possible to pursue a policy of fostering the expansion of international trade, if the other countries did not adopt a similar policy. That was a sphere in which the organs of the League could most appropriately carry on their work.

There was no need to be frightened by the difficulties of the task. Much patience and tenacity were needed, and it should be considered whether, in the new circumstances in which the world's economy was placed owing to the unfortunate development of the crisis, it was not possible to find new ways of maintaining and expanding international trade.

A practice that had recently become very general was that of the clearing system. The free movement of international payments had itself been merely a kind of automatic clearing system, different from the compulsory clearing system in its most general form, solely because in the former case the offsetting of claims and debts was made at variable rates of exchange, whereas in the second case it was made at a fixed rate, equivalent or otherwise to the statutory par of exchange for the different currencies. That difference was, however, important, because it was those fluctuations in the rates that made it possible to regulate the plus or minus items in international trade by stimulating or discouraging imports, or, as the case might be, exports, and by shifting the flow of transactions from one country to the other. The settlement of balances was effected through transfers of capital or bullion. If the currency system worked properly, there occurred changes in the currency circulation, which, in turn, made good any defects in the compensation system.

Under the central clearing system, on the other hand, those fluctuations in the rates at which payments were made did not occur, and, in that case, balances were not regulated automatically. It was therefore necessary to have a perfect equilibrium between imports and exports, or the balance must be earmarked by agreement to special purposes. That necessity gave rise to deep-seated changes in the structure and geographical distribution of the trade of the countries belonging to a central clearing system.

To overcome those defects it had been laid down in certain clearing agreements that compensatory payments should be made, not at a fixed rate of exchange, but at that in force on the day of the respective payments.

The organised clearing system, however, did not permit of the complete freedom of commerce, since the central authorities, by issuing or withholding foreign currencies, had necessarily to fix certain limitations upon purchases and sales. In that sense, it was analogous to organised barter, a system which many countries had recently adopted in order to increase exports of certain articles. It was quite true that, unlike barter, the clearing system gave trade a certain liberty of choice within the limits laid down, but both tended equally to balance the volume of imports with that of exports and did not, in principle, permit one to outstrip the other. Even if a surplus were allowed in favour of one party, the determination of that surplus was artificial, since it was not the result of the free play of commercial transactions.

In conclusion, it should be stated that the real object of the clearing-house system was to prevent pressure on the exchange market by limiting imports to a volume equal to that of the fraction of exports not appropriated for the settlement of financial commitments due to foreign countries. It was the principle of paying for goods with goods.

That principle had consequences fraught with danger to world trade. In the first place, it necessarily gave rise to a contraction of trade, since the balances between imports and exports

could be more easily obtained by restricting imports than by increasing exports. In consequence, it inevitably dislocated international commercial relations and involved discrimination between the supply markets, a fact which justified the adoption of reprisals by injured countries and hence a further contraction of world trade.

If only for these reasons, and disregarding those relating to currency questions, the clearing-house system must not be allowed to become a permanent institution on the exchange market. It must once again, and as soon as possible, be superseded by the principle of the freedom of transactions. To eliminate the dangers that might result to the currencies and solvency of the debtor countries, any adverse balances should be set off by the free play of international financial relations—*i.e.*, by the consolidation of commercial debts pending the re-establishment of a fixed relation between the most important currencies and the removal of the factors that were hampering the operation of international payments.

Mention had been made of the possibility of converting into multilateral agreements the bilateral clearing agreements existing hitherto. That seemed very difficult to bring about, since a clearing agreement could only be of a bilateral nature, inasmuch as it originated in the fact that currency instability had reduced trade to the primitive system of barter.

Only currency stability based on a universally accepted and fixed standard, such as gold, would make it possible to have triangular or multilateral compensation systems. But, in that case, there would be no reason for maintaining the clearing agreements.

He did not imagine that he had solved the question. He had merely put forward a few general remarks with the object of emphasising the desirability of a more thorough examination of the matter.

M. LAMOUREUX (France) proposed, on behalf of the French Government, that the organs of the League of Nations should be instructed to set on foot an enquiry into the compensation system.

He would, he said, briefly explain the French Government's reasons for making that proposal and also indicate the lines on which, in his opinion, it should be conducted. In so doing, he thought that it might be as well to give a succinct account of French commercial policy as a contribution to the proposed enquiries.

In order to defend her economic system, which, like that of all other countries, had been severely affected by the depression, France had been led to adopt a commercial policy, the two essential features of which were quotas and compensation agreements. Recourse to quotas, which were not peculiar to France, was, in her case, an absolute necessity. When the effects of the depression were first beginning to make themselves felt, France had endeavoured to protect her home markets against foreign competition by raising her Customs tariffs. It was not long, however, before that expedient was found to be inadequate and incapable of affording effective protection against the following three classes of foreign competition: competition from countries assisted by the continual devaluation of their currencies; competition from certain Eastern, or Far Eastern, countries where, as the result of different standards of living, or less progressive social legislation, the wages included in costs of production were appreciably lower than they were in Western countries; competition from countries whose actual costs of production were very similar to French costs of production, but which were led, either by the need for disposing of accumulated stocks or the necessity of obtaining foreign exchange at all costs, to sell their goods at dumping prices.

M. Lamoureux was well aware of the severe criticisms brought against the quota policy, both in France itself and abroad. At the same time, he was bound to say frankly that, though France regarded the quota policy as a provisional expedient, and though she was prepared gradually to relinquish it, she could not do so unless she first received adequate guarantees against dumping and currency instability by a return to something approaching parity in conditions of production.

The compensation principle had been so widely adopted in all parts of the world that there was no need either to explain or analyse it at any length. It had, of course, originated in the difficulties experienced by certain countries whose currencies required protection in making transfers abroad. Such a policy had been forced upon France by the necessity of protecting both her commercial and financial interests. In the first place, the compensation system enabled her to protect her commercial interests by automatically ensuring the reciprocal payment of sums which became due in the course of trade between herself and other countries. In the second place, it enabled her to protect her financial interests by reserving the surplus imports into France of the countries with which compensation agreements had been concluded for the payment of any outstanding commercial or financial debts. That showed that the compensation system was the result of an exchange restriction policy, just as, in the case of France, the quota system was entirely due to the inequality of prices.

As far as France was concerned, the compensation system had yielded excellent results. Since February 1932, she had concluded compensation agreements with twelve foreign countries covering one-sixth of her entire foreign trade, and, as a result, she had enabled French exporters to obtain the settlement of debts exceeding 1,500 million francs.

Nor was the clearing system peculiar to France. At the present day, it was being more and more widely adopted all the world over. Since the first compensation agreement was signed by Hungary and Switzerland in November 1931, more than a hundred such agreements had been concluded between various countries in Europe and America. Those agreements, no doubt, were not identical in every respect, as was only natural in view of the diversity of the interests by which they had been prompted, and the varying economic structures of the contracting countries. But, however much they might differ, the important fact remained that their numbers were constantly increasing and that the technique of compensation was being developed and improved. In view, therefore, of its general adoption and the diversity of the methods employed, the compensation system must be regarded as a factor of great and increasing importance in international trade policy.

Such being the case, and whatever one's personal opinion of its value, it was impossible either to ignore or to neglect it. It was for that reason that the French Government, which, as always, was anxious to co-operate with other countries in a search for the most appropriate means of improving international economic relations and developing world trade, had thought it desirable to ask the Economic and Financial Section of the League to investigate the application of the compensation system between States.

M. Lamoureux would conclude by explaining how, in the opinion of the French Government, that investigation should be carried out and what objects should be kept in view. As there were now more than a hundred compensation agreements in force between a large number of foreign countries, and as those agreements varied appreciably both from one country to another and frequently from one agreement to another in the case of the same country, it would appear desirable that the primary object of the investigation should be to make a comparative study of the types of agreement already in force and to collect statistics showing the extent, scope and efficacy of each one of them.

The directors of the Economic and Financial Section, with whose enthusiasm and competence the Committee was familiar, would conduct the investigation in such manner as they thought fit, either by direct enquiries addressed to the various Governments concerned, or by means of a questionnaire drawn up in advance. What was really essential was that an accurate and complete general report might thus be prepared as rapidly as possible and subsequently communicated to the various Member and non-member States.

Every State would find a general enquiry of that kind to its advantage, as, in the first place, it would bring out the merits of the compensation system and would show whether it should be maintained, developed or relinquished. The investigations would, in the second place, enable each individual State to make any necessary modifications and therefore improvements in its own commercial policy in the light of the methods followed and the results obtained in other countries.

It might perhaps be thought that the report of the Economic and Financial Section should go further than a mere statistical enquiry and should endeavour, by comparison between the methods of the various compensation offices, to arrive at and propose a certain standardisation of existing practice which would simplify the often complicated methods of the compensation system and make it less onerous.

Such was the specific and limited purpose of the proposal put forward on behalf of the French Government. In certain quarters it might perhaps be thought that that proposal did not go far enough, and it might be considered desirable to supplement it by another extending the investigation to the problem of whether multilateral compensation agreements should be substituted for the bilateral agreements at present in force. That was an idea which had of late been gaining considerable ground. Many authorities criticised the conclusion of bilateral agreements on the ground that they led to the accumulation of outstanding debts, the settlement of which was rendered more and more difficult by the fact that certain States found it impossible to counter-balance their imports by exports from the same countries. It was held that that dangerous weakness might be remedied by the conclusion of multilateral agreements whereby the compensation system would be brought into force not merely between two States but between a number of States.

M. Lamoureux was not forgetting the writings of either M. Paul Einzig or M. Navachine or the article by M. Charles Clavier which had appeared in the last number of the *Revue économique internationale*. Nor was he unaware of the latest development of the compensation system as embodied in the agreement, recently concluded between Greece and Yugoslavia, which, for the first time, had set up a kind of multilateral compensation system.

That was a new departure, the importance of which no one could deny, though no doubt it raised difficult problems and was open to objections which were by no means negligible. But, at all events, it deserved close examination. It was for that reason that the French Government, which was anxious that no solution capable of improving and increasing trade between the peoples should be ruled out *a priori*, would raise no objection to a proposal that the Economic and Financial Section should extend its enquiries to the possibility of multilateral compensation.

At the same time, it considered that the first step should be a complete enquiry into the compensation system as now applied. When all the necessary material had been collected and the advantages of the present system could be reliably assessed, the enquiries could be carried still further and extended to the problem of multilateral compensation.

M. VAN LANSCHOT (Netherlands) congratulated M. Lamoureux on having raised the question of the clearing system and thus provided the members of the Committee with an opportunity to explain publicly the opinions of their respective Governments on the system.

When, at the end of 1931 and the beginning of 1932, the difficulties of international financial settlements had been multiplied as a consequence of the increase in the restrictions on traffic in foreign exchange, the Government of the Netherlands had felt impelled to ask for authority under an Act, dated July 25th, 1932, to conclude clearing agreements and take unilateral measures in order to obtain payment of debts due to its nationals. Nevertheless, it was of opinion that such measures should be employed only in case of vital necessity, since, in its view, it was advisable to restrict international trade as little as possible. Moreover, private enterprise should be allowed every latitude to obtain guarantee of payment by other means, in particular by special compensation arrangements or by insurance against foreign exchange risks. For that reason, it had endeavoured to guide international financial settlements along as normal lines as possible, without applying clearing procedure. With that object in view, it had concluded special foreign exchange agreements, as in the case of Germany and the Argentine Republic, or commercial agreements stipulating most-favoured-nation treatment with respect to foreign exchange, as in the case of Uruguay.

Nevertheless, it had gradually become apparent that neither private enterprise nor the conclusion of such agreements could continue to ensure the payment of the exports of the Netherlands. Consequently, the Government had recently felt obliged to adopt a new method and avail itself of the authority obtained two years previously to conclude clearing agreements. The Government was of opinion that clearing by agreement was preferable to an autonomous clearing system. The first clearing agreement was that concluded with Chile. That clearing system had only been in operation for the last two and a half months. As far as could be judged after so short a period, the results were satisfactory. As regards Germany, the Netherlands Government had been obliged to take conservatory measures during the negotiations for a financial settlement, partly in order to liquidate the large balance in marks in the special account of the Netherlands Bank with the Reichsbank.

Nevertheless, the Government wondered whether the establishment of clearing systems as a means of international financial settlement should not be considered solely a measure for times of crisis, and if it was really possible to see in such a measure the normal development of a new system of international payments.

It appeared, however, that the moment had not yet arrived for the institution of multilateral clearing systems. The purpose of clearing agreements was to utilise the debit balance of a creditor country's trade with a debtor country for the payment of the claims of the nationals of the creditor country, who otherwise incurred the risk of not being paid at all. Since, as a rule, a country did not decide to have recourse to the clearing system until all other measures for settlement had proved ineffective, outstanding claims had frequently increased to such an amount that, for some time, the clearing system left no considerable balance which could be used for the payment of the claims of other countries. The utility or possibility for the present of generalising existing clearing systems, or transforming them into multilateral agreements, was not therefore apparent.

If it were desired to do something with a view to improving the situation of any specified debtor State, it might perhaps be advisable for the creditor countries to declare themselves ready to consider jointly what measures could be taken to mitigate the difficulties with which the debtor State was faced at present as regards its most essential imports. If the creditor countries were ready to collaborate in such measures, there was a possibility of practical co-operation between creditor and debtor countries.

In the opinion of the Netherlands Government, however, the main obstacle to the resumption of business was currency instability, the result of which was to create uncertainty and lack of confidence in all spheres, as much in production as in trade and finance. As long as currency instability lasted there would be no sound basis on which world economy could be restored.

It would appear that there was a growing desire to return to stability even in countries which were recently satisfied at having freed themselves from the rigid constraint which the maintenance of currency stability had represented for them.

When reading a memorandum drawn up four years previously by Sir Henry Strakosch for the Gold Delegation, M. van Lanschot had been struck by a table for the period 1922-1927 showing that that period, which was one of progressive currency stabilisation, was also a period of remarkable development in international trade. International trade naturally tended to develop if the Governments provided it with a sound basis by stabilising the rates of exchange.

The only system which could ensure the stability of foreign exchanges was the gold standard. There was no other. Specialists with many years' experience of foreign exchange were unanimous on that point. There was, for example, the opinion expressed in a resolution adopted on July 11th, 1932, by the Board of the Bank for International Settlements :

“ The Board of the Bank for International Settlements, recognising the necessity of the re-establishment between nations of a monetary system with a common basis in order to facilitate international settlements under more stable and secure conditions, is unanimously of opinion that the gold standard remains the best available monetary mechanism and the one best suited to make possible the free flow for world trade and of international financing. ”

Two years later, on May 14th, 1934, the representatives of twenty-three Central Banks assembled in Basle on the occasion of the fourth general meeting of the Bank for International Settlements had unanimously adopted a resolution beginning as follows : “ Recognising that the final objective of their monetary policy is to restore the stability of currencies on a gold basis. . . . ” Opinion as to the goal to be attained was therefore unanimous. Nevertheless, it must be borne in mind that the road to that goal was long and difficult, and many years might elapse before the gold standard was officially re-established by the majority of the countries of the world. The countries which had abandoned the gold standard would not desire to return to it unless they were certain that, having resumed the gold standard, they would be able to maintain the stability of their currency and would not be compelled to abandon it again. The considerable fall in foreign exchanges which had been observed during the past few years would appear to be at an end at present ; nevertheless, a gradual sliding movement was still perceptible. It was the continuation of that movement which created want of confidence.

M. van Lanschot was of opinion that the time had arrived to stop that movement. Pending stabilisation *de jure* it was of the greatest importance to inaugurate a period of stabilisation *de facto*, during which every effort would be made to restrict foreign exchange fluctuations to a minimum. That would possibly constitute a basis on which the general economy of the various countries might be adapted to the new foreign exchange parity. Experience alone could show whether the new levels could be maintained and finally legalised.

The maintenance of currency stability by means of the gold standard was in a great measure a question of will, the will to consent to the sacrifices necessitated by a policy of currency stability.

M. van Lanschot took occasion to repeat in the most categorical manner that the Netherlands was decided to maintain the gold standard and make the sacrifices which the advantages of that policy involved. The Netherlands Government was glad that several other Governments were in agreement with it as regards the necessity of maintaining the gold standard.

Mention had been made on several occasions of an extension of the currency agreement existing between the countries belonging to the gold *bloc* by means of an economic *rapprochement*. The Netherlands Government was ready to examine in co-operation with other Governments the possibilities provided in that direction with a view to arriving at concrete results. The Government quite understood that, in the present economic situation, it was necessary to follow a realist policy and not merely a doctrine, and to be ready to consider and experiment with new methods. A return to the conditions of 1913 or those of 1928 was impossible, and it was to be feared that many of the new phenomena which had arisen in international economic relations would not disappear as quickly as they had arisen.

M. van Lanschot wondered if it would not be advisable to resume the work of the Monetary and Economic Conference by creating a committee with a wide mandate, with a view to pursuing the discussion of all those questions, which were closely related to each other, and renewing the threads broken at the last London Conference, with a view to seeking means of harmonising and co-ordinating the efforts of the Governments in order to recover from the present depression.

Mr. BRUCE (Australia) said that the Committee was under a debt of gratitude to the French delegate for bringing up the question of compensation or clearing agreements, which had grown up and assumed an important position in economic relations. That system was the obvious outcome of the economic depression, and its importance was manifest from the fact that over 100 such agreements were already in existence.

In his opinion, it was essential to examine the question with a view to ascertaining if it constituted a move to a new economic system or was detrimental to international trade. In the latter case, attempts should be made to prevent such agreements becoming embedded in the economic system. He therefore welcomed the proposed enquiry.

The French delegate desired to limit the enquiry to those particular agreements, while the Netherlands representative suggested the appointment of a committee to take up the work abandoned at the Economic Conference of 1933. Mr. Bruce sympathised with the French suggestion to study one definite subject, since he thought some of the failures experienced by the League were due to its attempt to deal with problems on a universal basis. He would, however, go a little further than the French suggestion, as by so doing it would be possible to obtain a clearer view of the background of the system of compensation agreements. A start in that direction had already been made. As Rapporteur to the Council, Mr. Bruce had presented the report on the forty-first session of the Economic Committee,¹ annexed to which was a summary and survey of the evolution of commercial policy since the economic crisis. The summary dealt with the increase of Customs protection, foreign exchange control (which was a reinforcement of the system of protection), currency depreciation and the barbed-wire entanglement of quotas. It also drew attention to the growth of protection for agriculture in industrial countries, a question to which he would refer later. A consideration of the summary showed that a careful and sustained study of those questions might be helpful, so long as no attempt was made to embrace too wide a field.

The attempts at reconstruction from the Economic Conference of 1927 to the London Conference of 1933 had been one long story of failures. One reason for that was, as he had stated, that too much had been attempted. Another cause was that it was not recognised that, for social and economic reasons, countries were determined to develop both their industry and agriculture, and that the motives which impelled them to do so were stronger than economic arguments, no matter how sound. It would be well to recognise that fact, since it was a permanent factor and one which could not be altered.

There were other obstacles to international trade of a temporary nature which might be overcome. He referred to measures which countries were forced to take in order to maintain their industries and balance of trade, such as the imposition of quotas, currency control, prohibitive tariffs and compensation agreements. It was a platitude to state that these obstacles prevented the revival of international trade. Many attempts had been made in the past to secure a greater freedom for trade, but without success. The present was perhaps a somewhat more suitable time, as there were a few signs that the position was improving. At the depth of the depression, all attempts were useless, as the nations were taking steps to safeguard their very existence. Though there were signs that the downward trend had been arrested, the recovery from the depth of the depression of 1932 was very slow and tentative, and of importance only in internal trade. Unless some action were taken now, these signs of partial recovery, which were welcomed as the dawn of a return of prosperity, might disappear and we might relapse to the depth of depression. There was a great part which the League could play in that field through the Economic and Financial Sections and the Economic and Financial Committees. Those organs could make a valuable contribution by defining the problem and indicating the way out of the present difficulties.

He thought the present improvement was due to the efforts of individual nations and not to co-operation between the nations. The further result would depend upon what was done for international trade. Referring to his own country, he said Australia had been very hard hit by

¹ Document C.353.M.165.1934.II.B.

the crisis ; but, by dint of sacrifices, the country had improved the internal situation and met all its external obligations in full. There was, however, no possibility of further recovery, unless there was an improvement in the international situation.

He would refer to one point, which he considered of primary importance for the world economic situation—namely, the extreme protection of agriculture by industrial countries. The Committee had no doubt heard of attempts by agricultural countries to develop their industries. Most of them, including Australia, would doubtless admit that they had in some cases gone to extreme limits in that respect ; but the attempts of the agricultural countries to protect their industries had been very feeble compared with the measures taken by industrial countries to protect their agriculture. That was a question of extraordinary importance, as four-fifths of the world's population depended for its external purchasing power on agricultural exports. He understood and could sympathise with the social reasons which dictated the policy of the industrial countries. But an impartial study of the effects of that policy showed that it was not only harmful to world trade but contrary to the interests of the industrial countries themselves. Apart from its effect on agriculture, it resulted in a rise in the cost of living and a lowering of the standard of life, while diminishing the purchasing power of the agricultural countries.

The price of wheat produced in many parts of Europe in 1929 was 30 to 70 per cent above world prices, and was now 100 to 300 per cent above world prices. When blessed with a bounteous harvest, the European countries were compelled to grant heavy bounties on exports in order to maintain prices. Butter produced in some industrial countries was 160 to 240 per cent higher than the world price ; that position was detrimental to world health, as the people could not afford to purchase butter. The position regarding wool was in some ways similar. Wool was an essential commodity, which some countries desired to obtain but could not, on account of the difficulty of providing foreign exchange.

The agricultural countries realised that there was a limit in the protection of their secondary industries beyond which they should not go. A stage was reached where costs were too high and the country became handicapped and had to call a halt. If the present position in regard to agrarian protection continued, it was, however, only a matter of time when the agricultural countries would be forced to develop their secondary industries, whether they were economical or not, and that would be a bad thing for everybody. Once these industries were developed and vested rights were acquired, it would be difficult or indeed impossible to go backwards. It was therefore essential to take steps without delay.

Great attention had been devoted to the monetary side of the situation. There was no doubt that the question of foreign exchange was one of the fundamental causes of the present position, but that cause was itself due to the diminution of international trade. He therefore suggested that the Committee should keep to the economic side of the question, from which a way might be found to a solution on the financial side.

He supported the French proposal, even in its limited form, but would go a little further in the attempt to attain a result which would lead to further progress.

FIFTH MEETING.

Held on Tuesday, September 18th, 1934, at 10 a.m.

Chairman : Mr. BENNETT (Canada).

10. Economic and Financial Questions : General Discussion (continued).

Mr. SHAKESPEARE (United Kingdom) said that the United Kingdom delegation had heard with great interest the proposal made by the French delegate for an enquiry into the problem of compensation and clearing agreements. There was no question but that the general effects of those agreements might have been to force trade into channels which it would not otherwise have followed. Nor could it be challenged that the network of European arrangements had caused international trade to assume a bilateral in place of a multilateral aspect, as proved by the statistics collected by the League in the *Review of World Trade, 1933*. He thanked the Italian delegate for his very closely reasoned argument concerning the operations of compensation and clearing agreements. The United Kingdom delegation supported the proposal for an examination of those problems. According to the League of Nations *Review of World Trade, 1933*, the United Kingdom had an unfavourable balance of merchandise trade (excluding invisible items) of 860 million gold dollars—that was to say, more than twice that of the country with the next largest unfavourable balance—namely, France. If countries were to follow the alleged ideal of balancing their merchandise trade by clearing and compensation agreements, the United Kingdom would be in a strong position to take appropriate measures. It was felt that the position created by the action of other countries, both by the imposition of restrictions on exchange and by the establishment of clearing offices and compensation agreements, had had such serious effects that His Majesty's Government had recently taken parliamentary powers to set up clearing offices when necessary

in the event of payments or transfers to the United Kingdom from foreign countries being subject to restrictions, discontinuance or prohibition. That was not a method normally adopted by the United Kingdom, and, up to the present, no clearing office had been established.

The present difficulties in Europe were, in his delegation's view, due in the main to exchange restrictions and all the various obstacles to trade, and such small opening in these barriers as might be secured by compensation agreements were not likely to have an appreciable effect. His Majesty's Government would approve a full enquiry into clearing and compensation agreements. The facts might not be easy to ascertain, but the opinion of experts would be of interest to countries like the United Kingdom. The French delegate had pointed out that the pooling of knowledge might lead to the simplification of the technique of those methods, and had raised a point regarding the possibility of an enquiry into multilateral methods. If a system which by general admission was considered to be the negation of international trade and finance was to continue for much longer, a close study of its working would be desirable in order to secure greater elasticity and modifications which would promote a freer exchange of goods and payments. If it were decided to hold an enquiry, the Bank for International Settlements should be associated with it.

The representative of the Netherlands had suggested that the scope of the enquiry might be widened so that, in effect, it would become the resumption of the Monetary and Economic Conference. Mr. Shakespeare suggested that the time was not yet ripe for a new enquiry into the general aspect of those problems with which the last Conference had been faced. The League, after all, had an appropriate organisation, the Economic Committee. That Committee surveyed general trade questions from time to time, and would no doubt continue to do so and would recommend the necessary steps when the right time came. He suggested that it would be well to leave the larger enquiry in the competent hands of that Committee. Since the Monetary and Economic Conference there had been no developments which suggested that a new enquiry would succeed where the previous one had failed, and therefore he agreed with M. Lamoureux that it would be advisable to limit the scope of the enquiry into compensation and clearing agreements—*i.e.*, that its terms of reference should be very carefully defined. The leader of the Australian delegation, while supporting the enquiry, was anxious for another enquiry into the facts of agricultural production in industrial countries. Mr. Shakespeare understood that that enquiry was to be undertaken by the Economic Committee, and therefore he imagined that there would be complete agreement that an enquiry should be held into those particular aspects.

In conclusion, he wished to refer to the long list of trade agreements completed in recent years which had been compiled by the Secretariat.¹ He noted that they included eight trade agreements which had been concluded during the last few years between the United Kingdom and eight other countries. They were included in the list as compensation and clearing agreements, but he would point out that by no stretch of imagination could they properly be so called. As he had already stated, in no case had clearing offices been established, and therefore the list needed some amendment before being submitted to the experts as a basis for the enquiry to be held.

Subject to those suggestions, which he hoped would prove helpful, and to those reservations, the Government of the United Kingdom accepted the principle of the proposal submitted by M. Lamoureux.

M. MUNCH (Denmark) thanked the French delegation for its initiative in proposing an enquiry into the results achieved in practice by compensation agreements. That enquiry would not be very easy. The Governments, when asked to reply to the questionnaire on the results achieved by the agreements, would find themselves confronted by three problems: First, what had been the results in their own country of the policy of restrictions instituted by other countries? Secondly, to what extent had they been able to remedy the ill effects of those restrictions by restrictions established in their own country in reply to the policy of isolation practised by others? And thirdly, to what extent had they been able to mitigate the effects of the policy of restrictions by agreements with other States?

M. Munch thought that, in order to get replies which would really throw light on the problem, the questionnaire must clearly bring out those three points. In his opinion, it would be necessary, as regards the methods employed in the various countries, to include in the enquiry the systems of restrictions themselves and the changes made in those systems by the agreements.

He thought, moreover, that the enquiry should not be limited to the possibility of concluding, in addition to bilateral agreements concerning the regulation of commercial credits, multilateral agreements for the same purpose. In his opinion, it would be desirable also to study other means likely to mitigate the disastrous effects of the policy of isolation so widely practised in recent years with such disastrous results. In that respect, he associated himself with the remarks made by the Australian delegate concerning agricultural work in industrial countries. In order to obtain satisfactory results, it would no doubt be necessary to induce States gradually to modify the application of the numerous systems of restrictions which they were at present employing.

It was obvious that those systems taken as a whole constituted a more or less durable state of affairs which would not disappear at one stroke; too many interests were attached, or appeared to be attached, to the restrictive measures applied. In the first few years, the task would have

¹ Document E.860.

to consist of mitigating that system in such a way as not to involve too harmful effects on international trade. But, at the same time, it was important that agreements concluded with a view to limiting the ill effects of the present system should be so designed that they did not tend to consolidate the system which, so long as it was applied, would remain a serious obstacle to international trade.

It might be difficult to gauge in the proposed enquiry what improvements the agreements hitherto concluded had made in the position ; but there was no doubt as to the general result of the policy of isolation. Under the influence of the crisis and of the restrictive measures by which it had been aggravated, international trade had been reduced by two-thirds. That was the result for the world as a whole. As far as Denmark was concerned, the position was not quite so bad, although the national economy had suffered heavy losses as the result of the restrictive measures applied by other countries. Those measures had seriously disturbed the material position of the various social classes, in Denmark, as elsewhere, thus giving rise to general discontent. Possibly some countries, especially the large countries with great economic forces at their disposal, might profit from the economic warfare which was raging at the present time ; but that advantage was entirely temporary ; in the long run, it was impossible both to prevent the other nations from selling and to compel them to purchase. In certain circumstances, it might be necessary to adopt a policy of isolation as a temporary expedient. But it was an entirely different matter to pursue the definite object of restricting international relations to a minimum. That policy was contrary to nature, which had created entirely different conditions of production in different countries ; it was also contrary to history, which had brought about a distribution of races endowed with different qualities among the various countries of the world. Finally, it was contrary to technical progress, which every day created more and more powerful means of transport. It was a policy which must necessarily lead to a general lowering of the standard of life. The nations would refuse to accept that at a time when all were aware that technical possibilities were almost unlimited and that there would be a sufficient supply of goods for all, if production were judiciously organised and the products were equitably distributed among nations, social classes and individuals. The effect had been to cause serious disquiet among the nations, which had led to the internal and international political crises that were at present paralysing the efforts to overcome the economic depression. That was the reason why this depression, in which economic, social, political and moral factors played a part, was a far more serious matter than those depressions which had, at regular intervals, disturbed, but for a few years only, the natural evolution of civilised communities.

It would certainly be a fine thing to put an end to economic isolation and to the crisis by economy planned on an international basis, by means of a general agreement between the States to organise their trade and monetary systems in a manner equitable and useful for all concerned. That possibility had been to some extent discussed in the Commission of Enquiry for European Union and in the London Monetary and Economic Conference. But it would appear that neither human intelligence nor human goodwill were at present equal to that task. A more modest aim was therefore necessary. A sudden and complete change in the commercial policy of the last few years had become impossible. The only course which could be contemplated appeared to be a gradual return, by bilateral and multilateral agreements according to circumstances, to a greater measure of freedom and to an economic system more in conformity with the teaching of economists ; goods must be produced where natural and human conditions were the most suitable for the purpose and must be sold as cheaply as possible wherever human beings required them.

M. Munch added that that did not prevent attempts from being made to restrict the traditional economic anarchy which resulted in a blind waste of effort and to create an order which would promote the full utilisation of economic forces in every country. For instance, a gradual return to commercial freedom did not preclude agreements between States regarding the adaptation of production to the possibilities of consumption. For certain goods, especially for agricultural products such as sugar, wheat and butter, such agreements would no doubt be useful in view of the natural limits placed upon the consumption of those products.

An essential condition for the success of such a commercial policy would no doubt be the establishment of more stable relations between the currencies of the various countries.

Such a return to a more rational commercial policy would, however, be both slow and difficult. It would require careful and patient preparation. He therefore welcomed the French proposal that the organs of the League should undertake an enquiry into the problems connected with such a restoration of international trade.

He also hoped that the Governments would not wait for the final result of the enquiry before taking action, but that they would at once continue the efforts already made to avert, by suitable agreements, the worst consequences of the economic warfare, which was at present raging and which weighed so heavily on the entire international atmosphere.

COUNT DE PENHA GARCIA (Portugal) thought that, obviously, anyone who looked for a solution of the great economic difficulties of the world to-day in the report on the economic and financial work of the League of Nations between the fourteenth and fifteenth sessions of the Assembly would be disappointed. That report contained only a review of the development of commercial policy and a number of proposals relating to the importance of tourist traffic in economic life—not a great deal, one might think ; but it was, in reality, a proof of wisdom rather than of impotence. It was wisdom to recognise that economic facts cannot easily be brought to obey the human will and that the international situation of the moment was fraught with such difficulties that it would indeed be folly to propose international remedies which were insufficiently considered and impossible to apply.

Further, the Economic Committee was already publishing a group of studies which it proposed to complete and which were of considerable value. Those objective studies showed that the whole

world was in a state of economic war—a fact which was better recognised than ignored. It was certain that the material conditions set up by the great war had greatly contributed to that situation, but it was not less true that the State intervention had completely changed the conditions of commercial policy in every country ; and the principle of autarchy, which had been adopted by every country since the war, was another real and decisive cause of the depression.

It was impossible to remedy the situation by means of economic planning, which was now the fashion everywhere ; it had given rise to much discontent and had not been a great success in most countries, though there were many who still had confidence in it. He believed, like M. Munch, that such economic planning might perhaps be successful from the point of view of national policy, but that it would be rash to try to apply it internationally.

Nevertheless, the studies submitted by the Economic Committee contained some valuable proposals with regard to international tourist traffic, an item of great importance to the budgets of many countries. But international tourist traffic was also of importance from the League's point of view, since it contributed to an understanding of the different national mentalities, and the Economic Committee therefore should be congratulated on having called attention to that interesting point.

The most important part of the Committee's report was that which dealt with present commercial policy and its future development. The delegates had received a list, already of some length, of commercial treaties which had recently been concluded. As the delegate of the United Kingdom had rightly pointed out, the term compensation agreement which had been applied to them was not quite accurate, since every commercial treaty aimed at compensation, while the term was now used to indicate a new and special form of compensation. They were still far from being able to conclude multilateral treaties. Each commercial treaty represented the different countries' attempts to deal with a limited problem ; that was perhaps one of the consequences of economic planning. Each State attempted to conclude with its neighbours agreements dependent on temporary and presumably ephemeral conditions ; and one of the characteristics of those new treaties was precisely their very short duration. It would be wrong to consider the present situation in terms of the past. The universal adoption of the most-favoured-nation clause, for instance, was perfectly suited to the conditions existing before the war ; but it was for the moment impossible to adapt a scheme of that sort to modern conditions. That was why there were now in existence a series of treaties, differing widely in many cases from each other, and aimed at solving problems of momentary importance. It was wise of the Economic Committee to acknowledge that fact ; the situation was one which called for the greatest prudence, for it was clear that the world was not yet ripe for the intervention of the League of Nations in the field of commercial treaties. In view of the wide differences between those treaties and the limited character of each, an objective study of the problem should be undertaken and would be of value to every country.

Portugal, of which there was no mention in the list of treaties submitted to the Committee, had recently concluded several agreements of that sort. She had not declared tariff wars, but had suffered them and, like everyone else, had had to take steps to defend both her agriculture and her industry. The internal situation of Portugal was improving from day to day, thanks to the efforts of the present Head of the Government, who had been Minister of Finance for several years and had succeeded in establishing financial equilibrium ; she was therefore able to make concessions which she could hardly have made previously—a fact which obviously contributed to a return to more normal relations with countries with which trade had been, if not interrupted, at least profoundly modified. Thus, since March 1934, Portugal had signed four commercial treaties—with France, the Netherlands, Italy and Norway respectively. If the treaties in question were closely examined, they would be found to embody in slightly varying forms the same principles as those on which most of the recent commercial treaties were based. In each case, the agreement had had to be drafted with a view to the needs of the two parties. For that reason, each treaty was different from the others, and each contained a number of items not to be found elsewhere. The use of the most-favoured-nation clause had had to be limited, because, in certain cases, its operation was unsatisfactory. Those treaties were, as had been said, compensation treaties of very limited duration, and their duration was limited precisely because each State felt that the situation might change and that it might be possible to conclude other treaties on a wider or even an entirely new basis.

Count de Penha Garcia then referred to the drawbacks of monetary instability, which in his view was a result of economic planning. He had no doubt that the conclusion of treaties would become easier if monetary instability disappeared ; but he found it difficult to say whether there were means of arriving at that result. He could nevertheless state that his country had achieved stabilisation several years previously, thanks to steps taken by the Minister of Finance ; but that had not been of great use to her, since the monetary situation of other States had, in a number of respects, jeopardised the results of stabilisation in Portugal.

The speaker concluded by supporting M. Lamoureux's proposal. He understood that the study proposed by that delegate was not to confine itself to the treaties known as compensation or clearing agreements, but would cover all the commercial treaties concluded during the depression. His view of that study was that it should take the form of an enquiry by questionnaire, supplemented by direct questions to the Governments on special points.

Sir Homi MEHTA (India) wished, on behalf of his country, to associate himself with the previous speakers in support of the French delegate's proposal regarding a general enquiry. He would be pleased if the enquiry had a wider scope than that proposed by the French delegate. He also felt that, if the French delegate had given previous notice of his proposal, the delegates of other countries would have had an opportunity of forming their views and would have been better prepared to discuss that vital subject. There was hardly anything left for him to add to Mr. Bruce's

speech of the previous day, which he entirely endorsed. The questionnaire proposed by Mr. Bruce would greatly facilitate the work of the general enquiry.

In every country in the world, the best economists were asking what was wrong with the world, and had hitherto failed to solve the problem. The real economic trouble had started soon after the end of the world war. For a few years, it had passed unnoticed, because the world was so short of manufactured goods and necessary commodities that all goods were eagerly seized upon. There had been, in fact, a boom all over the world ; but, as was shown by subsequent results, that boom had done more harm than good. All the smaller countries, which before the war were mostly agricultural, developed the wish to be self-contained. With that end in view, they began to erect factories, mills, etc., in order to compete with those countries which had been engaged in manufacture for centuries and which were naturally well equipped with all the technique, skilled labour and scientific research necessary for the purpose. It was physically impossible that these small countries (which were naturally agricultural) could hope to compete with the highly organised manufacturing countries. They therefore decided to impose high tariffs or to prohibit the import of manufactured goods from those countries.

For a time all went well, but these restrictions and duties were now found to be doing more harm than good. In the first place, they placed a premium on inefficiency ; while the result was that all over the world a tremendous amount of shipping tonnage and revenue was lost. Naturally, if every country sought to be self-contained, the volume of shipping must decrease, and that must obviously damage all other subsidiary industries and increase the economic pressure and trouble all over the world. Moreover, the exchanges of the world began to be disorganised.

Some countries had entered into compensation agreements, which provided a remedy for the time being ; but a real remedy for world revival would only be possible on the abolition of prohibitive duties in imports. With a system of compensation agreements or clearing houses, he saw no sign of improvement.

M. LAMOUREUX (France), at the Chairman's request, submitted the following draft resolution summarising the French delegation's proposals :

“ The French Government proposes that the Second Committee instruct the technical organisations of the League to proceed as rapidly as possible to a study of the questions connected with the practice of ‘Compensation’.

“ It requests that this study should, in particular, include an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained.

“ This study should enable Governments, with the aid of the statistics and technical data collected, to adjust their ‘compensation’ agreements or organisations, and, if necessary, to adapt their commercial policy to the exceptional circumstances out of which the crisis has arisen.”

M. CHODZKO (Poland) observed that commercial policy at the present day was conceived mainly from the monetary angle. Commercial agreements were concluded with an eye to balances of payments. The facts with which they were concerned were all of a wholly novel character. A new theory of economic relations between States was in process of formation ; it had not yet assumed definite form, and its expression was as varied as could be imagined. Contingents, quotas, compensation and clearing agreements, foreign exchange regulations, administrative interference, new interpretations of the most-favoured-nation clause—such were the instruments commonly used at the present time in regulation of the course of international trade. True, those new policies were resorted to only in extreme urgency ; but, unfortunately, extreme urgency was becoming a more and more frequent contingency.

Poland had been able to restrict recourse to those measures in relation to her foreign trade only at the cost of considerable sacrifice. Deflation, on a scale which the country felt acutely, was maintaining a sound currency and complete freedom of foreign exchange dealings, together with a budget without any excessively alarming deficit. In those circumstances, it was natural that those responsible for Poland's commercial policy should regret the weakening of the classic principles which had formerly governed international trade and fostered its development in so admirable a manner.

He wished to emphasise the Polish delegation's entire agreement with the views of the Austrian delegate on the subject of the agrarian policy of the industrial countries.

He wished to add a few words on the subject of compensation agreements in international trade. They represented a form of agreement to which a country submitted rather than a form of agreement which it chose of its own free will. The hard necessities of the moment compelled certain countries to have recourse to such agreements. They might offer advantages of a monetary character to certain countries, and might be regarded by others as a legitimate form of defence ; but they certainly involved economic disadvantages. They were frequently based on the conception of strict reciprocity and the permanent supervision of mutual trade exchanges. They created a sort of quantitative reciprocity in international trade which frequently reduced the commercial dealings between two countries to the level of trade of the country which bought the least.

For those reasons, and in view of her monetary situation, Poland in Europe was not resorting to compensation agreements, except where the financial situation of those countries with which she traded was such as to make that kind of arrangement necessary—and even then without direct

State intervention. Poland hoped that the monetary situation of those countries would show a progressive improvement, allowing them to revert to more normal forms of trade which would be more satisfactory to all parties concerned.

From compensation agreements to financial clearing agreements was only a step. Poland had no official clearing agreements, for the very good reason that the complete freedom of foreign exchange dealings deprived the Polish Government of any possibility of compelling importers or exporters to dispose of their goods to foreign countries in any particular way.

The experience of clearing transactions between countries which had been gained by other States was the subject of very varied views. He did not wish to suggest that a multilateral clearing scheme or a centralised system of compensation on international lines need necessarily be undesirable or useless. On the contrary, it might offer certain advantages. The Polish delegation merely took the view that such schemes might prove in practice highly complicated and difficult to arrange or work, in view of all the elements involved, public and private, political and financial. There was no need to point out the extreme delicacy of the position in respect of certain of those factors, both from the standpoint of the creditors and from that of the debtors. But, while it might be premature to come to definitive conclusions at the moment, it was all to the good that a thorough study of compensation and clearing problems should be made on international lines. The economic and financial organisations of the League, with (if necessary) other competent authorities, were in a position to undertake such an enquiry. He accordingly supported the French delegate's proposal. The Polish Government was in favour of any international action to increase trade and stimulate commercial relations. If the enquiry showed that a multilateral clearing system was calculated to promote real progress in that direction, and might be regarded as an effective remedy for the present stagnation of business, the Polish Government would undoubtedly regard such a solution with sympathy. Whatever the immediate advantages of such a system, the commercial policy of Poland was invariably inspired—in contradistinction to the prevalent exaggerated ideas of "autarchy"—by the conviction that the economic prosperity of the world depended on a return to a more liberal commercial policy.

M. WOHLIN (Sweden) said that the Swedish delegation had always championed the same conception of the economic questions in the Second Committee as that which was made clearly apparent at the Economic Conference of 1927. In common with the delegations of the majority of other countries, the Swedish delegations took the view that the greatest possible freedom of international trade was an essential condition of the economic life of the world. Accordingly, it regarded the most-favoured-nation clause as the cornerstone of international trade policy, and had advocated that view on a number of occasions. It was common knowledge, however, that international developments in recent years had taken a wholly different direction. New obstacles had arisen in the path of freedom of trade, and the commercial policy of the majority of countries was now quite different to what it formerly was. It was no part of his purpose to discuss the political, economic and other reasons behind that change; and he did not offer any criticisms. There were no doubt a number of factors accounting for the economic policy of the present time—in particular, the monetary instability. Another factor which must be taken into consideration was the extraordinary variation in the cost of production of agricultural products in the different parts of the world, as also the different economic conditions of labour of the agriculturists of the different countries, and the problem of the surplus agricultural products reported and the measures thought necessary in a number of countries for the protection and support of the agricultural population. The Swedish delegate drew attention to the perfectly natural efforts made by the majority of countries to avoid excessively adverse trade balances and to balance budgets. In a period like the present, it was not possible to cling too closely to economic theories. The legitimate interests of each country had to be safeguarded without at the same time losing sight of the interdependence of all countries in the economic sphere; and new forms had to be found to fit the circumstances with a view to international collaboration.

The Swedish delegation had been greatly interested in the proposal submitted on the previous day by the French delegation. They felt, however, that the important economic problems involved might with advantage be studied from a wider standpoint. The difficulties encountered by the Monetary and Economic Conference of London were common knowledge; but the work of the London Conference was, of course (as they all realised), only adjourned and not terminated. It might very well, therefore, be useful to attempt at Geneva to find a practical form in which to continue the enquiries and discussions in regard to some, at any rate, of the questions studied at the London Conference. Obviously exchange stabilisation as between the nations was a matter of fundamental importance to world trade. It was by no means impossible that the moment was approaching at which discussion of that central problem might usefully be begun. The fact that certain countries maintained the gold standard while others had abandoned it was not necessarily an insurmountable obstacle to such discussions. The enquiries might perhaps include further the efforts of the different countries to deal with unemployment, which still prevailed in a very large number of countries, in spite of trade improvement since the preceding year.

In 1933, he had raised in the Second Committee the question of national public works as a means of combating unemployment. An interesting enquiry into that subject was proceeding. The public works and other similar governmental measures of that kind should be regarded only as a first line of defence against unemployment. Obviously, when business conditions improved still further, efforts should be concentrated on the means of finding work for the unemployed by the incorporation of some organic system in the economic life of the different countries. Various

measures for the protection of the economic life of the different countries were continually being discussed in connection with such efforts ; but it would be against the interests of the individual countries, and would be dangerous to the economic circumstances of the world as a whole, if such measures went so far as to lead to the economic isolation of the different countries.

As regards the points raised by the French delegation, he thought a study of the policy of quotas and compensation agreements, to which the world had turned to an increasing extent and which would certainly remain a factor to be reckoned with for some considerable time to come, might well yield results of value. An enquiry into the forms and effects of compensation agreements, as proposed by the French delegation, should help to throw light on the question whether, under the existing economic circumstances throughout the world, such a policy should be maintained and continued, or abandoned. He hoped that all countries would be prepared to furnish the Economic Committee of the League with information on the subject, thereby helping to throw light on questions on which their knowledge up to the present was inadequate. He felt that it was not sufficient to collect statistical data. There should be some further analysis of the system of compensation agreements, leading to definite conclusions on the basis of the information at the Committee's disposal. Whether bilateral compensation agreements should be replaced by multi-lateral agreements was an interesting, but also a highly complex, question. He was not at present in a position to express any opinion on that point, but he thought it would call for careful study later.

He hoped, in conclusion, that the enquiry, which might be left to the Economic Committee in collaboration with the Economic Section of the League Secretariat, would not be purely theoretical—still less, purely academic—but practical. The fundamental idea must be to uphold, even when circumstances appeared to be unfavourable, the conception of collaboration between the nations in the economic field as elsewhere.

M. KÜNZL-JIZERSKÝ (Czechoslovakia) observed that Czechoslovakia was partly an industrial and partly an agricultural country which had been hard hit by the world economic crisis, and, in particular, by the crisis in Central Europe. In those circumstances, Czechoslovakia was compelled to observe a policy of extreme circumspection in economic matters. Czechoslovakia had recourse to every system and kind of commercial treaty in her commercial relations with foreign countries. She had concluded compensation agreements with Roumania, Greece, Hungary, and other countries, clearing agreements with Yugoslavia and Turkey and commercial treaties with other States, on a most-favoured-nation basis, adapted to the exigencies of the time. It was natural, therefore, that Czechoslovakia should be greatly interested in the general development of policy. She would study the very definite suggestions put forward in the Committee, with a view to contributing to the best of her ability to the improvement of economic relations throughout the world.

The Czechoslovak delegation supported the French delegate's proposal and was convinced that the study undertaken by the technical organs of the League would yield valuable results.

Mr. BRUCE (Australia) wished to make a suggestion which might facilitate the work of the Committee. A draft resolution had been submitted by the French delegation, but, during the debate, the representatives of a number of countries had indicated that they would like a somewhat wider enquiry. He would like to put the resolution in a different form, and wondered whether a drafting committee could be appointed to examine both proposals and draw up a text that could be accepted by all the delegations. The draft resolution he would submit as a basis of discussion was the following :

“ The Committee requests the Council to arrange for an enquiry to be made by the Economic and Financial Organisation of the League concerning the scope, methods and results of compensation and clearing agreements and of the various measures in restriction of trade that have given rise to them.”

M. BIANCHINI (Italy) proposed that the second paragraph of the French proposal be amended as follows :

“ It requests that this study should, in particular, include an enquiry into the causes that have given rise to the compensation system and its relationship with the monetary situation and commercial policy of the different countries, and an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained.”

SIXTH MEETING.

Held on Wednesday, September 19th, 1934, at 3.30 p.m.

Chairman : Mr. BENNETT (Canada).

11. Economic and Financial Questions : Preparation and Publication of Auxiliary Statistics, of International Trade.

Mr. LOVEDAY (Director of the Financial Section and Economic Intelligence Service of the Secretariat) read the following note by the Secretariat :

“ 1. The International Convention relating to Economic Statistics of 1928 provided in Article 3 for an experiment to be made in the recording of foreign trade statistics by country of provenance and destination, with a view to finding a uniform method which would secure the comparability of trade statistics.

“ 2. The Committee of Statistical Experts, which had to consider the reports on this experiment, reached the conclusion that no effective comparability between the provenance of imports on the one hand and the destination of exports on the other can be secured by the universal adoption of any particular system of recording statistics, for the reason that, in the majority of cases, exporters have no precise information of the final destination of a large proportion of their exports. Nevertheless, it was thought that the exact provenance of imports could be recorded with reasonable accuracy, particularly if a uniform method were applied in recording trade statistics. Furthermore, the Committee expressed the opinion that the most reliable information on the final destination of exports can best be obtained from the import statistics of countries receiving those exports. The Committee accordingly recommended that imports of a certain number of basic commodities should be universally recorded by country of origin and, to facilitate this being done, the Committee proposed to compile a list of selected commodities. Such records might constitute the basis of international auxiliary trade statistics to be prepared and published by the Secretariat of the League of Nations—the object of these statistics being to show the movement of certain specific commodities between producing and consuming countries. The Committee suggested that, pending the general adoption of this procedure, the Secretariat should be authorised to undertake, as soon as possible, the preparation of preliminary statistics of this nature on the basis of published annual trade returns.

“ 3. After considering the suggestion of the Committee of Experts, the Council, on January 15th, 1934, adopted a report of its rapporteur (the representative of Australia) containing the following resolution :

“ ‘ The Council :

“ ‘ (a) Recommends to all Governments parties to the Convention, which do not at present record their imports by countries of origin, to prepare a supplementary annual record of the commodities contained in the special list to be drawn up by the Committee based on that system ;

“ ‘ (b) Invites all other Governments to collaborate in this field by taking similar measures, so that the information to be secured may become as comprehensive as possible ;

“ ‘ (c) Authorises the Secretariat of the League of Nations, subject to the approval by the Assembly of the necessary budgetary provision—on which financial question the Members of the Council are not able to take any position at this stage—to collect, aggregate and publish the data in question and, until these supplementary particulars are available, to compile and publish preliminary statistics of a similar nature on the basis of existing annual trade returns.’

“ 4. The expense involved by the publication of such annual statistics is estimated not to exceed 12,000 Swiss francs per annum (see Annex).

“ 5. In the meantime, the Committee of Statistical Experts has drawn up a list of basic commodities and has prepared the instructions relating to the technical application of the Council's recommendation quoted above. The list and the instructions are ready for circulation. If the Assembly approved the necessary budgetary provision for the collection and publication of the relevant data, the various countries could arrange to make these import records as from January 1st, 1935.

“ 6. The Statistical Committee proposes that the first publication by the League should relate to the year 1935 and should be prepared in the course of the year 1936. The first credit would therefore be needed only in 1936. It is necessary, however, that the work should be approved by the Assembly in 1934, in order that Governments may have the assurance that the work which they will undertake in 1935 for publication in 1936 will not be wasted.

" 7. In these circumstances, it is suggested that, if the Second Committee approves the above proposal, it should, in accordance with the terms of Article 16 (c) of the Financial Regulations, request the Fourth Committee of the Assembly, through the Supervisory Commission :

" (a) To include a token credit of one franc in the 1935 budget, for the printing of the auxiliary international trade statistics ;

" (b) There and now to authorise the Secretary-General to increase this new credit to a sum not exceeding 12,000 francs, in the 1936 budget.

* * *

" Annex.

" The cost of publication of the auxiliary international trade statistics is estimated as follows :

" The results for each commodity to be published in a special document of six pages in folio format (two pages of bilingual text, four pages of tables) ; 1,500 copies of such a document would cost 400 Swiss francs. Accordingly, the total cost estimated on the basis of thirty commodities would not exceed 12,000 Swiss francs."

Mr. Loveday explained that, for a number of years, the different organs of the League had been endeavouring to grapple with the problem of how to make the statistics of imports of commodities by countries of origin correspond with exports of goods by countries of destination. At present, Governments had various methods of compiling their statistics. In pursuance of the International Convention relating to Economic Statistics signed at Geneva in 1928, a number of countries had undertaken to make the experiment of employing several of those different methods simultaneously. The result of the experiment was negative—that was to say, it was found impossible to devise any method by which it could be guaranteed that, when one country said it exported, for instance, one thousand tons of wheat to another country, the other country would also show in its statistics that it had imported those thousand tons of wheat from the first country.

The International Conference relating to Economic Statistics had set up a Committee of Statistical Experts, *inter alia*, to try to find a solution for that problem, and the results of the experiment were submitted to that Committee. The Committee, however, came to the conclusion that, in fact, the problem was insoluble, because the import statistics related to facts which had happened in the past, whereas the export statistics were simply a guess as to what might happen in the future. The exporter had exported some commodities to a particular country, but they might go on from one country to another, and, that being so, the respective data would not necessarily correspond. In view of that fact, the Committee had recommended that the only possible method of solution was to get all countries to record their imports by country of origin—*i.e.*, the country which first sent the goods—and thus to obtain information as to the final destination of exports from the import statistics of countries receiving those exports. It had recommended further that, at the outset, that proposal should be tested with a list of about thirty commodities, and, finally, that those national statistics should be worked out by the League Secretariat.

The Council had approved the Committee's proposal subject to the voting of the necessary credit for the work to be done by the Secretariat. The necessary credit for the next year was a simple *pro memoria* credit of one Swiss franc. It was estimated that the maximum sum in subsequent years would be 12,000 francs ; in fact, the amount was quite likely to be less, and, in any case, the work was in the nature of an experiment. He thought, however, that the question had a very considerable importance at the present time, because countries were endeavouring to negotiate commercial treaties on the basis of import and export statistics which were demonstrably false. Each country found, on every occasion, that there was no correspondence between its import statistics and the export statistics of the country with which it was negotiating. Thus, these highly scientific commercial treaties were being drawn up on the basis of statistics which inevitably were largely the work of the imagination.

Mr. SHAKESPEARE (United Kingdom) said that his Government agreed to a token vote on condition that that was not taken to imply that they were bound to participate in, or that they committed themselves to approve in advance, the expenditure in 1935-36. He took the token vote to mean that the Secretariat was authorised to correspond with various Governments and arrange what commodities should form the subject of enquiry. If that was clearly understood, he had no objection to the token vote.

The CHAIRMAN understood that the present budget did not contemplate expenditure beyond the nominal sum of one franc for the year 1934-35, in order that the Supervisory Commission might consider the matter, and that the item might be increased to 12,000 francs if it were decided to proceed with the work.

M. LAMOUREUX (France) said that the French Government considered that the work of investigation was necessary, and that facilities should be provided for it. It was prepared to answer any enquiries on the subject.

As regards the proposed credit, M. Lamoureux was of opinion that the voting of a credit of one franc implied an undertaking, in the event of the work's being completed, to vote subsequently

the credit which would actually prove to be required, provided that the expenditure were duly accounted for. The French delegation accepted the undertaking to vote such a credit in 1935, because it considered that the work would be of value.

Sir Homi MEHTA (India) saw no reason why the Committee should be asked to vote in advance a credit for 1935-36. Moreover, that was a matter for the Fourth Committee.

The Committee recommended that a token credit of one franc be included in the 1934-35 budget for the printing of auxiliary trade statistics, and that the Secretary-General be authorised to increase such new credit to a sum not exceeding 12,000 Swiss francs in the 1935-36 budget.

The Committee further requested the Chairman to bring the matter before the Fourth Committee under Article 16 (c) of the Financial Regulations.

12. Economic and Financial Questions : General Discussion (continued).

Mr. SHAKESPEARE (United Kingdom) read the following amendment proposed by the United Kingdom delegation to the draft resolution submitted by the French delegation, taking into account the other amendments already proposed :

“ The Assembly requests the Council to arrange for an enquiry to be made by the Economic and Financial Organisation of the League concerning the causes, scope, methods and results of compensation and clearing agreements.

“ It requests that this study should, in particular, include an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained.”

The United Kingdom delegation further proposed that the third paragraph of the draft resolution submitted by the French delegation should be omitted.

M. SIERRA (Spain) based his remarks upon the experience of his own country and drew the Committee's attention to the objections to confining the enquiry to the problem of the compensation system. If it were desired to construct a real economic and commercial system, it must not be based on a state of things which was transitory and accidental.

The Second Committee should endeavour to study the causes of the present state of the world and ascertain whether the proposals laid before it were of permanent or relative value.

The Spanish delegate considered that the root cause of the depression was over-industrialisation. That evil had begun during the world war, when a number of States had become industrialised in order to assist the belligerents, and had remained so after the war in order to meet the demand arising out of the necessity of replacing the wealth destroyed during the war. Several agricultural countries had also been industrialised in order to provide work for those returning from the front, or because a profitable use had been found for capital or for other reasons.

The results of over-industrialisation were well known : competition became keener, tariffs had to be raised, both on manufactured articles and on agricultural products, and so on. The economic nationalism resulting from that circumstance was increasing under the impetus of a hidden force as if it were governed by a law of its own. The final result was a fall in prices and unemployment.

As the Netherlands delegate had rightly remarked, the abandonment of the gold standard in 1927 had accentuated the catastrophe and had compelled the various States to safeguard their currencies, the protection of their balance of payments being for them even more important than the protection of their trade balance.

M. Sierra agreed with M. Lamoureux that all countries had been obliged to defend themselves and that the law of self-preservation was one which no State could disregard. For his own part, he was not in favour of ruthless economic nationalism, but he realised that, in certain circumstances, a country had no choice but to adopt a quota system, limit exchange dealings and raise its Customs tariffs. Spain, like other Powers, had embarked upon a course of economic nationalism. The Spanish authorities, however, were conscious of their responsibility and were considering what measures could be taken. Everyone was aware that, however desirable, a return to economic liberalism was impossible. Further obstacles in the way of the development of international trade would in fact mean the complete closing of the frontiers. Restriction bred restriction, quotas led to a reduction of consumption and that in its turn led to a further decrease in the amounts importable under the quota.

An attempt must therefore be made to discover a solution in keeping with the dictates of humanity, to save what still remained of economic liberalism and the most-favoured-nation clause, on the basis of which great progress had been made in the nineteenth century.

In the circumstances, compensation should be regarded as the lesser evil and a means of creating more or less stable economic relations, but it was a temporary solution and—what was more—a solution which could not be submitted to the League as one involving a principle. It was impossible to accept as final a solution which was only a kind of expedient.

The Spanish delegation therefore associated itself with the United Kingdom proposal to delete the last paragraph of the French proposal. Moreover, the British proposal had the advantage that it recommended an enquiry into the causes of the crisis. The Australian and Italian proposals also did so. The Spanish delegation was of opinion that it was desirable to undertake an enquiry

of that kind, but was not submitting an amendment on that point and merely hoped that investigations would be carried on with a view to finding a way out of the present position.

There had been references to controlled economy. M. Sierra was entirely opposed to a controlled economy which tended in the long run to exhaust the strength of a country, but noted that a measure of controlled economy already existed in the policy of Customs protection and in the quota system. It was the State which by such measures directed the economic policy of a country into a particular channel.

In the circumstances, it was a question whether the League should not deal with the essential problem of restricting the industrial development of the world. He had already suggested to the Spanish Government that it should proceed without delay to take a census of all the industries established in the country and not to allow any fresh industries to be set up until the economic position had become stable once more. While recognising that it would be difficult to carry out such a measure on an international scale, he thought that if, one day, the League, realising the seriousness of the position, would undertake the sole direction of the economic activities of the world, that would be a happy day for mankind.

M. DJUVARA (Roumania) said that the problem before the Committee was to find points of contact between the national interests of each State and the international interests which dominated them all and were common to them all. In that connection, it seemed to him difficult to deal exclusively with compensation agreements without extending the investigation at least to certain aspects of the general economic and financial depression.

It was clear to him that the tendency of States towards self-sufficiency—a tendency reflected in the development of agricultural production in the industrial countries and industrialisation in agricultural countries—aggravated the economic depression, entailing an increase in unemployment on the one hand and a considerable fall in the price of agricultural produce on the other hand. He thought, however, that, in the circumstances, the agricultural countries were in a position of inferiority, which could not but have serious disadvantages from the point of view of international economic life. Agricultural production did not provide the same elasticity of organisation or the same possibilities of adapting production to the market as industrial production. There appeared to be a very serious lack of proportion between the prices of agricultural products and those of industrial products. The agricultural countries were ceasing to be or to become industrial markets and the volume of international business was going down.

The disadvantages of that were as serious for the agricultural countries as for the industrial countries. The yield of agricultural production was, generally speaking, much less than that of industrial production. In certain cases, that yield was reduced to zero and in some cases farmers were even exposed to constant losses. In present circumstances, at any rate, their purchasing power had been considerably reduced. On the other hand, agricultural production did not afford any possibility of a continued increase in its consumption, while an increase in the consumption of industrial products was no doubt one of the main conditions of economic progress. It was consequently a matter of international interest to facilitate the industrialisation of the agricultural countries, while it could not be in the interests of general progress for the industrial countries to develop their agricultural production unduly.

The Roumanian delegation considered that it would in any case be very desirable to undertake the investigation which had been suggested into the effects of protecting agriculture in the industrial countries, and of the general agrarian policy of those countries. It firmly believed that all attempts to improve the market in agricultural products would help considerably towards improving the position.

In the light of those general ideas, M. Djuvara suggested the examination of the special problem of compensation, which was the question under discussion at the moment. At the same time, it would be very desirable to consider that problem of compensation not only from a purely commercial point of view but also in the light of all claims and debts which might arise out of relations between the countries in question. Indeed, it was only in that way that it would be possible to determine and, if necessary, improve the actual position of the various countries.

The system of compensations, which was imposed at the present time on most States by the inexorable requirements of economic and financial defence, could only be regarded as a necessary evil and it was of the greatest importance to regard it as transitory. It led, as a result of the demands of countries with an adverse balance, to a change in the commercial relations existing at any given time between two States and, at the same time, automatically caused a fall in the volume of international exchange and consequently an inevitable general impoverishment.

M. Djuvara had been impelled to stress that aspect of the problem also, in order to see whether it would not be possible to eliminate or at least to mitigate that disadvantage. Whatever might be the diversity of the numerous compensation agreements being concluded at the moment throughout the world, their technique tended in any case to develop and to become more perfect. Consequently, it was as well to investigate the most effective methods of improving international economic relations.

In that connection, it would perhaps be useful to contemplate the study of a multilateral clearing agreement, the details of which could not at present be determined, as also that of the part which might be played by the Bank for International Settlements.

With the foregoing remarks, the Roumanian delegation approved the French delegation's proposal.

M. VAN LANGENHOVE (Belgium) said that there were obvious signs of improvement in many countries, but that that improvement affected more particularly the internal economy of those countries and scarcely influenced international trade at all. As regards the latter, the position was stationary, if not retrograde. As a matter of fact, ideas of strict reciprocity had been gaining

more and more ground recently, and could not but lead to trade being throttled to an ever greater extent. The quota systems were more rigid still and continued as before to be applied in arbitrary fashion.

He associated himself with the French delegation's proposal. He desired to point out that, although Belgium, like other countries, had concluded a number of compensation agreements, she had done so only in self-defence and only when such agreements seemed to her to be the only means of ensuring payment of important frozen credits or maintaining a particular stream of trade. He considered that such agreements were, in principle, bad, and hoped therefore that the proposed enquiry would be carried out with a view mainly to putting an end to the system as soon as possible, and, in the meantime, mitigating its drawbacks.

He did not think that the improvement in the internal economy of the countries made up for the paralysis of international commerce. The policy of self-sufficiency especially affected countries with a limited home market, and had been shown to be in contradiction with the essential conditions of economical production.

If it was desired to pave the way for a real and permanent improvement in the position, the obvious course was to revive international trade. Naturally, the countries whose position was precarious and difficult were much concerned about their trade balance and their balance of payments, but that did not apply to all countries, and it would be well to give more attention to the volume of commercial exchanges.

The question was an international one, and the solution to be found for it would have to be international too ; but experience had shown that any general solution which tried to cover too many States at the outset was attended by insurmountable difficulties. It was necessary to proceed stage by stage and conclude extendible agreements covering, to begin with, only those States whose circumstances and interests were found to be closely akin. Thus, more than a year before, Belgium had favoured an *entente* among the countries which had remained on the gold standard. But here there arose the obstacle presented by the most-favoured-nation clause. That obstacle would have to be removed. The Belgian Government had for some years been engaged in doing so by endeavouring to secure acceptance for an interpretation of the clause whereby its application would not cover collective Conventions to which all States were free to accede. That interpretation had already been embodied in the treaties of commerce concluded by various European States, including—besides the Belgo-Luxemburg Economic Union—France, the Netherlands and Switzerland. Moreover, the United States Government, in the proposal which it had submitted to the London Monetary and Economic Conference at the time when that Conference was about to suspend its work, had set its official seal on the interpretation of the clause which excluded collective agreements from its effects. Subsequently, it had secured the adoption of that proposal by the Conference of the Pan-American Union, which met in December 1933 at Montevideo. The Pan-American Conference had embodied the idea in a Convention, which all States were invited to sign. The essential undertaking provided for in that Convention was, in substance, that the contracting parties agreed not to invoke the obligations arising out of the most-favoured-nation clause in order to obtain advantages enjoyed by the States parties to multilateral economic Conventions of a general range, which applied to a sufficiently large commercial area, were designed to improve international trade and were open to the accession of all countries.

M. van Langenhove considered that the Convention the scope of which he had just emphasised and which had now been placed before all the Governments constituted a very important fact which ought to be an earnest of hope for the members of the Committee. As Belgian delegate, he welcomed that Convention with special satisfaction as sanctioning a conception which the Belgian delegation had made its own. He hoped that the Rapporteur would call the special attention of the Governments to that Convention with a view to their carefully examining it.

M. STUCKI (Switzerland) noted that the discussion which had taken place in the Second Committee referred rather to procedure than to the substance of the question. He was glad of that since, if the Second Committee had attempted to discuss the substance of present-day economic and financial questions, the result would presumably have been rather meagre ; coming after the experience acquired in London for several weeks, such a discussion could not be of any great value. M. Stucki therefore congratulated the French delegate on having taken the initiative from the outset of directing the debate towards questions of procedure.

He considered that there was a difference between that proposal and the resolutions by which an organisation was usually invited at Geneva to undertake the survey of a question. It could not be denied that, during the last year or two, something quite new had appeared in international life. The policy of compensation, or reciprocity, was the negation of the entire commercial policy which had been cherished by all States before and since the war. Until now, that policy had not been submitted to a systematic and exhaustive examination. The best proof of that was the great confusion which prevailed, even as regards the terminology of the new movement ; compensation agreements were confused with clearing agreements.

He supported the proposal to invite the League's Economic Organisation to study those phenomena and to attempt to establish a new doctrine. Nevertheless, he drew the attention of the Secretariat, as he would draw the attention of his colleagues on the Economic Committee, to the necessity of laying down definitions and establishing a terminology. He desired also to point out that it was not sufficient merely to indulge in a facile criticism of such abominations as barter, clearing, reciprocity, compensation, etc. ; it was also necessary to consider what would be the situation of the world's foreign trade without those clearing and compensation agreements.

He did not believe in the utility of collecting fresh documentary material as to the causes of the crisis. Such material would add nothing new to that already possessed by the Secretariat

and would not change the decisions which the Governments might feel it necessary to adopt. He much preferred the French proposal, which was clear, precise and limited, and far more effective than vague all-inclusive resolutions. The Swiss delegation would vote in favour of the French proposal, whilst, however, supporting the British amendment. It thought that it would be advisable to suppress the last paragraph, as suggested by the United Kingdom delegation. It would be the duty of the Governments to draw their conclusions from the report which would be submitted to the Second Committee of the Assembly in 1935.

M. Stucki next observed that, though the Economic Committee was composed of experts, those experts were nevertheless influenced by the opinions prevalent in their own country, in which, moreover, they frequently were highly placed officials. It would not be human to expect them to forget all their former work, which, as a rule, was performed in the capital of their country, and adopt an independent point of view which, though admirable in itself, might be in manifest contradiction with the trend of their Government's policy. That explained why it had been found impossible to arrive at a unanimous doctrine in the Economic Committee, and why the three tendencies which had become manifest in London with respect to the questions of currency stabilisation and trade barriers still existed in the Economic Committee.

There was, therefore, little use in asking the Economic Organisation to tackle problems which could not be solved before the responsible Governments had taken decisions of principle with respect to either currency stabilisation or the campaign against trade barriers.

M. CHRISTIANI (Denmark) stressed the close connection between the problem of compensation and clearing and the currency question, and reminded the Committee of the differences of opinion which had been expressed on that last point at the Monetary and Economic Conference in London.

He then pointed out that the beneficial effect of gold as a steadying force in international exchange before the war had been largely due to the existence of free trade between the different countries. At present, however, when large stocks of gold existed in a few countries only, and when, by reason of restrictions and agreements for the exchange of goods applied by Government institutions, it was essential for imports and exports, including invisible income and expenditure, to balance, gold had practically lost its importance in international trade.

The example of Germany made it perfectly clear that gold was not necessary for currency stabilisation, and that it was possible for any country to keep its currency at what international level it chose, even without having gold at its disposal, on two conditions: first, there must be a balance between imports and exports, including invisible income and expenditure; and second, that the country in question must be prepared to force its economic system, and particularly its export industries and its unemployed, to accept the consequences, whatever they might be at any time, of the level at which the currency was fixed or maintained.

The gold *bloc* countries had preferred to maintain the value of their currencies, despite the fact that the value of those currencies had consequently doubled in terms of its purchasing power abroad during the last three years. That was a position which was chiefly a matter of internal concern to each of the countries on gold, and it would only acquire international importance if and in so far as it might affect foreign trade. It was probably true to say exactly the same of the paper countries, which had reduced the value of their currencies to a level more or less inferior to that of gold, or had even abolished any fixed ratio between the value of their currencies and that of gold.

What was needed in the present state of affairs was the adjustment by the various countries of their internal price-levels—including wages, budgets and interest rates—in such a way as to prevent the creation or continuance of any wide margin between the conditions in which commerce and industry could continue to carry on and those in which they could not, to make it possible to reduce unemployment as far as possible and to foster the expansion of international trade.

The Danish delegate appreciated the difficulties of the gold *bloc* no less than the attitude of the countries on paper, but, in his opinion, the gold standard had actually ceased in the present conditions to play its old part. One course might therefore be to fix a specific value ratio between the currencies of all countries. Denmark had also adopted a fixed ratio between the Danish crown and the pound sterling, absolutely independent of the existing gold content of sterling, and it was desirable that the most important countries should establish similar agreed ratios between their respective currencies. The experience of recent years would suffice to enable action to be taken on those lines, and then temporarily to suspend convertibility into gold, since gold, as had already been shown, was of no great use until international commerce became relatively freer.

The next essential measure would be the restoration of confidence and political security by means of disarmament agreements or, to be more accurate, agreements for the reduction of armaments; but that step could hardly be expected to be successful unless taken in conjunction with a revival, in a greater or smaller degree, of the freedom of international commerce and exchanges of goods, and some equality of treatment as regards openings for labour in countries and areas which had hitherto remained partially undeveloped.

Those measures should be followed by the final step in the work of reconstruction—namely, the restoration of the gold standard—which, in M. Christiani's view, there was nothing to supplant—when international trade was again being carried on under conditions similar to those of the long liberal period which had preceded the world war and during which the well-being of the nations had improved from year to year as at no previous time.

M. BIANCHINI (Italy) said that the Italian delegation withdrew its amendment and accepted the draft resolution submitted by the United Kingdom delegation, which met its views.

M. RUIZ-GUINAZÚ (Argentine Republic) agreed that the compensation system was a factor of growing importance in international trade policy. In the name of his delegation, he supported both the French proposal in general, and the amendment submitted by the United Kingdom delegation in so far as concerned the enquiry into compensation agreements. The Argentine had concluded with several countries compensation agreements and commercial agreements adapted to the circumstances ; those covered 60 per cent of the Argentine's exports and 27 per cent of her imports. The results of the experiment had been favourable, for they had done something to arrest the movement towards economic isolation. In particular, it had been possible, by the liquidation of frozen credits through special loans, to take commitments to the value of 325 million pesos off the exchange market.

The Argentine delegation was of opinion that the final solution would be found in international collaboration, and that the moment had now come to undertake the proposed study as regards the direction which a world commercial policy should take. It further associated itself with the Belgian delegation's recommendation of a study of the question of the most-favoured-nation clause in the form advocated by the Seventh Pan-American Conference at Montevideo, in which the Argentine Republic had taken part.

M. VALDÉS-MENDEVILLE (Chile), referring to the question raised by the Belgian delegate, pointed out that, for a correct interpretation of the meaning of the Convention signed at Montevideo and left open to signature by other States, reference should be made to the resolutions which the Montevideo Conference had adopted ; he would refer in particular to that concerning the proposed obligation to reconsider and revise the 1927 Convention concerning import and export restrictions and prohibitions, or to negotiate new general conventions with a view to overthrowing the obstacles in the path of commerce. The Chilean delegate also called attention to the resolution placing on States which used quota systems or other means of limiting imports the obligation to apply those measures in a form which should change as little as possible the relative positions as regard competition naturally occupied by the different supplying countries.

M. Valdés-Mendeville then passed to the French proposal. In 1932, he had explained the views held by his Government as to the gravity and complexity of economic problems, and he had said that the whole international commercial system was perverted to such an extent that, in the middle of the twentieth century, people had felt bound to encourage the prehistoric method of barter as a desirable solution. Since 1932, Chile had followed the policy of the clearing system for commercial debts and of the compensation system for exchanges of goods. She had decided on that course both because the facts had compelled her to do so and because she had been asked to do so by a number of States who had perhaps then been theoretically opposed to those agreements, as indeed the Economic Committee itself had been. Chile had concluded numerous treaties of that sort with various countries. The results were satisfactory as a whole, and in some cases remarkable. The success achieved naturally depended on the degree of flexibility shown, in the application of the terms of those agreements, by the central authorities of the countries with which they were concluded. He admitted that that was a provisional expedient ; but could anyone predict how long it would last ?

Such were the considerations which had led the Chilean delegation to regard it as desirable to proceed with the enquiry for which the French delegation had asked. Personally, M. Valdés-Mendeville would have been prepared to support the French proposal in its original form.

M. PIPINELIS (Greece) said that the Greek delegation agreed with the French proposal for the study of questions relating to compensation agreements. The Greek Government had taken a very active part in the conclusion of such agreements.

Greece was a country with an adverse trade balance, and was particularly hard hit by the obstacles to which the circulation of capital and the free export of services had been exposed in recent years. Greece had, accordingly, had frequent recourse to compensation and clearing agreements. The results of that policy—though it would be premature to formulate any definite conclusions on the point—might be regarded as satisfactory, at any rate in respect of the particular object in view—viz., the restoration of the trade balance. The spread between imports and exports had been appreciably reduced ; and that meant an improvement in the balance of payments. Greece had therefore no objection to a more thorough examination of the problems relating to compensation and clearing agreements.

It would be difficult, however, to isolate that enquiry from the study of economic problems of a more general character, which was inevitably bound up with the problem of commercial policy in the several countries. The study of the results obtained by compensation agreements, as proposed by the French delegation, would necessarily raise the question of the policy to be followed with a view to the restoration of greater freedom of economic relations between countries.

The results obtained by compensation agreements would no doubt show the need for more extensive efforts towards preparing a gradual return to the classic principles which once governed world economics. The various proposals with a view to extending the study of compensation agreements, which had been put forward in the course of the discussions, testified to that necessity.

The Greek delegation thought that it would not be long before the problem of a return to more normal conditions between the different countries could usefully be considered. They believed, therefore, that it was of the utmost importance that all factors governing the formation of the balance of payments between States should be considered in due course by the technical organisations of the League with reference to the possibility of a return to more normal conditions.

The Greek delegation attached the utmost value to the study of the point raised by the Australian representative. In that connection, it was impossible to ignore the importance of

another problem which was of special interest for Greece—namely, the free export of services and freedom of establishment in other countries. It would be impossible, in consideration of that question of a reversion to more normal conditions, not to study the problem of the natural normalisation of balances of payments as between countries by the transfer of services.

The Greek delegation would not submit that suggestion in the form of a definite proposal, but they believed that a general study of the question of compensation agreements would inevitably be incomplete if it did not include that aspect of the question. Greece, as an over-populated country with insufficient cultivable land, was exposed in a very special degree to the effects of the obstacles which, in recent years, had been placed in the way of freedom of establishment in other countries. It would be desirable in that connection to refer to the report on the economic situation in Greece drawn up by the Finance Committee's delegation which visited Greece in May 1933. The Greek delegation attached great importance to the consideration of that aspect of the question also.

M. LAMOUREUX (France) was glad to note that all those delegates who had taken part in the discussion accepted the desirability of studying the question of compensation agreements. He was glad to have been able to make a proposal on behalf of the French Government which he hoped would meet with unanimous acceptance.

Two tendencies had been apparent in the course of the discussions. The first, which appeared to command the largest number of supporters, was in favour of not going beyond the purposely limited proposal made on behalf of the French Government. The second, on the other hand, was to expand the discussions and to include a number of other problems in the enquiry. Some speakers wanted to raise the question of the gold *bloc*. Others wanted to raise the question of the most-favoured-nation clause, as discussed at the Pan-American Conference of Montevideo. Others again had raised questions that had come before the London Monetary and Economic Conference and were in favour of including them in the proposed enquiry. The Swiss delegate, in a clear and very pertinent speech, had argued that it would be wiser not to go outside the limits of the French proposal. He hoped the Committee would accept that suggestion.

Unanimity appeared to have been realised on the compromise motion proposed by the United Kingdom delegation. The French delegation was quite ready to accept that compromise proposal, which did not differ from the French proposal and indeed added supplementary details to it.

He was also prepared to agree to the omission of the third paragraph of the French resolution. The paragraph embodied the French Government's desire that the enquiry to be undertaken by the League's Economic and Financial Organisation should enable the Governments, in the light of the statistical and technical information collected, to adjust their compensation agreements and the organisation of their compensation authorities, and possibly to adapt their commercial policy to the exceptional circumstances arising out of the crisis. It was no part of the intentions of the French delegation to impose on all Governments an obligation to alter their compensation agreements once the enquiry was concluded. The sole object of the French delegation in drafting the third paragraph was to express an aspiration. They hoped that an enquiry of that kind need not be purely theoretical, but might lead to certain results, certain consequences, enabling any country to make (where possible) such changes as it thought fit when negotiating or renewing compensation agreements. The French delegation had no intention, however, of imposing any obligation on any party, and he had no objection therefore to the omission of the third paragraph.

He was anxious to add, however, that the French Government did not regard compensation agreements as definitive, or as the last word of commercial policy. Compensation agreements were essentially provisional. Obviously, if at any given moment it was possible to modify the system of commercial policy now current in the world under the name of compensation agreements, the French Government would be the first to rejoice at such a consummation. But it was clearly impossible to say how long present conditions would continue. Compensation agreements were provisional ; but the provisional was traditionally long-lived. The French delegation accordingly expressed the hope that, if the results of the proposed enquiry permitted, certain States would see their way, while the existing conditions continued, to modify as they might see fit such agreements as came up for renewal. The amendment proposed by the United Kingdom delegation left that option to the different States ; and the French delegation was accordingly prepared to forgo the third paragraph.

In conclusion, he asked the League's Economic and Financial Organisation to spare no pains in the enquiry they had been asked to make. The unanimous acceptance of the proposal he had made on behalf of the French Government was sufficient evidence alike of the importance and of the urgency of the enquiry in question. He desired at the same time to express the hope that those present in the Second Committee would not fail, on their return to their respective countries, after acceding to the proposal about to be made to them, to take the necessary steps to ensure that the competent qualified officials be instructed to furnish the replies to the questions put by the League Secretariat, not merely with all possible sincerity—there was no question of that—but also with all possible diligence.

Mr. SHAKESPEARE (United Kingdom) thanked the French delegate, not only for the able way in which he had presented his original proposal, but also for the friendly spirit of accord in which he had met the various points raised. The United Kingdom delegation would have accepted

his original proposal, but as several points of interest had been raised in the discussion, particularly by the Australian and Italian delegates, the United Kingdom delegation had drafted their amendment in the hope of reaching a maximum measure of common agreement.

Mr. McDUGALL (Australia) said that, during the discussions, more than half the speakers had asked for a broadening of the basis of the enquiry proposed by the French delegation. That desire was largely met by the United Kingdom amendment, and he was very grateful to the French delegation for accepting that amendment. The Australian delegation would, however, have preferred to bring into the wording of the resolution a definite reference to the various measures in restriction of trade as a result of which Governments were driven to set up clearing offices and adopt compensation agreements. Nevertheless, the United Kingdom amendment, bringing in the word "causes", did actually make it possible for the enquiry to be as wide as should prove necessary. He was therefore prepared to accept the amended resolution, but would ask the Rapporteur quite definitely to bring into his report a paragraph setting out clearly the desire of many delegations that the enquiry should not neglect to consider the way in which extreme agrarian protection in some industrial countries was strangling the trade of agricultural countries, retarding world recovery and forcing agricultural countries to have recourse to special methods to safeguard their own position.

The Australian delegation was also anxious that the enquiry should not assume a wholly European complexion. It was perfectly true that compensation agreements were largely a European problem. Compensation agreements, like quotas, were a gift from Europe to the rest of the world, but the rest of the world was entitled to look such gift horses in the mouth. He would urge that the point of view of the overseas countries, who were vitally interested in the matter, should not be neglected during the enquiry.

M. BENIS (Poland) stated that the Polish delegation endorsed the Australian delegate's statements. He pointed out in that connection that the Economic Committee, in its account of the work of the London Monetary and Economic Conference, had stated that further action was required in connection with veterinary conventions. The Polish delegation would like that point to be mentioned in the Second Committee's report to the Assembly.

The Committee unanimously adopted the draft resolution submitted by the United Kingdom delegation.

SEVENTH MEETING.

Held on Thursday, September 20th, 1934, at 10.15 a.m.

Chairman : Mr. BENNETT (Canada).

13. Work of the Health Organisation between the Fourteenth and Fifteenth Sessions of the Assembly: Draft Report¹ of the Second Committee to the Assembly : Discussion.

Mr. RIDDELL (Canada), Rapporteur, commented on his draft report and submitted the following draft resolution contained therein :

" The Second Committee,

" Having considered the chapter on the work of the Health Organisation in the report on the work accomplished by the League of Nations since the fourteenth Assembly (document A.6.1934) :

" (1) Notes with satisfaction that the Health Organisation has ensured the continuity of its essential work, while adapting its activities in such a way as to take account of existing conditions ;

" (2) Approves the Rapporteur's conclusions and requests the Council to communicate to the Health Organisation the suggestions of a technical order in his report."

M. BORGBJERG (Denmark) wished, in the first place, to pay a tribute to the memory of two members of the Health Committee who had recently died : Professor J. Cantacuzène and Professor Léon Bernard. The Council had associated itself with the messages of sympathy addressed to the families and co-workers of these two eminent men, whom the Health Committee could be proud to have counted among its members.

The detailed account of the work accomplished by the Health Organisation given in the Secretary-General's report on the work of the League since the fourteenth session of the Assembly²

¹ See Annex 3.

² Document A.6.1934, pages 66 to 73.

greatly assisted his task. He would, however, refer to some of the most recent work which it had been impossible to include in the report—namely, that of the last session of the Committee on the Standardisation of Vitamins.

A previous conference had provisionally adopted a number of standard preparations for the titration of the principal vitamins, in order that the potency of vitamin preparations made in different countries might be estimated on a uniform basis. It had been understood that, after an interval of two years, a second conference would revise the results of the first conference in the light of the progress made by science in the meantime. That second conference, which had met in London in June 1934, had proceeded to such revision and had adopted, this time definitely, certain units of potency for the four principal vitamins. Thus, a difficult and complex work had been completed, and the benefit would be enjoyed both by the factories which placed vitamin products on the market, and the official analysis laboratories which had to give opinions on the potency of those products. It had only been possible to attain that result by means of the participation of specialists from numerous countries, in particular, those of the National Institute for Medical Research in London, which had acted as a central laboratory of the Health Organisation for the preservation and distribution of standard vitamins.

The Commission of Biological Standardisation, which had met in August 1934 in Copenhagen, had also done useful and practical work by adopting for international use standard preparations, and standards of potency for anti-gangrene, anti-pneumococcal, and anti-staphylococcal sera. There again, the co-operation of numerous laboratories had been a factor in the result achieved. The efforts of the Commission of Biological Standardisation to place in the hands of medical men a weapon of known and uniform efficacy merited the Committee's entire support. It was to be hoped that the number of laboratories interested in research work in that domain would continue to increase, and that titration in international units would be more and more recognised and demanded by the health authorities of various countries.

M. Borgbjerg then mentioned a further task entrusted to the Health Organisation by the International Rabies Conference of 1927—namely, to publish periodical results of anti-rabic vaccination in the institutes of the world. The Health Organisation was carrying out that task in an entirely satisfactory manner. It had collected very extensive statistical material, which at present related to more than 7,000 persons who had been bitten and undergone treatment. The important point in the enquiry was that it enabled the value of the various methods of treatment to be estimated on the basis of extensive statistical figures.

As the representative of a country in which the authorities in charge of the protection of public health were concerned to a high degree in the question of nutrition, M. Borgbjerg had followed with keen interest the investigations undertaken under the auspices of the Health Organisation into the individual nutrition of unemployed persons in the countries affected by the crisis. He thought the time had come to pass from the study of individual nutrition to that of collective nutrition, as practised, with results which appeared to be satisfactory from a health and an economic point of view, in a number of undertakings, institutions and even towns. The Health Organisation was in a good position to collect on that new subject material which would be useful to the health administrations, all of whom were desirous of ensuring adequate nourishment for the economically weaker groups of the population.

There was another no less acute problem which at present caused concern to many Governments—namely, housing. Garden cities and workers' allotment gardens only solved a corner of the problem. The question was much wider, and an enquiry which would embrace its various aspects and cover, in particular, the experiments made to reconcile the requirements of health with those of economy would no doubt be highly profitable.

If the work of the Health Organisation, as summarised in the report, were regarded as a whole, it would appear from its diversity, and in spite of its very technical character, to be the model of what might be demanded of an international organisation. The rôle of the Health Organisation had been to enquire into problems which could not be solved within the narrow boundaries of a single country, to reply to applications from Governments for co-operation, to deal with current questions—for instance, the maintenance of public health in a time of crisis—which had immediate consequences and were likely to continue to have effects on the rising generations. There was no more noble or more useful task.

M. GAUTIER (France) thanked the Danish delegate for the tribute he had paid to the memory of Professor Léon Bernard, who had rendered signal services to France, to the Health Organisation and to the whole of mankind. His lovable nature and extraordinary vitality had everywhere left an imperishable souvenir.

M. DJUVARA (Roumania) also thanked M. Borgbjerg for the tribute he had paid to Professor Cantacuzène, who, in addition to his great knowledge, had possessed inestimable qualities of the heart and an active conception of organisation. Professor Cantacuzène had trained a whole pleiad of scientists. International scientific co-operation had been the guiding idea of all his activities. He had been the living example of the truth that a nation may be great also by its co-operation in the universal organisation of the progress of civilisation.

Mr. VAN BROEKHUIZEN (Union of South Africa) referred to the conference held in 1933 at Cape Town on various diseases which had begun to spread in South Africa. The increase in those diseases was no doubt due to the air traffic between the north and south of Africa, by which microbes were introduced into the country. The Government had approached the League Health Organisation with a request for assistance in combating those diseases. As a result, the Health Conference in question had met in Cape Town. The work was felt to be so important and the results achieved had been so great that the Government proposed to hold a further conference

of the same kind in October or November 1935. That conference would deal with rural hygiene, native hygiene, protection against yellow fever and the prevention of plague and typhus. The Committee would understand the great difficulties with which the South African Government was faced, in view of the enormous native areas where hygiene was practically non-existent.

The South African Government would do everything in its power to assist the 1935 conference. It hoped that it would be a Pan-African Conference, and that the League would give it wide publicity.

Mr. van Broekhuizen paid a tribute to the Office international d'Hygiène publique, and hoped it would grant its valuable co-operation in the preparations for the Cape Town Conference. If the Health Committee could secure that co-operation, the South African Union would be very grateful.

Mr. van Broekhuizen expressed his admiration of the work done by the Health Organisation, the value of which was fully realised in South Africa. In particular, it was felt that the Health Organisation was doing useful work in preventing the spread of yellow fever.

In conclusion, he pointed out that the South African Government had asked the League to carry out an international study of deafness. In view of the complexity of the problems raised, the Health Committee had asked the South African Government to define the points to which it desired the enquiry to be directed. That information would be supplied in due course.

Mr. SHAKESPEARE (United Kingdom) congratulated the delegate of the South African Union on the proposal that a Pan-African Sanitary Conference should be held at the end of 1935. His Majesty's Government in the United Kingdom would have to consult the colonial authorities concerned, but, subject to that reservation, they welcomed the suggestion and would do everything they could to ensure the success of the proposed Conference.

Mr. van Broekhuizen had mentioned four questions which would be on the agenda of the Conference. Two of those came within the scope of the Office international d'Hygiène publique, and Mr. Shakespeare expressed his satisfaction that the Office would be associated with the Conference.

He noted that the Conference was proposed for October or November 1935. He suggested that the date might not be definitely fixed, in view of the time which must be given to the colonial administrations concerned to make preparations for their participation in the Conference.

As regards the report submitted by the Rapporteur, he wished to refer to the principle of promoting the interchange of information and views of a scientific and technical character between countries. The United Kingdom delegation appreciated the work of the Health Organisation in applying that principle. He referred, in particular, to a collective study tour in Poland in 1933 in which two British medical officers had taken part, and he also desired to thank the Health Organisation for arranging for a visit by British medical officers to study municipal hospital construction in Europe.

He thought the work of the Health Organisation was not adequately appreciated by the world at large. As one associated with the Ministry of Health in the United Kingdom, he was acquainted with the vital importance of the extremely valuable work done in such an unobtrusive manner by the Health Organisation.

M. CAVAZZONI (Italy), while approving the Committee's draft report on the work of the Health Organisation, observed that the malariology course which had been organised in 1934 in Rome represented, in his opinion, a distinct advance in the efforts made by the League in that field. It had been organised by the Rome Institute of Malariology, which had been created, by the transformation of the old Advanced School of Malariology. The course had included both theoretical work and practical field demonstrations. It had been attended by doctors from a very large number of countries. Contrary to the method followed in the courses organised in Paris, London and Hamburg, which had lasted three months, the first month being devoted to theory and the other two to practical work, the course organised in Rome had combined theoretical courses and practical work, which he thought was a decided improvement.

M. Cavazzoni was gratified to note that, in spite of the contraction of the funds at the Health Organisation's disposal, the League's activity in the field of international health had undergone no diminution, and he hoped that, notwithstanding the depression, the League would continue its efforts with the same efficacy, as it was precisely during times of depression that assistance in that field was most necessary.

M. Cavazzoni, referring to the study carried out in 1932 regarding the probable effects of the economic depression on public health, was glad to note that in no country had the depression brought about an increase in the death rate, but he feared that the continuation of the depression might eventually undermine the people's health. It would therefore be advisable to request the League and its Health Section to pursue that study and endeavour to bring out the points to which the League and the Governments should pay special attention so long as the present unfortunate state of affairs continued.

Turning to a question which had been discussed at length in previous Assemblies—namely, the steps to be taken in regard to public works and, above all, public health works,—M. Cavazzoni pointed out that the Italian delegation had described on several previous occasions what had been done in his country in regard to that matter. Italy had continued the systematic application of her programme. In addition to the necessary relief to the unemployed, she had endeavoured to procure work for the largest possible number of them by intensifying the execution of public

works, particularly those which were of special importance from the point of view of public health. The work done in the Pontine marshes, which had resulted in the foundation of two new towns, Littoria and Sabaudia, had been finally completed by the creation of a new province of the Kingdom of Italy, the province of Littoria. In M. Cavazzoni's opinion, the League could not overestimate the importance of major public health works.

M. RAPHAËL (Greece) said that the Secretary-General's report on the work of the League contained a special paragraph dealing with the League's co-operation with the Greek Government in health matters. Mention was made of Greece's contribution to that work, and the Greek Government greatly appreciated that mark of recognition. Moreover, at the Health Committee's last session, Dr. Boudreau, the Acting Medical Director, had paid a tribute to Greece. He did not merely wish to thank them publicly ; he also considered it his duty to express his appreciation of the League's work in that sphere. Dr. Norman White, who had been the League representative for five years in Greece, after rendering the greatest services to her for a period of five years, had just left that country. He had gained the friendship and earned the gratitude of everyone with whom he had come in contact. The School of Hygiene, of which he had been the organiser, would continue its work under the team of specialists of whom Dr. White had for so long been the initiator and the chief. M. Raphaël was happy to share Dr. White's optimism and that of other competent officials of the Secretariat regarding the future of the institutes of hygiene established in Greece during the last five years. He would add, however, that Dr. White had left an indelible mark on the work, which would always be recognised.

Moreover, the co-operation of the League's Health Services with the Greek Government could not be regarded as concluded. The bonds forged during the last five years would, M. Raphaël felt sure, be maintained by a friendly exchange of information and advice.

M. DJUVARA (Roumania) wished to pay a sincere tribute to the League's Health Organisation for its work in Roumania. The Health Organisation had undertaken, with the consent and co-operation of the public authorities of that country and its most highly qualified medical men, a series of studies and enquiries of the greatest importance, not only from the scientific, but also from an immediate practical standpoint. He referred in particular to the research work undertaken by the Roumanian experimental stations on the comparative efficacy of synthetic remedies, such as plasmoquine, atebirin and quinine, in cases of naturally contracted malaria ; to the study tour carried out in Roumania by Professors Martini and Zotta ; to the fellowships granted to English, Spanish and Roumanian entomologists to enable them to carry out a course of work in Hamburg and Rome ; to Dr. Aykroyd's visit to Roumania, where he had studied the problem of pellagra in co-operation with the health authorities of that country.

With regard to this latter problem, M. Djuvara mentioned the establishment of an experimental research centre in the village of Osoi, near Jassy, where the doctors attached to the Jassy Institute of Hygiene were carrying out investigations in close touch with the Health Section. He emphasised the scientific and practical value of that experiment, which might help to clear up the intricate problem of the etiology of pellagra.

Moreover, in the Socola Hospital at Jassy, the value as a therapeutic agent of dried yeast, supplied through the Health Organisation, was being studied.

All those studies and enquiries not only represented an advance of science in general but were of inestimable assistance to the Roumanian authorities and doctors in their efforts to improve the health of the population. He had been anxious to refer to the work done by the Health Organisation and to express to the latter the gratitude of the Roumanian Government. He hoped that that work would be developed still further in future in the general interest and in the interest of all the countries directly concerned. As in the past, all Roumanian scientific institutions would be glad to offer facilities for any researches of an international character and particularly those carried out under the auspices of the League.

M. KÜNZL-JIZERSKÝ (Czechoslovakia) wished to congratulate the League's Health Organisation on the work it had done, the more so as the contraction in its financial resources had materially increased the difficulties of its work, the importance of which was evident to all. Czechoslovakia was doing her best to assist in that collective effort through her National Health Institute in Prague. Special attention was being devoted to part of Slovakia and to Sub-Carpathian Russia, where health conditions were not at very high level reached in the other parts of Czechoslovakia. With that end in view, steps were being taken for the improvement of local conditions and for the co-ordination of the health work of public and private institutions and bodies, in accordance with a plan of health reconstruction prepared by the Czechoslovak Ministry of Public Health and Physical Education. From the outset, the League's Health Organisation had given valuable assistance in that work, details of which were contained in the Medical Director's report.¹ The Czechoslovak Ministry of Public Health had asked in May 1934 that that co-operation should be continued during the next three years, a request which had been granted by the Health Committee. M. Künzl-Jizerský therefore had the greatest pleasure in taking the opportunity of expressing his Government's gratitude to the League's Health Organisation.

Sir Krishnama CHARI (India) associated himself with the tributes paid to the work of the Health Organisation, in which India had constantly taken part since 1926. In spite of all difficulties,

¹ Document C. H. 1133.

that Organisation had done splendid work of permanent value. His Government particularly appreciated the work of the Eastern Bureau. Since 1925, the reports on epidemics had become constantly more useful and were regularly broadcast by the Government of India. India continued to co-operate with the Malaria Commission through Colonel Sinton, Director of the Indian Malaria Survey. Though India had a school of malaria, three Indian doctors had gone to the school in Singapore, and it was interesting to note that two of them came from Indian States. That showed that the work of the Malaria Commission was arousing interest in that part of India.

The Government of India was also interested in the Cape Town Conference. India had become an international link in air routes, and was also developing her internal air traffic. The possible spread of epidemics by the air routes was therefore of great concern to the Government. He looked forward to the continuation of the work begun at Cape Town, on the lines suggested by the South African delegate.

A further question of interest to his Government was the convening of a conference on rural hygiene in the East. Such a conference had already been held in Europe. He thought the subject should receive an Eastern orientation, if the lessons learned in Europe were to be applied to Eastern countries. Such a conference had been suggested by the Government of India in 1932, and he understood the Health Committee was preparing material with a view to such conference, and that the matter would be unofficially discussed at the conference to be held in Nanking in October 1934. India attached great importance to that work, in view of the conditions under which 80 per cent of the population lived in the East. He hoped the preparations would be completed and steps taken to hold the conference at an early date.

General TÁNCZOS (Hungary) associated himself on behalf of his delegation with the tribute paid to the varied and effective activities of the Health Organisation. The Hungarian Government authorities and health services were following with great interest the work of the Organisation, whose backbone was the Health Committee. He was glad to note that that Committee now had a Hungarian member, Professor Bela Johan, the eminent health expert, Director of the Hungarian Public Health Institute created with the disinterested assistance of the Rockefeller Foundation. The work and publications of the Health Committee were studied in Hungary with the greatest care. A perusal of the chapter in the Secretary-General's report concerning the Health Committee's activities had suggested to the competent Hungarian services certain observations. The Committee, among its numerous technical enquiries, had undertaken a study of the cost and productivity of the various types of rural health services. In that connection, General Tánczos observed that, in Hungary, the situation was as follows. In communes of less than 8,000 inhabitants, the system of general hygiene was applied: health work and supervision were centralised in the hands of the communal doctor. In larger communes and in the towns, the health services were specialised, there being different branches for tuberculosis, venereal diseases and child welfare.

As regards the epidemiology of typhoid fever in the rural districts, with which the Committee had also dealt, cases of typhoid fever were unfortunately still somewhat frequent in Hungary. To combat that disease, there were strict administrative regulations prescribing compulsory notification. All doctors were obliged to notify each case of typhoid fever without delay, and municipal doctors were responsible for taking all the necessary prophylactic measures.

In October 1932, the Health Committee had undertaken a study of the question of the possible effects of the economic depression on public health. In Hungary, the Minister of the Interior was arranging for a study to be made of the state of nutrition and health of the members of a thousand families living in rural districts.

The effects of unemployment and of the economic crisis on public health conditions were also being studied. Thus the statistics of the inmates of all the anti-tuberculosis establishments were regularly examined by the State Institute and Museum for Social Hygiene under the direction of Dr. George Gortvay, the object being to ascertain whether there was an increase in the number of cases of tuberculosis owing to the economic depression and to unemployment. New-born infants were weighed at the maternity clinics, in order to detect any decline in weight. All public hospitals had to note any increase in cases of disease. The statistics of all private health establishments were being co-ordinated by the Budapest Institute of Social Hygiene.

General Tánczos concluded by stating that he accepted the report on the work of the Health Organisation and the draft resolution accompanying it.

M. DE ALBA (Mexico), after noting the importance of the services of all kinds which the League could render to humanity through the Health Committee's work, and emphasising the utility of enlisting the co-operation of individuals and of official and private organisations in every country, said that, in his opinion, it was impossible to overestimate the importance of the rôle played in that sphere by certain organisations, such as the Paris Cancer Institute, the Hamburg Institute of Tropical Diseases, the Rome Institute of Malariology, etc. In that connection, the Mexican delegate made the following suggestion on behalf of his Government:

The League and the International Labour Office were very rightly concerning themselves with the serious and distressing problems raised in an acute form by the economic depression and

its consequence—unemployment. Apart from the recommendations in favour of the promotion of public works on a large scale, and apart from the enquiry undertaken by the Health Organisation on the relation between health and the depression, the Committee's special attention should be drawn to the creation at Geneva, on the initiative of M. Justin Godart, of an International Congress for Public Health Works, the essentially practical aim of which was to give immediate and concrete reality to the resolutions of the International Labour Conference and of the League Assembly.

The Congress had emphasised the value of a policy of large-scale public works in the present crisis, and the priority of public health works over other classes of works. At its meetings on June 11th and 12th, 1934, it had adopted the following resolution :

[*Translation.*]

“ The Congress,

“ Whereas the economic crisis is persisting in gravity and extent ;

“ Whereas one of the most rational and humane methods of remedying the material and moral distress of the unemployed is to procure work for them ;

“ Whereas, while public health works are useful in ordinary times because they contribute to improving the general health level, they are particularly desirable in times of depression because they permit of the employment of a large volume of labour, provide an investment for capital owing to their productivity, and increase consuming power without adding to the material means of production ;

“ Considers that public health works should be undertaken or pursued without delay in order to remedy unemployment and ensure the protection of public health.”

At its next session at Geneva in June 1935, the Congress would study the results of a far-reaching enquiry undertaken in sixty countries on the work in progress and on large-scale programmes for the future. The Congress was also organising an “ International Health Week”, which would comprise a town-planning exhibition. The French, Italians and Russians had already achieved striking successes in that sphere. Special emphasis should be laid on the creation of certain towns for essentially hygienic purposes. That was the case in Italy with the towns of Littoria and Sabaudia in the Pontine marshes, which formed part of the programme of the campaign against malaria.

The same applied to the “ Cité sanitaire” at Clairvivre, in France, which was a very bold experiment in anti-tuberculosis methods. The importance of studying the medico-social experiments which these new towns represented deserved special emphasis.

In Mexico, a number of experiments had been made to carry out the most urgent work. The Mexican Government had always devoted special attention to safeguarding public health and was seeking concrete solutions for the distressing crisis through which the world was passing. A number of works were already in progress which afforded employment for thousands of workers : those works related more particularly to water-supply and to the reconditioning and provision of housing accommodation and rural schools. The system of flying squads for propaganda and medical and social assistance had been introduced, their members passing from one to two months in the various rural centres. In the large towns, the authorities were, in the main, concentrating upon public works designed to improve the water-supply and sewage system.

The campaign against tuberculosis, malaria, onchocercosis, leprosy, ankylostomiasis and tropical diseases in general had been successfully continued, thanks to the support of the State and the municipalities, which had set up health co-operatives, in certain cases with the assistance of the Rockefeller Foundation.

Health problems could not be solved unless all were encouraged to co-operate and initiate, especially in the finding of work for the unemployed and the improvement of the standard of living of the working-classes. M. de Alba, on behalf of his Government, urged that the League and the International Labour Office should direct their attention to all activities and institutions designed to promote public health, of which the International Congress on Public Health Works was a typical example.

M. CHODZKO (Poland) associated himself with the representatives of Denmark, France and Roumania in paying a feeling tribute to the memory of Dr. Cantacuzène and Dr. Léon Bernard.

Turning to the report on the work of the Health Organisation, the Polish delegate noted that, by a happy coincidence, the public health experts sat on the Second Committee side by side with eminent economists. Health questions and economic questions were manifestly interdependent, a fact which was rightly emphasised in several passages of the report.

The Rapporteur had drawn attention to the services which epidemiological intelligence rendered more particularly to shipping. M. Chodzko wished to add to what had been said by the Rapporteur and drew attention to the great value of epidemiological intelligence from every point of view. He reminded the Committee that the cholera epidemic which had broken out in Hamburg in 1892 had resulted in a loss of 300 million gold marks in the turnover of the Port of Hamburg. On the other hand, he wished to emphasise the harm that might be caused by incorrect epidemiological intelligence supplied by unqualified persons. He mentioned the case of a country whose Chamber of Commerce had prevented the importation of a large consignment of Polish geese on the strength of a report that plague and cholera had broken out in the country of origin. It was well known, however, that, since 1776, plague had been entirely unknown in that country and that there had been no cases of cholera since the war. The economic and trade losses resulting from such information would be readily realised.

M. Chodzko welcomed the South African Government's decision to summon a second conference at the Cape, the labours of which, he was sure, would be as fruitful as those of its predecessor.

Referring to that part of the report which dealt with the question of individual and collective study tours, the Polish delegate said that, in 1933, a large number of doctors from various countries had made a study tour of Poland. On behalf of his Government, he thanked the Health Organisation for having taken the initiative in arranging for that tour, and also the delegate of the United Kingdom for the kind reference he had made to Poland.

He considered that the importance of the campaign against epizootic diseases was deserving of special mention. That problem, which had been raised in connection with a study tour in China, was not merely of technical but also of economic importance. The problem of tuberculosis in cattle had still to be solved in a number of countries. In that respect, the United States had set a very good example and had obtained excellent results. Emphasis must be laid upon the connection between epizootic diseases and human pathology. Recent enquiries had shown that a large number of diseases were due to the vicinity of animals.

Although the enquiries carried out by the Health Organisation regarding the influence of the economic depression on the death rate had pointed to the conclusion that it had produced no unfortunate effects, M. Chodzko agreed with the Italian delegate that the enquiries should be continued in order to ascertain whether the effects of the depression might not be more harmful in future than they had been hitherto. That question must be linked up with a very serious demographical problem. It was well known that the nineteenth century had been characterised by disequilibrium from the demographic point of view between three of the most important countries in Europe. That disequilibrium had had the worst results, both politically and economically. After the great blood-letting of the world war, many countries had found themselves in danger of under-population. It was not without cause that the head of the Italian Government had recently expressed his fears as to the future of Europe. The reclamation works carried out in the Pontine marshes and the foundation of a public health institute in Rome would no doubt contribute to the solution of the problem in so far as Italy was concerned.

M. Chodzko referred in conclusion to the work of Dr. Scott on the E vitamins and on their influence on the birth rate. His investigations would appear to prove that the consumption of bread made from flour that was unduly white led to a fall in the birth rate. If Scott's theory was confirmed, steps would certainly have to be taken to reform the diet of the European peoples. The investigations carried out in Roumania in regard to pellagra also showed that that disease was due to defective nutrition. The investigation of the nutrition problem and the housing problem represented the two most important future lines of enquiry as regarded the European peoples, whose existence was seriously threatened.

EIGHTH MEETING.

Held on Friday, September 21st, 1934, at 10.30 a.m.

Chairman : Mr. BENNETT (Canada).

14. Work of the Health Organisation between the Fourteenth and Fifteenth Sessions of the Assembly : Draft Report of the Second Committee to the Assembly¹ Discussion (continued).

Mr. CREMINS (Irish Free State) associated himself with the Rapporteur's statement concerning the value of the Health Organisation's work and the really tangible results achieved by its efforts to bring about a better organisation and a larger measure of international co-operation in the domain of public health. If there was one field in which the interdependence of States was more real and more extensive than any other, it was that of public health, and there was therefore, perhaps, none which offered more practical opportunities for the type of international co-operation which the League had been founded to promote.

The Irish delegation desired to draw attention to the part of the report relating to collective and individual study tours and the technical collaboration of the Health Section with individual Governments. The Irish Free State had recently had experience of the very valuable help and assistance which the Health Section was able to afford to Governments in that direction. The Irish public health authorities were at present engaged on a plan for the development of its public health services and particularly of the hospital services. In that work, they had encountered unusual difficulties in connection with the problem of hospital reorganisation, due mainly to the fact that the present system was an inherited one, and was entirely unsuited to present-day needs. The programme contemplated by the Government in that connection was one which, in addition to involving expenditure on a scale probably unexampled in a small country, was designed to provide not only a well-organised modern service in harmony with earlier administrative reforms, but also one which would be capable of development in the future with a minimum of dislocation. The consideration of that programme by the Government called for technical advice of the highest quality, and of a nature not likely to be found in those whose knowledge of the subject was derived from experience of a single administrative system. In those circumstances, the Irish Government

¹ See Annex 3.

had sought the advice and assistance of the Health Organisation, which had at once proceeded to a practical study on the spot of the special needs and conditions. Mr. Cremins desired to take that opportunity to express his Government's warm appreciation of the manner in which the request had been received, and of the value of the advice that had been forthcoming. Arrangements were at present under discussion between the Irish public health authorities and the Health Section of the Secretariat for a scheme of rural hospitalisation. It was the Irish Government's sincere hope that the proposed investigations might facilitate the putting into operation of a scheme which would be not only a success in that country, but which might serve perhaps in the future as a model for all countries similarly circumstanced.

M. WUNSZ KING (China) had, on a previous occasion, expressed his appreciation of the Health Organisation's valuable work, particularly in China. He noted with particular interest the statement in the report drawing the Committee's attention to the place occupied by the central field health station in the life of China. It was the assistance and co-operation of the League's experts in China that had made the establishment of that station possible. At the same time, it might be of interest to the Committee to add that the Chinese provincial or municipal authorities, in co-operation with a number of Chinese private institutions, had recently begun to devote increasing energy to the organisation of public health services and activities in various parts of China. For example, according to a report of the Chinese municipality in Shanghai, published in November 1929, the Public Health Department of the municipality had, in one year—July 1928 to June 1929—offered vaccination services against smallpox, typhoid, meningitis and cholera to 251,650 persons, or about 17 per cent of the whole population residing in the territory of the Chinese municipality of Shanghai. In the following year—July 1929 to June 1930—the number of persons receiving the benefit of such voluntary services had increased to 463,280, making no less than 25 per cent of the entire population. He understood that the number was increasing from year to year, and that fact had contributed in no small measure to the exemption of Shanghai in recent years from cholera and other epidemic diseases. In the summer of the present year, thanks to the efforts of the Chinese municipal authorities in collaboration with a Chinese private institution, a number of health camps for children had been organised in the suburbs of Shanghai with satisfactory results.

It was indeed a matter for deep satisfaction that public health conditions in China had recently shown indisputable signs of improvement through the organisation of such activities as he had just mentioned, side by side with the valuable services rendered by a number of distinguished experts of the League.

In endorsing the draft resolution, he ventured to express the hope that the technical collaboration between China and the League would continue on an increasing scale in the field of public health, as in others. He could also assure the Committee of his Government's ready co-operation in any international conference which might be called in the future for the study and solution of questions relating to sanitation and health, in particular the Conference on Rural Hygiene in the East, which was expected to be convened at an early date.

M. ZUMETA (Venezuela) thought that the Health Organisation's attention should be drawn to the desirability of an enquiry into any effects of so-called "industrial" food on private and public health. That question had already been the subject of numerous investigations, and it would be interesting to collect the material and at any rate to prepare a bibliography, so that the Second Committee might deal with it at the next session of the Assembly. Being a layman in the matter, he would not venture to state the difference in the biological effects of the ingestion of foodstuffs which had been preserved for several months, and fresh food. At the Pan-American Conference at Montevideo he had discussed the subject with the eminent scientist, Professor Chagas, who had considered that it deserved to be brought to the Health Organisation's attention.

M. GAUTIER (France) could not praise the Health Organisation too highly for the results achieved with the reduced credits at its disposal. With regard to the work in China, M. Gautier wished to emphasise the importance of what was being done in that great country, with its ancient civilisation, which was so determined to be adapted to the exigencies of modern times. He also stressed the valuable services rendered to shipping and trade by the epidemiological information supplied by the Singapore Bureau.

As regards the general aspects of international co-operation in the health sphere, M. Gautier urged that such work did not merely contribute to an improvement in human life, but was also an important factor in the progress of civilisation in all its aspects. The colonial Powers were aware that the primary civilising influence was the medical man. Thanks to his contact with the medical man, who alleviated his sufferings, the primitive man was drawing near to the civilised nations.

M. Gautier then referred to the importance attached by the French Government to the two fundamental problems of housing and nutrition. He pointed to the larger share allocated to public health works in the scheme drawn up by the French Minister of Labour for combating unemployment. He also referred to what had been done by the municipalities of the great French cities, more especially Paris, to create cheap dwellings for working-men with all the necessary comfort, without, however, indulging in such luxury as to create fresh needs which it would be difficult subsequently to satisfy. That activity was supplemented by the work of a great number of private associations possessing considerable funds. Thus the campaign was being energetically

pursued against slums, which were gradually being demolished. As a characteristic example, M. Gautier mentioned the commune of Villeurbanne, near Lyons.

He thought that all civilised nations should take up the question of nutrition. Hundreds of millions of persons were suffering from malnutrition ; it might be said that they had been undernourished for thousands of years. In those circumstances, it was impossible that they could attain the degree of physical, moral and intellectual development to which every human being had the right to aspire. The problem had been taken up by the International Labour Office—which, on the initiative of the late Albert Thomas, had convened a Conference of representatives of the great co-operative organisations of agricultural production on the one hand and the great co-operative consumption organisations on the other—the International Commission of Agriculture and the Universal Co-operative Alliance. In examining the problem of nutrition, the Conference had necessarily come to study the wheat question. It had been found that the wheat question could not be solved in its present form. The difficulty of the problem was due to the fact that wheat production tended to increase in spite of the efforts made to restrict it ; the results of such efforts could only be temporary, while consumption remained stationary. It would be vain to endeavour to increase the consumption of wheat in countries whose population already consumed bread. The endeavours must be directed towards the masses which at present did not consume bread or consumed it in insufficient quantities and were undernourished. It would therefore be useful to make a general study of the problem of undernourishment in order to ascertain whether such a study would not enable a fresh outlet to be found for the wheat surplus. M. Gautier was aware of the difficulties of such an enquiry, which would necessitate considerable work over a long period, but he was convinced that it deserved to be undertaken, in the first place because it might result in a more normal diet for the masses, and in the second place because it would furnish a partial solution of the wheat problem.

In conclusion, he stated that the French delegation associated itself with all the opinions that had been voiced and all the appreciative expressions which had been used during the discussion. It wished to thank, not only the Health Organisation, but also all men of goodwill throughout the world who were devoting themselves to those questions, which were of such vital importance for the progress of the nations.

General TÁNCZOS (Hungary), as representative of a country which was largely agricultural, associated himself with the French delegate's remarks, more especially with his statements regarding the wheat problem in its relation to nutrition questions.

Mr. RIDDELL (Canada), Rapporteur, was glad to note the unanimity with which the work of the Health Organisation had been approved. He also felt sure that all the members of the Committee desired to associate themselves with the expression of sympathy on the death of those distinguished scientists, Professor Cantacuzène and Professor Léon Bernard.

The Committee would no doubt appreciate the interest and value of first-hand information which had been received from the representatives of countries with which the Health Organisation was collaborating. The Health Committee would no doubt report to the Council on the Pan-African Conference proposed for the autumn of 1935. The proposal by the Indian delegate for a conference on rural hygiene in the East was being carefully considered by the Health Committee, and he hoped such a conference might be arranged. The Committee would certainly have noted the remarks of the Mexican and Italian delegates regarding public health works. Moreover, the information received from the representative of the Irish Free State regarding the intention to reorganise their hospital services would doubtless be of interest to countries faced with similar problems.

The members would no doubt have observed the great interest shown in the question of nutrition. At the present time, there was no question which deserved greater attention. The statement by the French representative regarding the possibility of increasing the consumption of wheat products in countries with undernourished populations was of great interest in view of the present world situation. He need hardly remind the Committee that all the proposals put forward would go before the Health Committee, and the main points would be noted in the report.

15. Co-operation of the Press in the Organisation of Peace : Adoption of the Report of the Second Committee to the Assembly and the Draft Resolution (Annex 2).

M. NECULCEA (Roumania), replacing M. Visoianu, the Rapporteur, who was unable to attend the meeting, submitted the draft report by the Committee to the Assembly on the co-operation of the Press in the organisation of peace.

The Committee adopted the report to the Assembly on the co-operation of the Press in the organisation of peace and the draft resolution contained therein.

The Committee unanimously declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

NINTH MEETING.

Held on Saturday, September 22nd, 1934, at 10 a.m.

Chairman : Mr. BENNETT (Canada).

16. Economic and Financial Questions : Report of the Second Committee to the Assembly (Annex 4) : Discussion and Adoption.

M. MUNTERS (Latvia), Rapporteur, commented on his report. He asked members, on returning to their countries, to draw their Governments' attention without delay to the resolution contained in the report, in order to assist the competent organisations of the League to carry out the enquiry.

The Committee adopted its report to the Assembly on economic and financial questions, and the draft resolution¹ contained in the report.

It appointed M. MUNTERS (Latvia) Rapporteur for those questions to the Assembly.

17. Auxiliary Statistics of International Trade : Communication from the Supervisory Commission.

The CHAIRMAN read the following letter which he had received from the Chairman of the Supervisory Commission with reference to the Second Committee's request for a budgetary credit for the printing of auxiliary statistics of international trade :

" In view of the very special character of the request for a credit submitted by the Second Committee for the printing of auxiliary statistics of international trade, the letter which you addressed to the Chairman of the Fourth Committee has been examined by the Supervisory Commission, which appeared to be the body competent to deal with the matter.

" The Supervisory Commission greatly appreciated the reasons which moved the Second Committee—although there is no question of actual expenditure in 1935—to raise the question of expenditure which would result in 1936 from work to be undertaken next year under the recommendation of the Second Committee to the Assembly.

" The Supervisory Commission for its part will not fail, in examining the budgetary estimates for 1936, to take into consideration the interest which the Second Committee attaches to this question and the fact that a start will already have been made in the collection of the necessary material for the publication proposed.

" On the other hand, the Supervisory Commission did not consider that the position was such as to render it indispensable to propose to the Fourth Committee that a token credit of one franc should be entered in the budget for the year 1935."

The Committee took note of the letter from the Chairman of the Supervisory Commission.

18. Assistance for Refugees coming from Germany : Work of the High Commissariat : Discussion.

Mr. SHAKESPEARE (United Kingdom) observed that, at the fourteenth ordinary session of the Assembly, the Second Committee had passed a resolution suggesting that the Council should nominate a High Commissioner to negotiate and direct international collaboration in respect of Jewish and other refugees coming from Germany. As a result, Mr. James McDonald had been appointed High Commissioner, and Viscount Cecil of Chelwood Chairman, of the Governing Body of the High Commissariat set up for that purpose.

He wished to pay a tribute to the work accomplished by the High Commissioner and the Governing Body. In spite of the present economic depression, a large measure of assistance had been given through private organisations without any charge on public funds, while great progress had been made with the constructive task of settlement. Out of 65,000 refugees, 25,000 had found new homes since April 1933. There were about 7,000 refugees with academic qualifications, many of them being students whose lot aroused the deepest sympathy. Thousands of professional men belonging to that class had been trained to pursue agricultural and industrial occupations.

Over one million pounds had been raised, chiefly through Jewish organisations in the United States and the United Kingdom, though contributions had also been received from many other countries. The League had advanced the sum of 25,000 gold francs to cover the initial expenditure. That amount had been repaid and the entire cost of the work had been borne by voluntary organisations and private persons.

¹ The resolution was adopted by the Assembly on September 26th, 1934.

That action was an illustration of what could be achieved by international co-operation. His only object in raising the question was that the Committee should be informed of the success of the work which it had initiated at the fourteenth Assembly.

M. DE VASCONCELLOS (Portugal) wished to associate himself with the tribute paid by the United Kingdom delegate to the work accomplished by the High Commissariat, which had succeeded in finding positions for such a large number of refugees in spite of the prevailing unemployment during the difficult period through which the world was passing. The results obtained by the High Commissariat were little short of miraculous. Indeed it had succeeded in collecting funds which had enabled it, not only to give effective assistance to the refugees, but also to repay the advance made by the League. There was no doubt that the Second Committee would be unanimous in thanking Mr. McDonald, the High Commissioner, and his eminent co-workers. Portugal attached great importance to that humanitarian work and had succeeded in finding positions for a certain number of the refugees. M. de Vasconcellos expressed the hope that the delegates present in the Second Committee would not fail to recommend their Governments to do everything in their power to ensure the continuation of a work which redounded to the honour of those who had undertaken it.

M. BASDEVANT (France) thanked the United Kingdom delegate for his statement on the work accomplished by the High Commissariat. He associated himself with the words of praise addressed to Mr. McDonald and the Governing Body which assisted him. That work had been undertaken on the initiative of the League, but it should not be forgotten that the High Commissariat had had to work on its own resources with the support of private assistance. It had shown the greatest activity in solving a particularly difficult problem. M. Basdevant, on behalf of the French delegation, associated himself with the tribute paid to its activity, especially as the question of refugees coming from Germany was of particular interest to France, which still had 25,000 to 30,000 refugees in her territory. The economic difficulties resulting from unemployment were enhanced by extremely complex moral problems. The French delegate had himself received visits from numerous students, lawyers and persons engaged in the teaching profession, whose lives had been entirely upset; he was, therefore, qualified to state that the High Commissariat's efforts were worthy of all praise. In his opinion, the very fact of the existence of the High Commissariat was a reason for all interested in the problem to redouble their efforts to ensure the success of one of the finest tasks that had ever been undertaken.

M. CHODZKO (Poland), as a member of the Governing Body of the High Commissariat for Refugees, was not in a position to express an opinion on the work accomplished. He felt bound, however, to thank the United Kingdom delegate and the delegates of Portugal and France for the kind words they had spoken regarding Mr. McDonald and the Governing Body of the High Commissariat.

M. VAN LANSCHOT (Netherlands) associated himself more particularly with the tribute paid by the United Kingdom delegate to the High Commissariat's work, since it had been the Netherlands Government which, in the previous year, had taken the initiative for the creation of the Commissariat.

M. KÜNZL-JIZERSKÝ (Czechoslovakia) said that the Czechoslovak Government continued to show the greatest interest in the serious problem raised by the situation of the refugees coming from Germany, more especially since Czechoslovakia had been the first to receive such refugees. It was a pleasure for M. Künzl-Jizerský to say how much his Government appreciated the admirable work accomplished by Mr. McDonald and his Governing Body.

M. WOHLIN (Sweden) and M. BRAADLAND (Norway), in their turn, paid a tribute on behalf of their respective Governments to the work of the High Commissioner for the Refugees and his co-workers.

The CHAIRMAN felt no doubt that, although no resolution had been proposed to it, the Committee would wish to communicate its congratulations to the High Commissioner for the splendid results achieved and its good wishes for his future work.

19. Work of the Health Organisation between the Fourteenth and Fifteenth Sessions of the Assembly : Report of the Second Committee to the Assembly and Draft Resolution (Annex 3) : Adoption.

Mr. RIDDELL (Canada), Rapporteur, submitted to the Committee the additions he had made to his report taking into account the suggestions made during the discussion.

The Committee adopted as a whole its report to the Assembly on the work of the Health Committee between the fourteenth and fifteenth sessions of the Assembly and the draft resolution¹ contained therein.

The Committee unanimously declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

20. Close of the Committee's Proceedings.

The CHAIRMAN declared the proceedings of the Second Committee closed.

¹ The resolution was adopted by the Assembly on September 26th, 1934.

ANNEX 1.

Official No. : A.31.1934.VIII.

WORK OF THE COMMUNICATIONS AND TRANSIT
ORGANISATION BETWEEN THE FOURTEENTH AND FIFTEENTH
ORDINARY SESSIONS OF THE ASSEMBLY.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. Luis V. DE PORTO-SEGURO (Chile).

The work of the Communications and Transit Organisation since the fourteenth session of the Assembly, which is summarised in the Secretary-General's Report on the Work of the League, has dealt, as in the past, with questions primarily legal in character concerning international law on communications, with questions in which the economic aspect predominates, and, lastly, with specifically technical questions.

The first group of questions—in which the Communications and Transit Organisation, and its Legal Committee in particular, play an important part in the matter of international law relating to communications and transit—includes the work done by the Organisation to facilitate the settlement of disputes concerning the reorganisation of various railways in execution of certain articles of the Treaties of Peace. Experience has shown that the methods followed by the Organisation have permitted, in many cases, of the friendly settlement of such disputes, and that they have always placed the Council in possession of the comprehensive information which it requires when called upon to take a decision.

On those questions which may be regarded as mainly economic, the Organisation has refrained, at the present juncture, from engaging in discussions which could lead to no result, except within the wider framework of discussions relating to the whole body of the present economic difficulties. It has, on the other hand, attempted to collect, for the use of Governments, general information on certain of these problems, to facilitate the resumption of international discussions on such matters when the situation permits. A report has accordingly been drawn up on the economies of air transport in Europe, and has already been submitted to the European Governments for examination. Again, in deference to the views expressed by the Council and by the last Assembly, an enquiry has been instituted concerning national public works recently executed or in process of execution in the various countries and the organisation of the execution of those works, the way in which they are financed, and the economic and social results already obtained or anticipated. All the replies of Governments to this enquiry have not yet been received, but the data given in the special report communicated to the Assembly¹ show that the Secretariat has already received very important information, the detailed publication of which will undoubtedly be appreciated by Governments.

As regards more specifically technical questions, the task of the Communications and Transit Organisation consists, on the one hand, in facilitating the framing of international regulations relating to various questions of communications when such regulations seem possible and desirable, and, on the other, in placing the technical advice of its specialists at the disposal of Governments which may desire such co-operation.

In the matter of road traffic, the Organisation is seeking to bring about regulations for level-crossing signals, in the interests of greater safety on the roads. The work already begun, which is still at the preparatory stage, points to the likelihood of considerable progress being made by international agreement.

As regards transport by rail, studies have been continued with a view to framing model conventions to facilitate the conclusion of bilateral agreements regarding frontier stations. In the matter of air navigation, efforts have been made to conclude an international agreement regarding Customs exemption for liquid fuel used for air transport. Lastly, as regards maritime navigation, replies to the proposals for the unification of coastal buoyage have already been received by the Secretariat from the majority of the Governments ; certain other replies are expected very shortly.

In connection with the unification of maritime tonnage measurement, the Chairman and the Rapporteur of the Technical Committee appointed by the Advisory and Technical Committee for Communications and Transit proceeded, at the latter's request, to make a detailed examination of the observations offered by Governments on the draft international tonnage-measurement regulations submitted to them, and suggested to the Communications and Transit Committee a number of amendments, taking into account the views expressed by the various Governments. The Advisory and Technical Committee will consider at its next session the measures which might be taken to facilitate the international unification of tonnage measurement and the conclusion of agreements on the subject.

¹ Document A.16.1934.VIII.

A further question affecting the international regulation of maritime transport has just been submitted to the Communications and Transit Organisation at the request of the United Kingdom Government. This is the question of the pollution of the sea by the discharge of oil. The communication received from the United Kingdom Government points out that the pollution of the sea owing to the discharge of oil and oily water is increasing. A draft Convention was adopted by an International Conference held at Washington in 1926, but, since then, no agreement based on the conclusions of that Conference has been reached. It has been represented to the United Kingdom Government that certain evidence has accumulated in the last eight years which might alter the views expressed during that Conference, and which in any case deserves further international consideration. The United Kingdom Government's letter was laid before the Advisory and Technical Committee for Communications and Transit, on the understanding that, after an initial enquiry, the Transit Organisation should convene experts belonging to the various countries concerned to study the problem more closely. If, as the outcome of this examination, the Organisation recommends the conclusion of a convention on the matter, it will doubtless submit a memorandum to the Council setting forth the object of such a convention and the advantages which might ensue.

As regards the study of technical problems affecting the national development of the various countries, the experts of the Communications and Transit Organisation have continued to render to Governments services which have been highly appreciated. The Committee on Questions relating to Public Works and National Technical Equipment, set up by the Organisation, holds itself at the disposal of the competent technical authorities in the various countries, and is prepared to render them any assistance they may desire. The co-operation between the Organisation and the National Economic Council of China has continued. The Organisation, which is represented in China by two experts, has collaborated more especially in the examination of hydraulic problems and those relating to the development of the road system and the organisation of road traffic. At the request of the Siamese Government, a committee of experts, after an examination on the spot by one of its members, submitted to that Government a detailed report on the question of improvements to the approaches to the port of Bangkok and the installations of that port.

It should also be noted that this year, for the first time, owing to a fortunate initiative of the Committee for Communications and Transit, the Assembly has before it a special report on the working of the wireless station of the League of Nations,¹ the activities of which have been briefly described in the chapter on Communications and Transit of the Secretary-General's report. This special report, which will in future be published annually, makes it possible to appreciate the importance of the services rendered by the station during the first two years of its activities, and the satisfactory results of its operation.

This survey of the main tasks completed or put in hand by the Communications and Transit Organisation appears to show that the Organisation, which at first devoted its chief attention to the preparation of general conventions laying down certain principles of international law in the matter of communications, has been able to enter more and more fully into the details of the special questions coming within its province, to renew its activities, and to adapt them to the changing needs of international life. The Assembly will doubtless note with satisfaction the work which the Organisation continues to perform, and particularly what it has achieved since the last session of the Assembly.

DRAFT RESOLUTION.

“The Assembly approves the report submitted to it by the Second Committee on the Work of the Communications and Transit Organisation.”

ANNEX 2.

Official No. : A.44.1934.

CO-OPERATION OF THE PRESS IN THE ORGANISATION OF PEACE.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. Constantin VISOIANU (Roumania).

The question of the co-operation of the Press in the organisation of peace, which has already been discussed by the Assembly at several previous sessions, is now again before us : we are asked to consider the results of the second Conference of Government Press Bureaux and Press Representatives, which, at the invitation of the Spanish Government, was held at Madrid from November 7th to 11th, 1933. It was the business of the Conference to consider whether concrete proposals could be made with regard to certain of the main recommendations submitted by the Press organisations

¹ Document A.8.1934.VIII.

in the course of the enquiry conducted by the League into the means of preventing the spread of false information which might threaten to disturb the peace of the world and the good understanding between nations. Hence, this Conference, like the similar Conference held at Copenhagen in January 1932, represented a fresh development in the League's activity in this field.

The number and personal distinction of those present at the Madrid Conference, which was presided over by M. José Maria Doussinague y Teixidor (Spain), made it an event of indisputable importance from the standpoint of international Press relations. The Conference affirmed its devotion to the principles by which the League has always been guided—respect for the freedom of the Press and anxiety to communicate full authentic information to the Press as soon as possible. With these principles in view, it made—as the Council of the League acknowledged at its seventy-eighth session (January 18th, 1934)—a valuable contribution to the study of the question of the co-operation of the Press in the organisation of peace.

Representatives of the Government Press Bureaux of thirty-three countries, representatives of telegraph agencies and delegates of international journalists' organisations or national associations of newspaper publishers jointly examined all the proposals, suggestions and observations submitted by Press organisations on the problem of false news. The cordiality which marked these discussions, at which Press interests of so many different kinds were represented, augurs well for the progressive international organisation of the Press. The meetings and conferences relating to the Press, convened either by the League of Nations (such as the 1927 Conference of Press Experts and the preparatory meetings which preceded it) or by certain Governments with the assistance and support of the League (such as the Copenhagen and Madrid Conferences), have certainly helped to create or to strengthen the ties between the various classes of persons interested in the Press and between nationals of different countries. In this connection, a further step forward was taken by the Madrid Conference.

Various resolutions of the Madrid Conference show either the progress made in international Press relations or the desire to promote those relations. For instance, one resolution notes the creation of an international federation of associations of directors and publishers of newspapers, and expresses the hope that the international organisation of newspapers may soon be completed ; another relates to the setting up of Press services in connection with delegations to international conferences ; another recommends the periodical holding of international Press conferences and the setting up of a committee (consisting of the representatives of the Government Press Bureaux of Spain, the United States of America, Poland, Sweden and Czechoslovakia) for the organisation of the first future conference ; other resolutions deal with various steps taken by the International Federation of Journalists, the international identity card for journalists, the international court of honour for journalists and the important problem of the status of Press correspondents in countries other than their own.

As regards this last-named problem, the Conference expressed the hope " that there may be established a general code of rules of a political, legal and professional character, calculated to ensure security for the work and person of Press correspondents in countries other than their own " .

Other resolutions refer to the study of special points raised in certain of the recommendations made by the Press organisations consulted in regard to the problem of the spread of false news or deal with measures for the application of some of those recommendations.

In this connection, special mention should be made of the resolution recommending the establishment of a committee of experts to report on technical and financial methods of preventing the spread of false news, studying more particularly the interesting memorandum submitted by the International Association of Journalists accredited to the League of Nations, to which the Assembly's attention has already been drawn. The report in question would be submitted to the next Conference of Government Press Bureaux and Press Representatives. As the Council has already pointed out, it would appear that one of the most important tasks of the Organising Committee of this future conference is to nominate and convene the body which is to draw up this report.

Another resolution of the Madrid Conference proposes the examination of the question of correcting false Press reports in the international field. The Polish Association of Publishers of Newspapers and Periodicals has submitted a document on this matter, which has been communicated to the Press organisations concerned. However, the study of this problem, both from the legal and from the political point of view, is by no means completed. It should be pursued cautiously and systematically, and the Council might perhaps request the Organising Committee of the future conference to take the necessary steps in this respect. However, the Madrid Conference was of opinion that, pending a comprehensive solution of the problem, some possibilities of correcting reports might be provided by the application of bilateral and multilateral Press agreements. A first step was taken in this direction at the Conference by the conclusion of an agreement between certain national associations of newspaper publishers (Swiss, Dutch and Polish). The Assembly can only hope that such agreements may be multiplied and extended and that they may prove effective, where necessary.

The Madrid Conference also endorsed a proposal for a detailed historical study of the effects of Press news on national feeling during past crises and of the influence that news would appear to have exercised on the development of such crises. The report adopted by the Council expresses the opinion that any action that may have the effect of calling attention to the damage that may be caused by false news is valuable, because it helps to educate public opinion. The Assembly will doubtless agree with this view and will request the Council to refer this question

for examination to the Intellectual Co-operation Organisation, by which it might be investigated in conjunction with certain aspects of the problem of moral disarmament.

The Assembly will also note, as the Council has already done, the complimentary remarks made by the Madrid Conference on the report of the International Institute of Intellectual Co-operation concerning the intellectual rôle of the Press. Another report by that Institute gave rise to a discussion, as a result of which the Conference stated that it was desirable that the broadcasting services in the various countries should be maintained in such a way as not to affect good understanding between the nations.

The Conferences of Government Press Bureaux and Press Representatives are tending to become periodical. By providing for future sessions, and to that end adopting measures calling for the assistance of the Secretariat of the League of Nations, the Madrid Conference has presented us with a problem on which the Council considers it important that the Assembly should express its views. Representatives of the Secretary-General provided the secretariat for the Conferences at Copenhagen and Madrid and co-operated with the Press Bureaux of the inviting Governments in their preparation and organisation. But those were merely isolated conferences, the value of which the Assembly had expressly recognised in advance and the essential purpose of which was to examine a problem submitted to the League of Nations, on the basis of documents with which the Assembly was familiar. The question which now has to be decided is whether the activities of the Information Section shall continue to include the provision of a secretariat for conferences summoned in the same circumstances and in the same spirit as those previously held at Copenhagen and Madrid and designed to assist the Press in maintaining such systematic international relations as it considers desirable.

That is a somewhat special form of co-operation which, according to the report adopted by the Council, no doubt represents "the most economic means whereby the League can make an effective contribution to the efforts undertaken in this field":

By authorising the Secretary-General to allow his Services to co-operate in such cases, we should, at the same time, be carrying on the work begun by the Danish and Spanish Governments. In this way, we should give still further proof of the high value which the Assembly attaches to the influence of the Press, the powerful assistance of which will help the League's principles to prevail.

When considering the question of future sessions, the Conference of Madrid expressed the desire that "such meetings should be periodical and that a Committee appointed for the purpose for each conference should be responsible for preparing the organisation of the new conference in agreement with the Government of the inviting country and with the co-operation of the Information Section of the Secretariat of the League of Nations, after previous consultation with the Press groups concerned".

As such is to be the procedure, we can be certain that future conferences will only be summoned after adequate preparation has been made. We can furthermore be certain that the Secretary-General will only offer the assistance of his Services to the extent desired by the inviting Government and the organisers of the conference and only on condition that the purposes of the conference are in harmony with the views of the Assembly, which should, moreover, be kept regularly informed of what is being done in this sphere. Such assistance would in any case only be afforded after authorisation by the Council.

I therefore believe that it will be the general desire of the Assembly to request the Secretary-General to take such steps as may be necessary in order that the Secretariat of all future conferences of Government Press Bureaux and Press Representatives should be provided by the competent League Services.

DRAFT RESOLUTION.

"The Assembly,

"Having noted the results of the second Conference of Government Press Bureaux and Press Representatives, which sat at Madrid from November 7th to 11th, 1933, at the invitation of the Government of the Spanish Republic ;

"In view of the valuable contribution made by the Conference to the problem of the spread of false news which might endanger the maintenance of peace and a good understanding among the nations ;

"Hoping that the proposed enquiries into the technical and financial means of putting an end to the spread of false news and in regard to the correction of false news appearing in the Press many prove successful ;

"Believing it to be desirable, that whenever it is thought expedient, Governments should convene conferences of Directors of Press Bureaux and representatives of the Press in the conditions contemplated by the Madrid Conference :

"Requests the Council to authorise the Secretary-General to facilitate, by such means as are at his disposal, the preparation for and organisation of the next Conference of Government Press Bureaux and Press Representatives by lending the services of the appropriate sections of the League to perform the secretarial work of the conference, if such services are desired by the Government convening the conference, after consultation with the Organising Committee and the Press organisations concerned."

ANNEX 3.

Official No. : A.39.1934.III.

WORK OF THE HEALTH ORGANISATION
BETWEEN THE FOURTEENTH AND FIFTEENTH ORDINARY SESSIONS
OF THE ASSEMBLY.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur : Mr. W. A. RIDDELL (Canada).

The delegates to the Assembly, in looking over the latest report of the Health Committee and the section dealing with health questions in the Secretary-General's report, must have been impressed with the valuable work which the Health Organisation is carrying on in many parts of the world.

In reading these documents, they will have seen that the programme of the Health Organisation covers work of both a permanent and a temporary character. The permanent activities arise very largely out of Conventional obligations and the undertaking of certain essential tasks, such as that of the Epidemiological Service and the technical commissions. It is a matter for congratulation that, notwithstanding reduced financial resources, the Health Organisation has been able to carry on and even strengthen these essential services.

As regards the temporary or occasional activities, as is to be expected in time of depression, they have had to be restricted to a certain extent. The tasks in this field which limited resources permitted the Organisation to undertake seem, however, to have been very wisely chosen, since they deal with matters of widespread interest and urgent need.

It is well understood that a rational utilisation of the technical and financial resources of the Health Organisation during the difficult period through which we are passing requires concentration of effort on permanent activities. It is a matter for satisfaction that the Organisation has been able to ensure the continuation of these essential functions.

The Commission on Biological Standardisation has been able to carry on its work of collaboration between the laboratories of the different countries, and it has recently adopted international standards and units for a series of therapeutic sera. In June last, a Conference for the Standardisation of Vitamins, held in London under its auspices, achieved remarkable technical results.

The Opium Commission has not only carried out all the work entrusted to it by international Conventions but has also established a standard method for determining the morphine content of raw opium.

The Malaria Commission, in its endeavour to find a remedy as effective as but less costly than quinine, has continued its work on the therapeutic value of "totaquina" and of recently developed synthetic drugs, such as "plasmoquine" and "atebrin". The Commission, desiring to place at the disposal of Far-Eastern doctors the advantage of specialised training, organised at Singapore last spring, for the first time, an international course in malariology, with field-work in the Netherlands Indies and the Malay States. No less than twenty-seven doctors attended the course.

Another very valuable course for European malariologists was held under the auspices of the Commission at the Institute of Malariology at Rome. The participants, who numbered eighteen, were given every opportunity of studying the work of their Italian colleagues, both in the Institute under the direction of Professor Bastianelli and on the great reclamation projects which are being carried out by the Italian Government.

The Epidemiological Intelligence Service at Geneva and Singapore has been able, through the continuity of its work, to accumulate information which is unique of its kind. The information collected at Geneva has made possible the statistical study of epidemic diseases prevalent during the last decade.

The value of these records has steadily increased : in 1921 they covered only eleven countries, all of them European, while in 1933 they covered one hundred and forty-eight countries.

The Singapore Bureau has become indispensable to all health work in the East. The work of the Bureau in sending out telegraphic messages to announce the onset, evolution and end of epidemics—of much importance to navigation—is being increasingly appreciated by the Sanitary Administrations within its area. It is encouraging to note that, in spite of the economic depression in the East, the countries which formerly contributed to the Eastern Bureau's budget are continuing to give it their financial support.

The *Quarterly Bulletin* published by the Health Organisation has, in less than three years, established itself as the recognised means of expressing and diffusing the modern tendencies of international hygiene. The records of technical committees and the reports of conferences of experts which are published in this *Bulletin* present an international consensus of opinion on the principal technical problems confronting health administrations.

The organisation of collective and individual study-tours, which has been carried on during the past few years, has proved highly successful. The technical staff, the majority of whom are

in Government employ, have obtained in this way much information concerning the solution of problems of interest to their Governments. Each country in turn has had an opportunity of demonstrating to others varying methods of carrying out public health work. There have been established between cities and between countries permanent relations of fruitful collaboration.

The temporary activities of the Health Organisation, as contrasted with the permanent activities, to which I have just referred, have taken the form, among others, of collaboration in health matters with the Governments of various countries, such as assistance in the reorganisation of sanitary services in Greece and China, and the study of factors influencing health, such as pellagra in Roumania and public nutrition in Chile.

The most striking example has been the help given to the Health Administration of China, which began some three years ago. In this connection must be mentioned the names of certain medical authorities who have collaborated in this work : Dr. Rajchman, Dr. Borcic, Dr. Stampar, Dr. Knud Faber, and the Director of the Health Administration in China, Dr. J. Heng Liu.

In reading the latest reports from China, one is surprised by the breadth and diversity of this work which has been done so successfully by the Central Field Health Station, with headquarters at Nanking. The work carried out under the auspices of this Station in the field of epidemic diseases includes the campaign of vaccination against cholera and smallpox, conducted with vigour in the cities and ports, with the remarkable result that Shanghai has been free from cholera for two years ; the campaign against bilharziasis in Chekiang, against kala-azar in Kiangsu, against plague in a number of provinces, against malaria in the Yangtze valley and in the labour camps of workers engaged in road-building ; the increase in the production of sera and vaccines at Nanking and Peiping ; and the establishment of model health centres in several centres of population.

The influence of the Central Field Health Station is far-reaching in the field of sanitation. Many cities have appealed to it for assistance in improving their water supplies, and the authorities of many provinces have entrusted to it the reorganisation of their health services. Recently, its efforts have been brought to bear on the distant North-West Provinces, where, as a result of Dr. Stampar's studies, the problem of preventing animal diseases has been shown to be an economic factor of great importance to human health. Not less important is the rôle of the Central Health Station in the matter of hospital construction, for it has prepared the plans of several hospitals which provincial and municipal authorities are constructing at their own expense. The training of auxiliary medical staff, midwives, sanitary engineers and health visitors is another activity of the Station. The fact that the Central Field Health Station is overwhelmed with requests for technical advice from provinces and cities all over the country is the best testimony to the place which it occupies in the life of China.

In 1932 the Health Organisation took up a question of considerable current interest—the safe-guarding of public health in periods of economic depression. Parallel with social investigations, clinical investigations were made in accordance with the Health Committee's recommendations in various countries, their object being to compare the state of nutrition in families suffering from total or partial unemployment with the state of nutrition in groups of the population working full time. These investigations are not yet complete, but the statistical studies of the Health Organisation have revealed the reassuring fact that up to the present the depression has nowhere increased the general mortality rate.

It is a fact, however, that in certain cities malnutrition is more prevalent in families whose annual income *per capita* has been appreciably reduced than in families whose income has not been changed, notwithstanding the united efforts of public assistance and charitable organisations.

These studies have been well worth while and, on the whole, reflect very favourably upon the public and voluntary assistance which has been forthcoming during the present economic depression. Public nutrition is attracting widespread attention at the present time largely owing to the depression, with its accompanying food restrictions. The problem of rational public nutrition, however, will continue to exist even with the return to more normal times, and the Health Organisation is wise in giving particular attention to this question.

It is also to be congratulated on the interest it has taken in the sanitary and social aspects of housing, in view of their influence on public health.

The Health Organisation, in carrying out its duties under Article 23 of the Covenant, is to be commended upon the balance which it has maintained between its more permanent activities and those which were undertaken to meet the pressing needs of the time.

* * *

A large number of delegates took part in the discussion in the Second Committee, including the representatives of all the countries with which the Health Organisation is directly collaborating. These, while giving the Committee detailed and first-hand information, were unanimous in expressing their appreciation of the great service which the Health Organisation was rendering to their countries.

The delegates of France and Poland emphasised the close relationship between health and public economy. In this connection, the representatives of Italy and Mexico urged the importance of large-scale public works to combat unemployment, insisting that public works in the field of hygiene should be given priority. The delegate of Mexico recalled the resolutions already adopted by international bodies, as well as the work undertaken by several Governments, and suggested that the League of Nations and International Labour Office should study all measures taken to protect public health by a policy of public works.

The delegates of Denmark, France, Hungary and Venezuela emphasised the valuable work which the Health Organisation is carrying on in the field of nutrition, the delegate of Venezuela pointing out, in this connection, the desirability of enquiring into the effects on health of manufactured food products, while the delegates of France and Hungary considered that enquiries should be made into the possibilities of extending the consumption of wheat to undernourished populations. Many of these delegates referred to the value of the enquiry into the possible effects of the economic depression on public health and stressed the importance of housing in this connection. It was considered that the Health Organisation must continue to deal with this question, even after the gravity of the present economic depression has diminished.

The delegate of India recalled the proposal made by his Government in 1932 to organise a rural hygiene conference for Far-Eastern countries and expressed the hope that the conference would be convened at a not-too-distant date.

A number of delegates, including those of the United Kingdom, Denmark, the Irish Free State and Poland, expressed their appreciation of the collective and individual study-tours organised under the auspices of the Health Organisation.

The representative of the Union of South Africa referred to the first Health Conference held in Cape Town in December 1932, and proposed that a Pan-African health conference should be held in Cape Town in the autumn of 1935. He pointed out that the Union of South Africa attached great importance to this Conference and would accordingly be glad to afford it every material facility in its power. He thought it would be desirable for the Conference to have the advantage of the co-operation of the Office international d'Hygiène publique and asked that steps be taken to that effect.

The delegate of the Irish Free State spoke of the effort of his Government to reorganise hospital services in the Irish Free State, and expressed the hope that the forthcoming tour arranged by the Health Organisation to study the problem of rural hospitalisation in his country would be of value to all countries faced with similar problems.

These and all other suggestions presented by the delegates to the Second Committee will be referred to the Health Committee, which will be able to profit from the very full discussion of its work in the Second Committee.

* * *

On behalf of the Second Committee, I have the honour to propose the adoption of the following resolution :

“The Assembly,

“Having considered the chapter on the work of the Health Organisation in the report on the work accomplished by the League of Nations since the fourteenth session of the Assembly (document A.6.1934) :

“1. Notes with satisfaction that the Health Organisation has ensured the continuity of its essential work, while adapting its activities in such a way as to take account of existing economic and financial conditions ;

“2. Approves the Rapporteur's conclusions and requests the Council to communicate to the Health Organisation the suggestions of a technical order in his report.”

ANNEX 4.

Official No. : A.40.1934.II.

ECONOMIC AND FINANCIAL QUESTIONS.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. Wilhelms MUTERS (Latvia).

I.

1. It may be useful to preface this report to the Assembly on the economic and financial work of the League by some brief reference to the general economic setting in which that discussion took place. The dominant characteristic of the present economic situation is the contrast between the economic recovery which is taking place in many countries to-day and the continuation of the strain upon the international economic equilibrium. During the year 1933, it is estimated that industrial output in the world as a whole was some 12 to 13 per cent greater than in 1932, and this recovery has continued in most countries during the course of the present year. In the recovery which has taken place, some States, it is true, have scarcely shared and others have shared in it

to very varying degrees. It is noticeable, however, that amongst those in which conditions have improved the most in the last year may be numbered both industrial States and certain important producers of raw materials, but the recovery has been almost wholly in national markets. The value of world trade has continued to decline, and the quantum of goods entering into international trade has only shown a fractional increase.

2. Economic and financial relations between countries remain strained. The foreign-exchange markets are apprehensive of further disorganisation. International capital movements are paralysed and new impediments to international trade are still further restricting the exchange of commodities in many areas. This contrast between domestic recovery and international stagnation is due, all agree, largely, if not wholly, to measures adopted by various Governments in restriction of trade, measures originally designed to lessen the impact of the depression upon the countries for whose affairs those Governments are responsible. But these endeavours of individual countries have had for result, not the prosperity anticipated, but a price disequilibrium which it is proving extremely difficult to adjust.

3. As the Secretary-General has pointed out in a striking passage of his report : "Each country, to whatever extent it may be attracted towards the rival principles of inflation or deflation, is trying to settle the question of its price levels as best it can. The resulting variations, however, are often governed by comparisons with the price levels of other countries.

4. "It may even be sometimes asked whether the situation of a given country is not affected as much by the decisions of other Governments as by those of its own." In fact, no country can successfully pursue an economic policy without regard to the policies of other countries unless the very object of its policy is that of complete isolation.

II.

5. The Assembly and, more particularly, its Second Committee, to whose competence it belongs to sum up the experience of the past year in the sphere of economic and financial policy, has met this year at a juncture which may perhaps not unjustly be called a critical point in the development of economic doctrine. Since that great gathering the Monetary and Economic Conference found it impossible to continue its labours and, as we stated in the report which this Committee submitted to the fourteenth Assembly, "it was found necessary to defer discussion both of the problems of commercial policy and of quantitative restrictions to trade as well as many of the financial questions", the League has abstained from framing any particular principles of economic policy, and the Assembly of 1933 limited itself to the simple approval of the report of the Second Committee (see resolutions of the fourteenth Assembly, IV, 3).

6. The year which has elapsed since October 1933 has not witnessed any spectacular or outstanding events in international economic relations, but, nevertheless, a certain slow process of transformation of the principles of commercial policy seems to be discernible in the multitude of facts which we have registered in that sphere during the course of the last twelve months. This is a tendency not unknown before, but it has become more and more pronounced, so that we may well ask ourselves if the attitude of watching events without acknowledging their intrinsic significance can usefully and justifiably be pursued any longer. The tendency to increase constantly the measure of "controlled economy" is producing a profound effect on the conceptions of commercial policy with which we have been familiar, and it is therefore not surprising that it occupied a central place in the recent discussions of the Economic Committee of the League, which, however, decided to postpone until its next session the framing of a detailed report on existing international economic relations. The Second Committee had inevitably to deal with the phenomena described above, and its task was rendered particularly delicate by the circumstances that it was venturing on new ground likely to produce a variety of conflicting views.

7. The first measures of intervention in matters of trade and finance were taken by individual States with the object of self-defence and of maintaining at all costs the equilibrium of national economy threatened by the outbreak of the acute crisis in 1931. To-day, in many countries, it seems that there would be no more a question of controlled or uncontrolled economy, but merely a question of the degree of such control. Once the first steps in this direction had been taken, these inevitably called for successive measures, and thus we have gradually arrived at a situation when one may safely say that the volume of production and trade subject, in some form or other, to the influences or effects of State control or management substantially exceeds the sector of free or unmanaged economy.

8. This fact imposes two principal considerations. First, the considerable degree of State influence in economic activity cannot be hoped to be removed all of a sudden ; it is far easier to establish any particular restrictive measure than to remove it. Secondly, the responsibilities of Governments for a minimum of international economic security—if we may borrow this notion from the political vocabulary—is much heavier than ever before.

9. It was pointed out by several delegations that the world was passing through a stage of acute economic disturbance, and that, therefore, it was the duty of all Members of the League to collaborate with a view to ending this state of affairs as soon as possible. Were there any common steps to be taken to this effect and what they were—such was the question to which the Second

Committee was expected to furnish a reply. Had the moment come when, at least temporarily, the League ought to abandon the hope of witnessing a speedy and simple return to what we still call "normal conditions" ?

10. When the Economic Committee of the League held its last session in July, it was naturally led to discuss the questions of currency stability, abolition of exchange control, revision of the quota policy and the idea of preferences and regional groups—all problems the solution of which depends directly on the action of States or Governments. The discussion in the Second Committee centred round the same problems and revealed, as could not be otherwise expected, differences of opinion on certain of their aspects ; but there was, on the other hand, unanimity as to certain fundamental considerations regarding the future treatment of these problems. It was the unanimous feeling of the Committee that, if the policy of combating the effects of the general depression by an ever-growing number of autonomous economic or financial measures taken by individual countries was not checked or canalised, international economic relations would be further seriously imperilled. Consequently, there was also unanimity among the members of the Second Committee that the League of Nations should continue to watch for and investigate the possibilities for common action in the field of economic relations, and that the international situation should not be permitted to drift from bad to worse owing to the lack of advice or initiative.

11. It was recognised in the course of the debate that the present state of affairs in international economic relations was due to the importance attached to the sociological and political considerations rather than to purely economic conceptions in the management of the economic system of a great number of countries, and that this situation had acquired a degree of permanency of which account had to be taken if any hope of overcoming the stagnation in international trade was to be entertained. On the other hand, the Committee held that a return to international co-operation and the establishment of a future plan of common action were indispensable prerequisites of a successful re-establishment of a sound basis for international economic intercourse.

12. Without pronouncing itself definitely on the priority of monetary or commercial measures in general, the Committee rallied to the proposal of the French delegation to proceed as rapidly as possible to a study of the questions connected with so-called compensation and clearing arrangements. Arrangements of this kind, which had originally been devised as an expedient for overcoming disturbances in the functioning of the mechanism of commerce between countries applying exchange restrictions or a quota policy, are now playing an ever-increasing and important rôle in the regulation of economic relations, and are undoubtedly becoming an important element of commercial policy of a large number of countries.

13. Certain delegations, however, pointed out that the enquiry should not be limited to the technical aspects of compensation arrangements, but should equally bear on the reasons to which the introduction of restrictive measures, both financial and economic, were due and on the interdependence between such restrictive measures and the policy of compensation agreements. If possible, this enquiry should also be directed to ascertaining which elements in the present situation of international economic relations ought to be regarded as being of a permanent and which of a temporary or transitory character.

14. It was the unanimous opinion of the Committee that, in the enquiry to be undertaken on the strength of the resolution submitted to the Assembly, there should be adequate consideration, not only of the European aspect of compensation and clearing agreements, but also of the effects on the overseas countries and on the relations between the latter and Europe.

15. One particular aspect of the problem of the restoration of international trade and exchange was emphasised by a number of delegations—namely, the necessity of investigating the relationship between the policy of industrial protection in agricultural countries and agricultural protection in industrial countries, with particular reference to the effects of extreme agrarian protectionism in some industrial countries which, in the opinion of these delegations, is detrimental to the trade of agricultural countries and is liable to retard world recovery. Stress was laid during the course of the discussions on the extent to which the demand of agricultural countries for industrial goods is limited by their inability to sell their products in industrial countries which have increased their agricultural protection. In the opinion of these delegations, an investigation of this problem would contribute towards elucidating the reasons for certain of the difficulties the world was encountering at the present moment and would possibly point to some methods of initiating a revival of international exchanges of goods.

16. Another problem discussed by the Committee, which it desires to bring to the notice of the Assembly, is the question of the relationship between multilateral commercial treaties and the policy of the most-favoured-nation clause. Certain delegations expressed the view that the possibility of reducing obstacles to international trade by collective action of certain groups of States would be facilitated by an agreement to refrain from invoking the obligations of the most-favoured-nation clause in respect of certain multilateral Conventions. In this connection the attention of the Committee was drawn to the Agreement opened for signature at Washington on July 15th, 1934, under the auspices of the Pan-American Union and signed on September 20th, 1934, on behalf of the United States of America.

* * *

17. The Committee has had before it the two reports of the Secretary-General on the work of the League during the past twelve months. It has not thought it necessary to summarise again the record of the work which has been achieved and which is very clearly indicated in these reports.

III.

SPECIAL QUESTIONS RELATING TO INTERNATIONAL TRADE.

18. The Second Committee desires to draw the Assembly's attention to the value and practical importance of the agreements for the unification of laws relating to bills of exchange, promissory notes and cheques.

The six Conventions concluded at Geneva came into force on January 1st last. They have been ratified by a number of countries which are of considerable importance in economic life, and there is every reason to believe that the other signatory countries will shortly ratify them also.

Henceforward the numerous divergencies which existed in the national legislations, and which hampered daily commercial transactions, will be greatly reduced, since there will now be only two systems in force—the unified Continental system and the Anglo-Saxon system. It is not impossible that later something may be done to bring these two systems into closer harmony.

In this field, the Economic Organisation of the League has thus rendered eminent services to international trade.

19. The draft unified Customs nomenclature has been submitted to the competent administrations of all the States, and a considerable number of favourable replies have been received.

In a reasonably near future, the Committee of Experts will be able to examine the various observations and amendments proposed by certain countries and draw up a final text. The time will then have come to conclude an international agreement for putting into force this new system of Customs nomenclature.

Judging by the direct participation of the representatives of a considerable number of national administrations in the preparatory work over several years, there is good reason to believe that the application of a unified nomenclature will be possible in the near future, at any rate in a group of countries whose commercial transactions represent a considerable percentage of international trade.

20. According to the procedure laid down by the Council in agreement with the Bureau of the Monetary and Economic Conference, the three draft Veterinary Conventions are to be submitted to the delegates of the countries most directly interested in these problems on October 15th next.

21. The drafts concerning commercial propaganda and certain questions of Customs technique are also to be submitted to a meeting of a group of the countries more particularly concerned. The character of certain of these drafts and the favourable replies hitherto received give ground for the assumption that considerable progress will be realised on a number of points which, although not of vital importance, are nevertheless of considerable practical value to the business world.

22. The Economic Committee, in co-operation with the Bureau of the Monetary and Economic Conference, has continued to deal directly or indirectly with the efforts made with a view to a better international co-ordination of the production and sale of a number of important products.

The work of the International Wheat Advisory Committee has been followed with interest throughout the world.

As regards sugar, after the meeting which took place in London at the beginning of this year, with the assistance of the Economic Organisation, laborious negotiations are in progress.

The indirect action of the Economic Committee has certainly contributed towards the conclusion of certain useful agreements regarding the rationalisation of the timber trade in Europe.

23. The Committee welcomed the Economic Committee's action in undertaking the study of the question of the tourist traffic considered as an international economic factor.

IV.

24. The Financial Committee has devoted the greater part of its time to work of financial consolidation in Austria, Hungary and Bulgaria. The details of this work are fully set out in the reports which it has submitted to the Council and in those of the League representatives in Vienna, Budapest and Sofia. Special attention should perhaps be drawn to the last report of the Financial Committee, which met at the beginning of this month. From this it will be seen that there had been a substantial improvement in the budgetary situation both in Bulgaria and Hungary, and that the Committee of Guarantor States have recommended that the Austrian Government should proceed to the conversion of the 1923 Guaranteed Loan. The Governments which guaranteed that loan have agreed to take measures to extend the existing guarantees to the various "tranches" of the Conversion Loan.

25. In all these three countries there has been some improvement in the general economic situation, but the clearing agreements into which Hungary and Bulgaria have entered have tended

to render it increasingly difficult for them to obtain the foreign exchange necessary for their purchases of raw materials and for their debt service. It is to be hoped that one of the results of the enquiry which it is suggested that the Assembly should authorise would be to find ways and means for improving this situation as far as possible.

26. In the report of the Second Committee which the Assembly approved last year, the hope was expressed that it might prove possible for the Financial Committee to deal also with problems of a more general order than those with which it had been occupied in recent years, including such as would be of direct concern to overseas as well as European countries.

27. The Committee further expressed the hope that the Council, both in the questions it referred to the Committee and in the determination of its composition, would have this consideration in mind. The Council, in January, decided to be guided by the nature of the work which the Financial Committee will be called upon to undertake during the next three years, at the end of which it would be in a better position to decide on this matter.

* * *

28. The Economic Intelligence Service has issued its usual publications during the year. In addition to the *Monthly Bulletin of Statistics*, they include the following annual publications : *Statistical Year-Book*, *Commercial Banks*, *International Trade Statistics*, *Balances of Payments*, *Production and Prices*, and *World Economic Survey*. The last two volumes will appear shortly.

Its volumes published during the year, like those which will shortly make their appearance, do not deal exclusively with the subjects indicated in their titles ; the authors have endeavoured to bring out the questions likely to be of special interest to the public in present circumstances. From year to year these publications meet with growing success among the public, as is proved by the Press notices and by the figures of sales. There can, indeed, be no doubt that they constitute an abundant and reliable source of documentation and a valuable instrument of study and information.

29. The Committee of Statistical Experts has pursued, during the past year, its task of attempting to improve economic statistics. In accordance with the provisions of the International Statistical Convention of December 14th, 1928, they have concentrated on establishing a minimum list of commodities based on the uniform Customs nomenclature also prepared under the auspices of the League. The adoption of this list should do much to bring about an improvement in trade statistics.

30. A beginning has been made with the study of economic cycles, which it has been possible to undertake owing to the generosity of the Rockefeller Foundation. A systematic analysis of theories of the business cycle has been prepared and is under consideration by a number of distinguished experts. This constitutes a tentative beginning in a piece of research the difficulty and complexity of which cannot be underrated.

V.

DRAFT RESOLUTION.

31. "The Assembly requests the Council to arrange for an enquiry to be made by the Economic and Financial Organisation of the League concerning the causes, scope, methods and results of compensation and clearing agreements ;

"It requests that this study should, in particular, include an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained."

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Abbreviations

Art. = Article	Int. = International
Ass. = Assembly	Org. = Organisation
Cttee. = Committee	Perm. = Permanent
Conf. = Conference	Resol. = Resolution
Govt. = Government	

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OF THE

FIFTEENTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FOURTH COMMITTEE

(Financial Questions)

GENEVA, 1934.

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LIST OF MEMBERS OF THE FOURTH COMMITTEE (1934).

Chairman: His Excellency Count CARTON DE WIART (Belgium).

Vice-Chairman: M. César ZUMETA (Venezuela).

<i>Abyssinia:</i>	His Excellency Count LAGARDE, Duke of ENTOTTO.
<i>Albania:</i>	M. Lec KURTI.
<i>Argentine Republic:</i>	His Excellency Dr. Enrique RUIZ-GUINAZÚ.
<i>Australia:</i>	The Right Honourable S. M. BRUCE, C.H., M.C. Mr. Russell Charles HARRIS (Substitute).
<i>Austria:</i>	Dr. Franz MATSCH. His Excellency M. Emeric PFLÜGL (Substitute).
<i>Belgium:</i>	His Excellency Count CARTON DE WIART. M. J. MÉLOT.
<i>Bolivia:</i>	M. Antenor PATIÑO.
<i>United Kingdom of Great Britain and Northern Ireland:</i>	Sir Ernest N. BENNETT, M.P. Sir F. PHILLIPS, K.C.M.G., C.B. (Substitute).
<i>Bulgaria:</i>	His Excellency M. Constantin BATOLOFF. M. Nicolas ANTONOFF (Substitute).
<i>Canada:</i>	The Right Honourable R. B. BENNETT, P.C., LL.B. K.C., (Hon.) LL.D., M.P. Mr. O. D. SKELTON, M.A., Ph.D. (Substitute).
<i>Chile:</i>	His Excellency M. Jorge VALDÉS-MENDEVILLE. M. Enrique GAJARDO (Substitute).
<i>China:</i>	His Excellency M. T. Y. Lo. M. LIU Chieh (Substitute).
<i>Colombia:</i>	M. Emilio CUERVO MÁRQUEZ. Dr. J. M. YÉPES (Substitute).
<i>Cuba:</i>	His Excellency Dr. Guillermo PATTERSON.
<i>Czechoslovakia:</i>	His Excellency M. Štefan OSUSKÝ. M. Bohuslav VEČERKA (Substitute).
<i>Denmark:</i>	M. Ole Björn KRAFT. M. F. R. CHRISTIANI (Substitute).
<i>Estonia:</i>	His Excellency M. Auguste SCHMIDT. M. J. KÓDAR (Substitute).
<i>Finland:</i>	M. P. O. I. HJELT. M. H. R. MARTOLA (Substitute).
<i>France:</i>	M. Jean RÉVEILLAUD.
<i>Germany:</i>	
<i>Greece:</i>	His Excellency M. R. RAPHAËL. M. A. CONTOUMAS (Substitute). M. A. DÉMERTZIS (Substitute).
<i>Guatemala:</i>	
<i>Haiti:</i>	His Excellency M. Constantin MAYARD. M. A. F. FRANGULIS (Substitute).
<i>Hungary:</i>	His Excellency M. Ladislav DE TAHY. M. Georges DE OTTLIK (Substitute).
<i>India:</i>	Sir Homi MEHTA.
<i>Iraq:</i>	
<i>Irish Free State:</i>	Mr. Francis T. CREMINS.
<i>Italy:</i>	The Honourable Giuseppe MAZZINI. The Honourable Luigi SCARFIOTTI (Substitute).
<i>Latvia:</i>	His Excellency M. Jules FELDMANS. M. Karlis KALNINŠ (Substitute).
<i>Liberia:</i>	His Excellency Dr. F. A. K. RUSSELL. His Excellency M. C. BOSMAN VAN OUDKARSPHEL.

<i>Lithuania:</i>	His Excellency M. Bronius K. BALUTIS. Dr. L. NATKEVIČIUS (Substitute).
<i>Luxemburg:</i>	M. Charles VERMAIRE.
<i>United States of Mexico:</i>	His Excellency M. Francisco CASTILLO NAJERA. Dr. Pedro DE ALBA (Substitute).
<i>Netherlands:</i>	Mme. C. A. KLUYVER.
<i>New Zealand:</i>	The Honourable Sir James PARR, K.C.M.G. Mr. C. KNOWLES, C.B.E. (Substitute).
<i>Norway:</i>	M. Carl Joachim HAMBRO. M. E. O. MASENG (Substitute). M. R. I. B. SKYLSTAD (Substitute).
<i>Panama:</i>	His Excellency Dr. Belisario PORRAS.
<i>Paraguay:</i>	His Excellency Dr. R. V. CABALLERO DE BEDOYA.
<i>Persia:</i>	Dr. Nasrollah Khan ENTEZAM.
<i>Peru:</i>	
<i>Poland:</i>	His Excellency M. Jan DE MODZELEWSKI. M. Antoni BALIŃSKI (Substitute).
<i>Portugal:</i>	His Excellency Dr. Augusto DE VASCONCELLOS. His Excellency Dr. José Capelo FRANCO-FRAZÃO, Count DE PENHA GARCIA. M. Henrique DA GUERRA VIANNA (Substitute).
<i>Roumania:</i>	M. V. PELLA. M. Eugène NÉCULCÉA.
<i>Siam:</i>	His Excellency Phya Subarn SOMPATI. M. Luang BHADRAVADI (Substitute).
<i>Union of South Africa:</i>	Mr. H. T. ANDREWS. Mr. W. C. NAUDÉ (Substitute).
<i>Union of Soviet Socialist Republics:</i>	M. B. STEIN. M. W. EGORIEFF (Substitute).
<i>Spain:</i>	M. Leopoldo PALACIOS. M. Tomás SIERRA (Substitute).
<i>Sweden:</i>	M. N. R. WOHLIN. M. A. G. F. VOUGT (Substitute). M. K. I. WESTMAN (Substitute).
<i>Switzerland:</i>	M. William RAPPARD. M. Camille GORGÉ (Substitute).
<i>Turkey:</i>	His Excellency Cemal HÜSNÜ Bey. M. Celal HAZIM Bey (Substitute).
<i>Uruguay:</i>	His Excellency Dr. Augusto César BADO. His Excellency Dr. Alberto GUANI, or His Excellency M. Victor BENAVIDES.
<i>Venezuela:</i>	His Excellency M. César ZUMETA. M. Julio Alfredo DE LA ROSA (Substitute).
<i>Yugoslavia:</i>	His Excellency M. Constantin FOTITCH. Dr. Ivan SOUBBOTITCH (Substitute).

FIRST MEETING.

Held on Tuesday, September 11th, 1934, at 11 a.m.

Chairman: Count CARTON DE WIART (Belgium).

1. **Election of the Vice-Chairman.**

M. ZUMETA (Venezuela) *was unanimously elected Vice-Chairman.*

2. **Publicity of Meetings**

It was agreed that the Committee should meet in public unless it decided otherwise.

3. **Adoption of the Agenda.**

The provisional agenda was adopted (Annex 1).

SECOND MEETING.

Held on Tuesday, September 11th, 1934, at 4 p.m.

Chairman: Count CARTON DE WIART (Belgium).

4. **Audited Accounts for the Fifteenth Financial Period (1933).¹**

Mr. JACKLIN, Treasurer, said that the Italian delegation had complained that an exchange difference of 68,000 Swiss francs had been shown as arrears due by Italy for 1933. The sum in question had been paid on January 25th, 1934. As the complaint concerned the Financial Regulations, the Secretary-General proposed that the Supervisory Commission should be asked to report on the question before the end of the present session.

The matter was referred to the Supervisory Commission.

The CHAIRMAN opened the discussion on the audited accounts for 1933 (document A.3.1934.X) and, at the same time, on paragraphs 2 and 3 of the first report of the Supervisory Commission (document A.5.1934, page 1).

Mme. KLUYVER (Netherlands) desired first to thank the Auditor, the Supervisory Commission and the Secretary-General for the arduous work which the audited accounts must have entailed.

She asked for an explanation with regard to the extra-budgetary funds mentioned in sub-paragraph (b) of paragraph 3 of the Supervisory Commission's report.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, pointed out that, under the Financial Regulations, any credit not expended at the end of a financial period was cancelled. Should it be desired subsequently to employ it, it must be voted again. There were, however, some credits to which that rule did not apply — for instance, the fund for the new buildings. This was a special fund which did not disappear from one year to another but had been voted once for all. The Supervisory Commission reported on the administration of this special fund. The same applied to the Rockefeller Fund. In order to distinguish these funds from the others, they were known as "extra-budgetary funds".

The CHAIRMAN, noting that the Committee had no other comments to offer on the audited accounts, desired to draw special attention to some of the observations made by the Supervisory Commission and particularly to the last sentence of sub-paragraph 3 (a), which mentioned the wise administration of the Secretary-General and the heads of the autonomous organisations which had enabled the financial year 1933 to be closed with a small surplus, although receipts — current contributions and arrears — represented only 82.32 per cent of the credits voted.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, considered that it was to the credit of the League that it had been able to administer its finances in the way

¹ Document A.3.1934.X.

it had done. In spite of difficult times, it had concluded the year 1933 without a treasury deficit. In view of this situation, he made a pressing appeal to those Members of the League who had benefited by advances from the Working Capital Fund for objects in which they were specially interested. He urged them to expedite the settlement of that part of the advances which concerned them. He realised that it might sometimes be difficult, even for a State, to pay contributions, but it was most desirable that the States for whom these advances had been made should support the League's work by refunding them.

M. HAMBRO (Norway) suggested that the Sixth Committee, which discussed political questions, should be informed of the advances already made from the Working Capital Fund, in order to assist it in discussing further steps to be taken in connection with some of the States to whom advances had been made.

This was not a formal proposal, but a suggestion for the consideration of the officers of the Committee.

The CHAIRMAN said that the officers would bear M. Hambro's suggestion in mind.

The audited accounts for the financial period (1933) were approved, together with the Supervisory Commission's proposal relating to the allocation to the amortisation fund of the net surplus of the financial year 1933, amounting to 209,354.65 francs.

5. Financial Situation of the League of Nations on August 31st, 1934 : Appointment of the Sub-Committee on Contributions in Arrears.

The CHAIRMAN pointed out that document A.17.1934.X contained a memorandum by the Secretary-General with regard to the financial situation on August 31st, 1934, together with a report on contributions in arrears.

He proposed, on behalf of the officers of the Committee, that the Sub-Committee on Contributions in Arrears should be constituted as follows : Sir F. PHILLIPS (United Kingdom), M. RAPHAËL (Greece), M. CASTILLO NAJERA (Mexico), Mme. KLUYVER (Netherlands), M. WOHLIN (Sweden) and M. FOTITCH (Yugoslavia).

The Chairman's proposal was adopted.

6. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part I, Secretariat : General Discussion.

The SECRETARY-GENERAL, in submitting the budget for the Secretariat (document A.4.1934.X), first described the position in the present financial year. The most important figures would be found in document A.17.1934.X. They showed that contributions received down to August 31st, 1934, in respect of the current and previous financial periods represented 66 per cent of the budget. An addition should be made to these figures, in order to show the improvement which had occurred since August 31st. At the present time, the League had received, in respect of the present and previous financial periods, sums representing 74 per cent of the amount of the budget. Up to the present, expenditure by the Secretariat amounted to only 40 per cent of the budget. Furthermore, in accordance with the Financial Regulations he had remitted to the International Labour Office and the Permanent Court of International Justice sums amounting to 65 per cent of the budget of each of these two organisations. It was also interesting to note that neither Organisation was at present indebted to the Working Capital Fund in respect of 1934. The conclusion could be drawn that, if the cash position were maintained, it would be possible to balance the accounts for the present financial period.

In addition to various items, among them those to which reference had just been made, a sum of 988,554 francs, representing advances made in 1933 to the International Labour Office and the Permanent Court of International Justice, was at present owing to the Working Capital Fund. The Supervisory Commission was submitting proposals for covering this credit from the Working Capital Fund by appropriating the surplus of the previous period.

Turning to the general budget, the Secretary-General pointed out that, since 1932, the budget totals showed a regular decrease each year. The figures were as follows : 1932, 33,687,000 francs ; 1933, 33,429,000 francs ; 1934, 30,827,000 francs, and 1935, 30,461,000 francs.

Turning to the budget for the Secretariat, he pointed out that the reduction to which he had just referred was even more marked than that in the general budget. In 1932, the Secretariat budget amounted to 18,813,000 francs, the maximum budget hitherto voted. In the present year, it amounted to only 15,013,000 francs, a total decrease of 3,800,000 francs. The budget for the previous year was 15,566,000. The reduction in the present budget amounted to 553,178 francs. It could even be said that the reduction was 734,000 francs, if a comparison were made of the actual individual credits, but the Secretary-General had taken into account an inclusive reduction made in that year's budget. The magnitude of this reduction would be realised when he pointed out that the budget provided for an extraordinary expenditure of 543,990 francs in the coming year, this being the estimated cost of the removal and transfer of the Secretariat to the new buildings. The effort that had been made to find economies would therefore be appreciated at its true value if the figure of 553,000 francs, which represented a real reduction, were contrasted with this extraordinary expenditure of 543,000 francs, part of which would not recur.

All the chapters in the Secretariat's budget had been reduced without exception. The reduction was distributed as follows : 44 per cent on salaries ; 14 per cent on general office

and printing expenses ; 17 per cent on expenditure on Committees ; 17 per cent on expenditure on the Assembly and Council, and 8 per cent on rationalisation expenses.

The chief reduction had therefore been on salaries. That was due to the reorganisation measures taken under the instructions and with the support of the Supervisory Commission. In actual figures, the reduction in the chapter relating to salaries amounted to 474,113 francs. In calculating this reduction, account had been taken of the annual statutory increments, which amounted to 179,710 francs.

The Secretary-General did not think it necessary to enter into further details for the moment. He observed that, as the result of a decision adopted in 1933, the application of which the Supervisory Commission had been good enough to take upon itself, the budget was presented in a new form. All expenditure of the same nature had been grouped in one chapter, thus facilitating control.

In conclusion, M. Avenol desired to thank the Supervisory Commission for its unswerving support of the Secretariat. It was most satisfactory to feel that the spirit of the Assembly's desires was always present, for it was then possible to have, if not the certainty, at least the hope, that its decisions were being carried out.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, desired to add a few words to the Secretary-General's statement on the budget. He drew attention, in particular, to the very important results of the decisions which the Fourth Committee had adopted in 1932 with regard to the rationalisation of the Secretariat.

The reorganisation had entailed the suppression of fifty-eight posts in the Secretariat. As against this, five new posts had been created, so that fifty-three posts had actually been abolished as an outcome of the Assembly's decisions in 1932. The Chairman of the Supervisory Commission, like the Secretary-General, was convinced that this would not in any way affect the efficiency of the administrative organisation.

The suppression of those fifty-eight posts meant a decrease of 506,494 francs ; as a result of further economies, the total reduction in the salaries amounted to 721,356 francs. Owing, however, to the statutory increments and to other expenses amounting to 247,240 francs in all, the net saving was 474,110 francs. Thus, the work of the Fourth Committee in 1932 had yielded appreciable results.

The Supervisory Commission had also carefully considered the question of the Branch Offices and had reached the conclusion that, for purposes of economy, the Branch Offices of the League and the International Labour Office should be housed under the same roof in three years' time. That could not be done immediately, owing to the existing contracts, but it could be done three years hence. While he could not say exactly how much the resultant saving would be, it would certainly be considerable.

Among other questions, the Supervisory Commission had considered the reduction in salary scales. The Assembly had decided in 1932 that, for two years, a reduction of 10 per cent should be made in the salaries of newly engaged officials. That period expired in 1934, and the Supervisory Commission proposed that the measure should continue in force.

With regard to the subsistence allowances payable to officials of the League, the Secretary-General had himself made proposals which would be found on page 4 of the second report of the Supervisory Commission (document A.5(a).1934.X).

Having examined the question of allowances payable to members of Committees, the Supervisory Commission, in agreement with the Secretary-General, considered that further reductions over and above those already made two years previously were not desirable.

The United Kingdom delegation had raised in 1933 the question of budgetary methods and what had been called " over-budgeting ". The results of the investigations made by the Supervisory Commission were contained in its first report (document A.5.1934.X). It could assure the Committee that all the necessary care was taken in framing the League budget.

Furthermore, on page 6 of its second report (document A.5(a).1934.X), it gave the requisite explanations in answer to the enquiries made in 1933 with regard to the allocation of surpluses among Members of the League.

Although the cost of installing the Secretariat in its new buildings in 1935 would inevitably be very high, the Supervisory Commission had found means of reducing the credits for the new buildings as compared with the past year.

He concurred in the Secretary-General's remarks, and he also considered that the heads of the administrations and the Supervisory Commission had made a very great effort. After the very difficult years 1932 and 1933, and the beginning of 1934, the financial situation had improved. The year 1934, like 1933, would probably end without a Treasury deficit. He therefore felt it his duty to thank the heads of the administrations.

Sir Ernest BENNETT (United Kingdom) called attention to the difference between the budgetary estimates and expenditure for 1930 — 3,881,920 francs and 1,173,315 francs respectively — under Chapter I : Assembly, Council, Conferences and Committees in 1933, and to the estimate of 2,912,523 francs for 1935 (see page 7 of document A.4.1934.X). He asked whether, in view of these figures, the Supervisory Commission was satisfied with the estimate.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that it was the Supervisory Commission's duty to fix the estimates on the basis of a maximum length for meetings and also a maximum attendance. If the Assembly sat for a shorter time, if the Council held three sessions instead of four, if a meeting such as the London Economic Conference stopped working before the date anticipated, if all the members did not attend a Committee, it was obvious that considerable savings would be made, but they could not be foreseen, nor could they be taken into account in framing the budget.

The Supervisory Commission was in a position to support by precise calculations every item included in Chapter I.

M. RAPPARD (Switzerland) considered that the Fourth Committee would lose an opportunity of paying a well-deserved compliment if it failed to endorse the statements just heard from the Secretary-General and the Chairman of the Supervisory Commission. Those who had been present at the Fourth Committee's discussions in previous years were aware of the spirit in which the delegates had arrived and with what instructions. The general discussion had been mainly a collective and individual expression of regret, apprehension, discontent and recrimination. To-day, for the first time, the delegates heard statements which would rejoice all the friends of economy, and, speaking on behalf of a delegation which had often felt obliged to adopt a critical attitude, M. Rappard was specially glad to indicate his satisfaction. It would show real ingratitude to pass over in silence, as if it was in the normal run of things, the information just supplied. The Committee was grateful to the Secretary-General and his colleagues and to the Chairman and members of the Supervisory Commission. The suppression of fifty-three posts in the Secretariat alone, a saving of over 500,000 francs on a budget of 15,000,000 francs, which contained automatic increases, a saving of 3 per cent in one year, were results which many Governments might envy.

It was still more satisfactory that no delegation felt that these savings had affected the work of the Secretariat adversely. That confirmed a view which had been held and repeated each year with good cause — namely, that economies would not in any way diminish the Secretariat's efficiency.

It was important that the Governments and national administrations should realise that the general desire to economise was shared by those at Geneva and that the latter were anxious to co-operate in an attempt to improve the general position of the States. The result was bound to be a determination on the part of States to collaborate in two ways : more active collaboration in administrative matters and steadier and more regular collaboration in financial matters on the part of States in debt to the Secretariat, a debt which they should feel all the more keenly in that the Secretariat had made an effort to reduce their burden.

Sir Homi MEHTA (India) congratulated the Secretary-General on having spent in 1930 only 1,173,315 francs under Chapter I, although the estimate had amounted to 3,881,920 francs, a reduction of about 60 per cent. Was this not due, however, rather to the fact that in the past committees and conferences had met more frequently ? As smaller funds had been available in 1933 and 1934, they had not met so often. This seemed to show that the League was at last beginning to cut its coat according to its cloth.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, trusted that the Committee would not suppose that savings on the credit in question depended on the will of the administration.

The Supervisory Commission was obliged to include 500,000 francs for unforeseen expenditure in order that the Council might take action in case of an emergency. Only 22,000 francs had been spent in 1933. But no one would dare to propose the suppression of the credit, because that would make it impossible for the Council to take action in case of an emergency.

With regard to exceptional financial and economic expenditure, it must be remembered that it was the Assembly which decided what work should be undertaken during the year. The Supervisory Commission had carefully calculated the cost of the work and had had to provide for a possible expenditure of 200,000 francs. The Council had spent only 40,000 francs, but it had been necessary to provide 200,000 francs ; otherwise there would have been a risk that the execution of the Assembly's decisions might be hampered.

If, on these two amounts alone, the League had saved nearly 650,000 francs, that was not because the Secretary-General had been unwilling to spend the money. He was not an independent judge who could choose what expenditure he would incur.

The Supervisory Commission did all it could to estimate expenditure exactly, but there were circumstances outside its control.

Sir Ernest BENNETT (United Kingdom) thanked the Chairman of the Supervisory Commission for explaining what had seemed to him, as a newcomer, a very striking difference between estimates and expenditure.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, pointed out that the budget for the present year was presented in a different form in accordance with the desire expressed in the past year. He would be glad to know whether the Committee's work was facilitated by this new arrangement.

Mr. BRUCE (Australia) was still not quite convinced that the margin between estimates and expenditure in Section I, Chapter I, need be so great as appeared. The Council must, of course, have sufficient funds at its disposal in the event of a political crisis, but, as he had pointed out at the previous session, he saw no reason for including as much as 500,000 francs in the budget every year. Why should not the unexpended balance be carried over to the next budget and supplemented by the sum required to bring it up to 500,000 francs ?

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, thought that was a matter of opinion. Mr. Bruce's suggestion was interesting and would be examined. It presented considerable disadvantages, however. Its application would be contrary to the Financial Regulations. It was not advisable to open a special account on which the Assembly could not express its views year by year. The only way in which the Assembly and the Fourth Committee could exercise real control over the Council's activities was by voting this credit each year.

M. DE VASCONCELLOS (Portugal), having associated himself with M. Rappard's commendation of the financial administration of the Secretariat, said that he was in favour of maintaining the credit of 500,000 francs. He feared that this credit might prove necessary in the very year in which it had been suppressed or decreased.

M. DE MODZELEWSKI (Poland) observed that, in some years, the expenditure had been more than 25 per cent of the appropriation. He noted that the Australian delegate did not object to this sum remaining at the Council's disposal. On that point, therefore, the Committee was unanimous. Opinions differed only as to the form in which this sum should be placed at the Council's disposal. It could, of course, be paid into a special account and supplemented each year in the budget by the amount actually spent during the previous financial period.

He agreed with the Chairman of the Supervisory Commission, however, that any sum which might be spent should be included in the budget and voted by the Assembly each year.

Mr. BRUCE (Australia) said that, as there was no desire on the part of the Committee to change the present system, he would not press his suggestion. He must make it clear, however, that he desired neither to suppress the appropriation nor to remove it from the Assembly's control. At the same time, it was difficult to see how the Assembly could exercise control over the balance of 2,700,000 francs, representing the difference between estimates and expenditure.

M. HAMBRO (Norway) appreciated the reasons for Mr. Bruce's proposal, but pointed out that it would necessitate a change in the Financial Regulations. Perhaps the Supervisory Commission might consider the advisability, not of altering the present system, but of making an exception in the case of one particular item. Experience showed, however, that control over amounts carried over was very difficult and that any such system weakened the incentive to save. On one occasion, the full amount of 500,000 francs had been spent, and presumably that was why the appropriation was maintained.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, pointed out that the Supervisory Commission had referred in its first report to Mr. Bruce's observations of the previous year, and assured him that they would not be forgotten.

Mr. BRUCE (Australia) thanked M. Osuský for his remarks, but said that he did not press his suggestion as the lack of support for it had convinced him that he must be wrong.

M. RAPPARD (Switzerland) pointed out that, while a credit of 400,000 francs was provided in 1935 for the Monetary and Economic Conference, no sum was provided for the Disarmament Conference in either the 1934 or the 1935 budgets. The Disarmament Conference had sat in 1934, however, and everything seemed to indicate that its work would not be concluded by the end of the year. He would be glad to know from what credits the expenditure already effected or to be effected in future would be taken.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the Supervisory Commission's report provided that the sums necessary for the continuation of the work of the Disarmament Conference might, if necessary, be taken from the credits voted for the organ which would survive the Conference.

With regard to the Monetary and Economic Conference, no decision had been taken as to the continuation of the work or the final disappearance of the Conference.

M. RAPPARD (Switzerland) pointed out that the London Conference had taken place in 1933 and had cost 172,000 francs. He asked why credits were still shown under this item in the 1934 and 1935 budgets.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the complete accounts for the cost of the Conference had not yet been supplied by the United Kingdom Treasury, which, as everyone was aware, had undertaken to meet the difference due to the fact that the Conference had been held in London and not in Geneva. The League would probably have to pay further sums for the Conference. If, however, the Conference, which, in principle, was not concluded, met again in the coming year and reached conclusions, the League would have to undertake certain work for which credits would have to be provided. The calculations made were, of course, not very exact, but in computing them account had been taken of all contingencies.

M. RAPPARD (Switzerland) understood that the credits in the 1935 budget would be used, on the one hand, to meet the expenses of a conference which might not meet and, on the other hand, to meet the expenditure effected in 1933.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that, if the United Kingdom Treasury sent in the accounts before the end of 1934, the sums subsequently to be paid would be charged to the current financial period. If, on the contrary, they were not received until the coming year, the necessary sums would have to be inserted in the next budget.

Mme. KLUYVER (Netherlands) pointed out that different methods had been followed for the estimates for the Economic and the Disarmament Conferences. She feared that public opinion would not understand why appropriations had been made for the former and none for the latter. She proposed that the credit shown under Item 4 for the organ to be set up by the Disarmament Conference be suppressed and transferred to Item 3 for the Conference itself.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that he would reply to this question after further consideration.

M. HAMBRO (Norway) disagreed with Mme. Kluyver's suggestion. He thought that public opinion would be disappointed if no provision were made for the organ to be set up by the Conference for the Reduction and Limitation of Armaments and would infer that the position was hopeless and that no results were to be expected of the Conference. On the other hand, it would not view with favour an indefinite series of Disarmament Conferences. The same practical result would be achieved if both items were omitted.

M. RAPPARD (Switzerland) observed that the appropriation made in Item 4 for Economic Relations was five times as much as the amount spent in 1933. The credit for sessions of the Health Committee was 241,000 francs, whereas only 126,000 francs had been spent in 1933.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that the modest expenditure on Economic Relations during 1933 was explained by the fact that the Monetary and Economic Conference had met that year. Furthermore, it had been felt that not much could be done in the economic field in 1933. The situation having developed since then, the League might be called upon to display greater activity.

With regard to the appropriation for the Health Committee, the question was raised in the supplementary budget presented by the Secretariat, upon which the Supervisory Commission had not yet expressed an opinion.

Mr. BRUCE (Australia) said that as Rapporteur to the Council on economic questions, he had recently presented to that body a report on the work of the Economic Committee. In a note attached to the report, it was stated that the Committee would meet in November to examine the international economic situation as it appeared one year after the London Monetary and Economic Conference, and hoped to present a detailed report to the Council as to the possibility of taking action.

It was only prudent, therefore, to appropriate a sum in order that steps might be taken forthwith, if necessary. The world position being what it was, nothing was more urgent and imperative than to lend the nations some assistance in the very difficult and complicated problems with which they were faced at the present time.

**7. Detailed Examination of the General Budget for the Seventeenth Financial Period (1935) :
Part I, Secretariat : Chapter I, Item 1 : Assembly.**

The CHAIRMAN requested the Committee to adopt the items in Chapter I one by one.

M. MAZZINI (Italy) drew attention to Mme. Kluyver's proposal, which linked up Items 2 and 3. These items should therefore be adopted, subject to the reply to be given by the Chairman of the Supervisory Commission.

Item 1 was adopted.

8. **Chapter I, Item 2 : Council.**

Item 2 was adopted.

9. **Chapter I, Item 3 : Conferences.**

Item 3 was adopted, subject to the decision reached with regard to Mme. Kluyver's proposal, which does not involve any reduction in the appropriations.

In reply to a question by M. Fotitch (Yugoslavia), Mr. JACKLIN, Treasurer, explained that the credit for the Monetary and Economic Conference had been calculated on the basis of a conference lasting forty-eight days and held at Geneva.

10. **Chapter I, Item 4 : Committees.**

M. RAPPARD (Switzerland) asked for an explanation with regard to the decrease in the appropriation for printing for the Mandates Commission.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that this reduction did not entail any change in the Mandates Commission's work. A very close calculation had been made, as a result of which the figure in the budget had been reached.

Item 4 was adopted.

THIRD MEETING.

Held on Thursday, September 13th, 1934, at 4.15 p.m.

Chairman: Count CARTON DE WIART (Belgium).

11. **Detailed Examination of the General Budget for the Seventeenth Financial Period (1935) : Part I, Secretariat (continuation) : Chapter I, Item 3, A (c) : Reduction of Armaments and Item 4, A (h) : Reduction of Armaments (continuation).**

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replying to a remark made by Mme. Kluyver during the previous meeting, explained that, in the new arrangement of the budget, expenditure was divided under main heads such as expenditure on the Assembly, the Council, Conferences and Committees, Investigations, Enquiries and Liaison, Salaries and General Services, Office Expenses, Printing, etc. A further distinction had also been made in the budget on the basis of the principle of responsibility. Thus, credits had been allocated between the Assembly, the Council and the Secretariat according to the spending authority. Under that system, the Assembly and Council were responsible for Items 1 and 2 under Chapter I, and the Secretariat had executive responsibility for Item 3. The Disarmament Conference was part of Item 3 (Conferences), but the executive body to be set up belonged logically to Item 4 (Committees).

The system adopted was no doubt not perfect, and in order to meet the judicious observations of the Netherlands delegate, the Chairman of the Supervisory Commission proposed to place in Item 3 (Conferences) a credit relating to the Conference for the Reduction and Limitation of Armaments with a footnote to the effect that, if a body to carry out the Disarmament Conference's decisions were established, the sums which it might require should be charged to that item.

The Committee decided to include in Chapter I, Item 3: Conferences, A (c), Reduction of Armaments, the sum of 500,000 francs and to reduce the credit of 501,000 francs under Item 4: Committees, A (h), Reduction of Armaments, to 1,000 francs. It would be stated in a footnote that any subsequent expenditure for the new body would be charged to Item 3: Conferences, A (c).

12. **Examination of the General Budget for the Seventeenth Financial Period (1935) : Part I, Secretariat (continuation) : General Discussion (continuation).**

Sir Ernest BENNETT (United Kingdom) said that, while he fully shared the feelings of other delegates as to the sound and excellent work accomplished by the Secretary-General, the Supervisory Commission and the Treasurer, he hoped it would not be concluded that the necessity for constant vigilance in financial matters was past.

Perhaps, as a newcomer, he might be allowed to make a brief personal reference. As a Minister, he had the privilege of sharing in the management of the largest business concern in the United Kingdom — the Post Office — and, accustomed as he was to the normal and orthodox methods of parliamentary and departmental finance, he naturally felt somewhat

perplexed when he surveyed some of the financial methods adopted by the League. The League was driven by circumstances to estimate for expenditure which in all probability would never be incurred : it estimated amongst its financial resources contributions which it was known were not being paid. The result of this budgeting presented a superficial appearance of success : not only was a deficit avoided, but a surplus was regularly secured. But there lurked a snake in this financial paradise — namely, the growing irritation of those Members of the League who paid their contributions fully and regularly, when they realised that they were paying more than they normally would if all their other colleagues were equally virtuous in meeting their obligations.

It must, however, be agreed that the time devoted by the Fourth Committee last year to the study of budget problems was well spent and had produced very valuable results. The report of the Supervisory Commission had to a large extent justified the diagnosis put forward by his predecessor on the Committee, Mr. Hore-Belisha.

One very valuable result of the debates was that the Supervisory Commission, with all its authority and with a full sense of its responsibility, had used language which defined clearly the immediate financial problems of the League, and certainly lacked neither courage nor clarity.

Many excellent reforms had been secured and still better results might be hoped for later. Still, the actual reduction of the total budget for 1935 was not much more than 1 per cent. It must be admitted, however, that the figure would have been better but for numerous adverse factors which had been explained to the Committee. On the other hand, if the contributions of Germany and Japan were lost to the League, it was faced with a loss of revenue during the next two years of a very much higher order than one per cent. Thus, notwithstanding the reductions already effected in expenditure, the hard fact remained that the demands made in 1935 and 1936 on the remaining contributors would probably be increased rather than diminished. The difficulty of individual contributors would therefore continue and the need for economy would remain urgent.

It was to be hoped that the Supervisory Commission's excellent initiative would be followed up. The problem was one of real difficulty. The Supervisory Commission rightly stressed the inelasticity of revenue. At the same time, it estimated in paragraph 15 of its first report (document A.5.1934.X) that the link between so-called over-budgeting and unpaid contributions was complete. Non-payment of contributions by some Members naturally imposed an additional burden upon others. The last sentence of paragraph 15 expressed exactly what was happening. States were discovering that they were being asked to pay more than they ought to be asked for if every other State honestly did its duty.

In paragraph 17, the Supervisory Commission pleaded that, so long as the present difficulties continued, they should be met by the means hitherto adopted. It put forward other suggestions but rejected them, quite rightly, as leading to even greater inconvenience than the present practice.

While he must not be taken as agreeing *in toto* with the case presented in the Supervisory Commission's report, he felt that such differences of opinion as might exist were mainly concerned with the technical side of the problem, and for that reason he was less inclined to press them strongly on the present occasion. The essential was to cure the evil of unpaid contributions itself. Contributions must be paid or the League would be forced to follow courses which every Member and every friend of the League would deplore. He therefore hoped that the strongest action possible would be taken by the Sub-Committee on Contributions in Arrears. Some success had already been achieved, and the latest report on the financial situation was certainly better than the corresponding report in the previous year. But, in the measure in which success was achieved, the United Kingdom must press for the progressive elimination of the margins between estimated and actual expenditure, which were still too high, as was proved by a comparison between the estimates for 1935 and the actual figures for 1933.

He thoroughly approved of the changes in the form of the budget. The breaking down of the system of watertight compartments should be of real service in securing economy, since it would no longer be necessary to cover every possible contingency in separate items, and this should result in closer and more accurate estimating. The new general summary of ordinary contributions, the inclusion of an auxiliary budget, and the explanatory notes should also prove extremely useful.

Referring to paragraph 24 of the Supervisory Commission's first report, he said that the United Kingdom delegation was entirely satisfied by the thoroughness with which the Supervisory Commission had tackled its work and with the conspicuous honesty with which it had expressed its conclusions. Minor differences of opinion would always exist on technical problems, but he was thoroughly convinced that general agreement on technical matters was sufficiently close to permit of concentration on the real problem — the non-payment of subscriptions. The Committee could render no greater service to the League than to bend its energies to overcome this serious danger.

M. RAPPARD (Switzerland) pointed out that the Fourth Committee was now adopting the budget on the basis of the Summary of Items on pages 8 *et seq.* (document A.4.1934.X).

Did that mean that it would not discuss the items themselves? To adopt a budget on the basis of summaries of synthetic figures would seem to deprive it of the possibility of checking the items summarised in the table.

It was true that on some points reference was made to analytical tables, but was that not always the case. How, for instance, were the details of travelling expenses of officials, 214,000 francs, to be ascertained? Doubtless, the items shown under missions in the different sections should be added.

The Swiss delegate did not see clearly how such a system could promote saving and was not sure that something was not missing on page 8.

M. DE MODZELEWSKI (Poland) pointed out that the form of the budget had been changed at the request of the Fourth Committee itself. He would like, however, to congratulate the Supervisory Commission and the Secretariat on the way in which they had carried out the work.

He then examined the differences between the old and new budgets. The old budget had been arranged according to activities, whereas at any rate the first part of the new budget distinguished between classes of expenditure. The latter method was useful in ensuring that certain classes of expenditure were not given too much importance. The statement of the expenditure relating to the League's various activities had not, of course, been suppressed; it had simply been transferred to the end of the document (Annex II). On the previous day, the Fourth Committee had adopted part of the summary of items without realising perhaps that the expenditure included therein was for items relating to the major part of the League's activities. That was what M. Rappard had very rightly emphasised in his last speech. With regard to transit, for instance, the whole of the expenditure thereon would be found on page 38, whereas the figure on page 8 related only to the Transit Committees. The estimates for the Transit Organisation were shown, in accordance with their particular purpose, on page 8, page 9 (two appropriations), and pages 15 and 24. The whole amount would be found on page 38, where details were given as to all expenditure concerning transit. In these circumstances, would it not be advisable to add a footnote to page 8 indicating that all the credits in respect of that Organisation would be found on pages 9, 15, 24 and more particularly 38? The budget would then combine the advantages of both the new and old classifications and everyone would be able to decide, in particular, whether in a specific category the credit allotted to a particular activity was in proportion to its importance as compared with the League's activities as a whole.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, admitted that the new arrangement of the budget was not perfect, but, before making any of the improvements called for, the Supervisory Commission would be glad to know first whether the Fourth Committee accepted the principle and then what modifications it desired. It would, in any event, be desirable to indicate in the next budget, in a note to the summary, the numbers of the pages on which details of expenditure in respect of each item would be found. Perhaps it would even be possible to present a slightly fuller summary. The essential point for the moment was to see whether the members of the Fourth Committee approved the new arrangement of the budget in principle.

Mme. KLUYVER (Netherlands) was one of the supporters of the former system. Not only was the Committee familiar with the arrangement adopted in previous budgets, but it was more logical in the sense that it enabled the Fourth Committee to vote appropriations for a specific activity rather than for a class of expenditure. At the same time, she had heard with satisfaction the statement of the Chairman of the Supervisory Commission that the Commission would endeavour to improve the new system, which she was under the impression most of the members of the Supervisory Commission and even of the Fourth Committee preferred.

The Netherlands delegate desired, at the same time, to submit one observation and to ask a question. In the first place, it would seem useful to number the items consecutively unless, of course, that would raise difficulties of which she was not aware. Secondly, Mme. Kluyver asked the Chairman of the Supervisory Commission whether the consequences of the new system had been considered with reference to the application of the Financial Regulations on transfers. Article 29 of the Regulations provided that "transfers from one item to another of the same chapter of the budget may be effected by special resolutions of the competent authority". The competent authority in the case in point being the Council, it should be considered whether to modify the form in which the budget was presented would not at the same time entail a change in the powers conferred on the Council by the Assembly. For instance, in the first chapter, expenditure on the Assembly and Council and on all Conferences and Committees was now combined in one item. If she were not mistaken, that meant that if the sums voted in that chapter for a particular item were not used, the Council would be perfectly free to use them for other purposes under the same chapter. It would, therefore appear that the Assembly was handing over part of its budgetary prerogatives to the Council. She did not say that she objected to the new procedure, but thought it should be examined.

Mr. BRUCE (Australia) paid a tribute to the admirable work done by the Supervisory Commission in very difficult circumstances. The question of over-budgeting which he himself

had raised, had caused some resentment and had somewhat clouded the issue at the previous session. The over-budgeting he had had in mind was not that described in paragraph 6 of the Supervisory Commission's first report (document A.5.1934.X), however, but arose out of the unfortunate circumstances of the Secretariat and was forced upon it if it was to obtain the necessary revenue. That issue was now completely cleared up : the facts were recognised in the report and alternative systems were considered.

After pointing out that the link between over-budgeting and unpaid contributions was complete — with which he entirely agreed — the Supervisory Commission examined the possibility of adding 20 per cent to the contributions of Member States so as to obtain the necessary funds.

The report made it clear that there was an inherent danger in asking States for more than they would have to pay if every other State honestly did its duty. But that, in a disguised form, was exactly what was happening under the present system, and the nations were beginning to realise it. Nothing would be more fatal than that nations which had always paid their contributions should, one by one, contemplate reducing them, on the ground that they were perfectly prepared to pay their share, but not that of other people.

He strongly supported the United Kingdom delegate's appeal that the issue of unpaid contributions should be faced. He urged that every possible step be taken, even at the risk of offending defaulting States : it would be better for a nation that had never met its obligations to go than for a nation that had always supported the League to adopt some such course as he had suggested. There was no need to be too considerate as to the feelings of people who did not meet their obligations. He had no hesitation in saying that the amount of the contribution was not so considerable a factor in the financial position of any nation, however hard pressed, that it was really unable to pay.

Looking at the matter from another point of view, he emphasised that, in the circumstances, the Fourth Committee was compelled to resist any expansion of the League's work, however desirable it might be ; for example, the position of the unfortunate Russian women in the Far East, many of whom had had to sell their bodies in order to exist, was a matter that ought to be dealt with, but, because of the financial situation, the League's useful and humanitarian work was handicapped.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, thought that the question of consecutive numbering, which Mme. Kluyver had raised should be studied after the Fourth Committee had approved the principle of the present system.

With regard to transfers, the Financial Regulations contained formal and very stringent rules, the strict observance of which, generally speaking, was not compromised by the new arrangement of the budget. At the same time, the Supervisory Commission intended to revise the whole system of transfers and to see whether even stricter rules should not be added. The question was important as, if the provisions in question were relaxed, the control of the Assembly and Fourth Committee would vanish.

He thought he might say, however, that the two questions would be settled before the end of the Assembly.

In reply to the Australian delegate, he said that the Supervisory Commission had considered it an absolute duty to ensure the existence and normal working of the organs of the League. At the same time, it had taken the opportunity afforded by the observations made during the previous session to establish responsibilities, because the principle of responsibility was at the basis of international organisation, and to establish responsibility was half-way towards finding a remedy. When the nations realised who was responsible for hampering such useful social activities as that mentioned by Mr. Bruce, for instance, they would have a strong stimulus to action.

He hoped that, in seeking remedies, it would be remembered that all nations had a responsibility and a mission to ensure the existence and normal working of the three great League organisations.

If the Supervisory Commission had not chosen some other system for dealing with the objections to over-budgeting, that was because the inconvenience and danger to the League's existence would have been even greater than under the present system.

The CHAIRMAN called the Committee's attention to the consequences involved by the new method of presenting the budget, as regarded transfers of credits. The Financial Regulations of the League authorised such transfers within one and the same chapter. The new method, however, considerably expanded the scope of each chapter. For instance, Chapter I of the budget for the past year contained credits for the Assembly and Council amounting to 1,044,000 francs. For 1935, the same Chapter I combined budget estimates for the Assembly, the Council, Conferences and Committees, and was consequently nearly three times as high. The question was thus in a sense a constitutional one, and he was glad that it had been brought to the attention of the Supervisory Commission and that the latter had expressed its intention of considering it and, if possible, proposing a solution during the present session of the Assembly.

He intimated that the Sub-Committee on Contributions in Arrears intended to invite the representatives of the State concerned to furnish particulars on the financial situation of their respective countries either in a verbal statement before the Sub-Committee or, if they preferred, in writing. He felt sure that that request would be complied with as soon as possible.

Sir James PARR (New Zealand), after paying a tribute to the conscientious work of the Supervisory Commission, earnestly supported the remarks of the United Kingdom delegate with regard to the non-payment of contributions. Criticism of the League in New Zealand did not turn on its failure to achieve results in disarmament — the difficulties were understood. Nor was it greatly concerned with the grave issues raised by the departure from the League of two important States. Criticism was levelled at the extraordinary position with regard to League contributions, which raised issues of vital importance to the prosperity and continuance of the League.

The time had come to speak plainly, and he was bound to say that New Zealand, though a stout adherent of the League, viewed with the gravest misgivings and dissatisfaction the fact that so many countries did not pay their contributions, thus laying a heavier burden on those which did. His country was frankly perturbed at the present position. He hoped that the Supervisory Commission and the Secretary-General would consider it carefully during the coming year and would place suitable proposals before the Fourth Committee in 1935. Unless the question were settled in the near future, it would involve the League in serious difficulties.

13. **Detailed Examination of the General Budget for the Seventeenth Financial Period (1935) : Part I, Secretariat (continuation) : Chapter II : Investigations, Enquiries and Liaison.**

1. ECONOMIC RELATIONS.

Item 1 was adopted.

2. TRANSIT.

Item 2 was adopted.

3. INTERNATIONAL HEALTH ORGANISATION.

Sir Ernest BENNETT (United Kingdom) asked why the contribution to the Eastern Bureau (Item 3 (a)) had increased from 34,000 francs in 1933 (expenditure) to 66,500 francs in 1934 and 92,910 francs in 1935 (estimates).

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that the reason why the credit for the Eastern Bureau had been increased to 92,910 francs was very simple. On the one hand, the contribution paid in United States dollars by the Rockefeller Foundation had lost its value owing to the devalorisation of the American currency, and, on the other hand, the contributions of States to the Eastern Bureau had decreased.

Item 3 was adopted.

4. INVESTIGATIONS (REDUCTION OF ARMAMENTS).

Item 4 was adopted.

5. LIAISON WITH LATIN AMERICA.

In reply to a question by M. FOTITCH (Yugoslavia) M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the new arrangement of the budget sometimes made it difficult to compare credits for 1935 with expenditure in 1933. Reference to page 45 of document A.4.1934.X, would show that expenditure on correspondents, cables, travelling expenses, etc., in 1933 had, in fact, amounted to 46,198 francs.

Item 5 was adopted.

6. LIAISON WITH CHINA.

Item 6 was adopted.

7. TRAVELLING EXPENSES OF OFFICIALS.

Sir Ernest BENNETT (United Kingdom) noted that the Supervisory Commission had effected substantial reductions as from January 1934 and that a further examination of this item would take place in November. He also noted that, for the first category of officials, the rate for the United Kingdom had been reduced to 43s., which, however, was nearly twice the allowance he himself received. No doubt, there was some reason why higher rates should be paid in the case of foreigners in another country than their own, but so wide a difference hardly seemed justified. Perhaps this point could be borne in mind at the next revision.

M. RAPPARD (Switzerland) was surprised that although there were fewer officials, travelling expenses, which in 1933 had been 106,982 francs, were estimated at 214,079 francs for 1935.

M. Osuský (Czechoslovakia), Chairman of the Supervisory Commission, explained that the amount of travelling expenses for officials depended entirely on the League's activities. In recent years, its work had been concentrated in London and Geneva in the case of both the Disarmament and the Economic Conferences. It was therefore natural that now these activities were ceasing, other spheres of work should resume their rights.

Item 7 was adopted.

FOURTH MEETING.

Held on Saturday, September 15th, 1934, at 10.15 a.m.

Chairman: COUNT CARTON DE WIART (Belgium).

14. **Detailed Examination of the General Budget for the Seventeenth Financial Period (1935) : Part I, Secretariat (continuation) : Chapter III, Item 1 : Salaries ; Item 2 : Staff Expenses.**

M. FRANGULIS (Haiti), having paid a tribute to the work accomplished by M. Osuský and to the punctilious manner in which the annuity principle recommended by the Australian delegate had been observed for fifteen years, stated that the Secretariat could be likened to a general ministry of foreign affairs of the fifty-six States represented at the League. It was therefore necessary that standardisation should be continued in order that the disparity between the salaries of the Secretariat and of the various Ministries for Foreign Affairs should be reduced to a minimum. The salaries paid by the Swiss Federal Government to the officials in its Political Department might be taken as a basis for League salaries, since the seat of the League was in Switzerland.

The delegate of Haiti then pointed out that the League officials received entertainment allowances and other allowances of all kinds. The amount paid in salaries would be found in a document communicated to the Governments, but in addition there should be a precise statement showing emoluments, travelling expenses and other sums received by each official. In this respect also, he hoped some standardisation would be introduced.

He then drew the Committee's attention to the fact that the delegates of many countries with a depreciated currency were obliged to keep their expenditure at Geneva extremely low. Some distinguished representatives of those States had even been obliged, for that very reason, to refuse the presidency of the Assembly when offered it. Why should not an allowance be made to the President of the Assembly in order to equalise opportunities in that direction, especially as entertainment allowance was provided for Secretariat officials and presidents of conferences.

Lastly, the States that had joined the League of Nations had thereby contracted a kind of mutual insurance against various risks, such as war and certain calamities. The contribution of each to the common undertaking was known, but for the time being there was no means of ascertaining what benefits they derived. He would have liked to see, beside the contributions paid by each State, a statement showing the sums expended by the League on behalf of that State in the form of salaries paid to officials of its nationality, services rendered etc., The Members of the League would then be able to see that they actually derived some benefits from their premiums.

M. DE MODZELEWSKI (Poland) asked a question with regard to the General Fund for Entertainment Allowances. He was aware of the origin of the fund, which the Secretary-General had formed some years previously by taking the requisite sum from his personal allowance. He would therefore have had nothing to say with regard to the 1935 financial period if the same credit had been included as for the 1934 financial period, but, instead of 30,000 francs, as in the budget for the sixteenth financial period, 26,400 francs had been included in the budget for the seventeenth financial period as the general fund for entertainment allowances. How was so apparently exact an estimate to be explained? If the intention were to economise on entertainment allowances, it was extremely praiseworthy, but in that case, why estimate for 26,400 francs, when only 6,963 francs had been spent in 1933.

The SECRETARY-GENERAL explained that M. de Modzelewski had just placed his finger on one of the many cases in which a change in the arrangement of the budget prevented a direct comparison of the estimates for 1935 with estimates and expenditure in previous financial periods. If the Polish delegate would refer to page 26 of document A.4.1934.X, he would find a credit of 3,600 francs in Section V (Frais de Représentation of the Director of the Information Section). If this sum were added to the amount of 26,400 francs mentioned by M. de Modzelewski, the total of the general fund for entertainment allowances became 30,000 francs as in the previous year. There had been no reduction in that item.

M. de Modzelewski had emphasised the need for administering the fund with the strictest economy; that had actually been done in 1934, and would be done as long as the present difficult circumstances continued. At the same time, in the hope that the position would improve, 30,000 francs, which sum had hitherto been regarded as normal, was shown in the budgetary estimates.

Sir Ernest BENNETT (United Kingdom) asked whether the responsibility for effecting all possible economies in staffing and methods of work had been concentrated in the hands of a single official, one of the recommendations of the Supervisory Commission at the 1933 Assembly having been that an Establishment Officer should be appointed.

The SECRETARY-GENERAL replied that, from the beginning of the reorganisation period in the Secretariat, an official had been temporarily seconded to the Under-Secretary-General in charge of Internal Administration, and, for about a year, that official had assumed all the tasks to which Sir Ernest Bennett had referred. It was largely as a result of his co-operation, that it had been possible to obtain the results noted by the Fourth Committee.

Mme. KLUYVER (Netherlands) said that, in reading the table on pages 11 and 12 of the second report of the Supervisory Commission (document A.5(a).1934.X), dealing with posts suppressed as a measure of reorganisation, she had been struck by the fact that no posts of Member of Section had been suppressed, and that most of the reductions had been in the lower staff. Did not these suppressions mean that more work was thrown on the lower staff that remained? Had it been impossible — for political reasons, for instance — to suppress posts of Member of Section?

She drew attention to the following statement in paragraph 10 of the same report :

“ The new classification of Members of Section would naturally have to be adjusted to a series of variable factors. There can be no doubt, for example, that, in several sections, recruiting is not always possible at the lowest salary laid down for Members of Section.”

Reference to the lists of appointments showed that in fact very few had been made at the minimum of 12,000 francs, but surely during a period of depression, it must be possible to engage Members of Section at the minimum salary for that class of official? She would be glad to have explanations on that point and expressed the hope that, in future, Members of Section would be appointed at the basic salary for their grade.

The SECRETARY-GENERAL explained that when it has been necessary to select a method for the rationalisation and reorganisation of the Secretariat, the Supervisory Commission had examined the question and the suggestions submitted by M. Avenol himself. It had reached the conclusion that, at any rate during the first period of reorganisation, reductions should be made in the administrative services, and that explained the act noted by Mme. Kluyver. There was no doubt that the work of remaining members of the lower staff had increased. Furthermore, it must also be admitted that the suppression of posts had been a means of increasing output of work. The Secretary-General desired, in this connection, to pay a tribute to the sense of duty shown by the particular staff in the Secretariat that had been most affected by the rationalisation measures, whose devotion to the work and spirit of collaboration had constantly increased since the beginning of the reorganisation period.

Mme. Kluyver had very rightly pointed out that the suppression of posts had not affected Members of Section. If that were so, it was because of a deliberate decision, and in that connection he desired to make one remark which also applied to the question of appointments at the minimum salary. If all the representatives of Governments who approached him with a request to make an appointment were animated by the same spirit as the members of the Fourth Committee, he might be able to go further in the way of reform. But he must make an admission: while the Fourth Committee pressed for savings, the representatives of States who approached him put forward quite other considerations. The old difficulty remained: to keep a balance of nationalities in the Secretariat, while, at the same time, making the required reductions.

M. RÉVEILLAUD (France), representing the Supervisory Commission in M. Osuský's absence, said he was sure the members of the Fourth Committee had all appreciated with what sincerity the Secretary-General had explained his difficulties. It was M. Réveillaud's duty, in the absence of the Chairman of the Supervisory Commission, to testify to the courageous spirit in which M. Avenol had in practice approached those problems which the circumstances to which he had referred made so embarrassing.

As to the results achieved, it was only necessary to mention a few of them to show their importance. With regard, for instance, to the Information Section, where it had hitherto been so difficult to make reductions, the Secretary-General had so arranged that although its staff had been reduced by one-third, it rendered the same services as before. With regard to publications, he had endeavoured to reduce their volume while preserving their value, and he had not been content to give instructions. He had followed up their execution from year to year. To obtain enlightenment on this point, it was sufficient to read the report of the

Publications Committee, which showed how carefully the smallest questions had been examined with a view to economies.

He then drew the Fourth Committee's attention to paragraph 9 of the second report of the Supervisory Commission (document A.5(a).1934.X), which laid down a principle not yet fully worked out. The Commission intended, in the coming year, to go into further details with regard to that principle, which would act as a safeguard against the pressure that it was sometimes sought to exercise on the Secretary-General's decisions. Before commenting on that passage, he desired to point out that the Director of the International Labour Office had shown the same goodwill as the Secretary-General and had fully supported the ideas outlined by the Supervisory Commission.

At the present time, the salaries of Members of Section could rise, by statutory increases, from a basic salary of 12,000 francs to a maximum salary of 28,000. What the Supervisory Commission had in mind in the passage in question was to establish three grades. When a salary — the amount of which had not yet been fixed — had been reached, a first barrier would be erected which the official could only surmount after successfully passing an examination. Only a limited number of officials would then pass into the third grade, for posts in the third grade would only be filled as they fell vacant, so that the pressure to which the Secretary-General was exposed could not be exercised in that grade when there was no vacancy. It was very important, in his opinion, that the heads of the two big Geneva Organisations should have accepted that proposal. The same principles would, of course, apply to the Court, but there they were of far less importance. When these measures were introduced, they would lead to some saving and rationalisation. In this connection, he pointed out that the British expert had discreetly intimated that one of the principal imperfections in the Secretariat arose out of the fact that its "General Staff" was too large.

Pending the completion of the reorganisation, confidence must be had in the Secretary-General, and the Fourth Committee must support him by an expression of its desire. The reforms in progress had been demanded by the Fourth Committee itself; this had shown that they were necessary. As Mme. Kluyver had pointed out, new officials had too often been appointed half-way towards their maximum salary, or even at the maximum. It was quite true that that had sometimes been done in the case of older men who had acquired experience outside, and whose services could not be obtained otherwise. But there was no doubt, that if the Fourth Committee made a recommendation that young men appointed as Members of Section should start at the basic salary for that grade, the number of appointments at salaries other than the minimum would decrease to a point which would no longer be abnormal.

M. RAPPARD (Switzerland) thought the time had come for the Fourth Committee to render a service to the responsible authorities. The problem with which he proposed to deal was certainly not new, but the statements made by the Secretary-General and M. Réveillaud showed that the Committee had a very definite duty: if it wanted to achieve the aim, it must also provide the means and must place them at the Secretary-General's disposal, as well as at the disposal of the Director of the International Labour Office.

The Secretary-General had spoken shrewdly and ironically of the feelings that animated those who approached him, which were in marked contrast to the feelings expressed by the members of the Fourth Committee. He had also referred to what might be called the quotas allotted to the various nationalities within the Secretariat. He had said that it was sometimes difficult to impose upon a particular candidate recommended by a Government the minimum salary of his grade. On the other hand, the representative of the Supervisory Commission had paid a tribute to the great courage which the Secretary-General had shown in resisting special requests.

M. Rappard considered, however, that the Fourth Committee should not require such heroism as the heads of the League's important institutions were called upon to exercise in resisting the demands of the same Governments as were represented on the Fourth Committee. It was not for the Swiss delegate to make special recommendations in the matter, but he would welcome with satisfaction any step taken by another representative to express the following two-fold recommendation:

- (1) That the principle be laid down and applied that in recruiting new officials the interests of the administration should always outweigh other considerations, and
- (2) That new officials should always be engaged at the minimum salary of their category unless no candidate having the necessary qualifications and prepared to accept service on those conditions could be found.

If the Secretary-General had the support of some such text, he would be able — in reply to the special requests of particular Governments — to fall back on that definite expression of the Fourth Committee's desires.

M. DE MODZELEWSKI (Poland) said that he personally would be glad if Mme. Kluyver, whose suggestions were undeniably practicable, would be good enough to make a recommendation on the lines indicated by M. Rappard. The Committee of Thirteen had constantly said — and the Secretary-General had recognised — that the interests of the administration should always outweigh other considerations. Furthermore, new officials should always be engaged at the minimum salary for their grade, not only in order that they might be trained at the Secretariat or the International Labour Office, but in order that they might have time to acquire the spirit proper to those institutions.

M. HAMBRO (Norway) pointed out that, from the beginning of the League's existence, it had constantly been urged that all appointments should be made on the basis of what was best for the administration, and that the best men and women available should be recruited. But, in addition, the Secretary-General had to bear in mind certain national aspirations, and while the Fourth Committee might recommend ideal solutions, other committees did not always attain to the same high standard. He, therefore, urged the members of the Fourth Committee to impress upon their fellow delegates and Governments the need for approaching the Secretary-General with modesty and for showing willingness to make sacrifices for the common good.

While he would gladly vote for the proposed resolution, he did not attach great importance to it. To a large extent, he shared Mme. Kluyver's views, but it was only fair to say that the salaries and facilities at present offered were not sufficiently tempting to attract the best candidates from various countries. He greatly feared that, in the coming years, considerable difficulty would be experienced in recruiting staff. Some who had collaborated with the League for many years were becoming critical because there was practically no prospect of promotion, and there had been many resignations.

The Secretary-General would, of course, always try to obtain staff at the minimum salary, but it might sometimes prove very expensive to the League to engage only such staff.

M. PALACIOS (Spain) had intended to make, with regard to M. Rappard's recommendation, the same observations as those just expressed by the Norwegian delegate. He would therefore content himself with saying that he approved the shades of meaning which M. Hambro had introduced into the application of the principles laid down by the Swiss delegate. Spain had always maintained that the chief factor to be taken into account at the League was the international interest, which must come before national interests, even, and that was very rarely the case, in the offices of high officials. He therefore approved M. Rappard's first rule.

With regard to the second, he thought some latitude should be left to the Secretary-General. Being anxious to appoint the best staff, he would naturally recruit it equitably from the various States Members.

M. DE VASCONCELLOS (Portugal) agreed with the Swiss delegate. Obviously, in laying down general rules, the Fourth Committee had no desire to restrict the freedom of the responsible authorities, but, on the contrary, desired to facilitate its exercise by protecting them against embarrassing influences. It was to be hoped that such rules would lead in the League to the establishment, side by side with the equality of States, of equality of treatment between States.

M. RAPPARD (Switzerland) pointed out to M. Hambro that he had actually stated at the very beginning of his observations that he had no intention of introducing anything new. At the same time, the Fourth Committee should take definite decisions.

With regard to the problem of nationalities, to which the Norwegian delegate had referred, M. Rappard considered that it was one of the factors which must be taken into account in ensuring the satisfactory working of the administration and that it was fully covered by the expression "the interests of the administration".

With regard to the appointment of officials at the basic salary for their grade, he congratulated the Norwegian delegate on belonging to a country in which there was so little unemployment among intellectuals that a young man of twenty-five would hesitate to accept a post carrying a salary of 12,000 Swiss francs per annum. There were many candidates for such posts in Switzerland, especially in view of the benefits derived by League officials from the Pensions Fund.

The Norwegian delegate had mentioned the number of resignations received every year in the Secretariat, in order to show that the posts available were not as attractive to the staff as might be supposed. As Chairman of the Administrative Board of the Pensions Fund, M. Rappard had been led to consider whether those resignations were not partly due to the fact that officials were able to leave the Geneva institutions with a lump sum, and whether the insurance fund set up to safeguard the future of officials and to keep them at the Secretariat and the International Labour Office, did not, on the contrary; encourage them to go. However that might be, M. Rappard did not think it right to say that the posts at the Secretariat and the International Labour Office were not sufficiently tempting to attract the best young people.

The Swiss delegate then pointed out that, if the recommendations to which he had referred were drawn up with the elasticity desired by some delegates, they would lose all their value. The Secretary-General and the Director of the International Labour Office must be given a sufficiently strong weapon to enable them to resist abusive demands without showing a heroism which, as M. Rappard had pointed out, placed them in a false position. Moreover, the text he had in mind would be sufficiently manageable as it would lay down sufficiently clearly that when the Secretary-General needed an expert, he could engage one at a salary higher than the minimum for his grade. At the same time, he would be able to withstand the requests of a representative recommending a less capable candidate who would be prepared to accept the same duties at a lower salary.

Sir Homi MEHTA (India) said that, considering the times and the League's revenue in 1933, the Secretary-General and his staff had done well in not only balancing the budget but even providing a small surplus.

As to internal management, the Secretary-General was probably better qualified than the members of the Committee to judge of what was good for the Secretariat, what Sections required reorganisation, and so on. These matters could, therefore, be left in his able hands, as had been proved by the experience of the past two years.

It must be borne in mind that the crux of the whole matter was contributions in arrears. In 1933, representatives of States who were unable to pay their contributions had explained the grave situation in which their countries were placed owing to exchange difficulties, the low price of commodities and so on. Those excuses were no doubt quite genuine, but the position had now improved. Commodity prices all over the world had risen by from 25 to 30 per cent. Railway earnings in all countries showed an increase of from 10 to as much as 25 per cent. The exchange position was no worse, and import and export facilities had increased as well as shipping tonnage and railway freights. That was a clear sign that prosperity was slowly but surely returning. States would now be able, therefore, by paying their contributions, to facilitate the League's work.

Mme. KLUYVER (Netherlands) thanked the Secretary-General for his clear and frank explanations. A discussion had arisen on the points raised by the Netherlands delegate, who was obliged to say that she was not in a position at the moment to submit a text, although the Polish delegate had kindly asked her to do so and M. Rappard had prepared one. At the same time, if the Secretary-General had no objection, she would submit to the Fourth Committee the second part of M. Rappard's text which was as follows :

“ That new officials should always be appointed at the minimum salary of their category, unless no candidate having the necessary qualifications and prepared to accept service on those conditions can be found”.

M. HAMBRO (Norway) explained that he had no intention of placing any obstacle in the way of the adoption of M. Rappard's recommendation. He desired simply to comment on it, in order to have an opportunity of making a reservation. In his opinion, too much should not be expected of resolutions, even if they were adopted unanimously. However that might be, he would support the wording proposed by Mme. Kluyver and M. Rappard.

He was glad to have elicited the observations made by the delegate of Switzerland as to the large number of resignations, which gave food for thought. M. Rappard had compared the conditions of recruitment in Switzerland and other countries. Such a comparison did not always hold good, particularly with respect to Switzerland and oversea countries.

M. RAPPARD (Switzerland) entirely agreed with M. Hambro. He had simply intended to say that a young man in any country would prefer to earn 12,000 Swiss francs a year in Geneva than to starve to death at home.

The SECRETARY-GENERAL thanked the delegates who had spoken for so thoroughly understanding the Secretariat's difficulties in carrying on the work that had been begun. The proposals put forward were certainly a reply to his own observations, and he could have no greater authority than that of the Fourth Committee in withstanding the pressing and sometimes somewhat embarrassing offers made to him.

The representative of the Supervisory Commission had, however, drawn attention to the passage in the second report of the Supervisory Commission relating to new rules for the promotion of Members of Section. It seemed to M. Avenol that the Fourth Committee's recommendation might usefully be referred, in these circumstances, to the Supervisory Commission, which would undoubtedly be able to adjust it to the difficulties and requirements entailed by the recruitment of such officials. One of those difficulties arose out of the organisation of the Secretariat. When a post held for some time by an experienced official of a specific country became vacant, it was not always easy to appoint a candidate of another nationality, even if he were equally competent. Secondly, it was not always possible — indeed it was sometimes very difficult — to attract candidates from distant countries by offering them minimum salary for Members of Section. It was true that the standard of life of the Swiss people was at present very high, but the conditions of recruitment in Switzerland and abroad were different. Moreover, some compensation must be offered to anyone who came from the opposite end of the earth to fill a post.

Briefly, it was desirable that the recommendation made by M. Rappard and Mme. Kluyver should be referred to the Supervisory Commission, which was in a position to give it the best possible expression.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, specially thanked Mme. Kluyver and M. Rappard for having voiced ideas which must underlie any attempt to make the League organisations work satisfactorily. At the same time, the Secretary-General must be left some latitude, especially when it was remembered that freedom of action was not an aim but a means of making the organisations as efficient as possible.

The Secretary-General had pointed out that the Secretariat was still in a period of reorganisation. That did not mean that the recommendation should not be carried out. He believed that the Secretary-General's suggestion was excellent and the Supervisory Commission would certainly bear in mind all the points that had been put forward. He only desired to point out at once that, in the even of the transfer of an official from one Section to another for purposes of reorganisation, his salary could not be reduced.

The Committee decided to refer to the Supervisory Commission the recommendation "that new officials should always be appointed at the minimum salary of their category, unless no candidate having the necessary qualifications and prepared to accept service on those conditions can be found".

Items 1 and 2 were adopted.

15. Chapter III, Item 3 : Office Expenses.

Item 3 was adopted.

16. Chapter III, Item 4 : Printing.

M. PALACIOS (Spain) said that, some time previously, he had asked the Information Section of the Secretariat to supply him, on behalf of a labour association, with pamphlets in Spanish on the aims of the League of Nations. He had been told that the stock was exhausted and that the publication would not be reprinted for reasons of economy. As the credit for printing in the 1935 budget was the same as in the 1934 budget, he presumed it would not be possible in the coming year to reprint those very useful little books. Was there a rule that pamphlets in languages other than the official languages should not be reprinted? Such a decision would be regrettable for readers who knew neither French nor English.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that the Commission had never questioned the very great value of pamphlets in languages other than the official languages, and particularly in Spanish. The decision that had been reached held good only for the period during which stringent restrictions were required.

M. PALACIOS (Spain) said that he would not press the point, but asked the Supervisory Commission and the competent authorities to be good enough to consider his observation.

Item 4 was adopted.

17. Chapter IV : Work covered by Special Grants.

Chapter IV was adopted.

18. Chapter V : Profit and Loss on Exchange.

Chapter V was adopted.

19. Chapter VI : Supervision of Revenue and Expenditure.

Chapter VI was adopted.

20. Chapter VII : Permanent Equipment.

Chapter VII was adopted.

21. Revenue.

The Committee took note of the estimated revenue.

FIFTH MEETING.

Held on Tuesday, September 18th, 1934, at 3.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

22. **Appointment of a General Rapporteur.**

Sir Homi MEHTA (India) *was unanimously appointed Rapporteur.*

23. **Examination of the General Budget for the Seventeenth Financial Period (1935) : Part II, International Labour Organisation : General Discussion : Adoption.**

The DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE, in presenting the budget of the International Labour Organisation for the seventeenth financial period (document A.4(a).1934.X) said that, though it was perhaps unwise to exhibit optimism on the subject of finance, particularly after some of the experiences of the past few years, he could not help comparing his present situation with the situation in which he had been placed twelve months previously. At the end of August 1933, the International Labour Organisation had borrowed 1,077,000 francs from the Working Capital Fund. At the end of August 1934, it has a balance in hand of 480,000 francs. The difference of 1½ million francs was no doubt mainly due to the efforts made by the Fourth Committee in 1933 and the Supervisory Commission during the present year to deal with the subject of contributions, for which he thanked them. At the same time, he expressed his gratitude to the Secretary-General and the Treasurer, whose co-operation and help had been of great importance in achieving a better financial situation. In the field of day-to-day administration, co-operation had never been so close between the Secretariat and the Labour Office as at the present moment, and that had produced appreciable results, partly financial and partly psychological, but both valuable.

The budget amounted on the expenditure side to 8,782,000 francs, an increase of 45,000 francs as against the 1934 budget, but it still remained well below expenditure in 1930. On the other hand, appropriations-in-aid were somewhat less, owing to the fact that, in the past year, the Office had received arrears from Brazil which had made her contribution considerably higher than in the present year.

An analysis of the expenditure showed that two new charges had to be met — a charge of 162,000 francs for the ordinary annual increments, which could not be avoided, and a charge of 186,000 francs to meet the contingency of a special session of the Conference dealing with maritime questions in 1935.

The figure for increments would have been considerably higher but for the rationalisation measures — downgrading and so on — carried out during the past few years. In the case of the International Labour Office, those measures applied not so much to the lower staff, as in the case of the Secretariat, as to the higher staff. In last year's report to the Fourth Committee, the Supervisory Commission had said that all economies to be effected through contraction of the lower staff and concentration of services had already been effected in the Office. Considerable reductions had now been made in the higher staff, notably by the suppression of the post of Deputy Director and three posts of Chief of Section, in addition to a certain number of other posts of lesser importance in the First Division. A further step which had been taken, as recommended by the Assembly and the Supervisory Commission, was the substitution of temporary for permanent appointments. In 1933, the Office had no less than 411 permanent posts. In the budget now before the Committee thirty-five of those posts had been converted into temporary posts, and the resulting economy amounted to about 144,000 francs.

With regard to a possible maritime conference, he pointed out, in the first place, that the cost was estimated, not at 272,000 francs, as in the case of a similar conference held in 1929, but at 168,000 francs only. He then explained why a special conference was necessary. As some of the members of the Committee were aware, the maritime world was rather a world apart, and there was a feeling that the ordinary landsman had no business to interfere with matters pertaining to the sea. That feeling was particularly strong among shipowners and not least among the shipowners of the principal maritime countries. The ordinary procedure by which maritime questions would have been discussed at an ordinary conference had therefore been abandoned ever since 1920.

The Governing Body had come to the conclusion that, as there had been no sequel to the last maritime conference — which had met five years previously — the time had come to deal with some of the questions which were outstanding, provided the prospects appeared to be favourable. It was of course open to the Governing Body to decide that the Conference should not meet, if there seemed little prospect of achieving agreement between shipowners

and seamen. The credit of 168,000 francs had therefore been included in the budget on exactly the same terms as the appropriations voted by the Committee for the Disarmament and Economic Conferences.

In order to meet the additional expenditure of 331,000 francs, efforts had been made to effect economies in every direction. In the first place, an economy of about 80,000 francs had been effected on branch offices owing to the suppression of the Berlin Office. In the second place, the contribution of 56,000 francs to the International Management Institute had disappeared from the budget as that Institute had discontinued its existence. Thirdly, a cut of 50,000 francs had been made in the item for unforeseen expenditure, though he felt some misgivings with regard to the latter reduction in the light of subsequent events. When the budget was drawn up in April, it was impossible to foresee the entry into the Organisation of two very large and important industrial States, whose presence was bound to involve some additional expenditure in future, though the countervailing contributions would no doubt lighten the individual burdens of the various States. He did not, however, propose to ask for any change in the figure fixed by the Governing Body. Indeed, if, as he had hoped, the 1935 Conference could have been held in the new League building, it would probably have been possible to present a budget practically the same as the 1934 budget. As that would not be possible, a credit of 45,000 francs for the *Bâtiment Electoral* had had to be included.

Pointing out that the members of the Fourth Committee were probably less familiar with the work of the Labour Organisation than with the work of the Secretariat, he explained, with regard to the general problems and tasks of the Organisation, that, during the past year, there had certainly been no reduction of activity. The social consequences of the economic depression had not become less urgent or less perplexing, and, in those circumstances, the Organisation had inevitably been looked to to throw some light on and give some assistance in meeting those problems. When one realised the enormous changes that had taken place in the past few years and saw that free trade had practically disappeared, that doctrines of economic nationalism were being not only preached but adopted almost everywhere, that mechanisation in industry was making very rapid progress, that planning of all kinds was being undertaken — managed currencies and Government stimulation of purchasing power, for instance — it was obvious that all those matters were bound to affect, for better or for worse, the general lot of the industrial population. On the other hand, the direct measures taken to combat unemployment through insurance or assistance, public works, reduced hours, re-training, labour camps and so on — all the efforts to prevent the physical and moral deterioration of the unemployed — were becoming more difficult and were causing greater anxiety than in the past among the broad masses of the people of a great many countries.

Again, after a lapse of twelve years, the amendment to the Treaty had now come into force by which the Governing Body had been enlarged in order to give greater representation to oversea countries. That was a very important and very timely reform. It was paralleled by a marked increase in the interest taken by oversea countries in social problems and the work of the Organisation. During the past year, no less than seventy ratifications of Conventions had come from Latin America alone. That was not an accident : it responded to a movement that had taken place there.

Another extremely important fact, significant of the same tendency, was the entry of the United States of America into the Organisation.

Yet another problem of an oversea character, which had assumed great prominence in recent times, was that of Japanese competition — the charge of what was called “ social dumping ”. It was obviously impossible to evade the duty of paying some attention to that very pressing question, and trying to ascertain what social dumping meant, how far it occurred, what were the real facts.

In order to meet all these needs without increasing expenditure, an internal reorganisation of the Office had been carried out, and it would be seen that its organisation at the present time was very different from its organisation in the past. An attempt had been made to concentrate on social problems and to achieve better results with the same staff.

There was very little doubt that, in the coming years, the problems of the Organisation would become more pressing than at the present time. For after all, social problems were quite inseparable from the economic problems with which every country was faced. They were the same problems seen from a different angle, and though one might be momentarily blinded by the glamour of national efforts to meet present economic difficulties, sooner or later would come the realisation that, in the long run, countries depended as much on each other as they did upon themselves. The Labour Organisation was trying to make a modest contribution towards keeping in view those permanent international factors which were apt to be forgotten in the light of the various theories of economic nationalism and autarchy at present current.

In opening the Assembly, the President of the Council had said that perhaps the entire present generation was condemned to witness a many-sided and painful struggle for the slow and progressive reconstruction of the present-day social and economic system. Of that reconstruction, the social aspect was not the least important, and the Labour Organisation was called upon to play its part. In so far as it succeeded in fulfilling its task, he ventured to think that it was rendering real service to the League.

M. RÉVEILLAUD (France), representing the Supervisory Commission, thanked the Director of the International Labour Office for the general information he had supplied with regard to the work and position of the International Labour Organisation. He specially congratulated him on the three items of good news relating to events calculated to strengthen the authority of the Labour Organisation — the accession of the United States of America, the maintenance of Japan in the Organisation, and the greater interest of Latin America in the activities of the International Labour Office.

With regard to the administrative and budgetary sphere in which the Supervisory Commission was called upon to work, M. Réveillaud stated, on behalf of that body, that at every session Mr. Butler's spirit of collaboration, which yielded nothing to M. Avenol's, was a matter for congratulation. The position of the Director of the International Labour Office was not always particularly easy. Unlike the Secretary-General, he had to deal, not only with a Supervisory Commission and a Fourth Committee, but also with a Governing Body and more specially with the Finance Committee of the Governing Body. That constituted a duality which, at any rate in theory, might lead to difficulties. Thanks to Mr. Butler's goodwill and constant help, there had never been any friction in practice, and all those bodies worked harmoniously to effect the economies required by the Assembly.

While he did not intend to take up the analysis which Mr. Butler had made, he did desire to point out that, during the two years in which the two Geneva organisations had been introducing rationalisation, the Secretariat and the Labour Office had, as it were, worked hand in hand. Very satisfactory results had been achieved through the temporary loan of officials, joint awards of tenders and joint orders, and the savings effected had not affected the satisfactory working of either body adversely.

With regard to staff, the Director had explained that rationalisation was continuing, and that one post of Head of Section had been suppressed in the 1935 budget. The International Labour Office had not yet done all it intended to do in that direction, as was clearly shown by a comparison of the 1932 and 1935 *cadres* with the ideal *cadre* contemplated by the Office itself. In 1932, there had been 178 Members of Section. In 1935, there were only 177, but in the ideal arrangement, provision was made for only 151, so that twenty-six posts of Member of Section had still to be suppressed. At the same time, the number of officials in the Third Division could be increased from 234 to 269. The Supervisory Commission would follow these changes very closely, and it was sure of having Mr. Butler's wholehearted assistance in its work of rationalisation.

Mr. Butler, of course, encountered the same difficulties as the Secretary-General. Governments exercised pressure upon him to appoint officials of their nationality in his Office, and he must have the same support in withstanding their demands, as the Fourth Committee intended to extend to M. Avenol. M. Réveillaud was sure that M. Rappard and Mme. Kluyver intended their recommendation as to the Secretariat to be extended to the International Labour Office.

With regard to the Branch Offices, the Supervisory Commission had insisted, and had obtained from the Secretary-General and the Director of the Labour Office, an undertaking that, within three years, joint premises should be found for officials working for the two organisations in the same capitals abroad, without prejudice to other reforms. That measure would mean a saving, not only on rent, but also on subordinate staff. The Supervisory Commission would see that, in 1938, the question was settled in accordance with the desire previously expressed by the Fourth Committee.

M. RUIZ-GUINAZÚ (Argentine Republic), as representative of the Argentine Republic and as a member of the Governing Body of the International Labour Office, expressed his Government's great satisfaction at the results achieved by the Office in recent years, particularly during the past year.

In spite of the depression, the International Labour Office had indefatigably pursued its work of social reconstruction and justice. Thanks to the co-operation of the Finance Committee of the Governing Body and the Director of the International Labour Office with the Supervisory Commission, the work had been carried out with the maximum efficiency and economy. That was why he desired to congratulate the Director of the International Labour Office on the reasonable budget he had submitted, and to say that he was in favour of placing all the necessary means at Mr. Butler's disposal to enable him to do as fruitful work in 1935 for the cause of social peace — which the Argentine Republic, like all the South-American countries, valued so highly — as he had done during the present year.

The Argentine delegate was particularly glad to note a credit of 20,000 francs in the budget of the International Labour Organisation for the development of co-operation with extra-European countries. That was the beginning of an admirable scheme which deserved the support of the Argentine Government.

The International Labour Organisation and the League had no important offices in Latin America. The Argentine Republic, in particular, had no representatives on the staff of the international institutions at Geneva. That made credits of the kind in question really necessary, and it also meant that the system of correspondents in distant countries should be developed as much as possible. Only thus could those dealing with Latin-American countries at the International Labour Office be accurately informed as to the special aspects

of the labour questions arising in those countries, and as to attempts to improve the position of the workers. Continuous efforts were being made, but they were not always given all the prominence they deserved.

In conclusion, he warmly congratulated the International Labour Office, and particularly the Director, on the recent entry of the United States of America, whose magnificent attempt at economic and social reconstruction was followed with the greatest sympathy by the sister Republics of Latin America.

M. VALDÉS-MENDEVILLE (Chile) entirely agreed with the Argentine delegate. He drew attention to the statement he had made in the past year with regard to the same question (page 77 of the Minutes) and to the reply given by the Director of the International Labour Office (page 78 of the Minutes). The conditions in which labour problems arose in Latin America differed from one State to another, and he hoped Mr. Butler would shortly be able to carry out the intentions outlined in his reply of the previous year.

M. DE MODZELEWSKI (Poland) associated himself with the tributes paid to the Director of the International Labour Office and hoped that, in continuing its highly useful work, the Organisation would never forget the vital importance of working economically.

M. RAPPARD (Switzerland) also associated himself with the tribute paid to the Director of the International Labour Office, but desired to put several questions.

In the first place, why were the receipts of the International Labour Organisation shown on page 4 in deduction of expenditure, while at the Secretariat there were separate budgets for receipts and expenditure? The question was of some importance, as, in the future, the International Labour Office would have to show the contributions of the United States of America, and possibly of Japan, in its own budget.

He then asked why Brazil's contribution in respect of 1935 was entered as 74,964 francs, whereas in 1934 it had been 307,929 francs.

Lastly, he asked whether it was known what contribution would be paid by the United States of America.

Referring, in conclusion, to a question of an entirely different nature and without the least desire to criticise, he asked whether consideration had been given to the effect on both the expenditure and receipts of the International Labour Organisation of the decision to be taken by the Assembly that afternoon.

The DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE, after thanking the various speakers for the confidence they had expressed in the Office, said that he had been glad to hear M. Ruiz-Guinazú's observations. He had felt for some time that the Office was inadequately informed on, and not sufficiently in touch with, conditions in Latin America, and intended, as far as he was able with the limited resources at his disposal, to extend liaison with that part of the world. In accordance with the undertaking given to M. Valdés-Mendeville in 1933, he had created a small Latin-American group — particulars of which would be found on page 17 of the Staff List of the Office (official document C.215.A) — under the leadership of a Latin American. In his capacity as chief of the group, the latter had recently visited Cuba as a member of a small mission sent at the request of the Cuban Government to advise it on the institution of a system of mutual insurance.

In reply to M. Rappard's very interesting and important questions, Mr. Butler said that there had been no change in the presentation of the budget except as regarded the organisation of the staff. Comparability had been destroyed owing to the reorganisation, but, in future years, it would be re-established.

The whole question of receipts would obviously require further consideration. Under the present Financial Regulations, any monies received outside the ordinary contributions from States Members of the Organisation were taken in deduction in the budget, not of the current year, but of the year following that during which it had been received. For that reason, the sum shown as Brazil's contribution differed considerably in the twelve months terminating at the end of the 1933 Assembly. The amount received was 307,000 francs, which included a large sum for arrears, whereas, in the present year, only 74,000 francs had been received up to date. He had hoped that the sum would be larger, but all the Office was entitled to show in the budget was the actual amount received. He had suggested to the Supervisory Commission that the whole system should be reconsidered and that the contributions of non-member States should be treated on the same footing as those of Member States and should be taken in deduction in the year to which they related. The Committee would doubtless have an opportunity later on of discussing the question. It related, not only to the Brazilian contribution, but also to the balance of the prospective Japanese contribution for the coming year. If the rule were altered or suspended in such a way as to enable receipts to be deducted from the current budget, the Japanese balance would be available in deduction of the budget now before the Committee instead of the budget for 1936.

It was at present impossible to make any financial provision in respect of the United States of America, as the question of the American contribution had been left for discussion

between the United States Government and the Governing Body, and no opportunity for that discussion had so far arisen.

As to M. Rappard's final question, the twenty-four hours which had elapsed since the previous evening had hardly left Mr. Butler time to give very consecutive thought to the subject. He realised that he had acquired, or was about to acquire, new obligations, though, at the same time, a perhaps considerable increase in receipts. But, for the coming year at any rate, he would have no budgetary method of meeting those obligations. A very real difficulty was raised around which he did not see a way at present. It would clearly be incorrect to propose additional expenditure for which he had no sanction whatever from his own Governing Body. At the same time, the obligations that were maturing would have to be met in some way or other.

M. RAPPARD (Switzerland) asked whether the Director did not suggest an increase in credits for unforeseen expenditure. Once the session was at an end, he would have no possibility of securing funds for the coming year.

The DIRECTOR OF THE INTERNATIONAL LABOUR OFFICE thought that, in the very exceptional circumstances, and in view of the fact that there would unquestionably be a very large increase in contributions, it would not be unreasonable to increase the credit for unforeseen expenditure, always on the understanding that no part of the amount could be expended without the express approval of the Governing Body, a condition which applied to all unforeseen expenditure.

The CHAIRMAN then opened the discussion on the various chapters of the budget of the International Labour Organisation for the seventeenth financial period (1935).

The budget of the International Labour Office was adopted without change.

24. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part III, Permanent Court of International Justice : General Discussion : Adoption.

M. HAMMARSKJÖLD, Registrar of the Permanent Court of International Justice, first thanked the Supervisory Commission for giving him the benefit, not only of an experience so enlightened as to be essential to the satisfactory functioning of the services of the Court, but also of an authority of which the Registrar had had need in certain delicate cases.

He said that, following the example of the Secretary-General and the Director of the International Labour Office, he would make a brief statement with regard to the financial position of the body for which he was responsible. According to the figures supplied by the Secretariat, the latter had received 74 per cent of the contributions due for the year and had paid over 65 per cent of the budget of the Court, the latter, at September 5th, had only spent 52 per cent of the budget for the current year.

With regard to rationalisation, their own part in which M. Avenol and Mr. Butler had described, he pointed out that the various expert enquiries made had led to the conclusion that at the Registry nothing much could be done, the Court's services having been organised from the very beginning on the narrowest possible basis. At the present time, there were two vacancies in the higher staff of the Court which had not been filled. During recent years, the Secretariat and the Court had lent staff to one another and this had had a good effect, not only from the financial point of view, but also on the spirit of co-operation which should prevail between those bodies.

The Registrar of the Court then referred to the draft recommendation tabled by the Swiss and Netherlands delegates with regard to the recruitment of officials at the minimum salary for their grade. He expressed the wish that its adoption should not render more difficult the application of a principle approved by the Assembly and included in the Staff Regulations of the Geneva Organisations — namely, that promotion from one Organisation to another should be possible. The two Committees of Thirteen, it should be remembered, had regarded the principle of promotion as of primary importance and had recognised that, in view of the restricted scope offered at The Hague, the only means of promotion for the officials of the Court lay in promotion to one of the Geneva Organisations. The lower staff at The Hague attached great moral importance to the maintenance of this possibility.

He had very little to say with regard to the figures of the budget of the Court for 1935, the total of which was, in fact, lower than the total of the 1934 budget, a circumstance which tended to show that the Court's budget was more or less stabilised. Accordingly, only two observations seemed to be called for.

The first related to the difference between budget estimates and actual expenditure for the past year. This difference was considerable, for the following reason: the budget estimates had to be based on the supposition that the Court would be fully employed throughout the year, for a judicial tribunal could not be exposed to the danger of having to suspend its activities at a specific moment for want of credits. But it happened that pressure of work did not compel the Court to sit for the maximum period, in which case, the expenditure necessarily fell below estimates. This is what had happened in 1933.

The second observation was that, for the present year, it had once more been necessary to submit two alternative draft budgets in order to take into account the possibility that the "revised statute" would enter into force in 1934 or 1935; it would be remembered that it had been adopted by the League Assembly and the Conference of Signatories in September 1929, but that it had not been able to come into force in 1930, as had been anticipated; at the present moment, however, all that was wanting to bring it into force was ratification by Brazil, Abyssinia, Peru, and perhaps Panama. The Registrar submitted that, as in previous

years, the Committee might wish to adopt the budget based on the statute at present in force while authorising, should the occasion arise, the competent official to make, exceptionally, transfers from one chapter to another within the limits set by the budget based on the revised statute.

M. RÉVEILLAUD (France), representing the Supervisory Commission, paid a tribute to M. Hammarskjöld's financial work. For years, the most confident and effective co-operation had been established between the Registrar of the Court and the Supervisory Commission, which was glad to note that two posts of editing secretary, one temporary, were vacant at the Registry of the Court. From a desire for economy, the Registrar had not filled those posts, and the Supervisory Commission, recognising his goodwill, had maintained them, in principle, in the budget, instead of simply suppressing them.

He pointed out, in conclusion, that the Supervisory Commission received a report from the Auditor every three months. The only passage with regard to the Court was always: "Absolutely no irregularity, however insignificant, to report."

M. RAPPARD (Switzerland) associated himself with the tributes paid by M. Réveillaud to the Registrar of the Court. He understood M. Hammarskjöld's observations with regard to the recommendation that Members of Section should be appointed at the minimum for their grade. At the same time, he felt that, if the Registrar's suggestion were adopted, the whole advantage of the text, which had been favourably received by the Fourth Committee, would be lost. As an example, he took the case of a Member of Section at the Secretariat who resigned on reaching a salary of 18,000 francs. How would the vacancy be filled? M. Hammarskjöld thought that an official of the Court who was receiving a salary of 14,000 francs might hope to obtain it. The idea of those who had put forward the recommendation, however, was that the post should be filled at the minimum salary for the grade. Here, there might be either a saving or promotion. The principle mentioned by M. Hammarskjöld was in conflict with that expressed in the recommendation. In his own view, a post at 12,000 francs — to which might be promoted, for instance, an official of the Court whose salary was only 10,000 francs — should be regarded as vacant, not a post at 18,000 francs, which an official of the Court receiving a salary of 14,000 francs might hope to obtain.

M. HAMMARSKJÖLD, Registrar of the Permanent Court of International Justice, explained that, in his view, these two principles should be adjusted, which would not be difficult in practice. He pointed out that, indeed, when the Fourth Committee had decided to refer the recommendation to the Supervisory Commission, the representative of the Commission had said that some adjustment might be necessary in special circumstances. Subject to that observation, the Registrar was in complete agreement with M. Rappard.

The budget of the Permanent Court of International Justice was adopted without change.

SIXTH MEETING.

Held on Wednesday, September 19th, 1934, at 10 a.m.

Chairman: Count CARTON DE WIART (Belgium).

25. Committees of the League of Nations : Proposal of the General Committee of the Assembly.

The CHAIRMAN drew attention to a proposal by the General Committee of the Assembly with regard to League Committees (Annex 2). He asked his colleagues to decide whether that proposal was admissible under Article 16 (a) of the Financial Regulations.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the Committee was not required immediately to accept the principle underlying the proposal but simply to decide whether it was admissible. If so, the proposal would be referred to the Supervisory Commission which would report to the Fourth Committee. The Fourth Committee would then be free to discuss it in substance.

The Fourth Committee decided unanimously, one delegation abstaining, that the proposal was admissible and should be referred to the Supervisory Commission.

26. Co-operation of the Press in the Organisation of Peace: Resolution adopted by the Second Committee.

The CHAIRMAN drew attention to a draft resolution adopted by the Second Committee with regard to a Conference of Directors of Press Bureaux and Representatives of the Press

and to the note by the Secretary of the Committee dealing with this matter (Annex 3). The Fourth Committee should note that, in connection with this resolution also, the question of admissibility arose.

M. RAPPARD (Switzerland) pointed out that, according to the Secretariat's note, the inviting Government would defray the cost of organising the Conference. How was that, seeing that there was a credit for travelling and removal expenses, printing and sundries? Were they not part of the cost of organising the Conference?

The CHAIRMAN thought this observation judicious and said that the Supervisory Commission would examine it.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, intimated that the Supervisory Commission had no information with regard to the credit. He thought it most undesirable on any occasion to remove the barrier raised by Article 16 (a) of the Financial Regulations on the submission of supplementary credits during the Assembly. The Supervisory Commission endeavoured during the financial year to effect all possible economies. It reduced some expenditure affecting essential activities. What was the good of all its work if, some months later, credits were voted on the basis of the powers accorded under Article 16 (a) for activities which, though certainly useful, were of lesser importance?

Mme. KLUYVER (Netherlands) regretted that she was unable to agree with M. Osuský as to the desirability of allowing the exception for which Article 16 (a) provided. It was not the Fourth Committee's business to hamper the work decided upon by other Assembly Committees, which, after all, were formed from the same delegations as itself. There was no reason why the question of the Conference of Government Press Bureaux and Representatives of the Press should not be referred to the Supervisory Commission. It would still be possible for the Fourth Committee to take a decision after it had seen the Supervisory Commission's report.

M. DE MODZELEWSKI (Poland) supported Mme. Kluyver and added that, in any event, it was of the utmost importance to refer such questions to the Supervisory Commission. They could not be adequately elucidated by so large a body as the Fourth Committee.

M. PALACIOS (Spain) supported the delegates of the Netherlands and Poland. For his part, he thought that conferences of Press representatives were of great importance from the point of view of peace, and that the Second Committee's resolution should be referred to the Supervisory Commission. With regard to the question raised by M. Rappard, he thought that the Secretariat should explain the figures in its note.

M. RAPPARD (Switzerland) agreed with the Chairman of the Supervisory Commission that the system laid down in the Financial Regulations with regard to the submission of supplementary credits did not work satisfactorily. The object of Article 16 was to act as a dam to the stream of supplementary credits submitted during the Assembly. If the exception allowed under the last sentence of Article 16 operated whenever such a credit was submitted, the machinery would no longer serve its purpose. The Assembly was the body which should be required to show a two-thirds majority after receiving the advice of the Supervisory Commission, in order to settle a credit question on which there was a divergence between the Fourth Committee and one of the technical Committees of the Assembly. As things were at present, the barrier placed in the way of supplementary credits by Article 16 (a) was too easily surmounted.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, would refrain from expressing any opinion whatever as to the substance of the request but would confine himself to explaining the meaning and aim of Article 16 (a) of the Financial Regulations. It was true that the members of the Fourth Committee belonged to the same delegations as the members of other Committees, but had not experience shown that, in financial matters, they had to exercise some discipline in order to avert a state of chaos? He repeated that, when the Supervisory Commission examined the budgets at its May sessions, it proceeded, especially during a period of depression, to make very severe cuts, and, in order that the effect of those cuts, which often affected and sometimes suspended League activities that were almost essential, should not be destroyed, it had drawn up Article 16 (a) of the Financial Regulations and had it adopted by the Assembly. If the exception laid down in that article were regularly allowed in the case of proposals for expenditure on items of secondary importance and not only in exceptional cases, Article 16 (a) would cease to have any meaning. When requests of the kind under discussion were submitted to the Fourth Committee, it had first to consider whether the work was of exceptional importance. If not, it was in duty bound to refuse the request, to refuse even to refer it to the Supervisory Commission. A disciplinary rule of that kind seemed to him to be essential in a body where everyone had sovereign rights.

M. RÉVEILLAUD (France) feared that there was a defect in the system which the Supervisory Commission had had confirmed with regard to requests for credits after the opening of the Assembly. In the case under discussion, the delegates had been asked to vote on a proposal without preliminary study. They would, therefore, vote without knowing exactly what they were doing, and the barrier raised by the Regulations would be automatically removed. The members of the Fourth Committee should shoulder their responsibilities. The defect lay in the fact that requests for credits were submitted in succession to one another. Consequently, they were voted automatically and after one had been granted there was no reason for refusing the others.

All requests for supplementary credits ought to be submitted together with a commentary showing briefly for what purpose they were required. The Fourth Committee would then be able to reach a decision with a full knowledge of the case and to avail itself of the check provided by the Regulations. Some interval — preferably forty-eight hours — was essential between the presentation of a request for a credit and the Fourth Committee's vote, in order that members might discuss it among themselves and decide whether the importance of the question justified the removal of the barrier to which the Chairman had referred. Briefly, what was necessary was not to amend the Regulation but to lay down procedure for the presentation of requests for supplementary credits.

M. MÉLOT (Belgium) thought the question quite simple. There was a regulation fixing the conditions in which proposals for expenditure must be submitted: they had to be submitted to the States three months before the Assembly except in the case of questions which were extremely urgent for the League, in which case an exception was made. What the Committee wanted to know, therefore, was whether the present was an exceptional case justifying the application of the exceptional procedure. He for his part did not think that it was, and he saw no reason for departing from the usual procedure.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, in order to show that the Supervisory Commission adopted a consistent policy in defending budgetary principles, drew attention to the discussion on the proposal to set up an Advisory Committee on Slavery in October 1932 and read his observations (see Minutes of the Fourth Committee, Thirteenth Session of the Assembly, page 63).

M. DE MODZELEWSKI (Poland) said that the arguments put forward by the Chairman of the Supervisory Commission and M. Rappard were of such a nature as perhaps to cause him to change his mind. At the same time, he thought the case should be examined, as the purpose of the credits for which the Second Committee was asking was "to study the problem of the spread of false news which might endanger the maintenance of peace and a good understanding among the nations". The question seemed to be important and he proposed that it should be referred to a later meeting. In the meantime, the Secretariat could give fuller explanations than those contained in the document before the Committee. The latter would then be in possession of all the facts necessary for a decision.

Mme. KLUYVER (Netherlands) supported the proposal to adjourn the matter. She still remembered the discussions to which the Chairman of the Supervisory Commission had referred, and also that she had advanced an entirely different point of view from his, one to which she still adhered. Personally, she did not think that the intention of Article 16 (a) of the Financial Regulations was to raise so serious a barrier as some members would seem to think. The representatives of Governments should be free to embark on expenditure for new work, even if it was not absolutely urgent. She wondered whether the time had not come to discuss the question whether, in future, the barrier should be regarded as impassable or whether, on the contrary, it should not from time to time be removed to enable the delegations to promote new work.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, drew attention to the machinery applicable to estimates for new work. Budget estimates had to be submitted to the Governments three months before the Assembly in order that they might see exactly what was proposed. On the other hand, the Governments had two months in which to make proposals for supplementary credits, as the latter had to be handed in a month before the Assembly. Finally, if, after an exchange of views, it was still desired to embark on new expenditure, the necessary credits could be added to the budget, in accordance with the terms of Article 16 (a), which provided that a previous decision on the question of principle should be reached by a two-thirds majority of the Assembly or of the Fourth Committee. The possibilities open to the Governments would seem to be sufficient.

He approved M. de Modzelewski's suggestion to adjourn the question. He also approved the suggestion that the delegates should have longer to consider the proposals made and that all the proposals should be submitted together.

With regard to the first question discussed during the present meeting, he desired to say that, if, in the future, it should be quoted as a precedent, he reserved the right to ask the Committee to reconsider the matter, as he did not want it to be possible to say that the Supervisory Commission had compromised with its principles in one case and not in others.

M. RAPPARD (Switzerland) emphasised the fundamental importance of the discussion. He did not want any member of the Supervisory Commission when facing the Fourth Committee to feel that it did not support him. He shared Mme. Kluyver's opinion as to the responsibility of members of the Fourth Committee as representatives of their Governments. But, in actual fact, he must observe that very few delegations had definite instructions from their Governments on all questions, and it was often somewhat difficult for the members of the Committee immediately to express their Governments' desires. Nor was it always easy for them to consult their Governments, just as the latter were unable to consult the competent departments on a question submitted unexpectedly. The real protectors of the League's finances were the members of the Supervisory Commission, and he desired to strengthen the Commission's authority still further.

M. HAMBRO (Norway) associated himself with the remarks made by M. Réveillaud and M. Osuský. He did not know whether it was in order for the Fourth Committee to discuss the substance of proposals involving new expenditure, but even if there had been no obstacles of procedure, he would have voted against the appropriation, both as representative of his Government, and as a former journalist and president of an agency in his country.

He believed in a free Press. As every journalist was aware, most of the false news came from the Government Press Bureaux who were amateurs in the field of politics and journalism. The difficulty was how to ensure that they issued accurate information and checked the news sent through them.

The international Press was quite capable of looking after itself. It had an important association comprising all the big news agencies, with central offices in Paris. Meetings open to representatives of the newspapers interested were held every year to discuss the dissemination of false news and other problems.

M. MATSCH (Austria) shared the French delegate's view that fuller information should be made available with regard to new requests for supplementary credits.

He was not sure that a list of supplementary credits, together with the reasons justifying them, would be sufficient to bring out the importance of the questions involved. Perhaps the Rapporteur might be asked to attend the Fourth Committee when an Assembly Committee asked for a further credit. That would be a mere question of procedure involving no change in the Financial Regulations.

The Committee decided to adjourn to a later meeting the question raised in Annex 3.

27. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part IV, Permanent Central Opium Board : Adoption.

The budget of the Permanent Central Opium Board was adopted without change.

28. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part V, Nansen International Office for Refugees : Adoption.

M. Antoniaide, representative of the Nansen International Office for Refugees, came to the table of the Committee.

M. ANTONIAIDE, before submitting the budget of the International Office for Refugees for 1935, drew attention to certain changes to be made in that document (A.4(c).1934.X).

In particular, he pointed out that, as the Polish Red Cross had agreed to represent the Office in Poland, the cost of representation in Poland and the Baltic States would be reduced. The wording of Note 2 on page 2 should therefore be changed.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, reminded the Committee of the circumstances in which the League contribution to the Nansen Office had been voted in the previous year. He pointed out that the system at present in force in respect of the Office was that the Fourth Committee did not approve the details of the budget, but merely voted its own contribution.

M. DE MODZELEWSKI (Poland) approved the amendment to the note on page 2 proposed by M. Antoniaide.

He also pointed out that, as the Polish Red Cross would in future bear the cost of representation in Poland, the sum of 6,000 francs should be deducted from the Office's expenditure.

M. ANTONIAIDE admitted that a saving had been made, but pointed out that it had already been taken into account in preparing the draft budget, as would be seen from a comparison of the figures for representation in Poland and the Baltic States in 1934 (10,000 francs) and 1935 (6,000 francs).

He added that the budget would be examined in detail at the next session of the Governing Body of the Office.

The Committee approved the credit of 280,000 francs for the League's contribution to the Nansen International Office for Refugees for the year 1935.

29. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part VI, Buildings at Geneva.

Part VI of the general budget was adopted without change.

30. Examination of the General Budget for the Seventeenth Financial Period (1935) : Part VII, Pensions : Fourth Report of the Administrative Board of the Staff Pensions Fund.

The Committee proceeded to examine at the same time the fourth report of the Administrative Board of the Staff Pensions Fund to the Assembly (document A.10.1934).

M. RAPPARD (Switzerland), Chairman of the Administrative Board of the Staff Pensions Fund, placed before the Committee a number of definite points raised by the administration of the Staff Pensions Fund, the technical complexity of which equalled their importance.

The Administrative Board met only once a year in order to save the League's money. It had entrusted its administrative duties to a sub-committee. During the year, there had been nineteen new members of the Fund and forty-nine retirements. The number of contributors was at present 967.

The funds which the Administrative Board administered amounted to fourteen million Swiss francs. The Administrative Board had obtained the views of three advisers : Count de Chalendar (French), Mr. Jamison (British) and M. Odier (Genevese). The Board's task had been very difficult, because the obligations assumed in respect of the staff were computed in Swiss francs, which meant that the intrinsic value of the funds had to be preserved. That was somewhat difficult during a period of great currency fluctuation. The problem was common to all insurance associations, but was even more acute in the case of the Staff Pensions Fund of the League as to which there could be no counting blindly on the value of the currency in which the benefits were paid. The Committee met fairly frequently. It had been faced with a problem that was theoretically unsolvable : how to reconcile two irreconcilable factors, security and yield. Under the statutes of the Fund, the yield should be 4¹/₄ per cent. In order to achieve that, however, certain risks would have to be run, and that was precisely what was not desired. The yield had consequently fallen to 3 per cent. On the other hand, there was greater security, because the advisers had more and more strongly urged that a considerable part of the funds should be converted into gold. At the present time, the proportion of gold held by the Fund amounted to 43 per cent.

M. Rappard desired first to place a question of principle before the Committee. Did it desire yield to be sacrificed to security ? If not, the Administrative Board would be compelled to draw another conclusion, but he felt bound to inform the Fourth Committee of the Board's responsibilities, which it had no desire to evade.

The second question, which had already been raised by M. Hambro, was that of benefits. Up to date, 106 persons had left the Secretariat and the Fund had paid benefits to 91, only 15 of them being in the form of a pension. In the other cases, the official had asked for the payment in a lump sum of the benefits due to him. That was natural, but at the same time somewhat disturbing. Certainly, those who left the Secretariat showed little desire for an annuity, particularly as that annuity depended on the existence and solvency of the Fund. It seemed that the payment of lump sums, however, was not the method anticipated when the Pensions Fund was created. He mentioned, by way of example, the case of a young woman who left the Secretariat to marry after a long period of service, and received a large lump sum of, say, 25,000 francs. Her husband might spend this money during the first months of the marriage. Thus an ex-official of the Secretariat would be deprived of means, and the Pensions Fund would have failed in its purpose.

It should also be borne in mind that resignations might sometimes be encouraged by the payment of a lump sum.

He added that the contributors to the Pensions Fund were at present quite entitled under the statutes, to take a lump sum, but the effect of that right would not seem to be in accordance with the intentions of those who had organised the Fund.

In the third place, M. Rappard pointed out that the Pensions Fund had succeeded the Provident Fund. When it was introduced, the officials had been given the opportunity of transferring from the Provident Fund to the Pensions Fund, and the time-limit had expired on January 1st, 1932. During the last financial year, four persons who had been unable, owing to their absence, to exercise their right of option had been admitted to the Pensions Fund. In the present year, the Administrative Board had received a petition from

thirty-three members of the Provident Fund asking to be admitted to the Pensions Fund. They were not exercising any right, and the transfer could only be made by a definite decision of the Assembly, especially as it would involve a further charge on the League, and, for the financial year 1935 in particular, a supplementary credit of about 50,000 francs. He had not consulted the Administrative Board of the Pensions Fund, but, as the Chairman, he had ventured to refer the matter to the Supervisory Commission and to submit it, with a favourable opinion, to the Fourth Committee. If the ten other officials who had intimated that they would subsequently adopt the same attitude were added to the thirty-three who had expressed the desire to transfer from the Provident Fund to the Pensions Fund, the membership of the Provident Fund would be reduced to twelve. He understood that the Fourth Committee desired the Provident Fund to be done away with, and that was why he recommended the petition to its favourable consideration.

He concluded by thanking the members of the Administrative Board, and particularly its financial advisers, who had shown the greatest disinterestedness, and the Treasurer, whose financial knowledge and foresight had enabled the Fund to pass through the present period of uncertainty with far fewer losses than had been sustained by other institutions of the same kind.

M. HAMBRO (Norway) was not in favour of acceding to the petition of the members of the Provident Fund. They had been given plenty of time in which to decide whether to transfer to the Pensions Fund, and now they found they would have been wiser to have done so.

Though it would be convenient to liquidate the Provident Fund immediately, it would not be fair to the members of the Pensions Fund or to the League which could not be expected to supply the necessary funds.

In order satisfactorily to deal with M. Rappard's other points, an actuarial valuation would be required. M. Hambro understood that about half the officials who had retired with a lump sum were married and half unmarried. In the former case, the League was relieved of any responsibility in respect of orphans or widows, which was actually a gain. The problem was more complicated in the case of the unmarried. Any proposals put forward by the Administrative Board with a view to altering the statute would receive sympathetic consideration, but that was all that could be said for the moment.

Great foresight and prudence had been shown in the management of the Fund, and it had sustained fewer losses during a very difficult period than most institutions. Those in charge of it were to be congratulated.

In conclusion, he emphasised that he was unwilling to consider any petition or request that was not supported by the Administrative Board of the Pensions Fund.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, fully appreciated the responsibilities of those who, during the present period of unstable exchanges, had to administer the funds and finances of the League. From time to time, the Supervisory Commission looked into the way in which these finances were administered and it was glad to hear the tributes paid by the Chairman of the Administrative Board of the Staff Pensions Fund to the Treasurer. The Supervisory Commission entirely associated itself with them.

M. Rappard's first question — the methods of investing the funds of the Pensions Fund — was not one that could be settled by a vote of the Fourth Committee. It was a technical question for which the Administrative Board and its technical advisers were responsible. He knew how carefully the Administrative Board and the authorities of the League watched over the financial administration of the League. It was difficult to give advice in the matter. It would seem that events must be watched, the chief aim being always to safeguard the interests of the League. The Supervisory Commission had always been of opinion that all the necessary precautions should be taken to ensure financial security, and, during the present period of instability, it had always been of opinion that as few risks as possible should be taken and that those responsible should not be led away by the temptation to make easy profits.

With regard to the possible transfer of members of the Provident Fund to the Pensions Fund, he did not think the Supervisory Commission could reach a decision until it had had time to study the report describing the position.

The third question, the disproportion between the number of benefits paid in the form of pensions and those paid in a lump sum, was a serious one. He thought that it afforded an opportunity of re-examining the position. The Assembly was entitled to amend the regulations of the Fund; it might ask a sub-committee to study the question. The position described by M. Rappard showed that the object in view when the Pensions Fund was constituted had not been achieved, and here M. Osuský drew attention to the counsels of prudence which the Supervisory Commission had given at the time.

M. RAPPARD (Switzerland), Chairman of the Administrative Board of the Staff Pensions Fund, explained, in reply to M. Hambro, that the Administrative Board did not specially

recommend the petition of the members of the Provident Fund, not having examined it. He asked that the petition should be referred to the Supervisory Commission.

With regard to investments, he thanked the Chairman of the Supervisory Commission for his remarks. He thought the experts attached to the Administrative Board would find them useful. The Fund was actually expected to obtain $4\frac{1}{4}$ per cent on the funds it administered. He thought he might conclude from M. Osuský's remarks that the 3 per cent at present obtained could be regarded as sufficient, in view of the fact that it was undesirable to sacrifice security to yield.

The Administrative Board was following very closely the question of the officials' option to leave the League's service with a lump sum or a pension, and would, if necessary, submit to the Committee proposals for the amendment of the regulations of the Pensions Fund which, up to the present, it had not thought fit to do.

M. RÉVEILLAUD (France) wondered whether there was not some misunderstanding. The questions raised by M. Rappard had been referred to the Supervisory Commission, but it had not been decided whether the solution was to be referred to a subsequent Assembly. For his part, he could not conceive but that the solution would be considered by a subsequent Assembly, especially as one of the questions would involve a supplementary credit of 50,000 francs. That might place the Committee in the same difficulty as it had encountered at the beginning of the meeting. The Supervisory Commission could only propose the adoption of the credit after its approval by a two-thirds majority.

M. RAPPARD (Switzerland), Chairman of the Administrative Board, said that he had confined himself to handing over the petition with a recommendation in its favour.

As regards the additional credit requested, he thought he should point out in connection with the distinction made in France between additional and supplementary credits, that there was no question of expenditure relating to the setting up of new services, but merely an additional credit, for which a two-thirds majority was not essential.

M. RÉVEILLAUD (France) thought, on the contrary, that had the matter concerned new officials, a supplementary credit would have been required, but, actually, it was necessary to adopt a new rule conferring rights on officials which they did not at present possess. That did not come within the sphere of supplementary credits.

Moreover, he did not believe that the questions submitted by M. Rappard were specially urgent. The Chairman of the Administrative Board of the Fund had recognised the difficulties, and while he did not stress the fact that one of the questions had been submitted to the Committee without the preliminary approval of the Administrative Board, he thought it essential that the Committee should reach a decision only after the matter had been studied thoroughly.

M. HAMBRO (Norway) supported M. Réveillaud's objections. An extraordinary credit was actually involved and while he did not intend to enter into the details of technical formulæ, he was of opinion that if M. Rappard would allow the Supervisory Commission to express its views at the 1935 Assembly, the present discussion would be unnecessary.

M. RAPPARD (Switzerland), Chairman of the Administrative Board, replied that the Supervisory Commission would consider, in the full exercise of its independence, the facts placed before it. The precedent established by the decision of the previous year seemed to him to militate in favour of the claim of the thirty-three petitioners.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that he had asked that the question be referred to the Supervisory Commission because he felt that the necessary factors for reaching a decision were not yet available. There were several possibilities. It would be necessary to decide in particular (1) whether the thirty-three officials who had signed the petition were the possessors of a right; (2) whether that right had simply to be interpreted; (3) whether a new right was to be created, and (4) whether the solutions proposed would involve new credits.

Subject to the observations made during the discussion, *the Committee accepted the interpretation given in the above declaration of M. Rappard concerning the Committee's opinion on the question submitted to it.*

Part VII of the general budget was adopted.

The Committee also approved the conclusion of the fourth report to the Assembly of the Administrative Board of the Staff Pensions Fund (document A.10.1934) as follows:

“ The Board has the honour to submit the following draft resolution for the consideration of the Assembly :

“ ‘ The Assembly :
“ ‘ Takes note of the report of the Administrative Board of the Staff Pensions Fund for the year 1934 ;
“ ‘ Adopts the accounts of the Fund as submitted by the Auditor ;
“ ‘ And decides, having regard to Article 7, paragraph (a), of the Staff Pensions Regulations, that the contribution of the League to the Pensions Fund for 1935 shall be 9 per cent of the pensionable emoluments of the members of the Fund. ’ ”

SEVENTH MEETING.

Held on Friday, September 21st, 1934, at 4.30 p.m.

Chairman: Count CARTON DE WIART (Belgium).

31. Allocation of Expenses of the League: Report of the Committee on the Allocation of Expenses.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, commented on the report submitted to the Assembly by this Committee (document A.9.1934.II.A).

He reminded the members that, during the discussion which took place last year on the work of his Committee, some delegates — with distressing foresight — had expressed the opinion that it would be better to ask the Committee to suspend its work and to allow it a longer period in which to submit a revised scale. He had still been hopeful, and had resisted that suggestion, feeling that the Committee should once again attempt to place a practical proposal before the next Assembly. At that time, the Secretariat had been working on instructions given by the Committee in December 1932. The latter body had met in January and May 1934 to work on the data furnished.

It would be remembered that the test always applied had been relative capacity to pay, and that the present scale, the revision of which was contemplated, was based mainly on that capacity, as estimated in 1924. After having examined the possibility of applying two other tests proposed without previous notice during a meeting of the Fourth Committee — war budgets and budgets for foreign affairs — his Committee realised that they would not yield satisfactory results.

It was not easy to determine a State's capacity to pay. The Committee had tried to form some idea from budgets and statistics concerning the economic situation. It had anticipated good results from budgetary figures which, being official, were not open to doubt, and would make it possible to appreciate the existing situations at as early a date as possible. The budgets for 1932 had been examined; but, unfortunately, during that period of depression, when everything was changing, State budgets did not all reflect economic events with the same rapidity. One State might be able, owing to its structure, at once to take the necessary measures to deal with the economic and financial situation and might show that situation accurately in its budget year by year. Another, because it was more wealthy or for reasons connected with its parliamentary system, would only show the course of events in its budget two, three or even four years later. Consequently, no comparison of budgets in respect of one and the same year was possible, and, even could such a comparison be made, there would still be the impassable barrier of currency fluctuations which precluded the finding of a common standard for measuring the expenditure of the various States at a given moment. Faced with these problems, the Allocation Committee had been forced to admit that it was beaten.

It had then made a direct study of economic data in an attempt to find another test. He had pleasure, in this connection, in paying a tribute to Mr. Loveday and his services. The Statistical Section of the Secretariat was becoming increasingly useful day by day. The information it was able to supply was incomparably superior to that previously in its possession. When the world had regained some of its stability, the Allocation Committee would perhaps find there a basis better than the budgetary test which would no doubt enable it to make a proposal. In the present state of affairs, however, the statistics were not sufficiently full or conclusive to serve as a basis for a scale of contributions. Mr. Loveday's Section had, indeed, established equalising coefficients which made it possible to give each factor the value it was believed should be attributed to it; but the Allocation Committee was struck by the difficulty there would be in explaining and justifying these coefficients before the Fourth Committee. Certain factors, moreover, could only be approached by an indirect method. For example, in calculating the change in national income as a result of payments to foreign countries — for example, debt payments — or payments received from foreign countries in respect of capital investments, the Secretariat proposed to rely on the figures

of the trade balance in each case. But, in order to find a solid basis, it should be possible to make a distinction between the particular items of the balance of payments, such as the income derived by States from their foreign investments, and the information at the Committee's disposal was not such as to make that possible.

Briefly, having exhausted all lines of investigation, the Allocation Committee had been forced to hand in the negative conclusions formulated in the report.

In conclusion, he pointed out that the Allocation Committee was composed of representatives from all parts of the world : Sir Atul Chatterjee for Asia, M. Zumeta for Latin America, Sir Frederick Phillips for the British Empire, M. Soleri for Italy, M. Stoicescu and M. Markovitch for Eastern Europe, and M. Jahn for the Scandinavian countries. Lastly, one of its members, M. Jacobson, belonged to the Bank for International Settlements.

M. Lo (China) understood that the recommendation in the Allocation Committee's report amounted to reversing the decision of the 1931 Assembly. The implication was that the old scale originally adopted nine years previously for the three years 1926, 1927 and 1928 only would again be continued indefinitely as the basis of allocation for future contributions, until the restoration of normal conditions throughout the world made possible the calculation of a new revised scale.

He was fully in sympathy with the Allocation Committee's difficulty, particularly in the present turbulent condition of the world. Nevertheless, he felt that the special position of China must be taken into consideration and therefore asked leave to present her case for the regularisation of her financial position in respect of the League. She had long been promised the opportunity of having the matter settled, but, unfortunately, it had been repeatedly postponed and would again be delayed if the Allocation Committee's recommendations were accepted.

Since 1931, China had paid into the treasury of the League sums amounting to 5 1/4 million gold francs. Those figures were already significant in themselves, and it must also be borne in mind that the payments had been made during the most difficult years through which China had passed. The Secretary-General had been good enough to say in the Fourth Committee in 1933 that they showed what a great effort China had made. She had met the claims upon her, up to date, in accordance with the 1930 agreement on the consolidated arrears, and she had also paid her regular contribution in accordance with an informal understanding, yet she was still listed in the various documents as being in arrears. The position needed explanation.

From the beginning, China had been over-assessed. The first scale had been adopted at a time when trade was booming, commodity prices were high, and the Chinese currency had a very much higher value in terms of other currencies. Even then, China's quota was out of proportion as compared with that of other Member States, judged either by national income or by public expenditure. A comparison of the contributions of States as percentages of State expenditure in the year 1933 showed that, of eleven representative Powers in Europe, Latin America and Asia, China's burden was the heaviest. Her contribution as a percentage of the Government's total expenditure ranged from eight to ten times that of an average big European Power to twice or three times that of a typical smaller Power. That over-assessment had made it difficult to effect regular payments in the earlier years and arrears had thus accumulated.

Seven years previously, when the National Government of China was established, the arrears were received as a legacy. An honest effort was made to honour its obligations, and by 1930 an agreement sanctioned by the Assembly had been reached by which the arrears were to be liquidated in annual instalments over a period of twenty years. As China was already over-assessed, it was recognised that the payment of the instalments of consolidated arrears plus the full amount of the regular contribution would make the burden much too high and far beyond China's capacity to pay. She was consequently given to understand, though only informally, that, if she were to pay half her regular contribution together with instalments on arrears, her financial position in respect of the League would be considered satisfactory. China did not want to remain in that anomalous position, and it was her belief that the understanding would be made formal at the earliest opportunity. Since 1930, she had been pressing for a definite regularisation of the position on the lines indicated.

He himself had expressed his Government's desire for a formal reduction of her contribution in 1932. The then Secretary-General had stated in reply that, owing to the 1931 Assembly's decision, the case could not be presented until 1934; when the scale would be revised. At the Sub-Committee on Contributions in Arrears in 1933, he had made a similar request, and had asked that the new scale should operate retrospectively from 1931, the year in which the informal understanding was reached. China had waited patiently for four years and was now confronted with the Allocation Committee's recommendation for further delay.

Apart from the question of over-assessment, there were other good reasons why China was entitled to a reduction. Precedents could be found in the League's history to show that, when a Member State was faced with calamities that threw a heavy financial burden on

the Government, it was granted the right to pay the League Treasury a smaller contribution than that allocated to it. To mention two cases only : the French contribution had been reduced in the first years of the League on account of France's devastated areas. Again, after the great earthquake in Japan in 1923, the Assembly had reduced Japan's scale of payments. Those precedents served to show that the League had always made full allowance for a Member State's capacity to pay and was ready to grant reductions for valid and important reasons. The great flood in China in 1931, the most disastrous flood in her contemporary history, had devastated 100,000 square kilometres of territory, destroyed many hundred millions of dollars' worth of property, and jeopardised the lives of about fifty million people. The two years of continuous foreign aggression and invasion had entailed, and still entailed, heavy expenditure and had led to a military occupation of four of China's richest provinces. That still continued, and was occasioning a drastic reduction of China's national income and public revenue.

The two most important revenue-producing departments in China were the Maritime Customs and the Salt Gabelle, and the loss on annual revenues from those two departments amounted to nearly 30 per cent. Moreover, China's adverse balance of trade and exchange difficulties had been greatly increased owing to the fact that the occupied provinces were those which had had a favourable balance of trade.

M. Lo had not adduced the severity of the depression in China as an argument for reduction, not because it was irrelevant, but because the Allocation Committee had already pointed out that no country had escaped the depression. The Committee had also said that, although there was a natural tendency for each country to consider itself to a special degree the victim of adverse circumstances, the depression had, in fact, struck now one country, now another, with exceptional severity. But, in passing, he might mention that, at a time when most States were showing a gradual recovery, the depression seemed to be more intense in China. During the past twelve or eighteen months commodity prices, instead of rising from 20 to 30 per cent, as in some countries, had unfortunately rather moved downward by that amount.

Irrespective of the economic depression, any one of the reasons he had just enumerated entitled China to a revision, and the informal understanding of 1930 lent weight to her request. When it was remembered that the Assembly had made an immediate response in the case of other States suddenly confronted with a major calamity, while China was subject to repeated delay, he could not but think that the injustice was all the more glaring.

First, China had been a victim of repeated delay and now she found herself, in spite of her honest efforts, listed as a defaulter. Nor was the matter improved by the fact that her loss of revenue was due to a foreign aggression that called for action under the Covenant, action which the League had not taken. As he had said in 1933, Chinese public opinion was irritated by China's lack of representation on the permanent staff of the League organisations. The Assembly's vote on the question of re-eligibility had given fresh impetus to the large and growing section of Chinese public opinion that questioned whether it was worth while continuing to strain every nerve to pay large sums to a League that apparently regarded the Covenant East of Suez as a dead letter and was not even concerned to maintain its own agreement that Asia should be adequately represented on its Council.

That was not his Government's opinion. Its attitude to the League and to the whole idea of co-operation between East and West had been stated in the Assembly. The Chinese delegation stood by every word of that statement, but there must be some reciprocity in these matters.

He warned the Committee that the Chinese Government could not, in the circumstances, acquiesce any longer in a situation in which China, for no fault of her own, was officially proclaimed by the League as a defaulter. As a result, she had been held up to obloquy throughout the world Press, and her international reputation had suffered. One instance of what that kind of misrepresentation and slander had done to China would be seen from a quotation from a leading article in the London *Times* of September 20th, which said :

" It is a mere accident that the farther Asiatic countries are now unrepresented on the Council. The ordinary rules of procedure forbid the re-election of a retiring member, and there was not sufficient reason to make an exception in the case of China. The failure of that country to pay her subscription regularly was in itself a good reason for not giving her exceptional treatment ; and there can be no sort of excuse for allowing her non-election to become an argument in support of the ' Asia for the Asiatic ' movement which is reputed to be favoured by Japan."

It had since come to the knowledge of the Chinese delegation that that untrue and unjust argument had been put about in the lobbies in a whispering campaign against China's candidature, and that, in the spring, one Member of the League had actually addressed an enquiry to Geneva about what was represented as China's culpable failure to pay her annual contribution. That sort of thing must stop. The matter must be settled at the present Assembly ; it brooked no further delay. The Chinese delegation would find difficulty in

approving a budget in which it was left open. It had waited four years, in order to help the League out of its difficulties. In return for its patience its national honour was impugned. Any Member of the League would agree that such a situation was intolerable.

In order to put an end to the undeserved and bitterly unjust stigma of default, he asked the Committee to accede to his Government's request that the informal understanding of 1930 as to the reduction of China's annual contribution by 50 per cent be regularised and that that arrangement be made retrospective as from 1931. That was not only just, but in accordance with reality, for the sum indicated was all China could pay and all that, in fact, she had been paying since the agreement on arrears and the informal arrangement had come into force. He was prepared to submit a draft resolution to that effect, if necessary.

In conclusion, he emphasised two points. First, after the quota had been reduced by 50 per cent, China would still be paying a far higher contribution than any other country in proportion to her national budget. Second, there would be no reduction in favour of one country at the expense of others, because no actual reduction would be made. China would continue to pay 1 1/4 million gold francs annually in respect of her contribution and consolidated arrears. She would not try to evade her obligations by paying less, but more would certainly be beyond her capacity, as well as being unjust in the circumstances. The stigma of default was one under which she could not and would not labour any longer.

M. HAMBRO (Norway), on a point of order, suggested that the Committee should deal with general principles before special cases. It was not a committee for the allocation of expenses.

M. SOMPATI (Siam) said that he was instructed by his Government to ask for the reduction of Siam's contribution on the ground that it had always been out of proportion to her capacity to pay.

Ordinarily, his case should be stated in terms of commercial statistics, revenue and expenditure, but the studying of figures was the business of experts and even they made mistakes. He had no desire to mislead the Committee, and therefore abstained from quoting figures, not because they would not support his case, however — on the contrary, they did — but because they could be left to the experts.

He would first inform the Committee how much Siam paid to the League, not in figures, for they meant nothing by themselves, but in comparison with various other States.

Asiatic Member States should make a good comparison, but, strange to say, they did not. China was comparable to a vast continent, and any comparison there was useless. India, another immense territory, could not be used for comparison. Japan was a powerful empire : comparison was again futile. Iraq was a new State, but comparison even in favour of Siam would be misleading. There remained but one other State — Persia. Here were two Asiatic States not so very different from one another in size, in wealth and in potentiality. Persia's wealth oozed out of the land. She could not stop its flow, even if she would. Siam by way of contrast had to till every inch of the land to produce her wealth. In view of such a picture of those two States, there might well be reason for assessing them at roughly the same number of units. What were the facts ? Siam paid four units more than Persia.

Turning next to a comparison with some of the European States, he pointed out that Europe was a continent of great wealth, though some of the European countries, admittedly wealthy, were less wealthy than in the past. Still, all countries were assessed for contribution in about 1924 — that was to say, before the economic crisis — so that the financial structure of 1924 must be taken for comparison, and not the depressed conditions prevailing in some countries in 1934. To refer first to one Power — Turkey. Siam, which had no pretensions to power or wealth, paid just one unit less than Turkey. If he were to pick out at random a European country co-equal in wealth to Siam, he would take Portugal. But Siam paid three units more than Portugal. As to the countries with depressed finances, he would rather not single any out for comparison. The facts, which could easily be ascertained, showed that Siam paid more than any of them.

South America was another land of enormous wealth. Of her sixteen Member States, only three were assessed higher than Siam, two on a par with Siam, and eleven lower, most of them so much lower as to afford no useful comparison.

With great restraint he had refrained from confronting the Committee with figures. With equal restraint he would refrain from alluding to that hard-worked theme — the depression. All States Members could no doubt make a good case for the reduction of their contributions on that score, if, indeed, many of them had not already done so. Siam's case could also be argued on the grounds of the depression, if the Allocation Committee would prefer to examine his application in that light. He had purposely omitted the depression,

however, because he contended that Siam's contribution had been over-assessed *ab initio*, prior to the depression, and that inequity should be rectified. The depression was only an aggravating factor, not the primary or fundamental cause.

The principle of equity was one of the corner-stones of the League, and, to make a juridical comparison, equity required, in both English and Continental law, that an applicant who claimed the rectification of a wrong should be in the untarnished state of having done no wrong himself. Siam was in that position. She came to the League with perfectly clean hands. She did not owe one pennyworth of interest to her bondholders in London, Paris or Berlin. She was not one cent in arrears with her contribution to the League. She had never claimed, and did not claim, "representation" on the staff of the League. She had never asked for and did not expect any form of favour from the League in return for her contributions. Her only purpose was to collaborate with and aid in the realisation of the aims of the League. In other words, her appeal was free of selfish motives, and her people would be greatly discouraged if it were not favourably entertained. Siam's great effort to honour her financial obligations permitted him to ask for a very serious examination of her claim, a reconsideration of the number of units attributed to her, and special treatment corresponding more fairly with her difficult position.

M. HJELT (Finland) noted with great regret that the Allocation Committee was still unable to place before the Assembly proposals for the revision of the present scale of contributions. The Finnish delegation fully appreciated the Committee's difficulties, but had for a long time felt, like other delegations, that the present scale was unfair in some respects, and thought that the Allocation Committee should continue its work.

In the hope that economic and financial conditions would enable the Allocation Committee to achieve practical results in the coming year, he stated that the Finnish delegation would vote in favour of the credits required for its work if the Fourth Committee felt they should be included in the 1935 budget. As representative of a country which had always honestly carried out its financial obligations to the League, he ventured to express the hope that in the coming year the Fourth Committee would have before it a revised scale.

Sir Ernest BENNETT (United Kingdom), after thanking M. Réveillaud for his lucid statement of the difficulties which the following speeches had served to emphasise, said that the Fourth Committee and the League had frequently found the allocation of expenses a thorny question. At the start, the expenses had been allocated on the same lines as those adopted by the Universal Postal Union; there were six classes of Member States, each State paying in accordance with the class to which it belonged. There had followed an attempt to arrive at a scientific distribution based on economic data which were assumed to reflect "capacity to pay". In reality, however, the scale framed in 1925 was by no means purely scientific, but, as regarded the larger countries in particular, had been influenced in large measure by political considerations.

Since 1925, repeated efforts had been made to secure a general revision of the scale, but those efforts had proved constantly abortive, and, with minor alterations, the scale of 1925, based, as it was, on the statistics of 1923, was still in force. During the earlier years, France and Italy had been passing through a difficult financial period; Japan had not long before suffered from the effects of a devastating earthquake, and, in general, the state of the world was very different from its present state. When, at a much later stage, Germany joined the League, her contribution had been fixed, again for political reasons, at the same level as that of France.

Always hoping for the best, the Fourth Committee and the Assembly had constantly expressed a wish for the revision of the scale with a view to bringing it up to date. Those hopes had constantly been defeated by the stern and impartial conclusions of the Committee of experts on the allocation of expenses, with the result that the revision hoped for in 1928 had been postponed from 1928 to 1931 or 1932, then postponed again to 1934, and a further postponement was now necessary. In fact, it must be admitted that it was a singularly difficult task to frame a satisfactory scale. For such a task to be even possible, it was essential that the economic and financial conditions of the world should be, as it were, in a static condition so that they could be seen and grasped as a whole. No such opportunity had been afforded at any time in the past ten years; the conditions everywhere were highly dynamic and never more so than at the present time.

One effect of the crisis which developed after 1929 had been in the highest degree to stimulate the opposition of particular States to the existing scale. That was very natural when one remembered the grave financial difficulties of so many States and the tendency of all mankind in times of adversity to regard their own country as specially singled out for the hardest blows of fate. Nevertheless, it must be recognised that the economic crisis had affected different countries unequally, and that in the case of certain Member States there did exist a solid foundation for their complaints.

The Allocation Committee had been working at the task of preparing a fresh scale since 1928; its latest instructions were "to endeavour to submit to the 1934 Assembly a temporary scale if, as was feared, present conditions make it impossible to draw up a final scientific scale".

The Committee had done its best and had, to supplement the budgetary material available, collected a mass of evidence bearing on national income, trade, mineral and agricultural production and so forth. In the result, it reported regretfully that, as a technical body, bound to base its conclusions on the evidence available, it was unable at present to submit to the Assembly a revised scale. One might perhaps indicate the following among the various factors which had rendered the Committee's task impossible :

(1) The various indices used gave entirely discordant results. He had been told, for example, that the figures obtained in the case of one particular country varied from 13 units to 74 units ; in the case of another from 8 to 21 ; and in the case of a third from 2 to 6. It was impossible, then, to take any single index as a guide, and it was equally impossible to attach any technical value whatever to the method of taking an average of such divergent figures.

(2) In the face of the extraordinary fluctuations of the past three or four years, it was hardly possible to get reliable figures of the various countries even in terms of their own national currencies. Wholesale and retail prices had, in nearly every instance, varied wildly, and they did not even vary together. In the case of one important country, the fall in wholesale prices was nearly six times as great as the fall in retail prices. In another country, retail prices had fallen very much more than wholesale.

(3) As soon as an attempt was made to express the value of the national income in terms of an international unit, the difficulties were intensified by the wide fluctuations of the several currencies. A mere alteration in the particular date in a particular year to which the calculations referred would produce great changes in the allocation table.

(4) Many of the results reached were such as could hardly be accepted — *e.g.*, the income per head in Switzerland appeared much higher than that of the United Kingdom ; Hungary was shown to be twice as rich as Yugoslavia ; Latvia was better off per head than Belgium, and so on. All those facts were obviously in conflict with well-established economic facts.

There thus seemed to be an impasse. A devastating criticism could be levelled against any attempt to fix a new scale at the present time. But, as the Committee would agree, that did not in the least prove that the existing scale was right. In those circumstances, His Majesty's Government had been led to doubt whether the attempt at that moment to find a purely scientific scale was not a mistake. In the first years of the League, contributions had, as he had said, been determined by dividing the Member States into different classes, all the members of a class paying the same contribution. All the Members of the League enjoyed equal rights, but the wide variations in population and wealth rendered any simple classification perhaps too difficult. Nevertheless, the beginning of classification was clearly there, for the States which possessed a permanent seat on the Council formed a fairly homogeneous body. Differences between them in national circumstances were not very wide, and were decidedly less marked than when the present scale had been fixed. He had already noted that it was precisely in connection with those States that political considerations had always entered in some way as an element in determining contributions.

His Majesty's Government was therefore led to propose as a measure for dealing with the present difficulties of the League that a fixed number of units (105) should be allocated to the four States with permanent seats on the Council. The total number of units for those States would be 420, the existing scale being the United Kingdom 105 units, France 79, Italy 60, and the Soviet Republic to be determined. Thus the increase would be 176 units, including the Soviet contribution. Allowing for the loss of 139 units from Germany and Japan, the net increase was 37 units. Such an increase would represent an average diminution in contribution of 5 per cent when spread over the remaining Member States. Should that proposal be accepted, however, he would contemplate that the additional units be used to minimise the burden of those States which were very seriously and specially affected by the economic depression of the present time. He must add at once that, as he had already indicated, existing conditions were very exceptional, and that a Member State which suffered very heavily in the crisis might, more probably than not, show a specially rapid recovery and attain a marked degree of prosperity when the world slump, which already showed signs of passing, was succeeded by healthier conditions. Thus, any rectifications which it might prove possible to effect should remain in force until the next determination of the scale in 1936, or whatever date the Committee might fix.

Such, then, was his proposal. He was aware that it affected different States unequally. It benefited the smaller States, it left the position of his own country unaffected, it increased the burden on France and Italy. On that last point he thought, however, that, in some measure, it was only anticipating the result of any future scientific scale.

He claimed that this solution was eminently practicable and did meet the existing difficulties. He trusted that it would commend itself to the Committee, since he knew of no alternative except to leave matters as they were for yet another undetermined period of years.

He would deplore the latter alternative, since he believed the existing situation was putting a severe strain on many States and that complaints would grow in volume and number rather than diminish.

M. VALDÉS-MENDEVILLE (Chile) fully appreciated the difficulties described by M. Réveillaud. It was difficult, in the present circumstances, to do anything final, but he would not disguise the fact that the report drawn up by the Allocation Committee in May had disappointed many countries, among them his own. It was not easy in those countries to understand the reason for successive adjournments, and it was felt that the disproportion, the worst examples of which had already been mentioned, should be remedied as soon as possible. There were objections to allowing the present situation to continue, particularly as a good many countries to whom arrangements for the payment of their contributions in arrears had been suggested, would find it illogical that, at the same time, they were to be asked for the same number of units in the future. Something must be done to improve a state of affairs in which arrears and continual and sometimes quite justified claims caused perpetual discontent.

With regard to Chile, he mentioned a few figures which were not without eloquence. In 1926, Chile's contribution had been 14 units and had amounted to 342,613 gold francs, or, in Chilian currency, 450,000 pesos. In 1934, that contribution, still 14 units, amounted to 426,000 gold francs, or, at the present rate of exchange, 3 million pesos. The increase, in Chilian currency, was therefore 350 per cent. During the same, or very nearly the same, period, Chile's national budget had fallen from 736 million gold francs in 1926 to 142 million gold francs in 1933 — a fall of four-fifths. The budget for foreign affairs had fallen by 60 per cent between 1926 and 1933. Chile's foreign trade had fallen by 80 per cent valued in gold. It was therefore important that the Assembly should, without further delay, introduce a little logic into the scale of contributions.

M. DE VASCONCELLOS (Portugal) felt that the Fourth Committee was exceeding its duties in endeavouring itself to draw up a scale of contributions. In remedying one injustice, it would run the risk of creating another and far greater injustice. It should confine itself to expressing its views on the report of the Allocation Committee. The report said, however, that a fixed scale could not be based on the changing data of the present period, and that argument was irrefutable.

The delegate of Siam had pointed out that Portugal paid three units less than his country. It was true that he had not said that Portugal's contribution was inadequate. Portugal's case had been studied very carefully by the Allocation Committee. Her contribution, fixed in 1923 at 18 units, too high a figure, had subsequently been reduced to the present figure. At the present time, Portugal was paying an adequate contribution. Her budget was, of course, balanced, but was that a reason for placing too heavy a burden upon her?

He thought he might approve Chile's claim, but what was to be done about it? In his opinion, it should be referred, together with the other proposals, including the United Kingdom proposal, to the Allocation Committee for consideration. Once again, the Fourth Committee would be exceeding its function if it tried to revise the present scale itself.

M. HAMBRO (Norway) observed that, so far, no State had asked that its contribution be increased, although, to his mind, national pride might have induced some readiness to do so in the interests of the League and of mankind as a whole.

Sir Ernest Bennett's remarks had been animated by sound knowledge and good judgment, and he only regretted that the United Kingdom proposal had not been communicated beforehand to all the States Members of the League for careful consideration and placed on the Assembly's agenda. If adopted, it would alter constitutionally the whole structure of the League.

His first reaction to it had been favourable. At the same time, the contribution to the League was a ridiculously small item in any national budget, and imposed no hardship except, perhaps, in the case of China. The real reason why countries pressed for a reduction was not economic; it was because they were dissatisfied and disappointed with the results of the League's work. The State that paid most per inhabitant was Australia, and next came the Scandinavian countries. They did not complain: they were proud to pay.

So far, the allocation of expenditure had been based on the fundamental principle that all States Members had equal rights and duties, whether they had permanent seats on the Council or not. The Norwegian Government would not willingly accept any system altering that position. Some Powers might be paying less than they should, but their contributions should be revised on scientific grounds, not because they had permanent seats on the Council. The impression should not be created that a State could buy a permanent, or semi-permanent, seat on the Council. Constitutional and political considerations should be examined, as well as business and practical considerations, and it was only fair, therefore, that the Governments should have an opportunity of studying the United Kingdom proposal. He hoped that it would be placed on the agenda of the next Assembly.

The suggestion that a reserve of units should be kept for division among States suffering from calamities was a very sound one. The opportunity offered by the entry of the Union of Soviet Socialist Republics might be taken to institute that system, if the Committee for the Allocation of Expenses approved. It would no doubt go a long way towards meeting some of the States that were pressing for a revised scale at once.

The League could not be run on the basis of voluntary subscriptions from those who could afford to pay. Every State should have the same rights and obligations. It might be thought that the smaller States would be very glad to be relieved of some of their contribution, but, as the English proverb said, "He who pays the piper calls the tune". Norway, for one, would like an opportunity of calling the tune.

In conclusion, he suggested that, if other States desired to advance claims similar to those already made, they should hand them in to the Chairman for consideration by the officers of the Committee, the Chairman of the Committee on the Allocation of Expenses, and perhaps the Supervisory Commission, who might be asked to see what could be done to meet them.

M. SCARFIOTTI (Italy) said that Italy was unable to accept the United Kingdom proposal that the United Kingdom, France and Italy should pay the same contribution because they had permanent seats on the Council. That would amount to making Italy bear a larger share than any other country of the deficit caused by the withdrawal of Germany and Japan. The United Kingdom's contribution of 105 units would not be changed; France's contribution would be increased by 26 units (32.91 per cent) and Italy's by 45 units (75 per cent).

The Italian Government would be unable to justify such an increase in the present expenditure in the eyes of public opinion, particularly as Italy already bore a very considerable burden in respect of the League owing to the fact that some States failed to honour their engagements. Even were the Italian Government able to ask Parliament for an additional contribution, it could hardly expect a favourable vote.

It might be admitted that the scale should not be based on financial factors only. That was why Italy had agreed to pay 60 units, which was far higher than would have been allocated to her on purely financial grounds. The United Kingdom proposal, however, would have quite a different effect, because it only took political considerations into account in a question the nature of which was such that financial considerations should preponderate, as had been recognised by the Allocation Committee.

For those reasons, Italy, while agreeing that, at the present time, sufficiently accurate technical data on which to establish a scientific scale were not available, could not but accept the Allocation Committee's conclusions to the effect that any change in the present scale would have no adequate basis and might create an injustice and that, in view of the unstable economic and financial conditions, revision should be postponed for a few more years.

It should also be realised that the scale established a relativity, in fixing which more than one factor should play its part. The financial factor should enter into its composition along with the political factor, as, at any rate in principle, in the present scale.

If the contributions of some States were too heavy, that was because others had failed to pay, and the remedy lay less in a revision of the scale, which might again lead to difference in treatment, than in more punctual performance of their financial duties by the Members of the League, an improvement which would enable the estimates to approximate more nearly to probable expenditure.

Italy, therefore, while feeling that her contribution was already too high, felt that the new sacrifices imposed by the withdrawal of Germany and Japan might be distributed more equitably without upsetting the basis of the present scale. The depression had affected all States, but if it affected the smaller States more gravely it would obviously be only logical to increase the share of expenditure borne by the United Kingdom. The number of units by which that State's contribution would be increased on that score would certainly be far greater than the increase resulting from a proportionate allocation of new burdens.

The Italian delegation, which in any event would be forced to vote against the United Kingdom proposals, therefore suggested that the whole question should be referred to the Allocation Committee and that for 1935 the Assembly should adopt the allocation scheme appended to the budget that had already been approved.

The continuation of the discussion was adjourned to the next meeting.

EIGHTH MEETING.

Held on Saturday, September 22nd, 1934, at 3.30 p.m.

Chairman: COUNT CARTON DE WIART (Belgium).

32. Allocation of Expenses of the League: Report of the Committee on the Allocation of Expenses (continuation).

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, said that he profoundly sympathised with some of the members who had spoken during the discussion. The Allocation Committee had not been indifferent to the case of their countries, for paragraph 14 of its report said :

“ After an extended and impartial survey of this changing scene, the Committee was led to the conclusion that, although the existing scale might involve an injustice to one State or another, it could not, on the basis of technical evidence alone, suggest modifications which might not create a new injustice.”

Personally, and as representative of the Allocation Committee, he did not intend to oppose the principle that there should be some adjustment.

It had been said during the previous meeting that, on certain occasions, the units contributed by France and Japan had been reduced. That was true in the case of Japan. By an Assembly resolution, adopted after one of those disasters which, unfortunately, too often overtake her, Japan's contribution for 1924 and 1925 had been reduced. With regard to France, he must explain that the measure in question had affected not only that country but all those — there were eight of them — that had been devastated during the war. It had related only to the period 1922-1925, after which it had ceased to have effect.

The United Kingdom delegate had said in his conclusions that, in his opinion, the permanent Members of the Council should pay the same contribution, and that that would only be anticipating the results of the Allocation Committee's work. M. Réveillaud thought he should make a correction in that connection. At all stages of the Allocation Committee's work, it had noted that it was absolutely impossible to assimilate the capacity of the United Kingdom to that of countries following it in the allocation list. As a year to which the figures for the national incomes of the United Kingdom, Italy and France were comparable, he would select 1929, and for that period would give the estimated income of the three countries taken from reliable sources.

In 1929, the United Kingdom's income had been 19,408, that of France 9,604 and that of Italy 5,790 million dollars. It could not be said, therefore, that the United Kingdom proposal would only confirm a *de facto* situation. It would certainly have been welcomed more enthusiastically in the Fourth Committee had its mover confined himself to asking, for example, that 10 per cent be added to the contributions of the United Kingdom, Italy and France. However that might be, M. Réveillaud was in favour of studying the situation; but he begged to say something with regard to the substance of the question.

On what grounds did the United Kingdom delegation propose that a special uniform contribution should be fixed for permanent Members of the Council? Was it because of the prestige those countries derived from their situation in the League? He would not dwell on this motive, which would lead him a long way, for there were many honours awarded by the League to be taken into consideration — Presidency of Assemblies, Presidency of the Permanent Court of International Justice, temporary membership of the Council, and, above all, a permanent seat on the Governing Body of the International Labour Office or a semi-permanent seat on the Council of the League. Was it because of the special responsibilities of these States? That responsibility was a burden which might become very heavy, and, even in connection with the current activities of the Council, involved by no means inconsiderable expenses. Was it the price of recognised direct influence? In that case, M. Hambro's remarks were very much to the point; the delegations probably remembered what he had said.

The difficulty arising out of the application of the paragraph of Article 6 of the Covenant relating to League expenses had hitherto been solved by the criterion of capacity to pay. Each Member thus felt in a position of equality. If that criterion were departed from, he feared (though he did not go as far as the Norwegian delegate) that, every time a proposal for expenditure was made in future, the question would be asked what would be thought of it by those States which were charged with additional burdens in virtue of the new principles, with the result that the freedom of initiative of each would be in a sense paralysed. He would repeat that it was advisable that the United Kingdom proposal, and any other proposal, should be examined. He did not think it should be referred to the Allocation Committee, for, up to the present, the latter had confined itself to the limited but solid ground of economic

and financial considerations. Sir Ernest Bennett's proposal might be referred to the Governments or, if preferred, to the Committee which M. Hambro had proposed should be constituted for the coming year.

Sir Ernest BENNETT (United Kingdom) asked leave to sum up the present position of the debate on the United Kingdom proposal. That proposal fell into two parts : first, that the contributions of countries with permanent seats on the Council should be assimilated, and, secondly, that any free units thereby placed at the disposal of the Committee should be allocated to meet the hardships of those of the smaller States which were more severely burdened. It would follow, as a result of the United Kingdom proposal, that the contribution of the Union of Soviet Socialist Republics would be fixed at 105 units and that some 30 units would be available for distribution. It was clear that, in any circumstances, those two questions — the contribution of the Soviet Union and whether relief should be granted to certain States — must find a solution.

The Portuguese and Italian delegates had suggested that the United Kingdom proposal should be considered by the Allocation Committee. The United Kingdom delegation had already carefully considered that point before deciding to submit the matter to the Fourth Committee. The reasons for raising the matter in the Fourth Committee and not before the Allocation Committee seemed to be conclusive. The Allocation Committee was a body of distinguished technical experts selected by the League. It so happened that its members included a Frenchman, an Italian and an Englishman, but those gentlemen did not represent their Governments and would have no authority to present their views or to assent to any proposals on their behalf. Further, if by any chance one of them was unable to attend a meeting, he would be replaced, not by a deputy of his own choice, but by a deputy selected by the League from a panel of substitute members of entirely different nationality.

Moreover, he was sure a considerable number of the members of the Committee would themselves see a grave objection to being asked to deal with questions which were admittedly not of a statistical character, but involved important considerations of a nature which was clearly not technical. The fact that the subject to be discussed was not within the competence of the Allocation Committee, and, further, that there was no method by which the views of the Governments could be brought in detail to the attention of the Committee, had seemed and still seemed to the United Kingdom delegation decisive against a reference of the matter to that body.

The view had been expressed by more than one member of the Fourth Committee that the matter would better be dealt with by the 1935 Assembly. He had already reminded the Committee that the question of the contribution of the Union of Soviet Socialist Republics and the question whether relief was to be given in 1935 to certain States could not be deferred. If, however, there was any widespread desire in the Committee that the United Kingdom proposal to assimilate contributions of States having permanent seats on the Council should be left until 1935, the United Kingdom delegation would raise no objection. But it could agree only on condition that the matter was formally set out in such a way as to ensure that it would, in fact, be discussed by the next Assembly and that objection could not then be taken to it on the ground of insufficient warning or impossibility of assent owing to national budgets having already been settled. He thought his colleagues would agree that that view was entirely reasonable, since otherwise consideration of the matter might be postponed indefinitely.

It so happened that, in the actual year of 1935, some part of the German and Japanese contributions would remain payable. If, therefore, the Committee accepted the view that the contribution of the Union of Soviet Socialist Republics should be 105 units, it would be possible to allot 30 units, as regarded 1935, to ease the burden on the more severely pressed small States. The distribution of the 30 units would seem to be a matter which the Allocation Committee must settle. It would seem to be desirable that, while that task was being carried out, a close liaison should be maintained by the Allocation Committee and the special body to deal with arrears proposed in the report of the Sub-Committee on Arrears (document A.49.1934.X), assuming, of course, that that report was adopted.

The above remarks seemed to the United Kingdom delegation to represent a practical view of the actual situation, and it would be prepared to suggest the terms of a suitable draft resolution or to support a draft resolution covering these points if proposed by any other delegation.

With regard to M. Réveillaud's remarks, he was frankly astonished at the figures given. He had referred to certain estimates of the national income of the United Kingdom which dated back five years. There was no official estimate of the national income of the United Kingdom. M. Réveillaud's figures were simply those of unofficial economists and people having no direct responsibility. The national income of the United Kingdom, in sterling, had fallen, as had the national income of France, since 1929 ; but, in comparing them on a common basis of values, it must be borne in mind that the value of sterling in gold had fallen, say, 36 per cent, while the franc had not fallen at all in terms of gold. That, he thought, would badly upset M. Réveillaud's figures.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, said that he had no intention of refuting Sir Ernest Bennett's arguments. He would confine himself to thanking the United Kingdom delegate for making it clear that the United Kingdom

proposal should not be referred to the Allocation Committee. He then submitted the following proposal :

“ The Assembly,

“ Having noted the different proposals made in connection with the discussion of the report of the Committee on the Allocation of Expenses :

“ Requests the Governments of the States Members of the League to study these proposals with a view to their inclusion in the agenda of the sixteenth Assembly.”

He asked the Fourth Committee to be good enough not to introduce the question of the Soviet Union's contribution into the discussion. It was at present the subject of an exchange of correspondence between the Secretary-General and the Government of that country. In particular, it would be advisable to await the conclusion of the exchange of correspondence before allocating the units released by the Soviet Union's contribution.

M. DE MODZELEWSKI (Poland) paid a tribute to the Allocation Committee, which, rather than come forward with an unsatisfactory scheme, had had the courage to say that, in the present circumstances, the problem of the allocation of expenses was insoluble.

At the same time, as a number of delegations of heavily assessed countries had placed great hope in the Allocation Committee's work, it would seem necessary to find an immediate solution, at any rate for those countries. In spite of all, it was for the Allocation Committee, and not the Fourth Committee, to find the solution. It was quite true that the number of units to be attributed to the Soviet Union could not be prejudged, but it might be borne in mind that there would be a contribution from that country. There was something to be retained, from the non-political point of view, in the suggestions put forward during the discussion on the allocation of expenses, and only the Allocation Committee was in a position to do that.

He did not think that the calculations should be changed radically, but he felt that the Allocation Committee might place before the next Assembly a scale revised in a more modest fashion. Briefly, he proposed that all the suggestions made should be referred to the Allocation Committee with instructions to consider all the technical advantages to be deduced from them, leaving the Supervisory Commission, for instance, to consider their political aspects.

M. PATTERSON (Cuba) pointed out that, in 1933, the permanent delegate of Cuba had submitted to the Secretary-General a request for the reduction of Cuba's contribution from 9 to 4 units. That request was justified by the precarious position of Cuban finances, as shown by the data at the disposal of the League Economic and Financial Section, and by Cuba's inability to pay the very high contribution assigned to her in 1920. The permanent delegate of Cuba had as yet received no reply.

During the present Assembly, the Cuban delegate had made a further request for reduction to the Sub-Committee on Contributions in Arrears, in support of which he had supplied accurate figures taken from the statistics of the Economic and Financial Section of the League, which showed that the economic position of Cuba was even worse than in 1932.

The fall in the value of the dollar raised a difficult problem for the Cuban Government in view of the importance of that currency, even in Cuba's internal operations. She was therefore obliged to pay in Swiss francs — that was to say, in a currency which, as compared with her own, raised by 40 per cent — a contribution of 9 units that was already excessive and could not be met. Consequently, the Cuban delegation had just addressed a further letter to the League asking for the remission of arrears from 1930 to 1933 and confirming the request that Cuba's contribution be reduced from 9 to 4 units. The delegation stated at the same time that the Cuban Government was prepared to pay its contribution for the present year if that reduction were agreed to. Four units was the most Cuba could pay.

The Cuban Government had just informed M. Patterson that it was prepared to send a sum corresponding to a contribution of 4 units in order to show its desire to fulfil, as far as lay in its power, the obligations it had assumed towards the League, of which it had been a Member from the beginning.

He felt bound to point out that the question was urgent ; as time went on arrears increased, and the debtor nations would one day be unable to meet them. It would therefore seem advisable to accept the amounts those nations were able to pay. Generally speaking, they were small nations who were fighting bravely for their existence and whose capacity to pay was limited.

M. GUANI (Uruguay) said that the problem of the allocation of the expenses of the League between States had arisen at the beginning and had never been solved satisfactorily. On various occasions, including those on which the previous scales had come into force, Uruguay had complained of the number of units attributed to her, which she regarded as excessive in relation to her economic strength. The States which for some years had asked that the present scale should be revised in order that the expenses might be shared more fairly had waited in vain, year by year, for the revision which they were entitled to demand. Now that the Fourth Committee had the Allocation Committee's report before it, the time had come for the Uruguayan delegation to describe the situation in that country. Uruguay was the first

to deplore its causes and for that reason desired to put an end to it. To neglect it would be to make it worse.

The Republic of Uruguay had paid its contributions regularly until the effects of the world depression had become acute throughout the South-American continent. In the past year, and again quite recently, the Government of Uruguay had paid what instalments it could, given the monetary situation. It had quite decided to send the League the sums voted in the national budget to meet its obligations, but now, since the Uruguayan currency had fallen considerably, it was unable to multiply those sums by four or five, just at a moment when the strictest economies and the most stringent reductions had been made in all the public services of the country.

It was only necessary to glance at the annex to the document on the League's financial situation to see that a larger number of units was attributed to Uruguay than to most other countries which were known to be wealthier and more important geographically, economically or financially.

That anomaly must cease; Uruguay had asked that it should stop on several occasions. In view of the technical impossibility of introducing a revised scale immediately, the delegation of Uruguay felt that the Fourth Committee should recommend arrangements proportionate to the capacity of each debtor to pay in the present grave and difficult circumstances.

The Uruguayan currency had depreciated by more than 60 per cent since Uruguay had contracted her obligations towards the League. The question of States with depreciated exchange had already been considered by the Finance Committee of the Second Assembly. It had then been asked that a coefficient be fixed according to the rate of exchange, and this proposal had met with considerable approval.

The Uruguayan delegation therefore raised the question again when the monetary depression in Uruguay was becoming worse, not only because of the exceptionally low price of agricultural products, on which prosperity depended, but also because of the Customs barriers, quotas and restrictions of all kinds, by means of which the consuming countries were hampering the development of its national activities.

The League, an institution for co-operation, should also be an institution for mutual understanding and justice.

It would, therefore, seem that the primary duty of its Members was to solve the varied problems referred to them with both sincerity and goodwill. On reasonable and conciliatory solutions might depend the League's very existence in the future. He recognised the significance and importance of the discussions, but he did not think the over-assessed States, which saw collective or general solutions to the problem postponed and had just asked the League to undertake special negotiations as quickly as possible, were doing more than express a legitimate desire to have their position fairly adjusted and to honour their engagements to the League.

He therefore proposed the following motion :

“ That a Committee duly instructed by the Assembly be authorised to conclude the necessary arrangements with the States concerned for the payment of contributions in arrears and current contributions, which shall be submitted to the sixteenth Assembly for approval.”

M. PALACIOS (Spain), referring to paragraph 6 of the report, which stated that the Committee was unable to recommend the adoption of proposals, one of which was that the scale of allocation should be based principally upon the budgets of national defence services, said that, on that point, he reserved the opinion of the Spanish delegation, which had made the proposal in question. He hoped that that delegation would be able to place its arguments before the Allocation Committee.

He did not intend to discuss the suggestions made by the Italian delegate, or the United Kingdom proposal, but, with regard to the latter, he thought that as cogent, and perhaps even more cogent, arguments than those advanced by M. Hambro, with regard to the permanent Members, might be advanced against the proposal by the semi-permanent Members. At the same time, he was glad that the proposal had been referred to the sixteenth Assembly.

With regard, lastly, to the position of States that had suffered specially from the depression, and whose currency had fallen heavily, he fully appreciated the observations of their delegates. At the same time, he thought the question should be handled carefully. Owing to the withdrawal of Germany and Japan, the value of the unit of contribution might be increased, which would have a particularly unsatisfactory effect on public opinion at the very moment when the League's activities were slowing down.

Mr. R. HARRIS (Australia) said that the debate had indicated most clearly that postponement of a reallocation of contributions would be a grave disappointment to many highly assessed States Members whose contributions had been paid regularly.

The majority of the speakers who had addressed the Committee had stated, in no uncertain terms, that the existing scale of contributions was considered by many Members as inequitable in its incidence and impossible of continuance.

So far as His Majesty's Government in the Commonwealth of Australia was concerned, the position was that the contributions to the League had been paid regularly and in full, despite the fact that, for a number of years, Australia had had to effect drastic economies in many other directions and to curtail internal expenditure very considerably. On occasions she, in common with many other countries, had pressed for a revision of the existing scale. At the present time, her case for a reduction was considerably reinforced by the extremely low level of prices for agricultural exports and by the growing barriers to such exports imposed by importing countries. There were most cogent reasons why a scientific basis of allocation should be determined without further delay, and, while the Commonwealth Government appreciated to the full the difficulties of the task with which the Allocation Committee was faced, it considered the matter one to which immediate attention should be given.

The commendation which the United Kingdom proposal had received from many speakers might very well be regarded as an indication that it constituted a first definite step towards a more generally satisfactory allocation. The Australian delegation considered that the proposals advanced by Sir Ernest Bennett should now form the subject of a resolution by the Committee which would ensure their appearance on the agenda of next year's Assembly.

M. Lo (China) moved the following resolution :

“ The Committee,

“ In view of the special circumstances adduced by the Chinese delegate, and notably :

“ (a) The disproportionally high rate at which China has been assessed hitherto ;

“ (b) The loss of revenue resulting from the present situation in China's north-eastern provinces ;

“ (c) The natural calamities of various kinds with which China has been confronted during the last four years ;

“ (d) The informal understanding as to the payment of only one half of China's annual contribution and the repeated efforts of the Chinese Government during the last four years to get the position regularised ;

“ (e) The very considerable sums that have been regularly paid in annual contributions and consolidated arrears combined by the Chinese Government since 1930, and which the Chinese Government declares it will continue to pay :

“ Decides that, pending the completion of a new scale of allocation, China's annual contribution be and hereby is assessed at 50 per cent of the present rate, and that this assessment be valid as from 1931 inclusive.”

He urged that the case was simple, urgent and special and capable of early settlement. It was simple because it did not depend on a scientific scale still to be devised, or on figures to be calculated. Nor was any reduction involved on behalf of one State at the expense of others. It was urgent and special because of the moral issue involved — China's reputation.

M. RAPPARD (Switzerland) noted that the Allocation Committee considered the problem unsolvable in the present unstable conditions of the world and advised awaiting the return of some measure of prosperity before a new scale was adopted. Life was, however, essentially dynamic and it was precisely on account of the depression that a revision of the scale was urgent. It would therefore be better, in his opinion, to achieve imperfect but acceptable solutions than to remain in the present position. All the arguments on behalf of the countries which were suffering specially from the present state of affairs had impressed him except one. The Chilean delegate had supplied figures, one of which certainly made a greater impression on the Swiss delegate than the others — namely, that between 1926 and 1934 the Chilean budget was stated to have decreased in a proportion of five to one in terms of gold. That was an appalling drop, and spoke volumes regarding the misfortune of the country and the energy of its authorities. The argument that had impressed him least was that, owing to the depreciation of the peso, Chile's contribution had increased in a proportion of one to six. It should not, however, be thought that it was sufficient for its currency to have depreciated for a country's contribution to the League to be decreased to a corresponding extent. That would be imposing a surely undeserved penalty on the countries that had adhered to the gold standard and were both good contributors to the League and good members of the commonwealth of nations.

Turning to the United Kingdom proposal, he explained that it had two aspects, on one of which he would not express an opinion. M. Réveillaud had said that, in proposing that all permanent Members of the Council should pay the same number of units as the United Kingdom, the United Kingdom delegate had been prompted by a generous feeling. M. Rappard would not dwell on that, but, if he understood rightly, what the United Kingdom wanted was that the prestige attaching to permanent Members of the Council should be made to serve the League finances. He had desired to encourage a kind of emulation between Members of the League for the benefit of its finances. M. Hambro had said how proud the Norwegians were to pay a larger contribution per head of the population than the British,

French or Italians. While pointing out that the contribution per Norwegian was lower than that per Swiss, he suspected that the Norwegians were alone in priding themselves on their relatively high contribution. And was not M. Hambro the only Norwegian who felt such pride?

What was to be done in the present circumstances? If the number of units to be assigned to each State could not be made to correspond with the political importance of the situation it had made for itself in the League, some other means must be found in the sphere, for instance, which the Allocation Committee was exploring. Could not the Fourth Committee prolong the term of office of the Allocation Committee for that purpose, and instruct it to give satisfaction during the present year to some of the States who brought forward sound arguments in support of their claim to be relieved of part of their burden? For this purpose, it might make use of a reserve of 30 units, and it would also have to submit a revised scale to the next Assembly. That scale need not be perfect in the eyes of experts on political economy, but should be based on the present scale modified by the allocation of the reserve of 30 units. That would be a practical solution illuminated by science, or rather a scientific solution tempered by common sense.

M. SCARFIOTTI (Italy) said that the draft resolution handed in by the French delegation seemed the most satisfactory in the present state of affairs. It would enable consideration to be given to the position of States Members which found difficulty in paying the contribution assigned to them by the present scale. Italy, although she would in any event be unable to accept a heavier burden than at present, was prepared to take part in a further examination in the sincerest spirit of co-operation.

M. CUERVO-MÁRQUEZ (Colombia) quite agreed with the observations of the Cuban and Uruguayan delegates. Their demands were just, and equitable treatment should be meted out to all countries which had been specially affected by the depression.

He then reminded the Committee that Colombia had always met her financial obligations punctually, and pointed out that her currency had fallen 70 per cent and her budget from 80 million gold dollars to 40 million paper pesos. The League was a homogeneous whole and it could not remain indifferent to events affecting its parts. If the general situation were satisfactory, no one would think of reducing the League's budget, but its debtors had difficulty in paying their debts and it could not ignore the circumstances from which its contributors were suffering.

No doubt there were various kinds of economic and financial policies, but that of the ostrich was the most dangerous. Should not the League rather adopt the wise administrative policy of taking its debtors' situation into account in order not to run the risk of seeing its credits blocked? He hoped that the League would adopt that course in meeting the requests just presented by various delegations.

Sir Homi MEHTA (India) said that India's contribution — 56 units — was higher than that of any other State, except the permanent Members of the Council. It was true that India was a very large country with a big population, but she was extremely poor, and the income per head of the population was much lower than in any European country. During the past three or four years India had suffered severely from the economic depression, particularly from the fall in commodity prices, and the farmers could not even make both ends meet. In addition, India had originally paid her contribution in American gold dollars, but, since America had gone off the gold standard, she had paid in Swiss gold francs. The amount had consequently risen from about 1,350,000 francs two years previously to 1,750,000 gold francs, an increase of 30 per cent.

He had had no intention of taking part in the debate, but, as so many members had spoken, he had been forced to do so, as his silence might have been misunderstood. He hoped that the Allocation Committee would give very serious attention to India's case and grant her relief.

M. VALDÉS-MENDEVILLE (Chile) said, in reply to an observation by M. Rappard, that he had never intended to ask that the contribution of States with a depreciated currency should be reduced in the same proportion as the fall in the currency. More particularly, he had never suggested that Chile's contribution should be decreased in the proportion of 3.5 to 1. She would agree to a reduction of her units from 14 to 7, for she hoped that the economic situation would improve. But, in fact, the figure of 7 was still far from corresponding with the present state of affairs.

He then pointed out that several questions had been dealt with during the discussion which should be collected in one text. He referred to the impossibility of submitting a full and final scientific scale immediately, to the various suggestions contained in the proposals made by the United Kingdom and China, and, finally, to the urgent necessity for remedying the present state of affairs. Furthermore, he had himself emphasised that the situation should be clarified by means of a comprehensive solution of the problems arising out of contributions in arrears and the allocation of expenses. He even wondered whether the problems relating to contributions in arrears should not be settled first. He therefore supported the proposals of the Uruguayan and Swiss delegates, and said that, for his part, he thought a body should be set up to improve the whole position. A reserve of 30 units would not, however, be sufficient for the latter purpose.

The CHAIRMAN asked the Committee whether it was of opinion that a sub-committee should be appointed to study the question. It might be composed of M. Réveillaud and the delegates of Chile, the United Kingdom, China, Uruguay and Switzerland.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, suggested that the delegate of Italy should be added.

M. VALDÉS-MENDEVILLE (Chile) suggested that, in order to indicate the connection between contributions in arrears and the allocation of expenses, M. Castillo Najera, Chairman of the Sub-Committee on Contributions in Arrears, should also be added.

M. RAPHAËL (Greece) considered that the discussion was taking an increasingly dangerous turn. It was tending more and more to connect the question of reducing certain contributions with that of contributions in arrears. From the point of view of contributions in arrears, the countries which were asking for relief were in very different positions — Greece, in particular, which had no contributions in arrears — and their cases should be examined on their own merits, apart from their position as debtors.

M. HAMBRO (Norway) supported M. Raphaël. He was prepared to accept M. Réveillaud's resolution and was glad to hear that Sir Ernest Bennett would be content if his proposal were discussed at the next Assembly. There should, therefore, be no difficulty in dealing with these two proposals.

The claims put forward by China and other countries were somewhat different and, as M. Raphaël had said, the question of contributions should not be connected with relief to States which were in a difficult position.

In M. Hambro's view, it would hardly be wise to appoint on a sub-committee, whose duty would be to weigh the value of the claims advanced, representatives of States which had put forward claims.

The CHAIRMAN was also of opinion that contributions in arrears should not be linked up with the allocation of expenses. As a matter of fact, the report of the Sub-Committee on Contributions in Arrears had not even been considered. The committee to be set up would therefore deal only with the allocation of expenses. There was, of course, nothing to prevent the Chairman of the Sub-Committee on Contributions in Arrears from joining it, but he would do so as delegate of Mexico. Lastly, the committee would not have to examine the special position of the States that had advanced claims, but would simply arrange and combine the suggestions and proposals placed before the Fourth Committee.

M. VALDÉS-MENDEVILLE (Chile) said that he would not press his proposal.

Sir Ernest BENNETT (United Kingdom) expressed his willingness to accept the French resolution, provided it was quite clear that the United Kingdom proposals would be placed on the agenda of the sixteenth Assembly.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, replied that that was understood.

M. NECULCEA (Roumania) said that his silence should not be interpreted as signifying that Roumania had no request to make.

With regard to the question of the allocation of expenses, he felt, like the Greek delegate, that it should not be connected with that of the contributions in arrears.

The Committee decided to set up a Committee to submit proposals with regard to the allocation of expenses consisting of the Chairman of the Committee on the Allocation of Expenses and the delegates of the United Kingdom, Chile, China, Italy, Mexico, Switzerland and Uruguay.

33. Co-operation of the Press in the Organisation of Peace : Draft Resolution adopted by the Second Committee (continuation) (Annex 3).

M. RAPPARD (Switzerland) asked what was the exact significance of the vote which the Fourth Committee was required to take under Article 16 of the Financial Regulations.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the present question was neither more nor less than whether to remove the barrier raised by Article 16 (a) to the presentation of requests for supplementary credits during the Assembly. If, by a two-thirds majority, this barrier were removed in the case of the credit for which the Second Committee was asking, the Supervisory Commission would have to report on the credit, and the Fourth Committee would then be free to vote or refuse it by a simple majority.

M. RAPPARD (Switzerland) considered that there was some flaw in an arrangement under which the Fourth Committee had to exercise an important right of veto without hearing the views of the Supervisory Commission, and subsequently, when it had the benefit of that advice, to take an ordinary majority vote.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, pointed out that Article 16 (a) of the Financial Regulations had been adopted on the proposal of the United Kingdom delegation, which had had considerable experience in the matter.

The CHAIRMAN pointed out that the Fourth Committee would not be acting blindly in taking its first vote, because it had already received from the Second Committee a request accompanied by a statement of reasons.

M. RÉVEILLAUD (France) was anxious that there should be no misunderstanding as to the Supervisory Commission's duties. Some years previously, it had been said that it consisted of five gentlemen who reached decisions in the dark. That was somewhat exaggerated. It was the Supervisory Commission's business not to settle, but to elucidate, questions for the Fourth Committee. In not reaching a decision until after a preliminary vote had been taken under Article 16 (a) of the Financial Regulations, the Supervisory Commission was playing fairly. It was not for that Commission to say whether a particular activity should be carried out or not. That was the business of the Fourth Committee, and, in reaching a decision, the latter was exercising its sovereignty. If it decided that the matter should be considered, the Supervisory Commission would express its views. As the matter stood, Article 16 (a) was quite comprehensible and, in his view, there was no need to change it.

M. RAPPARD (Switzerland) thought, on the contrary, that, before proceeding to either of the votes mentioned in Article 16 (a), the Fourth Committee should hear the views of the Supervisory Commission. The Commission was in a better position than anyone to judge of the relative importance of credits, in view of the selection it had to make during the financial period.

If, therefore, the Fourth Committee removed the barrier to which M. Osuský had referred, would the Supervisory Commission feel free to advise that it be restored, if necessary ?

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, fully appreciated the difficulty of examining a question really freely after a favourable preliminary vote in the Fourth Committee. At the same time, he did not believe the Supervisory Commission would hesitate to advise that the question be adjourned to the coming year if necessary.

The CHAIRMAN asked the Fourth Committee to take the preliminary vote provided for in Article 16 (a) of the Financial Regulations on the credit for which the Second Committee had asked.

Seventeen delegates voted in favour of an immediate examination of the proposed credit and thirteen for the adjournment of the proposal to the next Assembly.

The majority of two-thirds not having been obtained, the question was adjourned to the next Assembly.

34. Compensation and Clearing Agreements: Enquiry concerning their Causes, Scope, Methods and Results: Resolution adopted by the Second Committee.

The CHAIRMAN read the following draft resolution which had just been adopted by the Second Committee :

“ The Assembly requests the Council to arrange for an enquiry to be made by the Economic and Financial Organisation of the League concerning the causes, scope, methods, and results of compensation and clearing agreements.

“ It requests that this study should, in particular, include an examination of the agreements concluded and the working of the organisations set up to provide for their execution, and should throw light upon the practical difficulties that have been encountered and the results that have been obtained.”

M. RAPPARD (Switzerland) asked what expenditure would be entailed.

Reverting to the objections he had made with regard to previous votes, he pointed out that delegates who were not sure that it was advisable to embark on the proposed expenditure were being asked to abandon their right of veto although one-third of the votes were opposed to it, and without even having the benefit of the Supervisory Commission's opinion. In his view, the barrier constituted by the two-thirds majority should only be removed after the Supervisory Commission had submitted a report.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the Commission was always prepared to assist the Fourth Committee, but he wondered whether the Financial Regulations as they stood could be interpreted in such a way as to satisfy M. Rappard. What was most important was that the Supervisory Commission should not prejudge the sovereignty of the Fourth Committee.

M. RÉVEILLAUD (France) thought it would be regrettable if the Fourth Committee felt that it was voting in the dark. He therefore explained, with regard to the credit, that the enquiry concerning compensation and clearing agreements had been proposed by the French delegation. M. Stucki, among others, had thought it essential. It would involve, he thought, a credit of 15,000 to 20,000 francs at the most, on the understanding that, if the cost exceeded that sum, a supplementary credit could be obtained out of the 200,000 francs placed at the disposal of the Council for the study of economic and financial questions. Furthermore, after the preliminary vote the Supervisory Commission would give its views, and if the Fourth Committee then felt obliged to refuse the credit, it would be quite free to do so.

M. FRANGULIS (Haiti) was in favour of making the enquiry and observed that, at a time when the League was finding it difficult to collect its contributions for reasons of exchange and transfer, public opinion would have difficulty in understanding why it refused to study the question of compensation and clearing agreements.

Twenty-five delegations having voted in favour, the Committee decided that the request for a supplementary credit for an enquiry on clearing and compensation agreements should be examined immediately. This question was therefore referred to the Supervisory Commission.

NINTH MEETING.

Held on Monday, September 24th, 1934, at 4 p.m.

Chairman: Count CARTON DE WIART (Belgium).

35. Contributions in Arrears: Report of the Sub-Committee on Contributions in Arrears (Annex to Document A.49.1934.X.)

M. CASTILLO NAJERA (Mexico), Chairman of the Sub-Committee on Contributions in Arrears, informed the Committee that Peru had made the payment mentioned in Appendix VI of the report. The League had received about 60,500 Swiss francs. In making that payment, Peru desired to show her goodwill, and she had intimated that, in future, frequent instalments would be paid.

M. WOHLIN (Sweden), having drawn attention to the large sums falling into the various categories of contributions in arrears, pointed out that no interest was charged.

The question of contributions in arrears was of great importance to the League's finances, and the fact that States had not paid their contributions regularly had undoubtedly helped to slow down the League's activities. It had also created a feeling of irritation and discontent, which was still growing among States that did pay, and that feeling had often been expressed by members of the Fourth Committee in recent years. It was therefore necessary to solve the problem which, he was aware, was a delicate one.

Several States that were most interested in the League and had faithfully met their obligations when economic conditions were more favourable had had, since the depression — that was to say, since 1929 or 1930 — to be placed on the list of debtor countries. There were other States, however, of whom it might be presumed that, given a little more goodwill, they would have been able to pay at least part of their contribution. It was, of course, for each country to decide which of its budget expenses should be regarded as most urgent, and it could not be denied that that question bore a different aspect in different countries. It was highly desirable, however, that the Governments and Parliaments of States Members of the League should, in principle, accept the view that the contributions due to that big association of nations, whose field of action covered the whole world, should find a place among the most important budget expenses, — those which should be paid punctually — and that every nation should feel in honour bound to act accordingly.

He did not think it necessary to emphasise the significance of the Sub-Committee's recommendations. He would venture, however, to express the earnest hope that the States which, for one reason or another, were in arrears would extend a confident and friendly welcome to the small special Committee appointed to negotiate with them during the coming year, and that it would be possible by that means to arrive at positive results adapted to each special case. It would seem possible, at any rate in some cases, to settle the debts by funding them for a definite period, should world economic conditions continue to improve. The question whether, in certain exceptional cases, a reduction of the amount due was to be recommended was a difficult one, and it could hardly be dealt with except in the manner suggested in the report.

With regard to the penalty of withholding certain privileges, that problem would, of course, have to be handled very tactfully, but also with all the weight of the League's authority. Having summarised the Sub-Committee's proposals in this connection, he pointed out that it had not abandoned the idea of imposing that penalty, but had thought it advisable to postpone consideration of the matter until the results of the proposed negotiations were known.

The Swedish delegate then pointed out that the adoption of a revised scale of contributions might doubtless facilitate future payments by some countries, but it would not effect a final settlement of the question of contributions in arrears. Obviously, a revised scale could not be made retroactive. The revision of the scale and the payment of contributions in arrears were separate questions, as some delegates had pointed out at the last meeting. With regard to the latter question, he thought he could see a desire on the part of some of the States concerned to meet their obligations, and, in conclusion, he expressed the hope that, in future, the contributions due to the League would come in more regularly.

The SECRETARY-GENERAL explained that he attached particular importance to the question, not because he desired to evade his responsibility for recovering the contributions. On the contrary, he had always devoted the greatest attention to that part of his work. But, in the present situation, seeing that contributions in arrears had been increasing for two or three years, some extraordinary procedure was essential. It was necessary, in the interests of the League and its debtors, that an unhealthy situation should not be allowed to develop and ferment. That consideration alone would be sufficient to warrant a special effort. But, as any settlement of arrears entailed arrangements that must be ratified by the Assembly, it would seem that, if the negotiations were to proceed satisfactorily, the negotiators should have full powers conferred on them by that body. The States concerned would then know that they were being presented, not with a distant hope, but with a settlement, if not final, at least definite and almost final. If the Fourth Committee decided to appoint a small committee, the Secretary-General and the Treasurer would assist it to the utmost of their ability.

Sir James PARR (New Zealand) said that the present position with regard to defaulting States could not be allowed to continue. The League was exposed to criticism and universal ridicule, because it was unable to discipline those Members who year by year failed to fulfil their obligations. The position was about as ludicrous as it could be. He was sorry the Sub-Committee had not made more drastic suggestions and hoped that the special committee to be appointed, if the report were adopted, would not only do its best to collect arrears but would also make recommendations to the Assembly for any necessary change in the Regulations, or even the Covenant, to make it possible to deal with those States that did not keep faith.

It was not without difficulty that the farmers of New Zealand paid that country's contribution every year. New Zealand, and other States, could advance just the same arguments as the defaulting States. They also could say that the scale of allocation adopted by the 1925 Assembly no longer applied to the present situation and that the general difficulty caused by the economic crisis and by exchange problems made it impossible for them to pay.

If he were sure that the countries in question were so desperately bankrupt that they were unable to pay he would understand, but an examination of their budgets showed that most of them were as well able to pay as others. He hoped that the special committee would place the matter so clearly before the Governments that next year they would not have the spectacle of States failing in their obligations of decency, honour and good faith. He appealed to those States to save the honour of the League.

With regard to the special reserve fund into which it was proposed to pay moneys collected, he asked how it was to be disposed of. Personally, he felt strongly that it should go to those States, his own included, which had had their obligations indirectly increased every year by the default of other States.

He had spoken strongly on the matter because he felt that the good name of the League in many countries, thousands of miles away, was seriously prejudiced by the extraordinary position with regard to contributions in arrears.

The SECRETARY-GENERAL explained that in recommending a reserve fund — the name was perhaps not well chosen — the Sub-Committee had desired to keep the sums recovered as contributions in arrears separate from the current account of the Treasury. The reserve fund, or, if preferred, the suspense account, was not for any precise purpose. The Assembly itself would decide how the money should be disposed of, and no doubt in doing so it would be moved by the considerations Sir James Parr had submitted.

M. VALDÉS-MENDEVILLE (Chile) did not intend to discuss the Sub-Committee's report in detail. He pointed out, however, with regard to the passage relating to the appointment of a small committee, that developments which were hardly likely to create a favourable atmosphere, might possibly have been avoided. Of course, he approved the appointment of

the committee. He was not sure, however, whether it was really necessary to say that that body "would have full power, *subject to ratification by the next Assembly*, to negotiate and conclude . . ." Obviously, the next Assembly must be free to take a decision, but in any event, though it had powers to negotiate and conclude arrangements, the small committee could not be empowered to collect contributions.

In the same paragraph of its report, the Sub-Committee proposed that the negotiations should cover arrears for financial periods down to the end of 1932. In his opinion, it would be better simply to refer to arrears, leaving the small committee free to examine any cases it felt it should study, down to and including cases in respect of the 1934 financial period.

He thought it would be better to place paragraph 3 (paragraph 4 of the draft report) among the grounds for consideration. He was glad to support the proposals made in paragraph 4 (paragraph 5 of the draft report) with regard to the suppression of the Argentine Republic from the list of States in arrears.

M. CASTILLO NAJERA (Mexico), Chairman of the Sub-Committee on Contributions in Arrears, replying to Sir James Parr, stated that, contrary to what the New Zealand delegate might suppose, it was possible to find new factors in the Sub-Committee's report that year. For example, reference was made in the report to sums amounting to 5 or 6 million francs received since the last Assembly.

He explained to M. Valdés-Mendeville that the Sub-Committee had first intended to insert paragraph 3 (paragraph 4 of the draft report) not among the recommendations but among the grounds for consideration, but, after reflection, it had preferred to make it the subject of a recommendation. Moreover, paragraph 3 (paragraph 4 of the draft report) contained a kind of recommendation, for it said "if they (the proposals in question) were adopted, their execution would necessarily be left to the good sense of the Assembly and the competent authorities". Personally, he considered that when those proposals were aimed at depriving the nationals of States in arrears of remunerative posts, there was perhaps some reason for them, but the matter was open to doubt when they were aimed at depriving those States of honorary posts.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replying to the Chilean delegate with regard to the extreme date for arrears on which the small committee might negotiate, said that the Supervisory Commission had thought 1932 reasonable and expedient. Obviously, the Supervisory Commission had not drafted paragraph 1, but it approved the wording. The financial years of States Members of the League were not the same as the League's financial year, so that some States had to pay their contributions two or three months after the close of the League's financial year.

It would be regrettable if the Treasury of the League were prevented, by an arrangement such as that suggested by M. Valdés-Mendeville, from including such sums in the accounts for the year in respect of which they had been paid.

M. HAMBRO (Norway) said that the Sub-Committee was to be congratulated on having borne both past and future in mind.

It was of fundamental importance that something should be done to improve the present situation, and the only practical solution was to constitute a special committee, as suggested in the report. Arrears had arisen in various ways: some States had had difficulty in paying their contributions. In other cases, the main difficulty had been that the League had no means of making them pay. There were some Members who had never paid, even before the depression. There was something wrong with the League machinery when such a situation was possible, and nothing had done more harm to the League than the realisation that States that alleged that they were unable to pay their contributions were able to wage war.

It would be difficult to discuss the moral aspect of the question, but it was of the greatest importance that some arrangement should be made to enable the League to produce a clean balance-sheet. In his opinion, the Financial Regulations should be revised.

The various measures suggested should be examined by the special committee. Surpluses had always been divided among all States Members, but, for the future, it should be laid down that they would go only to States that had paid their contributions for the year. No interest had ever been charged on contributions in arrears, but, in future, a time-limit should be fixed after which interest would be charged. As to honorary posts, it would be unfair, if a man had particular qualifications, to deprive the League of his services because his country had defaulted. Nor could an individual be penalised because his country had not fulfilled its obligations. In the same way, Members of Section could not be penalised because their States did not pay. A State in arrears might, however, be deprived of its right to vote.

He was afraid the Chilean delegate's proposal to include 1933 and 1934 in the investigation would mean that very little would come into the Treasury during the last four months of the present year.

The Fourth Committee was becoming more and more like the Wailing Wall at Jerusalem. States came to wail over the breakdown of their economic and financial systems, some out of real feeling, and some because they did not want to be different from the rest. The Financial Regulations ought to be framed in such a way that the Fourth Committee was not

required to listen to appeals to sentiment. All requests for special treatment should be sent to the Allocation or some other Committee.

With regard to the Argentine Republic, he was of opinion that the arrears attributed to it were not really arrears and should be wiped out. At the same time, that — like other matters — should be investigated scientifically by the small committee to be set up. He hoped that committee would propose new rules and amendments to the present system, where necessary, in order that the next Assembly might take steps to end the present situation.

M. URRIOLAGOITIA (Bolivia) said that, since 1929, Bolivia had not ceased to make representations that her annual contribution was far beyond her financial means. It was therefore earnestly hoped that the necessary measures would be taken to reduce her contribution to a level more in accordance with her capacity to pay. In order to show her goodwill, she had already despatched by air mail her contribution for the current year.

With reference to contributions in arrears, Bolivia was prepared to enter into an equitable arrangement with the League, if account were taken of the real economic conditions of the country. Needless to say, when occasion arose, she would submit details to prove her contention, to which, he hoped, the Committee would give just and due consideration.

M. HJELT (Finland) thought it would be advisable for the small committee to make recommendations to the Fourth Committee of the next Assembly with regard to means of guaranteeing the satisfactory execution of the agreements to be concluded, and also with regard to the measures to be taken in respect of States which did not fulfil the obligations arising out of those arrangements.

In his opinion, it was also necessary to give some publicity to the arrangements. It would not be sufficient to communicate them to the Governments of States Members. The world Press should be informed, in order that it might, if necessary, exercise moral pressure on the States in arrears.

In conclusion, the Finnish delegate expressed the hope that the States concerned would place at the disposal of the small committee all the factors necessary to form a judgment. That committee would, he thought, have to examine the budgets to see how the necessary credits for carrying out the settlement agreed upon could be included in them. He was sure that some Governments, which at present found it practically impossible to obtain from their respective parliaments the necessary appropriations to settle their arrears with the League, would find it easier if they could inform their parliaments that a body of the League had made a thorough examination of their requests for credit.

M. CASTILLO NAJERA (Mexico), Chairman of the Sub-Committee on Contributions in Arrears, in reply to M. Hambro, stated that the Sub-Committee had actually considered making a distinction between States which had become debtors since 1929 and States that had been debtors before the depression. It had immediately realised that that distinction would lead nowhere. Indeed, there were countries, such as Nicaragua, that had paid their contributions more regularly after 1929 than before. On the other hand, contrary to what M. Hambro had said, there was no State Member that had never made any payment in respect of its contributions.

For the drafting of Recommendation No. 3 (paragraph 4 of the draft report), the Sub-Committee had had in mind paragraphs 32 and 33 of the second report of the Supervisory Commission (document A.5(a).1934.X), which said :

“ So long as the non-paying States remain liable to pay their arrear contributions, it is not possible to exclude them from participating in or benefiting from a surplus. If they were excluded they would, on payment of their arrear contributions, be entitled to benefit, and, if the surplus had already been distributed, there would be no funds from which to reimburse them.

“ The fact is that States which are liable to pay contributions cannot be dissociated from States which pay, and any change in the existing system would involve an unfair and unjust differentiation.”

What the Sub-Committee was recommending in paragraph 3 (paragraph 4 of the draft report) was, in fact, a separate examination of the cases of the various States in arrears.

The Norwegian delegate had referred to the States which claimed that they had not enough money to pay their contributions to the League and yet had enough to make war. But what was to be thought of States Members that did meet their obligations and sold arms and ammunition, perhaps knowing that their customers owed contributions to the League ?

M. Hambro had also referred to Recommendation No. 4 (paragraph 5 of the draft report). The Secretary-General had drawn the Sub-Committee's attention to the fact that it related to a question, not of money, but of principle. There were two trends of opinion in the Argentine Republic as to whether that State was legally a Member of the League during the years for which she appeared among its debtors. The Sub-Committee had not felt able to deal with the question at length in its report. It fully supported the Secretary-General's point of view, and had eventually decided to recommend the Fourth Committee not to regard the Argentine Republic as owing contributions in arrears.

M. RAPPARD (Switzerland) feared that the Governments and Parliaments of the States that did not meet their financial obligations to the League would be unlikely to hear anything of the Fourth Committee's discussions. Meantime, there was growing impatience and irritation among the countries that did pay. It was easy to detect a change of tone in the speeches made a few years previously and those of the present session with regard to contributions in arrears. To act too discreetly, too secretly even, when dealing with such a question was to do an ill service to the world, and to deprive the Geneva representatives of the debtor Governments of the only really powerful argument they could place before their Governments. In his opinion, therefore, some publicity should be given to the question of contributions in arrears. It was proposed that debtor States or their nationals should be deprived of honours and posts in the public eye. It would be natural in any case for these States not to offer themselves as candidates for seats on the Council, for it was inconsistent, on the one hand, to plead weakness when stating that their contributions could not be paid, and, on the other hand, their importance, when it was desired to sit on the Council.

It would be advisable to draw up a kind of barometer of the financial morality of States, quite apart, of course, from failure caused by events for which they were not responsible. In that instrument, international goodwill, a spirit of order and the love of peace would be measured by the regularity with which contributions had been paid. Accurate information on the financial markets as to the punctuality with which States fulfilled their financial obligations to the League would be a valuable indication of their international solvency. Would not then that argument have considerable influence on Governments and Parliaments? He must admit that he was not very much impressed by those who claimed that they were unable to pay a quite modest contribution and at the same time spent millions on arms and ammunition. Would not a better way to ensure national defence be to give strong support to the League?

M. KRAFT (Denmark) agreed with the Swedish delegate. Everyone hoped that the time was not far off when the Fourth Committee would no longer have to discuss contributions in arrears. There was no doubt that the decision of some countries not to pay their contributions was strengthened by the fact that others did not do so.

The Danish delegation approved the report and supported its recommendations as being the best means of dealing with the present situation. He hoped that they might lead to a final solution of a very important problem.

M. HAMBRO (Norway) hoped there would be no misunderstanding as to the significance of his last remark. He had had no intention of criticising the report of the Sub-Committee to which, on the contrary, he paid a tribute. He would not vote against the solution proposed in the case of the Argentine Republic, provided the Secretary-General approved it. In his opinion, it was a legal question outside the Fourth Committee's competence; but if M. Castillo Najera would state in a document that only States that had paid their contributions to the League and had received a certificate from the Secretary-General testifying to their satisfactory financial conduct would be allowed to make purchases from Members of the League, he would have M. Hambro's support, though that course would not seem to be very feasible for the moment.

The Norwegian delegate then said that, in his opinion, the Minutes of the Fourth Committee should be referred to the small committee, in order that it might study them, with the help of the Secretary-General, and draw the necessary conclusions.

M. CASTILLO NAJERA (Mexico), Chairman of the Sub-Committee on Contributions in Arrears, agreed.

M. DE LA ROSA (Venezuela) said that the Venezuelan delegation approved Recommendation No. 4 (paragraph 5 of the draft report) with regard to the Argentine Republic.

M. RUIZ-GUINAZÚ (Argentine Republic) said that the explanations already supplied to the Sub-Committee on Contributions in Arrears showed clearly that a question of principle and not of quantity arose in the case of the Argentine Republic. She had made the most praiseworthy efforts to ensure the service of her public debt at a time when other States had suspended payment of obligations of the same kind. Was she not entitled, therefore, to refuse to regard herself as in arrears with her contributions? She had paid her contribution for 1933 and would pay the 1934 contribution in October.

In conclusion, he said that he was glad to note the spirit of justice in which the question of the contributions of the Argentine Republic had been examined by the Sub-Committee. The latter had found a solution corresponding to the special character of the case, which had been recognised by the previous Assembly.

M. Lo (China) drew attention to the following passage in the draft report :

“ The Chinese delegate appeared to assume that such an understanding existed, but the Sub-Committee understood that the Secretary-General himself was not aware of any such agreement.”¹

¹ The text of the passage in question, as it appears in the final report, reads as follows :

“ The Chinese delegate appeared to assume that an informal understanding existed . . .

He did not suggest any alteration in that passage, but desired to have it placed on record that the point which was raised last week in the Sub-Committee on Contributions in Arrears was in regard to an informal understanding and not a formal agreement.

He was unable to comment on the report because the Sub-Committee on the Allocation of Expenses set up on September 22nd had not yet completed its work and made its report.

M. PALACIOS (Spain) said he could support the conclusions of the Sub-Committee's report. He did not believe, however, in the efficacy of the sanctions proposed by certain delegates. In the past year, resort had been had with some success to diplomatic negotiations. Why should not that continue? In his opinion, the main question was one of the League's efficiency, apart from the barometer of goodwill to which M. Rappard had referred. There should also be a barometer measuring that efficiency. Lastly, with regard to the contributions of the Argentine Republic, the Spanish delegate approved the Sub-Committee's conclusion.

M. VALDÉS-MENDEVILLE (Chile) did not agree with the Chairman of the Supervisory Committee, but thought that there would be some objection to stating that contributions in respect of 1933 could not be included in a comprehensive settlement. In his opinion, to do so would be sacrificing a near hope to a remote possibility. If M. Osuský's opinion were accepted, a State that desired to settle its arrears would be told by the small committee: We are empowered to conclude an arrangement with you for the payment of arrears down to 1932 inclusive, but you must apply elsewhere for 1933 and 1934.

He would not raise any obstacle on this point, of course, but he would not like it to be said that he had not expressed his views as to the stipulation in question.

The Norwegian delegate had said, with regard to contributions in arrears, that an appeal had been made to sentiment. That was not his own impression. The Chilean delegation had certainly not made an appeal to sentiment. He thought that the claims presented were far more an appeal to reality and were due to the maintenance of a somewhat unfair scale. He was sure that, if the scale had been modified in 1930 and if at that time a greater understanding had been shown of the position of the States concerned, their Parliaments and public opinion would have shown greater understanding of the League. It was far less a case of ill-will than of disproportionate contributions and material inability to pay.

The CHAIRMAN put the Sub-Committee's first recommendation to the vote as follows:

"The Sub-Committee recommends that the Assembly, on the proposal of the Fourth Committee, should appoint a small committee which would sit at intervals until the next Assembly and which would have full power, subject to ratification by the next Assembly, to negotiate and conclude arrangements with States for the equitable settlement of the amount of their debt in respect of arrears outstanding at the end of 1932."

He observed that as this recommendation would entail additional expenditure, it should be voted by a two-thirds majority under Article 16 (a) of the Financial Regulations.

Twenty-seven delegations voting in favour of and none against the recommendation, it was adopted.

M. VALDÉS-MENDEVILLE (Chile) said that, in view of the question he had raised, he had refrained from voting, though he approved the appointment of a small Committee in principle. He was convinced that the measure would not give the results anticipated if the full powers of the Committee did not enable it to conclude arrangements as to arrears for financial periods subsequent to 1932.

M. GUANI (Uruguay) said that he had abstained from voting for the same reason. He had already expressed the view that the arrangements contemplated should cover all sums in arrears, including contributions in respect of 1933, in order that no balance should remain outstanding.

The CHAIRMAN put the second recommendation to the vote as follows:

"The Sub-Committee recommends that the Supervisory Commission should be invited to examine the question whether arrears of contributions received in respect of the years 1920 to 1932 inclusive should be placed in a special reserve account, and to make proposals to the sixteenth Assembly regarding the disposal of this account."

M. RAPPARD (Switzerland) asked whether this recommendation showed great psychological wisdom. Was it to be expected that a country would make a great effort to pay a sum into an account the object of which was unknown? The matter should be looked at from the point of view of the Governments that would have to ask their Parliaments to vote the necessary credits. Would not their position be weakened if they were unable to say for what purpose the credits to be voted were intended?

The TREASURER said that he could give not a psychological but a practical financial reason. It was desired to keep arrear collections in a special fund to be devoted to some purpose to be settled by the Assembly. If that were not done, they would automatically be divided over forthcoming payments. It was desired to leave the Assembly free to decide for what purpose they should be used.

M. HAMBRO (Norway) suggested that it would be advisable simply to refer the Minutes of the discussion to the special Committee for consideration and report to the Assembly without making any definite proposal. The psychological difficulty mentioned by M. Rappard would then be avoided.

A decision with regard to Recommendation No. 2 was postponed pending a vote on M. Hambro's proposal that the Minutes of the Fourth Committee should be referred to the small Committee for consideration.

Recommendations Nos. 3, 4 and 5¹ were then adopted in the form proposed by the Sub-Committee. The text reads as follows :

" 3. The Sub-Committee recommends that, in future, payments made by a State in arrears should be applied towards the reduction of the earliest arrears due by that State and not on account of its current contribution. It considers it to be unreasonable that, in such cases, the debtor should have liberty to decide to what purpose the payments made should be appropriated. The Sub-Committee understands that, in order to give effect to this proposal, an amendment to Article 21 of the Financial Regulations would be required. It suggests that the task of preparing a precise proposition for consideration by the Fourth Committee at the next Assembly should be entrusted to the Special Committee which it is proposed to set up.

" 4. The question whether non-payment of contributions should be accompanied by any restriction of privileges will be found fully discussed in document A.10.1927.V. The Fourth Committee will in particular recall the suggestions made last year on behalf of the Indian delegation, viz. :

" (a) That the Assembly should invite delegates to refrain from electing representatives of States in arrear to posts of honour in the Assembly, the Council or Committees ;

" (b) That the Assembly should decide that nationals of States in arrears should not be appointed to posts in the organisations of the League.

" The Sub-Committee has again considered this matter in the course of its general investigations. It would appear that it is not possible to suggest any suitable form in which legal effect could be given to these proposals and that, if they were adopted, their execution would necessarily be left to the good sense of the Assembly and the competent authorities. The Sub-Committee regards the principles involved as generally salutary, but it is of opinion that the time to take this matter up will be after and not before impartial consideration has been given to the case of each State concerned by the Special Committee, the establishment of which they have recommended above. For these reasons, the Sub-Committee abstains on this occasion from inviting the Fourth Committee to express its approval of the proposals.

" 5. As regards the contributions of the Argentine Republic for the years 1929 to 1932, the Fourth Committee is aware that these amounts are shown in a separate category. The reason for this is that, prior to the year 1933, certain doubts attached to the position of this State in its legal relationship to the League. The Sub-Committee considers that only a practical solution can be given to a question of this nature and recommends that the Argentine Republic should be no longer regarded as being in arrear for the four years 1929 to 1932."

The CHAIRMAN then put to the vote M. Hambro's proposal to refer the Fourth Committee's Minutes on the question of contributions in arrears to the small Committee.

This proposal was adopted.

The CHAIRMAN observed that the adoption of M. Hambro's proposal made it unnecessary to take a vote on Recommendation No. 2, which would be suppressed.

36. Reports of the Supervisory Commission: Examination of those Chapters not adopted during the Examination of the Budgetary Estimates.

The CHAIRMAN invited the Fourth Committee to take a decision with regard to Sections D and E of the first report (document A.5.1934.X) and Sections III, IV, V, VII and IX of the second report of the Supervisory Commission (document A.5(a).1934.X).

The Committee adopted the sections in question and the two reports of the Supervisory Commission as a whole.

¹ Recommendation No. 2 having been suppressed in the final report, these recommendations are numbered 2, 3 and 4 in the annex to document A.49.1934.X.

TENTH MEETING.

Held on Tuesday, September 25th, 1934, at 4 p.m.

Chairman : Count CARTON DE WIART (Belgium), later M. ZUMETA (Venezuela) (*Vice-Chairman*).

37. Allocation of Expenses of the League of Nations : Draft Resolution submitted by the Committee set up on September 22nd, 1934.

The draft resolution proposed by the Committee set up on September 22nd, 1934, read as follows :

“ I.

“ In view of the material impossibility of referring the question of the contributions of Afghanistan and the Union of Soviet Socialist Republics to the Allocation Committee for a detailed study :

“ The Assembly decides to fix the contributions of these two States for 1935 only and without prejudice to any decision that may be reached next year as follows :

“ Afghanistan	1 unit
“ Union of Soviet Socialist Republics	79 units

“ II.

“ The Assembly decides that :

“ (1) Twenty units shall be distributed for the year 1935 by the Allocation Committee in reduction of the contribution of those States which, in its opinion, have the strongest claim to relief ;

“ (2) The Allocation Committee, in carrying out this task, shall keep in contact with the special Committee on Arrears of Contributions ;

“ (3) Subject to the foregoing, the present scale shall remain in force for the year 1935.

“ III.

“ The Assembly,

“ Having noted the British proposal made during the discussion of the report of the Committee on the Allocation of Expenses and the observations to which it gave rise :

“ Requests the Governments of States Members of the League to study the question ;

“ And decides that this proposal, and all proposals made by Governments and communicated in good time, concerning the method of contribution of Members of the League, shall be placed on the agenda of the sixteenth Assembly.

“ IV.

“ The Assembly decides that the Allocations Committee, in agreement with the special Committee on Arrears of Contributions, shall consider forthwith the request put forward by the Chinese representative on the Fourth Committee of the Assembly and submit concrete proposals concerning it to the sixteenth Assembly.”

M. RÉVEILLAUD (France), on behalf of the special Committee, commented on the draft resolution. The draft was divided into four sections. The first section concerned the question of the contributions of Afghanistan and the Union of Soviet Socialist Republics. Afghanistan had not yet been admitted to the League, but the Committee had thought it advisable to submit to the Fourth Committee a purely provisional suggestion with regard to her contribution. Contrary to the usual custom, the Committee on the Allocation of Expenses had not been asked to fix the contribution of the Union of Soviet Socialist Republics, as most of its members were not in Geneva. Indeed, they might have been somewhat embarrassed in expressing an opinion, even from the technical point of view alone. The Committee appointed on September 22nd had been informed that correspondence had been exchanged between the Secretary-General and the Soviet delegation, and that the latter had intimated that the Soviet Union was prepared to pay the same contribution as the permanent Members of the Council, with the exception of the United Kingdom. It could be deduced from the wording of the Soviet delegation's letter that the Soviet Union would agree to a contribution of 79 units. The Committee had therefore been of opinion that that figure should be recorded in the report and accepted for the coming year, with a specific reservation as to the future.

The conclusions set out in Section II were based on the following reasoning. If Germany and Japan remained Members of the League in 1935, their contributions would be 79 and 60 units respectively. Up to the date on which their notices of withdrawal expired, their contributions for 1935 would be 63.41 units for Germany and 13.97 units for Japar. The loss,

in the event of the withdrawal of the two countries, would therefore be 139 units less 77.38 units, or 61.62 units. Taking all these factors into account, the situation in 1935 would be as follows :

<i>Add</i> : New units U.S.S.R.	79
<i>Deduct</i> : loss due to the withdrawal of Germany and Japan	61.62
	<hr/>
Units available	17.38

After examining the question, the Committee had felt that the figure of 17.38 units might be increased to 20 and placed at the disposal of the Allocation Committee for the purpose of reducing the contributions of the States which, in its opinion, had the greatest claim to relief. The granting of relief would in that case place only a very small additional burden on the other States.

How should the 20 units in question be distributed ? The Committee had unanimously decided that the Allocation Committee should be left completely free. It would, of course, examine the situation in a spirit of justice and with full knowledge of League affairs. Its work would be facilitated by the provision in the draft resolution that, in carrying out its task, it should keep in contact with the Special Committee on Arrears of Contributions.

Section III related to the United Kingdom proposal which, it would be remembered, had led to a French proposal. It was the substance of the French proposal that was reproduced in Section III of the draft, which provided that the Governments might communicate to the League any counter-proposals they might think fit to make.

Section IV dealt with the Chinese proposal. As China had complained that a settlement of her case had been postponed from year to year, the Committee proposed that it be referred to the Allocation Committee which, in agreement with the Special Committee on Contributions in Arrears, would immediately examine the request which the Chinese delegate had placed before the Fourth Committee and would submit concrete proposals to the sixteenth Assembly.

Sir Frederick PHILLIPS (United Kingdom) said that, in submitting proposals with regard to the assessment of the contributions of States having permanent seats on the Council, Sir Ernest Bennett had indicated that, in practice, whatever the theory might be, such contributions tended to be settled by political rather than by economic considerations.

The Committee had before it a case in point. The assessment of the Union of Soviet Socialist Republics was not based on any economic data. So far as he could understand, it was simply made equal to the highest contribution paid by any State with a permanent seat on the Council other than the United Kingdom. The United Kingdom proposal was, of course, to place all States having permanent seats on the Council at the same level — namely, the highest level that had been fixed, 105 units. As matters were going, it looked almost as though some such assimilation might be brought about at a decidedly lower level and one obviously less advantageous to the League.

In view, however, of the material impossibility of referring the question of the contributions of Afghanistan and the Union of Soviet Socialist Republics to the Allocation Committee for a detailed technical study and of the assurance that all the proposals made with regard to allocation would appear on the agenda of the next Assembly, the United Kingdom delegation was prepared to support the resolution.

In conclusion, he paid a tribute to the spirit of conciliation displayed by so many members of the drafting Sub-Committee. It was a real satisfaction to everyone that agreement had in fact been reached on the resolution, and, in that connection, he desired to pay a special tribute to the Chinese delegation.

M. HAMBRO (Norway) said that he could not approve the unconstitutional proposal to fix the contribution of a State before its admission to the League. No Parliament and no business organisation treated grave matters with such a lack of form as the League was constantly invited to do. Afghanistan would be in the unique position of having her contribution settled before she was a Member.

As to the Union of Soviet Socialist Republics, it was inadmissible that a State should be allowed to say how much it was prepared to contribute. The number of units assigned to other States had been fixed after careful consideration of their economic and financial statistics, but the admission of the Union of Soviet Socialist Republics had been negotiated without regard to financial considerations. If such methods were adopted, the Allocation Committee would be faced with even greater difficulties than at present. The allocation of 79 units should at any rate be purely provisional and any subsequent charge should be retroactive.

He had no objection to the rest of the report, nor did he offer any criticism of the Sub-Committee : it had done its best in an impossible situation. But he did criticise those institutions of the League which had placed it in such a situation. If one State were allowed

to say how much it was prepared to contribute, what was to prevent others who might have a better claim — China, for instance — from acting in the same way. Every State Member must be treated on the same footing. Some respect must be had to constitutional procedure, especially in financial matters, if the League's existence was to be preserved.

M. RÉVEILLAUD (France) was not sure whether M. Hambro's indignation was justified. He himself, in commenting on the report, had been careful to explain that the suggestion with regard to the contribution of Afghanistan was purely provisional. In making it, the Committee had felt that it was shortening the procedure without violating any constitutional rule. Obviously, if for any reason Afghanistan did not enter the League, Section I of the draft resolution would have to be amended.

As to the proposal with regard to the Soviet Union's contribution, Sir Frederick Phillips and he himself recognised that it was not ideal, because the Committee on the Allocation of Expenses had not been asked to express its views. M. Hambro had objected, on this point, to the Committee's conclusions and had made a proposal, the main object of which was that any changes that might be made in the coming year should be retroactive. But that would be hardly consistent with the general terms of the draft resolution, Section II of which provided that 20 units, precisely the additional sum supplied by the Soviet Union's contribution, would be distributed among the States having the strongest claim to relief.

Sir Homi MEHTA (India) was unable to agree with M. Hambro. The draft resolution was not in the least unconstitutional : the Assembly was obliged to consult the Government of the Soviet Union before fixing its contribution.

He agreed that it was not for a State to make an offer, but for the Allocation Committee to decide what it should be asked to pay. But the Allocation Committee had made an absolutely constitutional proposal that the Soviet Union should pay 79 units for one year only.

With regard to Afghanistan, he was in complete agreement with M. Hambro.

Section II of the resolution seemed somewhat ambiguous, as it was not made sufficiently clear that countries in arrears should not be granted relief if the Allocation Committee decided that the number of units assigned to them was the right one.

M. SOMPATI (Siam) observed that 20 units would amount to 600,000 Swiss francs. That money actually belonged to the contributing States, and he did not think it right that it should be handed over to defaulting States.

M. RAPPARD (Switzerland) said that the 20 units would not necessarily be distributed only to States that had not paid their contributions. The Siamese delegate would be the last to say that only States in arrears were entitled to relief : he had made a very eloquent appeal on behalf of Siam, and the strongest argument he had advanced was that his country had always strictly observed its obligations, although they had appeared to it to be excessively heavy.

M. HAMBRO (Norway) pointed out that the Siamese delegate's observation was borne out by paragraph 2 of Section II, which said that the Allocation Committee should keep in contact with the special Committee on Arrears of Contributions. He proposed that those words be deleted.

He also proposed that the question of the number of units to be allocated to Afghanistan be held over until she was actually a Member of the League.

Mr. O. SKELTON (Canada) was afraid the Committee was gradually drifting into a piecemeal settlement of its difficulties and thus setting up new rules and precedents which would hamper rather than facilitate its efforts.

He hoped, like the Siamese and Norwegian delegates, that the conclusion would not be drawn from the resolution that only States in arrears were entitled to relief. That would simply put a premium on failure to pay in future years.

He certainly objected to the assumption that only States in arrears required relief. He did not want to make a special claim on behalf of Canada ; he recognised that other States were probably harder hit than she. But Canada was faced with an exchange difficulty as well as the difficulty of raising the sums required for her ordinary budget. In the present year, she had paid in additional exchange alone as much as the total contribution of twelve or fourteen States Members.

M. RÉVEILLAUD (France) explained that the Committee's text left the Allocation Committee quite free to distribute the 20 units referred to in Section II in the best interests of justice and equity. The fears expressed by the delegates who thought that the States

with contributions in arrears would receive preferential treatment were absolutely unjustified. That was the official interpretation of the Committee's text.

Why, then, had it been provided that the Allocation Committee should "keep in contact" with the Special Committee on Contributions in Arrears? Simply because the Committee on the Allocation of Expenses must have all available information upon the position of States in arrears, and it would be extremely valuable if it could know, *inter alia*, which States had shown goodwill in the past and which had been negligent in the accomplishment of their financial duties. In this connection, it would undoubtedly obtain very valuable data from the Special Committee.

Mr. KNOWLES (New Zealand) thought Section II would be acceptable if the second paragraph were amended to read :

" . . . may establish contact with the special Committee on arrears in contributions with a view to obtaining any additional information required."

M. RÉVEILAUD (France) agreed.

The CHAIRMAN, referring to Section I of the draft resolution, said that, while he did not feel that it violated any constitutional rule of the League, he agreed that M. Hambro's objections to fixing Afghanistan's contribution immediately were logical. If, therefore, the Norwegian delegate pressed his point, the provision concerning Afghanistan and the Union of Soviet Socialist Republics could be divided into two parts and the Fourth Committee could adopt the former at a later stage in the Assembly's work.

M. HAMBRO (Norway) thanked the Chairman for meeting his point, and said that he was most anxious that principles should be safeguarded.

The vote on Afghanistan's contribution was adjourned.

The proposals with regard to the Soviet Union in Section I were put to the vote and adopted. (The Norwegian and Venezuelan delegations abstained from voting.)

The CHAIRMAN, referring to Section II, paragraph 2, proposed (1) that the expression "shall keep in contact" be replaced by the more accurate expression "may establish contact", and (2) that, as suggested by the New Zealand delegate, the words "with a view to obtaining any additional information required" should be added to the second paragraph.

The amendments to paragraph 2 were adopted.

Paragraph 2, as amended, read as follows :

"The Allocation Committee, in carrying out this task, may establish contact with the special Committee on arrears of contributions with a view to obtaining any additional information required."

Section II was adopted as a whole.

Sections III and IV of the draft resolution were also adopted, and it was agreed that the United Kingdom proposal would be appended to the resolution.

38. Examination of the Third Report of the Supervisory Commission (document A.61.1934.X).

I. SUPPLEMENTARY BUDGET FOR 1935.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the credits requested under this heading had been submitted by the Secretary-General within the time-limit of one month before the opening of the Assembly. The various proposals would result in a saving of 14,636 francs.

The supplementary budget for 1935 was adopted.

II. ENTRY OF RECEIPTS IN THE ACCOUNTS AFTER THE CLOSE OF THE FINANCIAL PERIOD TO WHICH THEY REFER.

The Supervisory Commission's proposals were adopted.

III. PROPOSAL FOR THE AMENDMENT OF ARTICLE 22 OF THE FINANCIAL REGULATIONS.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, stated that the second paragraph of Article 22 provided that the total amount receivable in respect of the contributions of non-member States admitted as members of an autonomous organisation of the League should be shown separately in the budget and, when received, should be applied to reduce the total sum chargeable for the following year to the Members of the League. A distinction had been drawn between the payments made by Member and non-member States chiefly for legal reasons. It was felt that States Members of the League were under a legal obligation to pay their contributions, which could therefore be counted on in framing the

budget. The contributions of non-member States had been of a voluntary character at the beginning, and it had not been felt right to include them in the budget. It had even been thought to be out of order and dangerous to include them in estimated receipts. Subsequently certain special cases had arisen, such as that of Japan, which had signified its intention to withdraw from the League but desired still to remain a Member of the International Labour Organisation. The Supervisory Commission had considered with the Director of the International Labour Office whether it would not be better to deduct contributions paid by countries in a position similar to that of Japan from the total of contributions. As similar cases, however, would certainly occur, the Supervisory Commission had felt that it would be better to wait a little before making any change in the Financial Regulations. In the meantime, it would consider the special cases and would no doubt be in a position to submit proposals next year. In any event, it was clear that the principles underlying the entry of receipts from non-member States were developing and that what had been regarded as a voluntary contribution at the beginning was tending to become an obligatory contribution from non-member States towards the expenses of the autonomous organisation to which they belonged. That development should find a place in the Financial Regulations.

Section III was approved.

IV. FORM OF THE BUDGET.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that the Commission thought it essential that the items in the budget should be numbered, as suggested by Madame Kluyver. That would be done in the next budget. With regard to transfers, he emphasised the guarantee provided by the second paragraph of Section IV.

Section IV was approved.

V. NEW BUILDINGS OF THE LEAGUE OF NATIONS.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, reminded the Committee that the Swiss Federal Government had guaranteed the sale price of the Hôtel National, and that that price was included in the assets of the Building Fund. Arrangements would shortly be made to offer the Hôtel National for sale under the normal conditions, and as the Secretariat would be unable to leave it before the coming year, and as some time would elapse before it was sold, there would probably be a temporary deficit. There were two methods of covering the deficit : to borrow the money or to take it from the Working Capital Fund. The Supervisory Commission recommended the latter solution, as it would cost less. For the rest, the object of the arrangements proposed in Section V of the report was to enable the Secretariat to install itself in the new buildings next year and the Assembly to hold its next session there.

Section V was approved.

VI. SUPPLEMENTARY CREDITS.

A. Credits for New Activities which the Fourth Committee has declared to be Admissible.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that the credits mentioned under this heading had been submitted during the Assembly and came under Article 16 (a) of the Financial Regulations.

1. Committee to study the Report by the Secretary-General on the League's Committees.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, explained that, in pursuance of the Council's decision of January 17th, 1934, the Secretary-General had prepared a report on League Committees (document C.287.M.125.1934). The General Committee of the Assembly, having noted the report, felt that a body should be set up to study the report and, in particular, "to consider whether any corrections, adjustments or improvements needed to be made in the constitution and in the practice and procedure of the Committees".

Chapter A, 1 was adopted.

2. Enquiry into the Causes, Scope, Methods and Results of Compensation and Clearing Agreements.

Chapter A, 2 was adopted.

3. Small Committee to negotiate and conclude with States an Equitable Settlement of the Arrears of Contributions due by them to the League.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, pointed out that this credit was provided in view of the decision reached by the Fourth Committee with regard to contributions in arrears.

M. RAPPARD (Switzerland) observed that, if the Committee consisted of only three members, it would have to sit a long time in order to spend 15,000 francs.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that the calculations had been made on the basis, not of three, but of five members. It was by no means exact, moreover. The Supervisory Commission had considered two possibilities : some members took a broad view of the Committee's activities, anticipating negotiations on the spot and various journeys ; others thought that the Committee should work at Geneva. The latter view had been accepted, but it had been thought wise to provide an appropriation sufficient for several sessions.

M. RAPPARD (Switzerland) did not press his point, but expressed the hope that the work of this Committee would achieve at least as much as it would cost.

Chapter A, 3 was adopted.

B. Credits involving an Increase in Credits voted for Activities already undertaken.

1. Collation of Information bearing on Child Welfare.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that the Supervisory Commission had ascertained that the credits appearing under Chapter B really concerned activities for which items were already provided in the budget. The sum of 30,000 francs had been requested for the collection of information bearing on child welfare, but the Supervisory Commission proposed a credit of only 16,000 francs. That credit would not be utilised unless it proved impossible to find among the officials available at the Secretariat a Member of Section able to fill the post in question.

COUNT CARTON DE WIAERT (Belgium) said that the Belgian Government attached special importance to child welfare. In 1913, an international child welfare association had been set up at Brussels, under the auspices of the Belgian Government. It had opened an office for information and for liaison work between the national associations dealing with child welfare. The Belgian delegate pointed out that the Swiss Federal Government had welcomed the association most sympathetically, and it was increasing in importance when the war broke out. After the war, the Belgian Government had felt that, in view of the provisions of the Versailles Treaty, the headquarters of the Office should be at the League, and the 1924 Assembly had adopted a resolution to that effect on November 26th, 1924, in pursuance of a proposal made to the Council by the Belgian representative. This resolution had led to the creation of the Child Welfare Committee, whose work did the greatest credit to the League.

In 1933, the Assembly had decided in principle to organise at Geneva the services mentioned in the 1924 resolution, and, for that purpose, had instructed the Child Welfare Committee to formulate a practical scheme setting out the powers and duties of the office, and so on. The Fifth Committee of the present Assembly had studied the results of the Child Welfare Committee's work and had adopted a draft resolution, the conclusions of which would be found in the Supervisory Commission's report.

He must admit that he had experienced some anxiety on reading the following paragraph of the report :

“ As regards the creation of a post of Member of Section, the Supervisory Commission proposed to the Assembly that a credit of 16,000 francs should be voted, on the understanding that this credit should only be utilised if the Secretary-General is unable to fill this new post by transferring some official at present in the Secretariat.”

It was by no means intended to add an annex to the Library, or to set up some kind of information office which could be placed in the charge of any official with sufficient general education. What was required was an expert with the qualifications demanded in all countries for dealing with child welfare questions, someone, he should add, imbued with the enthusiasm which would make his work not static but dynamic, someone who would be able to establish contact with persons who might be interested in the question. No work was more calculated to attract increased sympathy to the League than child welfare, and no League service had been so parsimoniously endowed as that dealing with the question. He could only support the Supervisory Commission's conclusions, therefore, on condition that the office resulting from the Supervisory Commission's proposals was really that contemplated in 1913.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that the Commission had been informed by the competent authorities of the discussion in the Fifth Committee and the scope of the work to be undertaken. It had ascertained that the ordinary budget of the League already contained estimates to enable a beginning, modest it was true, to be made in this child welfare work. The additional sum of 30,000 francs had been required for the salary of a shorthand-typist and a Member of Section. In the opinion of those who had

asked for the appropriation, therefore, the latter should receive a salary nearer to the maximum than to the minimum of his category. The Supervisory Commission had recollected that the Fourth Committee had formulated rules with regard to the recruitment of staff at the minimum salary, and had felt that an estimate of 16,000 francs for an official whose commencing salary would be 12,000 francs less 10 per cent, or 10,800 francs, would leave the necessary margin for obtaining the services of an experienced person.

Count CARTON DE WIART (Belgium) thanked the Supervisory Commission for having appreciated his point. It might be deduced from the sort of reservation introduced by the words "on the understanding" that it was intended to fill the post with any official who might be available, and that was precisely what must be avoided. The post could only properly be filled by an expert.

M. RAPPARD (Switzerland) was sorry he must take quite a different view. The Swiss delegation was somewhat disturbed by this request for credit. If it were really urgent that the office should be set up, that had been perceived somewhat late in the day. The Supervisory Commission's proposal gave satisfaction neither to the advocates of the office nor to those who advocated economies. He had, of course, more than one reason for not objecting to the scheme supported by the Belgian delegate, but would it not be better in all respects to postpone the question until the coming year, in order that the Supervisory Commission might be able to place proposals more satisfactory to everybody before the Fourth Committee of the sixteenth Assembly? M. Osuský's explanations and the Supervisory Commission's report on the proposed expenditure seemed to indicate that the solution had not been studied thoroughly and was being put forward with some hesitation.

M. RÉVEILLAUD (France) explained that, in spite of what M. Rappard might think, the Supervisory Commission had had not the slightest hesitation in submitting the proposal. There could be no doubt as to the usefulness of the expenditure, and on that point the French delegate entirely concurred in Count Carton de Wiart's observations. The French delegation had made a proposal with regard to child welfare to which the other countries had extended a welcome, since it was the French delegate who had been asked to report on the question. At the same time, to revert to the Supervisory Commission's opinion, it had had to consider how the proposal should be carried out and had heard from the Secretary-General that it was not impossible that he might find a Member of Section in the Secretariat — whose salary might even be 28,000 francs — who was capable of filling the post and could be seconded to the Child Welfare Office.

Moreover, the choice would not fall on "any official", as the qualifications of three or four persons who seemed particularly suitable for the post would be examined, and if none of them proved so, the sum of 16,000 francs would permit of the appointment of an official with adequate guarantees of competence. Briefly, the Supervisory Commission was quite convinced of the usefulness of the proposed Child Welfare Office, and was affording the Fourth Committee the most rational means of setting it up.

M. DE MODZELEWSKI (Poland) said that the Polish delegation had supported the French proposal in the Fifth Committee, and he himself supported the Supervisory Commission's conclusions, as well as the observations made by Count Carton de Wiart, M. Osuský and M. Réveillaud.

Count CARTON DE WIART (Belgium) asked the Swiss delegation not to press for an adjournment, as that would greatly disappoint an association which deserved the greatest sympathy, since its activities were devoted solely to child welfare. In point of fact, the League had undertaken about ten years previously to set up the office, but ten years' delay was not an argument for still further delay in fulfilling a promise. The fourteenth Assembly had asked for a scheme for the organisation of the office. The scheme had been prepared and even approved. The Supervisory Commission had proposed a credit of 16,000 francs, which might not even be used, to set it going. That was really the least the Fourth Committee could grant for such important work.

M. RAPPARD (Switzerland) said that, if his view were not shared by any of his colleagues, he would not press it.

M. HAMBRO (Norway) said that the Supervisory Commission had had to reach a practical result, and had unanimously agreed upon a compromise. Personally, he would have preferred a smaller appropriation in the budget.

Experience might prove that a further credit was necessary. Perhaps the admission of the new Members might involve the expenditure of further sums for the protection of women and children. If so, he hoped the Supervisory Commission would show the same liberality as on the present occasion.

In the circumstances, he thought the Committee would be wise to accept the compromise.

Chapter B, 1 was adopted.

2. Unforeseen Expenditure of the International Labour Organisation.

M. RAPPARD (Switzerland) pointed out that the credit proposed with a view to the participation of the United States of America in the International Labour Organisation was very small. It was about one-third of the United Kingdom's contribution to that Organisation. It should be understood that there was no common measure, for this credit provided for 1935 only and the contribution to be expected from the United States of America.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, said that the Supervisory Commission had always directed all its energies to combating the tendency, which was sometimes observed, to see, in the sums appropriated to various activities or in the salaries of certain officials, an offset to the contribution paid by a specific country. Having said that, he asked why the Supervisory Commission had added 150,000 francs to the *unforeseen* expenditure of the International Labour Organisation. He explained that it was simply because it had not yet been decided what work should be undertaken — that, moreover, would be decided by the Governing Body of the International Labour Office — and because the Supervisory Commission had desired, without awaiting the preparation of a more or less final plan, to enable a beginning to be made. He emphasised that it was merely proposed to make a beginning, not to go the whole way.

M. RAPPARD (Switzerland) would have preferred a provisional appropriation five or six times as high.

M. OSUSKÝ (Czechoslovakia), Chairman of the Supervisory Commission, replied that, even in the present state of affairs, the Labour Organisation could render services to its new members. The supplementary credit of 150,000 francs was intended to meet certain expenditure, such as the travelling expenses of new members of the Governing Body, increased documentary material, and so on. It was perhaps as well to explain that this sum would not permit of the engagement of new permanent staff, but was for expenditure of a relatively well-defined nature.

Chapter B, 2 was adopted.

39. Election of Two Members of the Supervisory Commission.

By secret ballot, Lord MESTON and M. C. J. HAMBRO, the retiring members, were *unanimously re-elected Members of the Supervisory Commission.*

40. Election of a Substitute Member of the Administrative Board of the Staff Pensions Fund.

Mr. F. T. CREMINS was *unanimously elected a substitute member of the Administrative Board of the Staff Pensions Fund to the end of 1936.*

41. Contributions in Arrears: Examination of the Draft Report of the Fourth Committee to the Assembly (document A.49.1934.X).

M. HAMBRO (Norway) moved an amendment to make it clear that the special committee was instructed to deal with all the questions raised during the discussion.

The draft report was adopted, with the addition proposed by M. Hambro.

42. Appointment of the Special Committee on Contributions in Arrears.

M. RÉVEILLAUD (France) proposed that the Special Committee should consist of the following delegates :

Count CARTON DE WIART (Belgium),
M. Stefan OSUSKÝ (Czechoslovakia),
M. C. J. HAMBRO (Norway),
M. F. CASTILLO NAJERA (Mexico),
Sir Frederick PHILLIPS (United Kingdom).

M. Réveillaud's proposal was adopted.

ELEVENTH MEETING.

Held on Wednesday, September 26th, 1934, at 11 a.m.

Chairman: Count CARTON DE WIART (Belgium).

43. Financial Questions: Examination of the Draft Report of the Fourth Committee to the Assembly.

Sir Homi MEHTA (India) submitted his draft report to the Assembly.

Mme. KLUYVER (Netherlands) stated that, had she understood that the Fourth Committee had referred to the Supervisory Commission the petition from the thirty-three members of the Provident Fund asking to join the Pensions Fund, she would have voted against that decision. The object of the petition seemed to her to be entirely contrary to the nature of the Pensions Fund.

With regard to the passage in the draft report relating to Article 16 (a) of the Financial Regulations, she was surprised that the Supervisory Commission had not been asked to study the question. Had no such decision been taken?

M. RAPPARD (Switzerland) presumed that there would be no objection to asking the Supervisory Commission to study it.

The CHAIRMAN said that the Supervisory Commission would, of course, bear in mind the observations contained in the Fourth Committee's report and the Committee might very well express its desire, in the report, that the Supervisory Commission should study the problem raised by Article 16 (a).

The draft report was adopted (Annex 4).¹

TWELFTH MEETING.

Held on Thursday, September 27th, 1934, at 11 a.m.

Chairman: Count CARTON DE WIART (Belgium).

44. Allocation of the Expenses of the League of Nations: Examination of the Draft Report of the Fourth Committee to the Assembly (Annex 4, Chapter VII).

The CHAIRMAN drew the Committee's attention to the following passage, which seemed to him the most important:

“This draft resolution was approved by the Fourth Committee after it had been made clear that the procedure followed for the provisional fixing of the U.S.S.R. contribution should not be considered as creating a precedent and that, with regard to Section II, failure to have paid contributions in full would not be regarded as a reason for granting relief.”

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, fully appreciated the reasons for the following passage: “failure to have paid contributions in full would not be regarded as a reason for granting relief”. It was designed to relieve the fears of some delegates that States in arrears would actually have preferential treatment in the allocation of the units. At the same time, the text would seem to have gone to the other extreme and would appear to exclude debtor States from relief measures. In order more accurately to express the general feeling of the members of the Fourth Committee, he proposed to add the words “in itself” after the word “regarded”.

M. RAPPARD (Switzerland) was sure the Fourth Committee was in agreement as to the substance of the question. He was not sure, however, whether M. Réveillaud's wording was well chosen. Failure to have paid contributions was *in no sense* a ground for relief. Would it not be better to say: “the mere fact that a country has not . . . would not be regarded as conferring a right to relief”.

¹ For Chapter VII, Allocation of Expenses, see Minutes of the twelfth meeting.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, accepted this wording.

M. HAMBRO (Norway) thought that even M. Rappard's wording was ambiguous. The word "right" was dangerous. A reader who was not familiar with the circumstances might infer from it that the right of debtor States to relief had been discussed in the Fourth Committee, but that would be going too far. In his opinion, a better word would be "claim".

Sir Frederick PHILLIPS (United Kingdom) agreed.

The CHAIRMAN suggested the following wording: "the mere fact that a country has not paid its contributions does not constitute a sufficient claim to relief".

M. HAMBRO (Norway) asked why the statement was not reversed to read, for instance: "the fact . . . does not constitute an obstacle to relief".

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, said that he could not accept that wording. All States had not defaulted to the same extent. A distinction should be drawn between countries which had endeavoured to fulfil their obligations and were perhaps deserving of relief and countries that had never paid a penny. In the latter case, the circumstance did constitute a complete obstacle.

M. DE OTTLIK (Hungary) objected to expressions such as "in itself" or "mere", which might lead to the supposition that in the Committee's opinion default might, to some extent, be a ground for relief. The Committee on the Allocation of Expenses should be quite free to decide that matter.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, was in favour of the Chairman's suggestion, which satisfactorily expressed the general idea of the members of the Fourth Committee.

M. RAPPARD (Switzerland) observed that the discussion had brought to light a real difficulty of substance. The wording proposed by the French delegate amounted to saying that "all other things being equal, the fact that a State has not paid its contribution in full confers on it some advantage with regard to the granting of relief". The text to be adopted by the Fourth Committee should give no ground for such an interpretation.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, pointed out that, in both the Committee and the Fourth Committee, he had explained that the Committee on the Allocation of Expenses should not be submitted to any form of pressure, that its liberty should not be restricted in any way, and that it should examine the problems within its competence in a spirit of equity and with full knowledge of League affairs. The text suggested by the Chairman established no preference whatever on behalf of any class of States. It placed confidence in the Allocation Committee and that was why he thought it should be accepted.

M. HAMBRO (Norway) and Mme. KLUYVER (Netherlands) asked that the word "mere" be deleted.

M. DE OTTLIK (Hungary) thought he had found the reason for the ambiguity to which M. Rappard had called attention. A State that had not paid its contributions in full might be justified in claiming relief, not because it was a debtor, but on account of the reasons for which it was a debtor. It would, therefore, be advisable to find some other form of words than that used in the various proposals.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, said that M. de Ottlik had just put forward the best reasons in support of the Chairman's wording, which the French delegate still supported.

Sir Frederick PHILLIPS (United Kingdom) also approved the wording suggested by the Chairman and pointed out that the difficulty arose out of a passage in the draft resolution submitted by the Committee set up on September 22nd which had led, in particular, to the New Zealand delegate's remarks.

The CHAIRMAN admitted that it would not be easy to find a text covering all the shades of meaning that had been expressed, but to say "the mere fact that a country has not paid its contributions in full would not be regarded as constituting a claim to relief" would not be contrary to any of the arguments advanced.

M. RAPPARD (Switzerland) proposed the following wording: "the fact . . . should not be advanced in support of a request for relief". That would mean that, other things being equal, if there were two States, one that had paid its contributions and one in arrears, the second should not have preferential treatment as compared with the first.

M. DE OTTLIK (Hungary) said he was satisfied with the explanations given by M. Réveillaud and the Chairman. If they were recorded in the Minutes, there should be no ambiguity.

M. HAMBRO (Norway) preferred M. Rappard's text. In his opinion, the fact that a State had not paid its contributions was an aggravating, not an extenuating, circumstance. A country that had paid its contributions, in spite of all the difficulties, was entitled to better treatment than another that had defaulted in the same conditions. Whatever might be said, the expression "mere" gave the impression that default might create some title to relief, that some importance might attach to taking it into consideration, to bearing it in mind.

M. RAPPARD (Switzerland) suggested the following wording: "the mere fact that a country has not paid its contributions in full should not be advanced in support of a request for relief".

M. SCARFIOTTI (Italy) and M. RÉVEILLAUD (France), Chairman of the Committee on Allocation of Expenses, agreed to this text.

M. HAMBRO (Norway) and Mme. KLUYVER (Netherlands) would have preferred to omit "mere", but did not press the point.

Sir Frederick PHILLIPS (United Kingdom) proposed "retained" instead of "advanced".

The CHAIRMAN thought that the following text would be approved by all the Members of the Fourth Committee: "the mere fact that a country has not paid its contributions in full cannot be accepted as an argument in support of a request for relief".

The above text was adopted.

The CHAIRMAN then opened the discussion on Section I of the draft resolution, adjourned at the tenth meeting, in so far as it concerned the fixing of Afghanistan's contribution for 1935 at one unit.

M. HAMBRO (Norway) said he was unable to vote against the Committee's proposal, as there were no facts on which to pass a judgment. He pointed out, however, that Afghanistan had ten million inhabitants, and that in assigning to it only one unit the Committee was asking of it a relatively smaller contribution than that paid by the majority of States Members. Personally, he regarded Afghanistan more or less as a probationer Member of the League which would have its contribution fixed more definitively if it passed satisfactorily through the trial period. He expressed the hope that Afghanistan would then be in a position to bear the small contribution assigned to it.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, said that the cases of the Union of Soviet Socialist Republics and of Afghanistan had been treated differently. The Allocation Committee had, in fact, considered the latter two or three years previously, and had then felt that, in the event of its entry into the League, the contribution of that country, whose budget was not more than six million dollars, should be one unit. One unit was assigned to Afghanistan for 1935 only. Obviously, if the Allocation Committee was instructed to revise it, it would do so quite impartially.

M. HAMBRO (Norway) was of opinion that the mere fact that a State did not find it necessary to include in its budget such expenditure as education, health, etc., which others regarded as essential, should not be regarded as a reason for decreasing its contribution. Furthermore, in fixing Afghanistan's contribution at one unit, the League would very probably lead India to realise that she was more heavily burdened than other States. Lastly, Sweden, whose territory was smaller than that of Afghanistan and whose population was less than half, paid eighteen units. The Allocation Committee should reflect very carefully when it examined the case of Afghanistan again.

Sir Frederick PHILLIPS (United Kingdom) confirmed the information given by M. Réveillaud as Chairman of the Allocation Committee.

The comparison made by M. Hambro between Afghanistan and Sweden was worthless. If the contributions of States were to be proportionate to their population or their territory, Asia would bear the greater part of the expenses of the League, which would, of course, be absurd.

The Committee decided to fix the contribution of Afghanistan at one unit for 1935.

Section I of the draft resolution, the adoption of part of which had been adjourned at the tenth meeting, was thus adopted. (The delegation of Venezuela abstained from voting.)

With reference to the note appended to Section III of the draft resolution, also adopted at the tenth meeting, *the second paragraph of the United Kingdom proposal was amended to read as follows:*

“ They have calculated that a prospective balance of some 37 units would become available as a result of this proposal. They have therefore suggested that this balance should be used for the relief of States not permanently represented on the Council, especially those suffering most severely from the present economic stress.”

Sir Homi Mehta's report on the Allocation of the Expenses of the League was adopted as a whole.

45. Close of the Session.

The CHAIRMAN declared the session closed.

ANNEX 1.

PROVISIONAL AGENDA

1. Election of Vice-Chairman.
2. Publicity of Meetings.
3. Approval of detailed Provisional Agenda.
4. Audited Accounts for 1933 and Relevant Passage in the Report of the Supervisory Commission.¹
5. Financial Situation of the League on August 31st, 1934.
6. Appointment of the Sub-Committee on Contributions in Arrears.
7. Appointment of Rapporteur.
8. Budget for 1935 and Relevant Passages in the Report of the Supervisory Commission.¹
 - (a) Secretariat (including Parts IV, V, VI and VII).
 - (b) International Labour Organisation.
 - (c) Permanent Court of International Justice.
9. Report of the Administrative Board of the Staff Pensions Fund.
10. Allocation of the Expenses of the League.
11. Report of the Sub-Committee on Contributions in Arrears.
12. Conclusions of the Reports of the Supervisory Commission (in so far as not previously considered in connection with specific items on the agenda).²
13. Election of Two Members of the Supervisory Commission.
14. Election of a Substitute Member of the Administrative Board of the Staff Pensions Fund.
15. Supplementary Credits.
16. Miscellaneous Questions.

ANNEX 2.

COMMITTEES OF THE LEAGUE OF NATIONS : PROPOSAL BY THE
GENERAL COMMITTEE OF THE ASSEMBLY.

NOTE BY THE SECRETARY OF THE FOURTH COMMITTEE.

1. In a letter dated September 17th, 1934, the President of the Assembly communicated to the Chairman of the Fourth Committee the following draft resolution adopted by the General Committee at its meeting on September 17th :

“ The Assembly,

“ Having taken cognisance of the Secretary-General's report on the Committees of the League drawn up in pursuance of the Council's resolution of January 17th, 1934 (document C.287.M.125.1934) ;

“ Considering that this report affords a useful basis for the examination of the question whether any corrections, adjustments or improvements should be made in the constitution and procedure of the Committees :

“ Requests the Council to arrange for the Secretary-General's report to be studied by an appropriate body, so that proposals to give effect to the objects enumerated above may be submitted, if necessary, to the Assembly at its next session.

“ With a view to facilitating this examination, the Members of the League might be asked to communicate to the Secretary-General any suggestions they may have to make.”

¹ The suggestion was made last year that, as far as possible, the reports of the Supervisory Commission should be considered at the same time as the relevant items on the agenda.

² That is to say, disposal of the surplus for 1933, new buildings of the League, etc.

2. Article 16(a) of the Financial Regulations provides that any proposal for fresh expenditure received later than one month before the opening of the session "shall be adjourned until the next session of the Assembly, unless, by a special vote taken by a two-thirds majority, the Assembly or the Finance Committee decides otherwise."

3. The Fourth Committee is called upon to decide whether, *in principle*, it agrees to the insertion of a credit in the 1935 budget to meet the expenses of the Committee contemplated by the General Committee. If the Fourth Committee, by a two-thirds majority, agrees in principle to the insertion of a credit for this purpose, it will rest with the Supervisory Commission to study the financial aspect of the question and report to the Fourth Committee.

ANNEX 3.

CO-OPERATION OF THE PRESS IN THE ORGANISATION OF PEACE : DRAFT RESOLUTION ADOPTED BY THE SECOND COMMITTEE.

NOTE BY THE SECRETARY OF THE FOURTH COMMITTEE.

1. In a letter dated September 18th, the Chairman of the Second Committee communicated to the Chairman of the Fourth Committee the following draft resolution, which was adopted by the Second Committee at its meeting on September 15th :

" The Assembly,

" Having noted the results of the Second Conference of Government Press Bureaux and Press Representatives, which sat in Madrid from November 7th to 11th, 1933, at the invitation of the Government of the Spanish Republic ;

" In view of the valuable contribution made by the Conference to the problem of the spread of false news which might endanger the maintenance of peace and a good understanding among the nations ;

" Hoping that the proposed enquiries into the technical and financial means of putting an end to the spread of false news and in regard to the correction of false news appearing in the Press may prove successful ;

" Believing it to be desirable that, whenever it is thought expedient, Governments should convene conferences of Directors of Press Bureaux and representatives of the Press in the conditions contemplated by the Madrid Conference :

" Requests the Council to authorise the Secretary-General to facilitate, by such means as are at his disposal, the preparation for and organisation of the next Conference of Government Press Bureaux and Press Representatives, by lending the services of the appropriate sections of the League to perform the secretarial work of the Conference, if such services are desired by the Government convening the Conference, after consultation with the Organising Committee and the Press organisations concerned."

2. The Chairman of the Second Committee mentioned that, " before voting on this resolution, the Committee had considered the particulars given in a note by the Secretariat ", which ended with the following paragraph :

" On the understanding that the inviting Government would again defray the cost of organising the Conference, the appropriation that would be required is estimated at 7,000 francs — viz. :

	Swiss francs
Travelling and removal expenses	5,000
Printing	1,000
Sundries	1,000
	<hr/>
	7,000

3. For the moment, it is only the *question of principle* (see paragraphs 2 and 3 of Annex 2) that the Fourth Committee has to decide.

ANNEX 4.

FINANCIAL QUESTIONS.

REPORT OF THE FOURTH COMMITTEE ADOPTED BY THE ASSEMBLY
ON SEPTEMBER 27TH, 1934.

Rapporteur : Sir Homi MEHTA (India).

I. INTRODUCTORY OBSERVATIONS.

The Fourth Committee of the 1933 Assembly was chiefly concerned with three main general financial questions :

The financial position of the League ;
Budgetary methods ;
Contributions in arrears.

Since the 1933 Assembly, the financial position has much improved ; further, the Supervisory Commission's report on budgetary methods — involving the submission of the estimates of the Secretariat in a new form — appears to have considerably allayed the misgivings which were expressed.

It is therefore only natural that, this year, emphasis should have been concentrated on the question of contributions in arrears ; in fact, all the delegates who participated in the short general discussion which preceded the detailed examination of the budget urged the Assembly — even if bold action involved certain risks — fearlessly to face the issue. They stressed that public opinion in their countries viewed with the gravest misgivings and dissatisfaction the fact that so many Governments did not pay their contributions, thus laying a heavier burden on those who were regular in their payments. Attention must be drawn in this report to this question, which undoubtedly formed the delegates' chief pre-occupation ; but, as usual, the detailed recommendations of the Fourth Committee on the subject are contained in the special document drawn up by the competent Sub-Committee (document A.49.1934.X).

With regard to the financial position, the Commission was informed that, on September 8th, account being taken of both current and arrears contributions, 74 per cent of the 1934 budget had been received, as compared with 57.8 per cent of the 1933 budget on October 6th, 1933 — *i.e.*, at the beginning of the second week of the Assembly — and 64.2 per cent of the 1932 budget early in October 1932. Further, while at this time last year both the International Labour Office and the Permanent Court of International Justice were indebted to the Working Capital Fund, such advances as had been made to these two organisations in 1934 had been repaid and, in accordance with a recommendation of the Supervisory Commission, which was adopted, the advances made in 1933 will be covered by appropriating for the purpose part of the 1933 surplus.

The question of the budgetary methods of the League was exhaustively dealt with in the first report of the Supervisory Commission to the Assembly. There was much less criticism this year with regard to over-budgeting than on the occasion of the last Assembly, and the Committee realised that, if contributions were regularly paid, it would be possible to arrive at further budgetary reductions. The Committee generally shared the opinion of the Supervisory Commission that the various proposals which had been suggested to ensure that the League's income should more closely correspond to budgeted expenditure would clearly lead to even greater inconvenience than the present system ; that the only remedy for the present unsatisfactory position lay in the solution of the question of contributions in arrears ; and that the general principles hitherto followed in estimating should continue to apply. With regard to the new form of the budget, it was felt that it presented distinct advantages over the old system. There was a general agreement, however, shared by the members of the Supervisory Commission, that further improvements could and would be made when the 1936 budget was prepared, particularly by fuller references, in the summaries of items, to the details shown in the various annexes.

II. ACCOUNTS FOR 1933.

The Fourth Committee unanimously recommended that the Assembly adopt the accounts of the League for 1933 in the form submitted.

In connection with this question, the Chairman drew the Committee's attention to two points which appeared deserving of special consideration :

(a) The wise administration of the Secretary-General and the heads of the autonomous organisations, which had made it possible to close the year with a small surplus, although the receipts — current contributions and arrears — represented only 82.32 per cent of the credits voted ;

(b) Certain outstanding advances from the Working Capital Fund.

The Committee concurred in the observations of the Supervisory Commission on these points and urged the States concerned to expedite the settlement of the advances which had been made to them.

III. BUDGET FOR 1935.

1. *Secretariat.*

In his introductory statement, the Secretary-General drew special attention to the successive reductions which had been made in the total figures. Between 1932 and 1935, the estimates had been decreased from 18,813,413 francs to 15,013,024 francs. As compared with 1934, the net reduction was 553,178 francs.

It affected all chapters and was distributed as follows :¹

- 44 per cent on salaries ;
- 14 per cent on general office and printing expenses ;
- 17 per cent on Committees ;
- 17 per cent on the Assembly and Council ;
- 8 per cent on miscellaneous expenses.

The *actual* salary figures had been reduced by almost 475,000 francs, although in the meantime additional provision of 180,000 francs had necessarily been taken for increments, principally by the suppression of a net total of fifty-three posts, involving an aggregate sum of 466,000 francs.

In addition, without increasing the total estimates, provision had been made for an extraordinary and partly non-recurrent credit of 544,000 francs for the expenses arising out of the transfer of the Secretariat to the new building.

With regard to Chapter I, certain delegates expressed the opinion that the margin between the 1933 actual expenditure and the 1935 estimates might have been still further reduced. In reply to these observations, the Chairman of the Supervisory Commission explained that it was the Supervisory Commission's duty to fix the estimates for meetings on the basis of a maximum length and attendance. Further, the chapter in question included two large credits in respect of unforeseen expenses which successive Assemblies had decided to keep at the present figure in order that the Council should not be prevented through lack of means from taking action in the case of emergency. In this connection, reference was made to a proposal brought forward at the last Assembly to the effect that unspent balances in respect of unforeseen items might be carried forward so as to avoid the necessity of voting the full amount each year. The proposal was not pressed, in view of the technical and financial difficulties involved, but the Chairman of the Supervisory Commission assured its author that it would not be lost sight of.

The Committee thought it preferable to transfer from Item 4, Committees, to Item 3, Conferences, the credit of 500,000 francs provided for the organ to be set up by the Conference for the Reduction and Limitation of Armaments, or, if the Conference had not terminated its work, for the Conference itself. It was agreed that any expenditure for the organ could be charged to the item provided for the Conference.

In connection with the question of the travelling expenses of officials, the Committee took note of the new rates which had come into force on January 1st, 1934. A delegate expressed the opinion that the allowance for officials of the First Category when in the United Kingdom still appeared large as compared with that granted to British officials. There were, of course, good grounds why higher rates should be paid in the case of foreigners in another country than their own, but so wide a difference seemed to him hardly justified.

The Chairman of the Supervisory Commission agreed that this point would be borne in mind at the next revision.

The report of the Supervisory Commission and the large reduction made in the estimates for the clerical and general services of the Secretariat clearly showed that effect had been given to the programme of rationalisation approved by the last Assembly. Considerable progress having thus been made in the process of reorganisation, the Committee, when examining the salary credits of the Secretariat, considered the question of the recruitment of the staff and particularly of Members of Section. It noted with satisfaction that the Supervisory Commission intended during the course of the coming

¹ The percentages are calculated on the *gross* reduction on the items themselves, amounting to 734,672 francs.

year to elaborate the proposals which it had drawn up with regard to the careers of these officials. Referring, however, to a passage in the relevant chapter of the Commission's report, where it was stated that recruiting was not always possible at the basic salary, and to the document on the appointments made since the last Assembly, several delegates wondered whether, in the present economic conditions of the world, it would not be possible to engage young officials as a rule at the minimum of the grade.

The Secretary-General pointed out the difficulties with which he was confronted. The representatives of States who approached him were seldom animated by the same spirit as the members of the Fourth Committee. Be that as it may, certain facts, arising out of the organisation of the Secretariat, had to be faced. When, for instance, a post held for some time by an experienced official of a specific country became vacant, it was not always easy to appoint a candidate of another nationality, even if he were equally competent. Secondly, it was not always possible — indeed, it was sometimes very difficult — to attract candidates from distant countries by offering the basic salary of Members of Section. It must be remembered that the conditions of recruitment in Switzerland and abroad were different, and it was essential that some latitude be given to the Secretary-General with regard to the initial salary at which Members of Section were recruited.

The Committee agreed that this problem — complicated as it was by the question of the adequate "representation" of various nationalities — was a particularly delicate one. Desirous, however, of assisting the heads of the various organisations by protecting them as far as possible against embarrassing pressure brought to bear on them, and with their full concurrence, the Committee adopted the following recommendation, for transmission to the Supervisory Commission, which would examine how best to adjust it to the difficulties and requirements entailed by the recruitment of officials :

" That new officials should always be appointed at the minimum salary of their category unless no candidate having the necessary qualifications and prepared to accept service on these conditions can be found."

2. *International Labour Organisation.*

The Director of the International Labour Organisation, in presenting the budget of the Organisation for 1935, prefaced his observations by contrasting the present favourable financial position with the situation in which the Office found itself at the corresponding time last year and by referring to the close co-operation which existed in the field of day-to-day administration with the Secretariat.

The budget amounted on the expenditure side to 8,782,000 francs, an increase of 45,000 francs as against the 1934 budget, but it still remained well below expenditure in 1930. On the other hand, appropriations-in-aid were somewhat less, owing to the fact that, in the past year, the Office had received arrears from Brazil, which had made her contribution considerably higher than in the present year.

An analysis of the expenditure showed that two new charges had to be met — a charge of 162,000 francs for the ordinary annual increments, which could not be avoided, and a new credit of 169,000 francs to meet the contingency of a special session of the Conference, in 1935, dealing with maritime questions.

The figure for increments would have been considerably higher but for the rationalisation measures — down-grading and so on — carried out during the past few years.

With regard to a special session of the Maritime Conference, it was decided as early as 1920 that maritime questions, on account of their very special character, should not be discussed at an ordinary conference; it was, of course, open to the Governing Body to decide that it should not meet if there seemed little prospect of achieving agreement between shipowners and seamen.

In order to meet the additional expenditure of 331,000 francs, efforts had been made to effect economies in every direction. The main savings were due to the suppression of the Berlin Office (80,000 francs), the elimination of the contribution of 56,000 francs to the International Management Institute, which has ceased to exist, and a cut of 50,000 francs in the item for Unforeseen Expenses. In the light of subsequent events, the Director felt considerable misgivings with regard to the latter reduction.

The Director explained, with regard to the general problems and tasks of the Organisation, that during the past year there had certainly been no reduction of activity. The social consequences of the economic depression had not become less urgent or less perplexing and, in those circumstances, the Organisation had inevitably been looked to to throw some light on, and to give some assistance in meeting, those problems. It was obvious that the enormous changes which had taken place in the past few years in the political, economic and social structure of the world were bound to affect, for better or for worse, the general lot of the industrial population. The high level of unemployment and the uncertainties of the future were causing greater anxiety than in the past among the broad masses of the people of a great many countries.

Again, after a lapse of twelve years, the amendment to the Treaty had now come into force by which the Governing Body had been enlarged in order to give greater representation to oversea countries.

Another extremely important fact, significant of the same tendency, was the entry of the United States of America into the Organisation.

In order to meet all the needs of the Organisation without increasing expenditure, an internal reorganisation of the Office had been carried out, and it would be seen that its organisation at the present time was very different from that which it was in the past. An attempt had been made to concentrate on the essential problems and to achieve better results with the same staff.

The delegates who participated in the general discussion paid a tribute to the work of the Office and congratulated the Director on the broadening-out of its sphere of activity, which was evinced by the accession of the United States of America and the increased interest of Latin America in the activities of the Office. In this connection, stress was laid on the importance of developing the system of correspondents in distant countries. Referring to the Director's observations on the rationalisation measures which had been carried out, the representative of the Supervisory Commission assured the Fourth Committee that the Supervisory Commission was watching the position with a view to the gradual adaptation of the Office to the model establishment approved by the 1933 Assembly.

Finally, in reply to questions concerning the contributions of certain States non-members of the League to the budget of the Organisation, the Director explained that under the existing provisions of the Financial Regulations — which he had proposed to the Supervisory Commission to amend — account could not be taken of the amounts due by the States concerned until they had actually been paid. Further, it was in any case impossible to make any financial provision in respect of the United States of America, since no opportunity had so far arisen for the necessary preliminary discussion between the United States and the Governing Body.

3. *Permanent Court of International Justice.*

The Committee noted a statement by the Registrar of the Court to the effect that the Protocol of September 14th, 1929, to which are attached the amendments to the Court's Statute, adopted in that year, had been ratified by all States concerned, except Abyssinia, Brazil, Panama and Peru. Panama had officially stated that she had no objection to the coming into force of the amendments to the Statute — *i.e.*, of the " Revised Statute ". Consequently, the Protocol in question might well come into force at an early date, and, in any case, in 1935.

In these circumstances, the Committee, while approving the Court's budget for 1935 as submitted to it on the basis of the " old " Statute in force since 1921 (Budget " A "), decided, in accordance with the precedents of 1932 and 1933, to recommend to the Assembly, as an exception, to authorise the Registrar to operate transfers within the budget if and when the said Protocol should come into force — namely, in so far as this would be necessary in order to adapt the budget to the requirements of the " Revised Statute " — *i.e.*, within the framework of the budget drawn up and submitted on that assumption (Budget " B ").

The Committee also noted that the total of the Court's budget for 1935 was slightly less than the total for 1934. The latter had been arrived at in consequence of the reductions effected in 1933, the result of which was, as the Supervisory Commission stated in its first report to the Assembly (document A.5.1934, No. 64), that the Court's budget had been carefully calculated and that it contains no hidden reserves and offers little or no elasticity. In this connection the Committee, in agreement with the Supervisory Commission, proposes that two posts of Editing Secretary on the staff of the Registry, which at present are vacant, should be kept on the establishment.

* * *

Part IV, Permanent Central Opium Board ; Part V, Nansen International Office for Refugees ; Part VI, Buildings in Geneva ; Part VII, Pensions, having been approved, the budget of the League for 1935 was adopted without amendment.

4. *Supplementary Credits and Supplementary Budget.*

On the report of the Supervisory Commission (document A.61.1934), the Fourth, Committee voted the following credits in respect of work proposed by the General Committee and various standing Committees of the Assembly :

1. Committee to study the report by the Secretary-General on the League's Committees	Swiss francs 12,000
2. Small Committee to negotiate and conclude with States an equitable settlement of the arrears of contributions due by them to the League	15,000
3. Systematic collation of information bearing on child welfare	16,000
4. Unforeseen expenditure of the International Labour Organisation	<u>150,000</u>
Total	193,000

As against these additions, the Committee accepted the aggregate reduction of 10,736 francs proposed in the supplementary budget, together with the additional suppression of one post carrying a salary of 3,900 francs.

The net increase, as compared with the original budgets of the various Organisations, amounts therefore to 178,364 francs.

A discussion arose in the Committee with regard to the application of Article 16 (a) of the Financial Regulations, which provides that, if a "proposal for expenditure on a purpose for which provision is not made in the budget as communicated to the Members of the League . . . is received later than one month before the opening of the session, it shall be adjourned until the next session of the Assembly, unless, by a special vote taken by a two-thirds majority, the Assembly or the Finance Committee decides otherwise".

Under the procedure prescribed by the Regulations, as hitherto interpreted, the Supervisory Commission examines the financial aspects of such a proposal only *after* the Assembly or its Finance Committee has, by a two-thirds majority, decided whether the request can immediately be considered. The view was expressed that it would considerably facilitate matters if the Supervisory Commission could examine the requests for supplementary credits falling under Article 16 (a) of the Regulations *before* a vote on the question of principle was taken by the Assembly or by the Fourth Committee. The Committee expressed the desire that the Supervisory Commission should take account of the points that had thus been raised.

Item 3, "Systematic Collation of Information bearing on Child Welfare", gave rise to a considerable discussion. The view was expressed that the credits which the Supervisory Commission proposed to add to the budget for the purpose might perhaps not be adequate, in view of the importance attached to the work in many quarters. It was essential, it was said, that the responsible official should be a person with considerable experience of a subject which had been entrusted to the League as long ago as 1924. Another delegate thought that such requests should not be submitted at the last moment and that further time should be given for reflection; would it not, in the circumstances, be preferable to adjourn the matter till the preparation of the 1936 budget?

The Chairman of the Supervisory Commission having explained that the Commission had examined all aspects of the question with the competent authorities and that it was satisfied that, if an existing experienced official could not be transferred to occupy the post in question, a suitable person might be recruited elsewhere at the proposed salary, the Fourth Committee unanimously adopted the Supervisory Commission's proposal.

5. Final Budget Figures.

As submitted to the Assembly, the budget for 1935 is as follows :

	Gold francs
I. Secretariat	15,041,388
II. International Labour Organisation	8,686,046
III. Permanent Court of International Justice	2,535,646
IV. Permanent Central Opium Board	114,984
V. Nansen International Office for Refugees	280,000
VI. Buildings in Geneva	2,209,000
VII. Pensions	1,772,600
	30,639,664

IV. REPORT OF THE ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND.

Three main points emerged from the outline given by the Chairman of the Administrative Board on the work of the Board since the last session of the Assembly :

(a) Investments.

The Committee agreed that, security being the principal consideration, it was preferable that the Fund should earn less interest than 4¼ per cent, on which the original actuarial calculations had been made, rather than run risks which might endanger its stability. The questions of currencies in which investments should be made and of the method of safeguarding the assets of the Fund were technical problems which were best left to the Administrative Board and its financial experts.

(b) Benefits.

During the first three years of the Fund's existence, 106 officials had left; ninety-one benefits had been paid, fifteen only in the form of annuities, and the rest as capital sums. The members of the Fund were undoubtedly entitled, under the Regulations, to receive lump-sum payments on retirement. It was questionable, however, whether it was the

Assembly's original intention that the proportion of pensions to lump-sum payments should be so small. The Committee agreed that the question was a serious one and that it should be examined by the competent authority, which was of course free to propose to the Assembly such amendments to the regulations as appeared desirable.

(c) *Transfer of Officials from the Staff Provident Fund to the Pensions Fund.*

The Fourth Committee referred to the Supervisory Commission a petition which had been received on this subject from thirty-three members of the Provident Fund for a study of the various aspects of the question.

V. REPORTS OF THE SUPERVISORY COMMISSION TO THE ASSEMBLY.

These reports (documents A.5, A.5(a) and A.61.1934) were approved.

The Secretariat surplus for 1933, amounting to 1,197,908.79 gold francs, will therefore be allocated as follows :

	Gold francs
1. Refund to the Working Capital Fund of the deficits of the International Labour Organisation and of the Permanent Court of International Justice in respect of 1933	988,554.14
2. Transfer to the Exchange Depreciation Fund	209,354.65
	1,197,908.79

VI. MISCELLANEOUS APPOINTMENTS.

The Fourth Committee, after a secret ballot, proposed to the Assembly the election of the following regular members of the Supervisory Commission, for the period ending December 31st, 1937 : Lord Meston of Agra, M. C. J. Hambro.

It also proposed the appointment of the following substitute member of the Administrative Board of the Staff Pensions Fund : Mr. Francis T. Cremins.

VII. ALLOCATION OF THE EXPENSES.

Any attempt to summarise the discussion on this question would undoubtedly give rise to controversy, since most delegates felt compelled to explain the position in which their respective countries found themselves or to make or support proposals for a solution of the difficulties confronting the Commission. A reference to the Minutes is therefore essential to follow the course of the discussion, to ascertain the points of view which were expressed and to examine the various suggestions which were submitted.

In the circumstances, it would seem sufficient to record here the speech in which the Chairman of the Allocation Committee outlined the difficulties with which the Allocation Committee had been faced as a result of the direct effects of the crisis on budgets and its indirect repercussion on currencies ; the proposal of the delegation of the United Kingdom that all permanent Members of the Council should be assessed on the same basis as the highest contributor in that group — *i.e.*, the United Kingdom ; the request by China and other countries that their contributions should be substantially reduced ; proposed references to Governments, to the Allocation Committee and to the Committee to be set up to deal with arrears of contributions, in the hope that these Committees might find means of alleviating the position of States which claimed to be unjustly burdened and which, for various reasons, owe large sums by way of arrears ; and, finally, the decision to set up a Sub-Committee to endeavour to reconcile the various points of view and find a solution which all delegations might be in a position to accept.

Thanks to the spirit of compromise shown by its members, the Sub-Committee unanimously agreed on a draft resolution covering the year 1935. This draft resolution was approved by the Fourth Committee after it had been made clear that the procedure followed for the provisional fixing of the Union of Soviet Socialist Republics' contribution should not be considered as creating a precedent and that, with regard to Section II, the mere fact that a country has not paid its contributions in full cannot be accepted as an argument in support for a request for relief.

VIII. DRAFT RESOLUTIONS.

The Fourth Committee has therefore the honour to propose to the Assembly the adoption of the following resolutions :

1. "The Assembly, under Article 38 of the Regulations for the Financial Administration of the League of Nations, finally passes the audited accounts of the League of Nations for the fifteenth financial period, ending December 31st, 1933."

2. "The Assembly,
"Under Article 17 of the Regulations for the Financial Administration of the League of Nations :

"Passes for the financial period 1935 the budget of the League of Nations, amounting to the total sum of 30,639,664 francs ;

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

3. "The Assembly :

"Takes note of the report of the Administrative Board of the Staff Pensions Fund for the year 1934 ;

"Adopts the accounts of the Fund as submitted by the Auditor ;

"And decides, having regard to Article 7, paragraph (a), of the Staff Pensions Regulations, that the contribution of the League to the Pensions Fund for 1935 shall be 9 per cent of the pensionable emoluments of the members of the Fund."

4. "The Assembly adopts the conclusions of the various reports of the Supervisory Commission submitted for its consideration."¹

5. "The Assembly appoints for the period ending on December 31st, 1937, as regular members of the Supervisory Commission: Lord MESTON OF AGRA and M. C. J. HAMBRO."

6. "The Assembly appoints for the period ending on December 31st, 1936, as substitute member of the Administrative Board of the Staff Pensions Fund: Mr. Francis T. CREMINS."

7. "I. In view of the material impossibility of referring the question of the contributions of Afghanistan and the Union of Soviet Socialist Republics to the Allocation Committee for a detailed study :

"The Assembly decides to fix the contributions of these two States for 1935 only, and without prejudice to any decision that may be reached next year, as follows :

"Afghanistan 1 unit ;
"Union of Soviet Socialist Republics . . . 79 units.

"II. The Assembly decides that :

"(1) Twenty units shall be distributed for the year 1935 by the Allocation Committee in reduction of the contribution of those States which, in its opinion, have the strongest claims to relief ;²

"(2) The Allocation Committee, in carrying out this task, may establish contact with the special Committee on Arrears of Contributions, with a view to obtaining any additional information required ;

"(3) Subject to the foregoing, the present scale shall remain in force for the year 1935.

¹ These conclusions relate to the accounts for the financial year 1933 ; budgetary methods of the League, form of the budget, contributions in arrear ; budget for 1935 ; disposal of the surplus from the 1933 budget and repayment to the Working Capital Fund ; reimbursement to States of their share of the Working Capital Fund ; branch offices ; recruitment and promotion (in the scale) of Members of Section ; reduction of scales of salary ; contribution to the Sickness Insurance Fund ; rates of subsistence allowance to officials ; allocation of surpluses as between Members of the League ; construction of the new buildings and expenses of the architects' offices ; entry of receipts in the accounts after the close of the financial period to which they refer ; proposal for the amendment of Article 22 of the Financial Regulations ; form of the budget and various miscellaneous questions.

² These twenty units were distributed as follows by the Allocation Committee, at a session held from October 18th to 20th, 1934 (See document C.473.M.205.1934.II.A) :

State	Number of units in reduction of former contribution
Chile	5
Colombia	1
Cuba	3
India	1
Mexico	1
Roumania	2
Siam	3
Uruguay	2
Yugoslavia	2
Total	20

“ III. The Assembly,

“ Having noted the British proposal¹ made during the discussion of the report of the Allocation Committee and the observations to which it gave rise :

“ Requests the Governments of States Members of the League to study the question ;

“ And decides that this proposal, and all proposals made by Governments which are communicated in good time, concerning the method of contribution of Members of the League, shall be placed on the agenda of the sixteenth Assembly.

“ IV. The Assembly decides that the Allocation Committee, in agreement with the special Committee on Arrears of Contributions, shall consider forthwith the request put forward by the Chinese representative on the Fourth Committee of the Assembly and submit concrete proposals concerning it to the sixteenth Assembly.”

8. “ The Assembly adopts the present report of the Fourth Committee.”

¹ The British proposal was as follows :

“ His Majesty's Government in the United Kingdom, for reasons developed at length by the United Kingdom delegate, propose as a measure for dealing with the present difficulties of the League that a fixed number of units (105) should be allocated to the four States with permanent seats on the Council.

“ They have calculated that a prospective balance of some 37 units would become available as a result of this proposal. They have therefore suggested that this balance should be used for the relief of States not permanently represented on the Council, especially those suffering most severely from the present economic stress.”

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ABBREVIATIONS

Ass. = Assembly	Org. = Organisation
Cttee. = Committee	Perm. = Permanent
Conf. = Conference	Resol. = Resolution
Del. = Delegation	Temp. = Temporary
Govt. = Government	U.S.S.R. = Union of Soviet Socialist Republics
Int. = International	
Memo. = Memorandum	

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RECORDS

OF THE

FIFTEENTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FIFTH COMMITTEE

(Humanitarian and General Questions)

GENEVA 1934

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LIST OF MEMBERS

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Vice-Chairman : Mlle. Hélène VACARESCO (Roumania).

- Abyssinia* : His Excellency Badjironde HAWARYAT.
- Union of South Africa* : His Excellency Dr. Herman Dirk VAN BROEKHUIZEN.
Mr. F. DU PLESSIS (Substitute).
- Albania* : M. Lec KURTI.
- Argentine Republic* : His Excellency Dr. Roberto LEVILLIER.
- Australia* : The Right Honourable S. M. BRUCE, C.H., M.C.
Mrs. Claude COUCHMAN (Substitute).
- Austria* : Mme. Fanny STARHEMBERG.
- Belgium* : His Excellency Count CARTON DE WIART.
M. F. VAN LANGENHOVE (Substitute).
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M. Nicolas ANTONOFF (Substitute).
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Mr. Jean DÉSY, K.C. (Substitute).
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M. P. O. I. HJELT (Substitute).
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M. René CASSIN.
Mme. MALATERRE-SELLIER (Substitute).
- Germany* : —
- Greece* : M. R. BIBICA-ROSETTI.
M. B. P. PAPADAKIS.
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<i>Irish Free State</i> :	Mr. John J. HEARNE.
<i>Italy</i> :	The Honourable Stefano CAVAZZONI. M. Sileno FABBRI (Substitute).
<i>Japan</i> :	—
<i>Latvia</i> :	M. Karlis KALNINS.
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<i>Lithuania</i> :	His Excellency M. Petras KLIMAS. M. Tadas PETKEVIČIUS (Substitute).
<i>Luxemburg</i> :	His Excellency M. Emile REUTER.
<i>United States of Mexico</i> :	Dr. Pedro DE ALBA. His Excellency Dr. Enrique JIMÉNEZ (Substitute).
<i>Netherlands</i> :	M. J. P. A. FRANÇOIS.
<i>New Zealand</i> :	The Honourable Sir James PARR, K.C.M.G. Mr. C. KNOWLES, C.B.E. (Substitute).
<i>Nicaragua</i> :	—
<i>Norway</i> :	Mme. Ingeborg AAS.
<i>Panama</i> :	His Excellency Dr. Belisario PORRAS. Dr. Ernesto HOFFMAN (Substitute).
<i>Paraguay</i> :	His Excellency Dr. R. V. CABALLERO DE BEDOYA.
<i>Peru</i> :	His Excellency Dr. Luis MIRÓ QUESADA. M. Pedro UGARTECHE (Substitute).
<i>Persia</i> :	M. Nasrollah Khan ENTEZAM.
<i>Poland</i> :	His Excellency M. Witold CHODZKO. Mme. Hanna HUBICKA. Mme. Wanda WOYTOWICZ-GRABIŃSKA (Substitute).
<i>Portugal</i> :	His Excellency Dr. José Capelo DE FRANCO FRAZÃO, Count DE PENHA GARCIA. His Excellency Dr. Augusto DE VASCONCELLOS. M. Henrique Rezende DIAS DE OLIVEIRA (Substitute).
<i>Roumania</i> :	Mlle. Hélène VACARESCO. M. D. DRAGHICESCO. M. V. PELLA.
<i>Salvador</i> :	—
<i>Siam</i> :	His Excellency Phya Subarn SOMPATI. Luang BHADRAVADI (Substitute).

- Union of Soviet Socialist Republics* : M. Marcel ROSENBERG.
M. Vladimir EGORIEW (Substitute).
- Spain* : Mlle. Clara CAMPOAMOR.
M. Julio CASARES (Substitute).
- Sweden* : Mlle. Kerstin HESSELGREN.
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- Yugoslavia* : Dr. Miroslav PLOY.
Dr. Marko KOSTRENTCHITCH (Substitute).
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FIFTH COMMITTEE OF THE FIFTEENTH ORDINARY SESSION
OF THE ASSEMBLY
(HUMANITARIAN AND GENERAL QUESTIONS.)

AGENDA.

1. CHILD WELFARE.
 2. TRAFFIC IN WOMEN AND CHILDREN.
 3. PENAL AND PENITENTIARY QUESTIONS.
 4. ASSISTANCE TO INDIGENT FOREIGNERS.
 5. TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.
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FIRST MEETING.

Held on Tuesday, September 11th, 1934, at 11 a.m.

Chairman : M. LEVILLIER (Argentine Republic).

1. **Election of Vice-Chairman.**

The Committee appointed Mlle. VACARESCO (Roumania) Vice-Chairman.

2. **Adoption of Agenda.**

The Committee adopted its agenda—namely :

1. Child Welfare.
2. Traffic in Women and Children.
3. Penal and Penitentiary Questions.
4. Assistance to Indigent Foreigners.
5. Traffic in Opium and Other Dangerous Drugs.

3. **Appointment of Rapporteurs.**

The Committee appointed as its Rapporteurs for the respective questions on its agenda :

Mme. MALATERRE-SELLIER (France) : Child Welfare ;
Miss HORSBRUGH (United Kingdom) : Traffic in Women and Children ;
Mr. HEARNE (Irish Free State) : Penal and Penitentiary Questions ;
Mme. HUBICKA (Poland) : Assistance to Indigent Foreigners ;
M. CASARES (Spain) : Traffic in Opium and Other Dangerous Drugs.

4. **Publicity of Meetings.**

The Committee decided that, in principle, its meetings should be public.

5. **Procedure for Examination of Questions on the Agenda.**

The Committee decided to adopt as the basis of its discussions the Report by the Secretary-General on the Work of the League since the Fourteenth Session of the Assembly, and the reports of the various Advisory Committees to the Council.

SECOND MEETING.

Held on Thursday, September 13th, 1934, at 4 p.m.

Chairman : M. LEVILLIER (Argentine Republic).

6. **Traffic in Women and Children : Statement by the Rapporteur : General Discussion.**

Miss HORSBRUGH (United Kingdom), Rapporteur, made the following statement :

“ The work of the Traffic in Women and Children Committee at its thirteenth session, in April 1934, was notable for the discussion of two important subjects—the Commission of Enquiry in the Far East and the abolition of licensed houses. Before dealing with these two subjects in detail, I should like briefly to draw the attention of the Fifth Committee to one or two other matters.

“ *Protection of Women of Full Age.*—It is satisfactory to note that the League Convention of last year has received the signature of twenty-seven States. It may be hoped other States will follow their example and that the number of signatures will before long equal at least that of the League Convention of 1921, which, as I was able to state last year, has received forty-five signatures. I would ask delegates from States which are not yet parties to the 1933 Convention to assist in bringing this matter prominently to the notice of their Governments.

“ *Punishment of Souteneurs.*—The Advisory Committee has not yet been able to make definite proposals for a convention on this subject, though the subject has been carefully examined with expert advice and with the collaboration of the International Bureau for the Unification of Criminal Law. The subject is not free from difficulty, as the laws of different

countries vary considerably. In particular, those countries in which the keeping of a brothel is a criminal offence are in a position to embody in their legal system a more comprehensive definition of the *souteneur* than those in which brothels may be tolerated. The question is thus closely bound up with the whole problem of licensed houses. It may, however, be noted that the Advisory Committee intends to pursue the question of the punishment of *souteneurs* at a later session.

Annual Reports of Governments.—The main source of knowledge as to the extent of the traffic in women and the steps taken to grapple with it is derived from the annual reports made to the League. The Advisory Committee points out that these are not always as helpful or informative as they might be. I hope that my colleagues on the Fifth Committee will take note of this statement and urge their Governments to give full and detailed information.

Voluntary Organisations.—I referred last year to the valuable work done by the voluntary organisations which are represented by assessors on the Traffic in Women Committee and I need not repeat what I then said. The continued activities of these organisations in many directions fully deserve the commendation received from the Advisory Committee, which will, I feel sure, be endorsed by the Fifth Committee.

I now come to the two principal subjects referred to, and I will deal first with the report of the Commission of Enquiry in the Far East, which was examined in detail at a joint session of the Traffic in Women Committee and the Child Welfare Committee. The main object of the discussion—the importance of which my colleagues will, I know, appreciate—was the consideration of the way in which the results of the enquiry can be translated into definite action. An enquiry of this kind which involved the expenditure of a large sum of money and the patient and devoted labour for many months of those who undertook the investigation must not be wasted but utilised to the fullest extent. The enquiry has established beyond reasonable doubt that women of various nationalities in the Far East are being sold into foreign brothels and that adequate steps are not always being taken to prevent this traffic in human lives. It is surely the duty of the League, which initiated the enquiry, to consider carefully what can be done to implement the report of the Commissioners. The Advisory Committee considered the matter under seven headings. I do not propose to consider each of these headings separately, more especially as one of the proposals made, if adopted, would appear to render it unnecessary. The proposal to which I refer is that a conference shall be held under the auspices of the League of Nations at which the Governments concerned should be represented and at which all possible methods for dealing with the problem could be examined. This recommendation appears to be one which deserves the fullest consideration. Such a conference (which, it is suggested, might be held at Singapore at the same time as some future meetings of the Singapore Bureau) could only be held with the concurrence and co-operation of the Governments of the Far East, and it is obvious that they must be consulted before a definite decision can be taken. The first step, however, must be taken by the League, and it is for the Fifth Committee to consider whether this proposal can be recommended to the present Assembly. If, as I venture to hope, such a conference could be arranged, several of the matters referred to in the Advisory Committee's report could be usefully brought up at that conference. To mention only one example: The Advisory Committee comments on the special assistance which trained women officials can give in the administration of matters connected with the welfare of women and children. Sufficient experience has now been gained, not only in Europe, but also in some Eastern countries, to prove the value of this suggestion.

Another matter arising out of the report of the Commission of Enquiry deserves urgent attention. Those who have read the report will have been painfully impressed by those passages which describe the unfortunate position of the thousands of women refugees from Russia, many of whom, finding themselves in acute distress, have taken to prostitution or have become the victims of traffickers. These women are to be found not only in Harbin; many of them are said to have reached Shanghai and other open ports in China, such as Hangkow and Tientsin. The statement of the Commissioners finds ample corroboration in the information received from the Nansen International Office for Refugees. The last annual report of its Governing Body (document A.12.1934) contains in Appendix II an account of personal observations made in Shanghai by the Shanghai representative of the Office. No one can read this distressing account without feeling that every effort must be made to mitigate the position of these women in spite of the extreme difficulties of the task. I am sure that the Fifth Committee will wish to give special attention to this matter, which, as many members will be aware, is already being examined by the Sixth Committee. It is to be hoped that the work of both Committees will lead to some practical suggestions being made.

I come now to the second of the two principal subjects—namely, the abolition of licensed houses. This is closely connected with the report of the Commission of Enquiry in the Far East, because the Commissioners came to the conclusion that, as in Europe and America, the existence of the tolerated brothels is one of the main causes of commercialised traffic in women. The subject of licensed houses has been for many years past frequently before the

Advisory Committee and the Fifth Committee. This year a new and important stage has been reached. The Advisory Committee having expressed a wish last year to be placed in possession of full and accurate information on the latest developments of the licensed-house system, the Secretariat prepared an excellent report, which formed the basis of a full discussion in the Advisory Committee and of the resolutions passed by the Advisory Committee which are now before us. The report which has been published separately, with the observations of the Advisory Committee, deserves the careful study of all who are interested in the steps taken in many different countries to deal with this social evil. The significant fact which emerges from the report is the general recognition, based on practical experience, that the licensed house, far from being a solution of the problem of prostitution, is a direct incentive to the traffic and that those countries which have abandoned the system have no wish to go back to it. The value of the enquiry is reflected in the discussion of the Committee, and it is very satisfactory to find that long-standing differences of opinion among members of the Advisory Committee have this year given way to unanimous agreement on the main principles. This is in itself a highly satisfactory conclusion, and our task in the future will be to consider in what way these principles may be carried into action. It seems to me that we cannot do better than support the series of resolutions passed by the Advisory Committee, which appear to deal with the whole subject in a thorough and practical manner, and recommend to the Assembly that all Governments should be invited to give them their earnest consideration. I venture to think that, if the principles embodied in the Advisory Committee's resolutions were to receive general recognition by all Governments in the framing of legal enactments dealing with prostitution, we should find that the battle against the traffic in women would largely have been won."

Miss Horsbrugh, referring to the report on the work of the Advisory Commission for the Protection and Welfare of Children and Young People in 1934, drew attention to the resolutions regarding the abolition of licensed houses¹ adopted by the Commission. She pointed out that the number of States which had signed the Convention of 1921 for the Suppression of the Traffic in Women and Children had been increased from forty-five to forty-six by the recent signature of the Irish Free State.

M. PELLA (Roumania) agreed in general with the ideas expressed in the Rapporteur's statement, but would like to make the following observations :

The Roumanian Government was entirely in favour of the Convention signed at Geneva in October 1933 for the Suppression of the Traffic in Women of Full Age, but had so far not been in a position to sign it, as Roumanian legislation was not yet in line with the principles underlying that Convention. In Roumania, as in a number of other countries, traffic in women of full age was punishable only in the case of women who did not consent. Moreover, as he had remarked on a previous occasion, no distinction should be drawn, as far as suppression was concerned, between traffic within the country and that carried on abroad. Roumania would, however, very shortly be able to accede to the Convention. The draft Criminal Code prepared by the Roumanian Legislative Council, which had been adopted by the Legislative Committee of the Senate in July and would probably be submitted to Parliament at the beginning of November, contained provisions for the suppression of traffic in women of full age, whether or not they consented, and whether or not the traffic was carried on inside the country or with a view to exploitation abroad. Roumanian legislation would thus, in the near future, be more advanced than the Convention, to which Roumania would consequently be able to accede.

M. Pella also mentioned for the Committee's information that the future Roumanian Criminal Code contained a provision for the universal punishment of offences against the law of nations, among which traffic in women was included. Under that provision, any person found guilty of traffic in women would be punished, irrespective of his nationality and the place in which the offence had been committed.

One passage in the report appeared to him somewhat too cautious. It referred to the request that delegates of States which were not yet parties to the 1933 Convention should bring the matter to the attention of their Governments. He thought that the 1934 Assembly and its Fifth Committee might go further and pass a resolution asking that States which had signed the 1933 Convention but had not ratified it should proceed to do so, and that non-signatory States should accede to it. He would not make a formal proposal to that effect, but would submit for the Committee's consideration the following draft resolution :

" The Assembly,

" Noting with satisfaction that the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on October 11th, 1933, came into force on August 24th, 1934 ;

" Being of opinion that, in order to ensure effective prevention and suppression of this evil, it is of the utmost importance that a large number of States should be parties to the Convention :

" (1) Recommends the States which have signed the Convention but not yet ratified it to consider the possibility of ratifying as early as possible ;

" (2) Draws the attention of non-signatory States to the urgent necessity of acceding to the Convention."

¹ See document C.149.M.62.1934.IV, pages 11 and 12.

The resolution might include a final paragraph, asking the Secretary-General to communicate it to Governments.

Although very brief on the subject of the suppression of the activities of *souteneurs*, the report clearly showed the difficulty of the problem. Before a system of suppression which would apply to all activities of *souteneurs* could be established, the perplexing question of licensed houses must first be solved, and that was a matter which aroused considerable controversy between States. Surely the efforts to secure the effective suppression of the activities of *souteneurs* could be increased. The question had already been considered outside the League. In 1933, it had been discussed in detail by the International Conference for the Unification of Criminal Law, which had framed a provision of somewhat moderate scope on the subject. The Bureau for the Unification of Criminal Law had expressed its willingness to undertake, in collaboration with the Traffic in Women and Children Committee, such enquiries as might be necessary with a view to finding a formula which would ensure the effective suppression of the evil. M. Pella pointed out that that Committee had said :

“ . . . it is essential for the suppression of the traffic in women that the steps taken to prohibit brothels of all kinds and to punish brothel-keepers, *souteneurs* and procurers should be adequate . . . ”¹

The Committee had passed a resolution deciding “ to consider at its next session the question of the preparation of an international convention for the punishment of *souteneurs* ”.² If that proposal was to be carried out, M. Pella had no other suggestion to make. He would, however, ask the Rapporteur to make it clear that the question of the suppression of the activities of *souteneurs* was actually on the agenda of the Traffic in Women and Children Committee's next session. If that were not the case, the Fifth Committee might perhaps ask the Traffic in Women and Children Committee to consider the question in 1935.

A very small sub-committee, including one or two legal experts, might be set up to deal with the problem. It could also examine the question of drawing up uniform rules for the extradition of *souteneurs*. That was not a new suggestion ; the Traffic in Women and Children Committee had already asked that a text might be established on the same lines as the provision for extradition in the 1929 Convention for the Suppression of Counterfeiting Currency, which had been adopted after full discussion. That text had been admirably worded, so as to reconcile the British with the Continental system. A similar clause ought to be included in the Conventions relating to the suppression of the traffic in women and the activities of *souteneurs*.

In conclusion, M. Pella had two further remarks to make : first, with regard to the Russian refugee women in China, it was important that the decisions taken by the Fifth and Sixth Committees should not meet with opposition in the Fourth Committee ; secondly, a considerable number of countries, including France, were at the present time preparing new Criminal Codes, and it would be desirable to take advantage of that opportunity to introduce into the new legislation provisions for the effective suppression of the traffic in women and the activities of *souteneurs*.

He hoped that steps would be taken as speedily as possible to ensure international collaboration in the campaign against the traffic in women, an evil which was a crime against human dignity.

M. CAVAZZONI (Italy) stated that, although the Italian Government had not yet signed the 1933 Convention, it had taken very strict measures with regard to licensed houses. Many of those houses had been closed by the police, and no new licence had been granted.

He was authorised to inform the Committee that a committee of experts was now considering the question of the abolition of licensed houses in Italy on the basis of measures taken for that purpose in other countries. The decisions taken by the Italian Government on the subject would be communicated to the Traffic in Women and Children Committee at its next session.

M. DE SZENT-ISTVÁNY (Hungary) drew attention to the resolution passed on October 11th, 1933, by the Conference for the Suppression of Traffic in Women of Full Age, recommending that the Convention drawn up by it should be supplemented by a provision dealing with extradition in the case of offences covered by the Convention. That proposal had been forwarded to the Traffic in Women and Children Committee for its observations. The latter Committee, which had decided to consider the preparation of an international Convention regarding the punishment of *souteneurs*, recommended that provisions for extradition should be inserted in it and should apply to all offences covered by existing international conventions for the suppression of the traffic in women and children.

He had no observation to make with regard to the substance of that recommendation. As, however, the Advisory Commission had not yet been able to submit definite proposals for a Convention on the question of *souteneurs*, and as the problem was still beset with great difficulties, he wondered whether it was advisable in the circumstances to contemplate inserting extradition clauses in a Convention which seemed still to be far from assuming definite form. Account should also be taken of the complications which might arise from the fact that States which had acceded to the Conventions regarding the suppression of the traffic in women and children, and those which would sign the Convention regarding *souteneurs*, would perhaps not be the same.

¹ See document C.149.M.62.1934.IV, page 12.

² *Ibidem*, page 6.

Mme. HUBICKA (Poland) supported M. Pella's proposal, and agreed with the draft resolution which he had submitted and his suggestion with regard to *souteneurs*.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections), in reply to Mlle. Forchhammer (Denmark), stated that Sweden and Switzerland had sent in their ratifications of the 1933 Convention for the Protection of Women of Full Age, and the Sudan had acceded to that Convention.

M. DE ALBA (Mexico) observed that the problem at present under discussion was to a large extent analogous with that of dangerous drugs, and that so-called civilised nations had often had an unfavourable influence in that respect on more primitive peoples. The campaign for the abolition of licensed houses must be vigorously pursued, since the solution of the question affected the spheres of education, public health, law and economics. As far as Mexico was concerned, its legislation was taking account more and more of the conventions drawn up at Geneva. He emphasised that prostitution and the medical supervision of prostitutes was an offence to human dignity. It was for the Committee to suggest what action Governments should take, and he therefore approved M. Pella's proposal.

Mrs. COUCHMAN (Australia) explained that the fact that Australia had not yet ratified the 1933 Convention was due to reasons of procedure. The Convention had to go before the six Australian Parliaments before it could be ratified.

Australia was also concerned with the fate of the Russian refugee women in China, and she hoped that, in aiding them, the League would once more demonstrate the value of the humanitarian side of its international work.

Mme. Luh-Tsen LIU (China) stated that the Chinese delegation agreed with the suggestion for convening at Singapore a conference to consider measures for combating the traffic in women in the East.

Referring to the abolition of licensed houses, she confirmed that the Chinese Government had for a considerable time been making great efforts to that end, particularly in Nanking and Shanghai.

With regard to the Russian refugee women, the Chinese Government and the voluntary associations had done all in their power to ensure their maintenance and protection. It must be noted, however, that the victims of the traffic were found chiefly in territories which were not at the moment under Chinese administration.

Sir V. T. Krishnama CHARI (India) stated that his Government agreed with the recommendations of the Commission of Enquiry into Traffic in Women and Children in the East, the most important of them being that licensed brothels should be abolished.¹ That measure had, in fact, been taken in India before the Commission had reported. India had so far refrained, on purely constitutional grounds, from acceding to the 1933 Convention. According to its wording, the Indian States were treated as foreign territory, and India's accession to the Convention would involve serious constitutional and administrative difficulties. He heartily supported the Rapporteur's proposal that early steps should be taken to study the problem of Russian refugee women in China in its practical details. It would probably be found that the question was bound up with the whole problem of Russian women refugees.

Mlle. HESSELGREN (Sweden) urged that the Fifth Committee should endeavour to reach some conclusion on the question of Russian refugee women. The Advisory Commission had suggested that the Assembly be asked to vote a special credit for the Nansen Office in order to enable it to make at least a beginning towards assisting those unfortunate women. She was told that it would be very difficult to approach the Fourth Committee directly with a request for such a grant. On the other hand, she was persuaded that the question was extremely serious. She therefore felt that the debate should not be closed before the Committee had heard a statement from the Bureau on the subject, and requested M. Ekstrand to give the Committee some information as to what steps could be taken.

Mlle. CAMPOAMOR (Spain), referring to the 1933 Convention, explained that her country was not yet in possession of the full means of putting its provisions into force, and had therefore not yet ratified it. The Spanish Government would proceed to do so as soon as a Bill for the abolition of licensed houses, which was now before Parliament, had passed into law.

She supported the Advisory Commission's proposal for convening a Conference of Government authorities in the Far East under the auspices of the League, and suggested that the question of Russian refugee women in China should be considered by that Conference. No solution of the problem could be effected without the necessary funds, and she urged that the Bureau should study the matter so that application for a special grant might be made to the Fourth Committee.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections), in response to the Swedish delegate's request, reviewed the position regarding the question of Russian refugee women. The proposal that a grant should be made to the Nansen Office had been agreed upon by the Advisory Commission, not unanimously, but by seven votes with four abstentions. The Council had therefore refrained from expressing an opinion on the matter

¹ See document C.849.M.393.1932.IV, page 96.

and had referred it to the Fifth Committee. As for the likelihood of obtaining a grant from the Fourth Committee, he would only say that it was for the members of the Fifth Committee individually to explore the possibilities, bearing in mind the desirability of avoiding opposition between two Committees of the Assembly.

M. CAVAZZONI (Italy) warned the Committee against excessive caution in approaching the Fourth Committee. The object of that Committee was inevitably restrictive, since it aimed at limiting expenditure as far as possible; but it was nevertheless incumbent on the other Committees to express their desires and aspirations frankly. He therefore urged that the Fifth Committee should openly state that it was essential for a few thousand francs out of the whole budget of over 30 million francs to be placed at the disposal of the body which was in a position to render assistance to the Russian refugee women. If the Bureau would draw up a statement in that sense, the members of the Committee would make every effort to secure the agreement of their colleagues on the Fourth Committee.

Mlle. CAMPOAMOR (Spain) emphasised the responsibility of those who were fully conscious of the pressing need for action in the matter. There was a serious danger that, through lack of agreement as to practical measures, the unfortunate victims would be left in their present plight. Unfortunately, the Sixth Committee, to which the Spanish delegate had had the honour of submitting the question, had devoted a whole meeting to it without arriving at any definite result. The great majority of the delegates were in favour of a grant being made to the Nansen Office, and it was agreed to ask that Office for details as to how the money would be used; but it appeared that, for administrative reasons, it was difficult to obtain the necessary information. As the question seemed to have been buried by the Sixth Committee, it was essential for the Fifth Committee to do all in its power to find some means, either in connection with the proposed Far-Eastern Conference or otherwise, for giving practical effect to the Advisory Commission's recommendation.

Countess APPONYI (Hungary) thought the fact that that recommendation had been put forward with four abstentions made it all the more necessary for the Fifth Committee to agree unanimously, if possible with the concurrence of the Sixth Committee, on some practical plan for assisting the Russian refugee women. She would suggest that a small joint sub-committee of the Fifth and Sixth Committees should be formed to make a concrete proposal for obtaining even a small grant and making a beginning by assisting a limited number of women, perhaps in a selected area. It would, in her opinion, be far more practical and satisfactory to adopt that course than to refer the matter to a conference which would be held at some future date as yet undetermined.

Mlle. HESSELGREN (Sweden) observed that, not only had the question of the Russian refugee women been considered by the Far-Eastern Commission, the Nansen Office and the Advisory Commission, but a number of women's organisations had written to the Secretary-General asking that something should be done in the matter. It was the duty of the Fifth Committee not to let the matter drop. Perhaps the best means of arriving at the practical suggestions for which the Rapporteur had asked would be to form a sub-committee to draw up concrete proposals for submission to the Assembly.

M. GAUTIER (France) was glad that the Rapporteur had emphasised the need for practical proposals. The discussion in the Sixth Committee had apparently been closed for want of sufficient details. He had serious misgivings as to whether the sub-committee suggested by the Swedish delegate would in the time available be able to make the concrete proposals which were essential as to the measures of assistance to be taken, the probable cost, both immediate and ultimate, etc. He would advocate rather that the Traffic in Women and Children Committee should be asked to study the question from a practical standpoint and as speedily as possible with a view to putting definite proposals before the Conference which it was intended to convene at Singapore. That conference would meet on the spot and would be in a position to advise as to whether the proposals made were suitable and likely to lead to effective results. He felt that a vague request to the Fourth Committee would only end in failure.

Mlle. CAMPOAMOR (Spain), in reply to M. Cavazzoni (Italy), stated that the Sixth Committee had agreed that the members specially interested in the subject should ask the Nansen Office for details regarding the way in which the proposed grant would be expended. As the unofficial conversations which had subsequently taken place with the Nansen Office had proved unfruitful, no conclusion on the subject could be hoped for from further discussions in the Sixth Committee.

M. CAVAZZONI (Italy) considered that, despite the difficulty due to the fact that the Nansen Office was unable to say what sum would be required, some amount should be arrived at for insertion in the budget now before the Assembly in order that the work in question might be begun without delay. Further credits might be voted later as the work progressed. Immediate action on a small scale was justified by a statement in the report of the Governing Body of the Nansen Office for 1933-34 to the effect that 90 per cent of the women concerned would abandon their profession of dancer if they could earn 100 Mexican dollars a month in a respectable occupation.¹

¹ See document A.12.1934, page 20.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections) informed the Committee that, when the question had been discussed in the Advisory Commission, the President of the Nansen Office had been present and had stated that that Office was, as it were, in liquidation in the Far East. Its representative had been withdrawn and only an honorary representative remained there. It was largely on account of that statement that four members of the Commission had abstained from voting for the resolution recommending a grant.

M. KÜNZL-JIZERSKÝ (Czechoslovakia) referred to a statement by the President of the Nansen Office mentioned in the report on the work of the Advisory Commission¹ that, in Shanghai, assistance had been given where money was available, but that an enormous amount would be essential to provide all the assistance needed. He considered it essential to determine how many women were in need of assistance, what means of finding them occupations were available, and what the necessary expenditure would be. He agreed with the Swedish delegate's suggestion that a small sub-committee should be set up, but it was essential that that committee should deal with solid facts.

With a view to obtaining further information on the subject, *the Committee expressed the desire* that the President of the Nansen Office should be requested to attend the next meeting of the Committee.

THIRD MEETING.

Held on Saturday, September 15th, 1934, at 10.15 a.m.

Chairman : M. LEVILLIER (Argentine Republic).

7. Traffic in Women and Children : General Discussion (continued).

Countess APPONYI (Hungary) said that in various quarters the opinion had been expressed that the question of the Russian refugee women in China was not within the competence of the Fifth Committee and that, even as a special question, it did not come within the sphere of the League's activities. It should be noted, however, that the Advisory Commission for the Protection of Children and Young People had asked that the Council should recommend the Assembly to make a grant to the Nansen Office for the purpose of assisting these unfortunate women. If the question were really not within the competence of the League, the Director of the Social Section would have immediately drawn attention to the fact, and, moreover, the Council would not have submitted the matter to the Assembly. There could, therefore, be no doubt as to the competence of the Assembly, and, consequently, of the Fifth Committee.

In order to make use as far as possible of existing organisations which had proved their capacity, it would be desirable to ask that the Nansen Office should continue its activities in China a little longer, and that it should be accorded a special grant to assist the Russian refugee women. If that were impossible, the task should be entrusted to a woman specially appointed for the purpose, whose mission would be somewhat similar to that successfully carried out some years previously by Miss Jeppe, on behalf of Armenian refugees. In any case, it was essential that a grant—even if only a small sum—should be made, so that immediate help could be given in the most urgent cases.

Lastly, she would propose that the Fifth Committee should form a sub-committee, to make concrete proposals, either with or without the co-operation of the Sixth Committee, as to how these women could best be assisted. It was only on the basis of concrete proposals that the Fifth Committee could apply to the Fourth Committee for the necessary funds, and formulate a resolution to be embodied in Miss Horsbrugh's report. The resolution should be read at a plenary meeting of the Assembly and be given as much publicity as possible.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections) stated that the question of the Russian refugee women was certainly within the competence of the Fifth Committee. The point had already been settled in the Advisory Commission, and the Council had confirmed it by referring the subject to the Assembly.

Mlle. FORCHHAMMER (Denmark) reminded the Committee that, although the League had not usually been in favour of granting money for direct relief, it had done so in at least one exceptional case : she referred to the work done on the Committee for the Protection of Women and Children in the Near East by Miss Jeppe, who had received from the League, not only moral support, but a small annual contribution for her work. What Miss Jeppe had done for Armenian women it might be possible for another woman to do for the Russian refugee women, whose conditions were in many respects similar. The women's organisations would certainly be able to give valuable assistance in finding a suitable woman for the task. Even if the work was to be undertaken by the Nansen Office, it would, she thought, be desirable for it to be carried out by a woman. She agreed with those delegates who advocated that the next step to be taken was for the Fifth Committee to appoint a sub-committee to formulate definite proposals in co-operation with the Rapporteur.

¹ See document C.149.M.62.1934.IV, page 17.

M. ANTONIADE (Representative of the Nansen Office) thought that, if the Committee decided to refer the question of the Russian refugee women to a sub-committee, it would be desirable that the sub-committee should include members, not only of the Fifth, but of the Sixth Committee, which had also had to deal with the question.

The problem was very complicated, as was shown by the information received from the representative of the Nansen Office in China, M. Cuénod. The Office could not supply absolutely accurate statistics as to the Russian refugee women involved, but, according to M. Cuénod's calculations, there were about 2,000 in Shanghai and 3,000 in other towns in China, making a total of approximately 5,000.

The humanitarian work to be undertaken fell into two distinct parts : first, it would be necessary to consider what could be done for women who had already fallen into prostitution and whose mode of living it would, no doubt, be difficult to change ; secondly, there would be preventive work on behalf of women who arrived in large towns such as Shanghai and, being unable to find employment, were also in great danger of resorting to prostitution.

As several delegates had suggested, that task might be entrusted to philanthropic women's organisations. A representative of the Nansen Office could not alone accomplish very much, even if he had considerable funds at his disposal. It was true that the Office had set up a certain number of workrooms, offices and small industries in which a few of the refugee women could be placed, but money would be required, and it was important to prevent the dispersion of effort. The sub-committee proposed by several delegates would have to formulate concrete proposals in that respect.

In any case, it appeared that the Nansen Office, which was in a state of liquidation, could only act as a collaborator with the philanthropic organisations which would undertake the task.

Mme. HUBICKA (Poland) supported Countess Apponyi's proposal for a sub-committee.

With regard to the competence of the Fifth Committee in the matter of the Russian refugee women, she thought that the question was one for the Chairman and the members of the Fifth Committee to decide.

M. CAVAZZONI (Italy) considered, on the contrary, that it was not for the Committee to settle the question of competence. Moreover, the Chairman had already tacitly expressed his opinion by allowing the question to be discussed.

The Committee decided to appoint the following as members of a Sub-Committee to draw up a report jointly with the Sub-Committee appointed by the Sixth Committee : Miss HORSBRUGH (United Kingdom), Mme. Luh-Tsen LIU (China), M. GAUTIER (France), M. CAVAZZONI (Italy), Mlle. CAMPOAMOR (Spain), Mlle. HESSELGREN (Sweden), M. KÜNZL-JIZERSKÝ (Czechoslovakia).

M. GAJARDO (Chile) stated that his country, which was among the signatories of the 1933 Convention, would shortly be able to ratify that Convention.

Miss HORSBRUGH (United Kingdom), Rapporteur, agreed with the Roumanian delegate's proposal that the request to Governments to ratify or accede to the 1933 Convention should take the form of a resolution, and added that the various suggestions made in the course of the discussion would be duly noted in the report. She thought that, in accordance with the desire expressed by M. Pella (Roumania), the report should contain a resolution to the effect that the Assembly noted with satisfaction that the Traffic in Women and Children Committee had decided to consider at its next session the preparation of an international convention for the punishment of *souteneurs*.

Mlle. HESSELGREN (Sweden) thought that the Committee would also express its satisfaction at the considerable measure of success that had been achieved in the campaign against licensed houses. The problem had from the outset presented the greatest difficulties, but the contention that licensed houses could not be abolished without danger to the community had now been clearly disproved.

M. GAJARDO (Chile) agreed with the Swedish delegate's observations, and suggested that the report should mention the enquiry now proceeding in South America. The enquiry was being carried out in accordance with the decision by which, at its last session, the Traffic in Women and Children Committee asked that the enquiry carried out in Europe and certain Eastern countries concerning the abolition of licensed houses should, if possible, be continued in those Latin-American States which had never adopted or had abandoned the system, voluntary associations being asked to assist in the work. The Secretariat had already made a beginning by applying to the Pan-American Health Bureau.

Miss HORSBRUGH (United Kingdom), Rapporteur, in reply to Mlle. Forchhammer (Denmark), stated that it was not yet possible to fix an approximate date for the proposed conference of Government authorities in the Far East. It was most important to secure the co-operation of the Governments of the countries concerned, and they would have to be consulted as to the place of meeting and the preparation required before any decision could be taken with regard to the date.

FOURTH MEETING.

Held on Wednesday, September 19th, 1934, at 11 a.m.

Chairman : Mlle. VACARESCO (Roumania) ; and, later, M. LEVILLIER (Argentine Republic).

8. Child Welfare : Preliminary Report : General Discussion.

Mme. MALATERRE-SELLIER (France), Rapporteur, gave, in the form of a preliminary report, the following account of the work done in the field of child welfare between the fourteenth and fifteenth sessions of the Assembly :

" The extensive and valuable contribution made by the Child Welfare Committee to the League's humanitarian and social work is so impressive and encouraging that it was considered advisable to attach as an appendix to this report a list of its principal activities.¹

" As the members of the Fifth Committee will have read the report submitted to the Council by its Child Welfare Committee on the work of its tenth session,² there is no need to go over this ground again. The questions which are not yet mature will only be mentioned *ad memoriam*.

" First comes *desertion of family*. The delegate of Roumania has informed the Child Welfare Committee that the documentary material which his Government has promised to collect on this subject will be sent to the Secretariat very shortly. The Committee expressed its thanks to the Roumanian Government and asked the Secretariat to make a study of the material, with the assistance of the International Bureau for the Unification of Criminal Law, and submit a report to the Committee at an early session.

" The question of the *protection and education of blind children* will be dealt with in a full report to be submitted to the Child Welfare Committee.

" Similarly, the very interesting question of *recreational films* for children and young people was not studied in detail in 1934, but the Child Welfare Committee instructed the Social Section to collect as full information as possible before its next meeting.

" The Child Welfare Committee had not sufficient time to devote to the material published by the Secretariat concerning *institutions for erring or delinquent children* all the attention it deserved. It therefore deferred consideration of this question until its next session.

" The question of *placing in families* cannot be discussed before 1936, since, in the present year, the Secretariat's duties are limited to the collection of material by means of a questionnaire sent out to all Governments in June 1934.

" *Children in moral danger* forms the subject of a report submitted to the Committee by Mlle. Chaptal after an enquiry which she has conducted in seven countries—the United States of America, the United Kingdom, Canada, Denmark, France, Germany and Italy. All the members of the Fifth Committee should give publicity to this extremely interesting information, and the Committee might ask the Secretary-General to thank the Governments of the countries in which the enquiry was conducted for the facilities they so generously accorded to Mlle. Chaptal.

" Two questions aroused the particular interest of the Child Welfare Committee—the *effects of economic depression and unemployment upon children and young people*, and *the development of the Secretariat's rôle as an information centre*. The former question assumes different aspects according as it is viewed from the standpoint of the children of unemployed parents or from that of unemployed young people.

" The question of *the children of unemployed parents* is obviously a matter coming within the terms of reference of the Child Welfare Committee. The question is a very grave one : how to safeguard the unity of the family and paternal authority, both of which are seriously menaced by the present depression. Children lose respect for their fathers when they see them reduced to idleness and no longer able to support their family. A very depressing atmosphere prevails in families which have suffered from unemployment for months and sometimes for years. Children are unhappy in such homes, and may be tempted to leave them. It is also bad that children should receive the impression that public or private charity will provide for all their needs, as they gradually lose all notion of self-respect, and finally come to believe that it is quite natural that they should give nothing to the community in return for what they receive.

" The Child Welfare Committee thought that it was not possible to reach any formal decisions or conclusions on this subject. The measures to be adopted would obviously depend on individual conditions in each country. But it made certain suggestions, which the Fifth Committee might wish to take into consideration with a view to its recommendations to the Assembly.

¹ See Annex 2, Appendix.

² Document C.149.M.62.1934.IV.

“ The guiding principles which should be observed in meeting the difficult situation in the homes of the unemployed and of those in distressed circumstances are, in the opinion of the Child Welfare Committee, the following :

“ (a) That the unity of the family and of the home should be safeguarded ;

“ (b) That provision should be made to give the children the necessary material care and relief from the depressing atmosphere to which privation inevitably leads.

“ It would seem that one practical method of giving effect to these suggestions would be to provide meals in the schools and establish children's clubs and libraries, together with a sufficient number of playgrounds and nursery schools to enable all these children to benefit thereby.

“ (c) That the methods adopted should not be such as to undermine the child's self-respect.

“ The primary aim should be to safeguard the family, which is the social cell, by giving assistance in such a way as to maintain a well-regulated home life.

“ *Unemployed Young People.*—Here there is a distinct delimitation of competence. As the question of the effects of unemployment on young people of working age has been placed on the agenda of the forthcoming International Labour Conference, obviously, matters connected with the work of young people, apprenticeship and vocational guidance need not be studied in any detail by the Child Welfare Committee. The Committee is not precluded, however, from making suggestions to the Labour Conference. That is the view taken by the Committee, since it has adopted as the starting-point for its discussions the passage in its report to the Council on the work of its ninth session in which it pointed out that ‘ the growth of unemployment is steadily aggravating the *moral* dangers to which young unemployed persons, above all, are exposed ’.

“ The dangers of enforced idleness, leading to indiscipline and, in the long run, distaste for all work, are as serious for boys as for girls. In addition, there is the irreparable injury caused when young people feel that there is no place for them in the modern community, and that industry and courage no longer suffice to ensure a livelihood and the possibility of establishing a home.

“ The most effective remedies need not necessarily be the same for all countries, but, as all suffer from the same evil, a wide exchange of views might be very helpful to all.

“ The Child Welfare Committee has made various suggestions on all these points. It proposes, in particular, the adoption generally of compulsory school attendance for primary education, and, in the countries where this measure exists, extension of the period of compulsory school attendance by the addition of one or more classes to the primary school, supplementary vocational courses, the extension of the period of attendance at nursery schools, the institution of workers' allotments and suburban colonies or voluntary civil service in labour camps. The other suggestions put forward by the Child Welfare Committee come rather within the field of action of the International Labour Office.

“ The Committee has also expressed the opinion that it is only by close co-operation between public authorities and private enterprise, and by the systematic organisation and co-ordination of all efforts, that the rising generation can be saved from the dangers which threaten it.

“ Furthermore, wishing to call the attention of Governments to the desirability of action with regard to relief measures on the widest possible scale, the Committee has issued a strong appeal to all child welfare organisations, asking them to take urgent action at an early date to seek means of affording material protection to thousands of children whose normal development is threatened as a result of the economic depression and unemployment.

“ This recommendation is only of moral value, but it shows the high esteem in which the Child Welfare Committee holds the work of private associations, particularly at a time when the economic and financial depression makes it impossible for Governments to meet all their obligations in the matter of relief.

“ *Development of the Rôle of the Secretariat as an Information Centre.*—The fourteenth Assembly, in a unanimous recommendation, asked the Child Welfare Committee to submit to it a plan of work concerning the rôle of its Secretariat as an information centre. This plan was to be so drawn up as to enable it to develop to its fullest extent—and in co-operation with the International Labour Office and the other organs of the League of Nations, together with the existing centres of international documentation—the task contemplated at the time of the foundation of the Child Welfare Committee. At the latter's last session, a plan of work was submitted to it by the French delegate which it examined and discussed.

“ The following passages from the plan in question should be noted :

“ ‘ The Committee's function—or, to be more precise, that of its secretariat—as a “ world documentation and information centre ” can be very usefully developed without much cost. That would only need a small staff to carry out the work of classification, and such staff would consequently be easy to train. This work would, moreover, be performed in co-operation with the Library Service and the Information Section. The increase in the budget would therefore be insignificant in comparison with the great services which a centre of this kind would be capable of rendering if methodically organised.

“ ‘ Its usefulness is, indeed, proved by the number of visits and enquiries already received by the Secretariat from persons or organisations seeking information on the problems of childhood. Some gauge of its development may be afforded by the expansion of the Information Service in the Office d’Hygiène sociale in France. This service, which was created in 1925, now replies each year to more than 2,000 individual requests for information, and has found it necessary to disseminate the documentary material in its possession (240,000 documents) by means of a number of annual, quarterly, monthly and, indeed, weekly publications. Most of the enquiries received relate to protection of mothers and children. These figures conclusively demonstrate the desirability of setting up an international body to be responsible for the co-ordination and dissemination of documentary material concerning child welfare. . . .

“ ‘ The Committee is the only group dealing with child welfare which . . . consists of Government representatives speaking on behalf of the Governments and acting in contact with the manifold administrations concerned with the problem of child welfare in each country.

“ ‘ Moreover, the Committee, as an organ of the League of Nations, has the advantage of the wide sphere of influence of the League and the authority attaching to it. It is thus better fitted than any other institution to centralise and distribute the information and documentation which, in view of its official and international character, it is able to obtain. By recording all progress made, all new methods introduced and all results achieved, it will make them available to all countries and thus promote the cause of the child. . . .

“ ‘ Most of the problems connected with child welfare are already handled by numerous organisations ; but, even so, the Committee will have a value second to none. It will broadcast the work already accomplished and, by replying to enquiries in a primarily humanitarian and social spirit, it will become the best possible medium of propaganda for the international organisations concerned with child welfare.’¹

“ The Child Welfare Committee reached the following conclusions :

“ ‘ The function of the League of Nations in acting as a documentation and information centre on child welfare questions is an important one and has already been partially undertaken, but it requires organising on a fuller and more methodical basis.

“ ‘ The Committee is the permanent body dealing with child welfare which is most fitted to act as a documentation and information bureau, because it is a body composed of representatives appointed by the Governments and keeps in touch with the different appropriate administrations in each country. Moreover, being a League organ, the Committee has the benefit of the connections and authority of the League of Nations. It is therefore particularly well placed to centralise and distribute the documentation which its official and international character enables it to collect. It should record the progress achieved, new methods adopted and the results obtained, and should enable any country to profit by the experience of others. Without overlapping the work of other existing organisations, but in collaboration with them, it should initiate and distribute their studies, and, in the replies which it gives to requests for information, it should co-ordinate the information supplied by these organisations.

“ ‘ The development of the service will depend on the development of recognised requirements of documentation to which it will be subordinated and with which it will keep pace. The work will expand gradually as circumstances require.’

“ As a conclusion to its discussions, the Child Welfare Committee unanimously adopted the following resolution :

“ ‘ The Child Welfare Committee,

“ ‘ Having regard to the fact that the Assembly has recognised the desirability of developing the activities of the Committee as a centre of documentation and information in matters relating to child welfare, and referring to the following resolution which the Assembly adopted on October 11th, 1933 :

“ ‘ ‘ The Assembly,

“ ‘ ‘ Referring to the programme drawn up by the Child Welfare Committee at the time of its creation, and adopted by the 1924 Assembly ;

“ ‘ ‘ Having taken note of the report presented to it by the Advisory Commission for the Protection and Welfare of Children and Young People, and fully appreciating the work already performed :

“ ‘ ‘ Approves the conclusions of the said report, and asks the Child Welfare Committee to submit to it, if possible during its next session, more particularly in regard to the work of its secretariat as a ‘ documentation centre ’, a plan of work which will enable it to continue to the fullest extent the task contemplated at the time of its foundation ;”

“ ‘ Emphasising the value of the contribution which the League of Nations would thus make in regard to social questions ;

“ ‘ ‘ Being of opinion that the Social Section of the Secretariat of the League of Nations can do particularly useful work as a centre of documentation and information for questions concerning child welfare :

¹ See document C.149.M.62.1934.IV, pages 26 and 27.

“ ‘ Requests the Secretariat :

“ ‘ I. To collect and keep up to date as complete a documentation as possible on all such questions, this documentation mainly consisting of :

“ ‘ (1) Legislation of the different countries (laws, decrees, ordinances, regulations) ;

“ ‘ (2) Information on institutions and organisations, whether of an official character or due to private initiative ;

“ ‘ (3) Information on the activities of international bodies ;

“ ‘ (4) Bibliographical material ;

“ ‘ The Social Section will pursue its activities in co-operation with the International Labour Office and the other organs of the League of Nations, together with the existing centres of international documentation ;

“ ‘ II. Furthermore, to take the necessary steps to render this information easily accessible to all those whom it may interest ;

“ ‘ Requests the Council to invite the Assembly to place the necessary credits at the disposal of the Secretary-General with a view to the organisation of this centre of documentation and information.¹

“ The Council in its turn invited the Assembly to consider this scheme. It is, therefore, for the Fifth Committee to approve this plan of work and ask the Secretariat to begin at once to put it into effect by whatever means seem most appropriate to ensure progress. In order to undertake this task immediately, the Section must have at its disposal the necessary funds for adding to its staff a Member of Section, an official with a knowledge of classification, and a bilingual shorthand-typist. It is interesting to note that the work of the Child Welfare Committee already constitutes a considerable amount of documentation which can immediately be used by the Information Centre and which demonstrates what services may be expected from this organ of the League, once it is equipped, in securing wider publicity for the results of investigations which have hitherto not reached a sufficiently large number of those interested.

“ In conclusion, the Rapporteur submits to the Fifth Committee the following draft resolution :

“ ‘ The Fifth Committee is in complete agreement with the Child Welfare Committee as to the need for systematic collaboration by the League of Nations of information bearing on child welfare with a view to the formation of a centre of information in this domain. When the Child Welfare Committee was established, it was recognised that this would be one of its main duties, and it is only lack of staff which has prevented its carrying it out in full. The general scheme recommended by the Child Welfare Committee and approved by the Fifth Committee is that the Library of the Secretariat should collect and keep up to date for this purpose the most complete information possible, including : (a) legislation of different countries ; (b) the work done by institutions and organisations, both official and unofficial ; (c) the activities of international bodies ; and (d) bibliographical material.

“ ‘ To that end, the various Governments should be approached in order to ascertain the position of their legislation concerning child welfare. In accordance with the rules and regulations existing in the Secretariat, it should collect full information regarding the activities on this subject from institutions and associations, whether of an official character or due to private initiative, and should keep itself informed of the activities of international bodies ; it should have at its disposal bibliographical information in regard to child welfare questions.

“ ‘ For that purpose, the Secretariat should maintain close contact with the International Labour Office and the other organs of the League, together with the centres of documentation already in existence. The material thus collected should be placed at the disposal of persons in all countries engaged in research or enquiries in respect of child welfare.

“ ‘ The work of collecting information and utilising it will be carried out in accordance with the regulations in force for the organisation of the League of Nations Library and with the further plans to be approved from time to time by the Child Welfare Committee, and will cover only such subjects concerned with child welfare as may be approved by that Committee.

“ ‘ To enable the Secretariat to fulfil the function of a centre of information as described, the personnel of the Social Section will have to be strengthened. It will be necessary to have someone of not lower rank than Member of Section to supervise the work, and there will be other incidental expenditure.

“ ‘ The Fifth Committee, having carefully examined the proposed scheme, and being satisfied that it will greatly assist the development of the child welfare work of the League, strongly urges the Fourth Committee to make the financial provision necessary to bring this scheme immediately into force.’ ”

Observing that the year 1934 marked the tenth anniversary of the creation of the Child Welfare Committee, she emphasised the importance of the work done by the Committee during those ten years. She urged delegates to let their countries know more about the work done at Geneva for child welfare.

¹ See document C.149.M.62.1934.IV, pages 20 and 21.

Mme. Malaterre-Sellier then commented rapidly on the various points mentioned in the report, and emphasised that the problem of the children of unemployed parents had its moral as well as its material side. It was clear from the enquiries that had been made that, while infantile mortality showed no disturbing increase in the case of children of unemployed parents, there was nevertheless an increase of rickets and a predisposition to tuberculosis. It was not merely a problem of the children of unemployed in the towns, but also of the children of unemployed agricultural workers. Whatever the economies incumbent on all Governments at the present moment, the Committee must not fail to draw the Governments' attention to the urgent need of providing the necessary funds for purposes of public health and child welfare, in order to prevent the physical and even moral deterioration of the growing generations once the economic crisis was over.

The moral aspect of the problem was the more important. Assistance to the unemployed should be given in such a way as to safeguard the family unit. There should be no question of impairing the children's respect for their fathers, when the latter were no longer in a position to earn their daily bread.

As regards the problem presented by unemployed young people, it was again the moral aspect with which the Child Welfare Committee was more particularly concerned. Needless to say, unemployment had a dangerously discouraging effect on young people unable to find any outlet for their energy, goodwill and abilities, and exposed them to temptations likely to bring about the demoralisation of contemporary society. In deciding on measures for the solution of the problem of unemployed young persons, it was essential to take account of the special position of each country; but the experience of each was useful to all.

Mme. Malaterre-Sellier then recalled the discussion in 1933 of the development of the Secretariat's rôle as an information centre, and pointed out that there was no question of setting up a new organisation. Through the many questions which were submitted to it, the Secretariat of the Child Welfare Committee had, in fact, become a centre of information and distribution, not only for matters concerning its own work, but also concerning the work of other organisations and even in regard to the results of enquiries conducted by Governments. It was the duty of the Secretariat to reply to questions put to it, and to do so from a definite standpoint, aiming, as it were, at social and humanitarian education, and not merely in a dry and purely technical manner.

When the expression "centre of documentation and information" was used in connection with the French scheme on which the Child Welfare Committee was engaged, the Committee had no information with regard to the proposed reorganisation of the League Library. The contents of the new library, which would form an enviable wealth of material dealing with child welfare and other subjects as well, would be a source of information of very great, and probably unique, value. It would thus be able to place an unparalleled amount of documentary material at the disposal of the Child Welfare Committee's information centre.

The function of the centre would be to utilise the material collected by the Library and the work done by the International Labour Office and the Office d'Hygiène, in order to promote a social movement throughout the world in favour of child welfare. That would put an end to the justifiable criticisms which were levelled at the League, together with a number of other organisations, to the effect that, while frequent enquiries—often very noteworthy—were made under their auspices, they were in general neither known to the public nor turned to practical use. The child welfare information centre thus met a real need. There were examples of what could be done in that field. M. Gajardo, the Chilean delegate, had mentioned in his report the invaluable work done by the International American Institute of Child Welfare. The Paris Office international d'Hygiène publique, established in 1925 with very modest resources, which now received annually more than 2,000 enquiries and distributed documents to the extent of 240,000 a year, was another notable example. The information centre would reply to all questions addressed to it, and would circulate information concerning all the work done by the various international organisations, so as to make the experience gained in particular countries generally available.

With a view to the rational organisation of the centre, it must be provided with financial resources: but these would be on a modest scale, at any rate at the outset, since the Library would make itself responsible for a considerable part of the work. The development of the centre would depend on its own success. If the applications addressed to it were few in number, a small staff would be sufficient. If, on the other hand, it became a central driving force for all social work in connection with child welfare, applications would be numerous and the staff would have to be increased.

There were certain political problems which only concerned particular countries; but the question of child welfare was one that concerned all countries. Child welfare was a wonderful field for the activities of the League and might constitute one of its best advertisements.

Count CARTON DE WIART (Belgium) felt that the record of the work done by the Social Section in connection with child welfare was sufficient proof that the hopes placed by the Council in the Child Welfare Committee, when the latter was founded ten years before, had not been disappointed. The Committee represented a clearing-house, through which countries were able to acquaint themselves with the progress accomplished elsewhere.

As regards the children of unemployed persons, the unemployment benefits granted should be proportionate to the needs of the families concerned. There should clearly be a distinction between unemployed who were unmarried and those who had family responsibilities. In Belgium, when the children of the unemployed attended vocational classes, the parents continued to receive special allowances in respect of their children until the latter reached the school-leaving age.

The idea of a centre of documentation and information went back to the very origins of the Child Welfare Committee. An International Child Welfare Association had been constituted at the first International Child Welfare Congress at Brussels in 1913. The object of that association was to establish a centre for liaison between institutions and societies engaged on child welfare work. The Belgian Government assumed the patronage of the association and agreed to its headquarters being established at Brussels, and subsequently accepted its association, in accordance with the recommendations of the Covenant, with the League of Nations. It was the Belgian delegate, M. de Brouckère, who in 1924 brought before the Council a proposal for the establishment of a Child Welfare Committee. In its decision on that occasion, the Council stated that the work hitherto carried on by the International Child Welfare Association would henceforward be entrusted to the League Secretariat. That proposal by the Council had been ratified by the Assembly in 1924.

As the programme of the International Association, whose work the Child Welfare Committee was intended to carry on, included documentation and information, the Committee could not but continue that work. The Secretariat's work, in particular, was to consist in collecting and analysing, in accordance with a carefully devised scheme, the laws and regulations of the different countries concerning child welfare. It also rested with the Secretariat to obtain information on the enforcement of legislation and the methods adopted in the various countries. The service which it was intended to institute for that purpose was also meant to distribute information. All men of goodwill in all parts of the world who desired to obtain information on assistance to morally or physically handicapped children must be able to find the necessary documentation and data at Geneva.

The credits hitherto appropriated to child welfare were so small that, despite the slump, the 1933 Assembly had recognised the need for a small increase, and a sum of 9,000 Swiss francs had been voted accordingly. Speaking as Belgian delegate and not as Chairman of the Fourth Committee, Count Carton de Wiart desired to express his wholehearted support for any proposal which might be made for endowing the documentation and information centre with the funds necessitated by its work. The sum in question was, moreover, very small, for an increase in the credit of some 25,000 or 30,000 francs would probably suffice.

If the peace work of the League had led to disillusionment in more than one direction, its work of international collaboration, especially in connection with social questions and child welfare, deserved all the more to be recognised. Its efforts in that connection would certainly earn for the League much of the popularity it was at present denied. Above all, such efforts would aid humanity in its endeavour to make better provision for the position of children. The League had a responsibility to the future in that matter, and they would be well or ill rewarded in proportion as they were or were not able to improve the position of the children in that connection.

M. LEVILLIER (Argentine Republic) stated that, in all the American countries, and particularly in the Argentine, public attention had always been given to child welfare, and private associations had always been zealous in that cause. That might be seen in legislation, in the work of official and private institutions and foundations, in the relationship between these and international bodies, and in the social welfare congresses in which the Argentine took part. The interest it aroused had made the Congress held by the Argentine Government in Buenos Aires in 1933 a memorable event.

Apart from the work of the national and local authorities, a special institution, the Children's Trust, and other bodies, such as the Philanthropic Society, the Ladies of Charity and the like, devoted themselves entirely to the protection of children and young persons against physical and moral harm of every kind—poverty, unhealthy conditions, lack of education and desertion. They also concerned themselves with erring and delinquent children. There were official subsidies to those institutions, but the larger part of their revenue was derived from public subscription. The position was the same in almost all the American countries, a fact which had made it possible to create a central body, the Pan-American Child Welfare Institute, which had its headquarters at Montevideo and collaborated closely with the League Committee.

M. Levillier congratulated the League Committee on the magnificent work it had done, and very warmly welcomed the proposal to set up a documentation and information centre. In his view, the centre should not simply collect and keep up to date as complete a body of documentary material as possible; it should also do the work of collating that material, thus making it easily accessible to those interested. Moreover, it should not be merely an intermediary for the collection and distribution of information, a purely passive body doing nothing but reply to any questions it might receive; it ought also to publish original works by recognised authorities, circulate such work and keep the Governments constantly supplied with it. It should act as a liaison agent between the Governments and all the private institutions. Further, it would be better for it to communicate directly with Governments rather than with private institutions; the Governments could pass on to the latter the information they had received. That procedure was particularly to be recommended as regards certain aspects of the question of minorities.

For all these reasons, M. Levillier considered that the information centre should not be organised on too modest a scale. It must be possible for its utility to be increased to any degree which might be considered advisable.

As regards the proposed method of obtaining from the Fourth Committee the funds required for the immediate execution of the plan, M. Levillier entirely agreed with Count Carton de Wiart. The Fifth Committee should apply to the Fourth as soon as it had obtained the

necessary particulars from its Rapporteur and from the French delegation, which had originally brought forward the scheme.

M. SEVENSMA (Librarian of the League of Nations) was very glad to be able to state that the proposals concerning the creation of a child welfare information centre fitted in most satisfactorily with plans which had been worked out for the new League of Nations Library. From a practical point of view, Mr. Rockefeller's generous gift had made it possible to construct a special building, in which there was to be a room for the social questions with which the League was concerned. The League possessed the most complete collection of legislative texts in the world. The official gazettes and texts of laws were sent to it from all countries, and those publications were not only catalogued but also carefully indexed and analysed. The documentary material on child welfare questions was very complete, and in that field too an index and a minute analysis was made of all the publications sent to the Secretariat. Periodically published lists showed how the work was proceeding.

There was thus no doubt that the work which the Child Welfare Committee proposed to do would often be greatly simplified by the fact that the League Library already possessed very complete documentation on the subjects with which the Committee dealt, and all the necessary material for finding rapidly any information desired. The work of the Committee and of the Social Section would permit that documentation to be very fully used and secure it wide circulation. M. Sevensma welcomed the collaboration to be instituted between the Social Section and the new League Library.

M. FABBRI (Italy) stated that the Italian delegation entirely approved the principles set forth in the report, which advocated the defence of the integrity of the family and of the home.

In Italy, the remedies proposed in the report were already being applied in various ways. The principle of work by shifts had been introduced into the factories, while in agricultural undertakings a minimum staff system had been adopted. The question of a reduction of hours of work was also being studied, and attempts were being made to combine maintenance of wage-levels and remuneration of capital. In a speech on the economic situation delivered in the Chamber of Deputies on May 26th, 1934, M. Mussolini had stated that, in the study of so grave a problem as that of unemployment, it was not so much the amount of wages as their existence and, above all, their continuity which should be made a main issue. In his view, the problem consisted in finding a means of giving the greatest possible amount of work as continuously as possible to the greatest possible number of Italian workers.

Moreover, the Fascist Government had established in Italy a commissariat for internal migration directly subordinate to the Head of the Government. The duty of that authority was to control and assist the movements of individuals and families within the country for the purpose of finding work. During the years 1930-1932, 1,010,256 workers had moved in that way, 774,049 of them in search of agricultural employment.

A special body had also been set up for the colonisation of Cyrenaica, and had found work in that colony for about 10,000 peasants. Moreover, the National Ex-Servicemen's Organisation had, with State aid, undertaken the recovery of the Pontine Marshes and the clearing of the land thus acquired for cultivation. That land had been divided among peasants who had fought in the war. New rural communes had been created in the area, which, from October 9th, 1934, onwards, would constitute the ninety-third province of the Kingdom. M. Fabbri stressed the importance of that systematic transfer of the families of the unemployed to the country. Such internal colonisation would prove to be the fundamental remedy for the situation with which the Committee was dealing. Agricultural labour at least permitted each man himself to produce the bread he and his family needed. Moreover, a return to the land could only add to the moral and physical strength of the traditionally healthy family, and it also fostered an increase in the population. Such a return to the land must not, however, be left to speculation; the resources and moral control needed for such a movement were so important that the State alone could effectively undertake it.

With reference to the recommendations in the report concerning child welfare during the school and post-school ages, M. Fabbri drew the attention of the Committee and its Rapporteur to other equally important considerations: first of all, assistance should be given to the mother before and after confinement, and protection to the child in the first years of life.

As regards the organisation of the information centre contemplated in the report, the Italian delegation too considered that application should be made to the Fourth Committee, in order that financial provision might be made for the immediate execution of the plan.

The Italian delegation thus approved the three fundamental principles—moral, educational and social—recommended by the Child Welfare Committee and described by the Rapporteur. It asked that the attention of Governments should be drawn to the remedies which seemed to it to be of the greatest importance—namely, assistance before and after confinement and encouragement to return to the land.

M. DE ALBA (Mexico) pointed out that the children of peasants had suffered less during the present depression than those of town workers. Agricultural countries like Mexico had therefore an advantage in that respect over highly industrialised and thickly populated countries. Like Madame Lombroso in "The Tragedies of Progress", he advocated a return to agriculture in industrialised countries.

In Mexico, where most of the peasants were small proprietors, the depression had caused less distress, mainly owing to the agrarian policy adopted. Attempts had been made to

provide a better education for children, and more than 3,000 rural schools had been founded ; the teachers understood the rules of child hygiene and puericulture. A National Child Welfare Committee had also been set up, and for five years had obtained its resources from the sale of inland postage stamps. With the collaboration of that Committee, the Public Health Department had organised a hygiene service for the pre-natal and post-natal periods. Systems of pre-marital medical examination and of consultation for future mothers had also been established. Lastly, milk was distributed to children and breakfast was served to indigent children in the schools. Thus, thanks to new ideas, Mexico had realised the social responsibilities incumbent on her, and had given all possible attention to the welfare of her children.

Mlle. HESSELGREN (Sweden) thought that one of the functions of the proposed information centre should be to undertake studies itself on certain subjects—a work for which it would be admirably equipped. That point had already been mentioned by the Rapporteur and the Argentine delegate, but she felt that a little more emphasis might be laid upon it. She had in mind the type of studies published by the Health Organisation.

With regard to the suggestions made in connection with the effects of unemployment on children and young people, she would draw attention to a few aspects of the problem which appeared to her of special importance. She had had the opportunity of observing the depressing effect felt by the children of unemployed parents. It must be remembered, however, that the problem was not confined to those children alone. Even children whose material needs were met and whose parents could support them were in great moral danger if they themselves had no occupation.

One of the principles laid down in the Rapporteur's report was that the methods of assistance adopted should not be such as to undermine the child's self-respect. For that reason, it was important that the activities organised, such as courses of study or training, should not be arranged for unemployed children alone. Those young people should as far as possible mix with others and not feel themselves isolated. As stated in the report, the question of the effects of unemployment on young people of working age was on the agenda of the next International Labour Conference. As a delegate to that conference, she was aware that the method frequently followed was to discuss a subject at one session and issue a questionnaire, thus postponing any decision on the matter until the following year. She proposed that the Fifth Committee in its report should express the hope that the question would be fully dealt with and resolutions passed at the 1935 session of the Labour Conference, so that some immediate action might be taken.

Finally, she would remind the Committee that, even when unemployment had decreased, as was already the case in Sweden, the problem of its effects on young people would remain. Those who had suffered from unemployment would tend to be inert and lack initiative. Moreover, as the crisis diminished, large numbers of young people who had been waiting for years to obtain work would occupy all the available vacancies, thus blocking the way for others who were just reaching working age.

FIFTH MEETING.

Held on Wednesday, September 19th, 1934, at 4 p.m.

Chairman : M. LEVILLIER (Argentine Republic).

9. **Child Welfare : General Discussion** (continued).

M. DRAGHICESCO (Roumania) supported, on behalf of his Government, the proposals and conclusions embodied in the report.

During the six years which had elapsed since he had last taken part in the Assembly's work, he had been closely following the League's activities in the sphere of child welfare. His impression had been one of optimism when considering the splendid efforts made, but he was bound to admit that, owing to the modest means available, the results achieved were somewhat disappointing. The subject was one of the utmost importance, affecting by far the greater part of the world's population. The short period of prosperity and luxury which had followed the war had in many respects undermined the moral stability of young people. Subsequently, their physique had been weakened by malnutrition, resulting from the economic depression, the effects of which had been disastrous in industrial countries. Though Roumania had not suffered greatly from the economic crisis, she was faced with a serious moral problem, one manifestation of which had been the outbreak of crimes committed by bands of young people. Effective efforts to solve these worldwide problems required considerable expenditure, and, with the modest resources at its disposal, the Child Welfare Committee had had to be content with adopting the rôle of a collecting and distributing centre for information. He appreciated the importance of that work, but its value must depend on the extent to which

the various countries made practical use of the knowledge put at their disposal, and practical application was largely a question of finance.

Among the many solutions suggested for the problems of the effects of unemployment on young people was the extension of the period of school attendance. That measure was particularly difficult to apply in country districts. Nevertheless, the Roumanian Government had, in spite of considerable opposition, introduced a regulation for the addition of three new classes to the schools. The proposed schemes for settling unemployed families on the land, for instituting labour camps, workmen's allotments, etc., involved, not only expenditure, but also, in some cases, a measure of agrarian reform such as had been carried out in Roumania. The other problems referred to in the report also required funds for their solution.

He hoped that the rôle of the proposed information centre would not be merely platonic, but that it would exert an active influence in co-ordinating and directing the activities of Governments in questions affecting the welfare of children. He thought the Child Welfare Committee should develop an organisation similar to that of the Advisory Committees on Traffic in Opium and Traffic in Women and Children, so that international conventions might be concluded on child welfare, a subject which he considered of even more importance than the problems dealt with by those two Advisory Committees.

With regard to the question of finance, he would venture to make a personal suggestion : the Child Welfare Committee should issue a publication giving a realistic picture of the state of affairs among young people. There were several members of the Committee well qualified for such a task. Copies of the book should be distributed more especially to financial and economic institutions in all countries, and thus funds might be obtained which would help to break the vicious circle restricting the Committee's work.

Mrs. COUCHMAN (Australia) said that her country attached the greatest importance to child welfare, and therefore welcomed the proposed suggestion to develop an information centre for the exchange of particulars of the child welfare activities of Governments and private agencies in all countries. On visiting the League Library, she had been struck by the fact that, so far, the child welfare section was small ; the expenditure on that part of the work would have to be greatly increased. Three conditions were essential for the success of the information centre : first, it must be in the charge of a highly trained official ; secondly, the information collected must be widely circulated among national and private agencies ; thirdly, the work must be carried out along absolutely definite lines. She would like to be assured that there would be no overlapping of the work of different departments of the Secretariat, and that the Child Welfare Committee would have adequate power to delimit the activities of the information centre, so that there should be no danger of their taking on too much breadth without sufficient depth.

Mme. HUBICKA (Poland) emphasised that the solution of the problem of the effects of unemployment on children and young people was not yet in sight. She had noted with some concern that that subject was not on the agenda of any future meetings of the Child Welfare Committee. The question of competence must be cleared up ; otherwise, there would be a risk of the problem being bandied about between the International Labour Office and the Child Welfare Committee. While fully realising the difficulties inherent in the difference of conditions in the various countries, she considered that an effort might be made to formulate definite recommendations rather than merely to put forward suggestions which might receive insufficient attention from the Governments to which they were sent. She asked that the Fifth Committee in its report should request the Child Welfare Committee to resume the consideration of the problem as soon as possible and urge the International Labour Office to give it all the attention it deserved.

She strongly supported the principle that measures adopted to assist children should not undermine their self-respect. Young people should be encouraged as far as possible to organise themselves. Very successful experiments had been made in that direction in Poland. The labour-camp system was steadily developing and was proving of such great educational value that it would be maintained permanently.

She was glad that the Belgian delegate had stressed the importance of the problem of erring and delinquent children, a subject on which Mme. Grabinska was to present her report to the Child Welfare Committee.

With regard to the proposed documentation and information centre, she thought it should be made clear that it would have a different function and different authority from the Library, which could only collect and could not analyse information. It should also be noted that the information collected would concern not only legislation but also its application.

The Child Welfare Committee had agreed unanimously that the Secretariat should be asked to collect any existing systems of sub-heading references in the field of child welfare and to correlate them into a tentative international classification for submission to the members of the Committee prior to the meeting of 1935. That was an important proposal which she would like to see embodied in the resolution.

Lastly, she would suggest that the order of the subjects dealt with in the resolution should be modified so as to refer, first, to the kind of information to be collected ; secondly, to the sources from which it was to be obtained ; and, thirdly, to the methods to be followed.

M. EKSTRAND (Director of the Social Questions and Opium Traffic Sections) informed the Polish delegate that the provisional agenda for the next session of the Child Welfare Committee included the consideration of information obtained regarding the experiments made by the various countries in remedying the disastrous effects of the depression on children and young people. The information in question would be that furnished by Governments in response to a circular letter which had been sent to them in June asking them to keep the Secretariat informed of any steps which they might take towards solving the problem.

Countess APPONYI (Hungary) suggested that the proposed documentation centre should undertake the task of collecting information as to what had been done in various countries towards assisting children and young people suffering from the effects of unemployment, and should make a comparative study of that question for the guidance of Governments. One serious aspect of the unemployment problem was the weakening of parental authority, and she therefore stressed the importance of safeguarding the unity of the family.

She did not share the view of the Argentine delegate that the documentation centre should have dealings with Government authorities only. She considered that it should be at the disposal of all voluntary organisations and individuals who were interested in child welfare problems.

Miss HORSBRUGH (United Kingdom) drew attention to the wide scope of the work to be undertaken in connection with recreational films. The task was not merely negative; concrete proposals must be made with regard to suitable films for children, for which there was admirable material in the literatures of the various countries. She urged that the information which was being collected on that subject should be as full as possible.

She referred to the problem of unemployment, particularly as it affected her own country. She was glad to say that there was no evidence of physical deterioration in the children of unemployed parents, though it must be remembered that in some cases that result may have been secured by the self-sacrifice of mothers, who deprived themselves for the sake of their children.

With regard to unemployment among young people, she agreed with the Swedish delegate that great difficulties still remained. In England the children born just after the war, when the birth rate was exceptionally high, were now coming into the labour market, and this would accentuate the difficulties in the next few years.

The Children and Young Persons Act passed by Parliament in 1933 restated, and, in some respects, strengthened, the provisions about child labour. The amount of child labour was very small, being limited to short periods in light occupations and strictly limited by local bye-laws. Further restrictions had also been placed on street trading. The same Act gave increased powers to the local authorities for the care and protection of children and young persons under 17, and enabled them to deal with young people who, through the unemployment of their parents or otherwise, were found falling into bad associations. Another Act of 1933 limited the hours of employment of juveniles employed in unregulated occupations in or in connection with the distributive trades. Juveniles employed in factories and workshops had been protected for many years, but the new Act extended that protection to these unregulated occupations. Another important step had been taken through the latest Unemployment Insurance Act, under which children leaving school would immediately enter the insurance scheme. This Act enabled greater control to be exercised over young people when they were unemployed, one of the provisions being that they should attend occupational centres. The Juvenile Advisory Committee was helping to find suitable posts for young people, and successful work in educational and recreational schemes was being carried out by local branches of the Central Juvenile Organisations Committee.

She welcomed the proposal to develop a documentation centre which would give practical effect to one of the main objects for which the Child Welfare Committee had been created. Child welfare was in many ways a national rather than an international question, and in her view did not lend itself, as a rule, to the conclusion of conventions. The League's part was to stimulate the interest of the various countries by putting at their disposal knowledge as to what was being done in other countries. It was in a unique position for obtaining the necessary information; the difficulty was to secure that it should be effectively utilised. She felt that, in the past, the preparation of good documents had been restricted for lack of funds, and hoped that the new scheme would do a great deal to remedy that situation.

She urged that the documentation centre should not be regarded as a separate organisation, but as affording more scientific means of co-operation with the Library. It was essential that the work should be concentrated, and it should therefore be confined to those subjects which would be selected by the Child Welfare Committee.

She would like to know exactly what the scheme would cost. It was important that the Fourth Committee should be approached with a definite request specifying what work was to be undertaken and what sum would be required.

The record of the work of the Child Welfare Committee in the past ten years was gratifying, but the Committee must look forward and aim at doing still better. She hoped that the

development of the documentation centre, with expert staff working on carefully selected material, would mark an important advance.

M. EKSTRAND (Director of the Social Questions and Opium Traffic Sections), replying to the United Kingdom delegate's enquiry, stated that the minimum additional staff required for the documentation centre would be one official of the rank of Member of Section and a bilingual stenographer. The estimated cost would be about 25,000 to 30,000 francs. Questions of detail would have to be discussed by the Supervisory Commission. With regard to the plan of work, the Committee could not, he thought, do better than transmit to the Fourth Committee the admirable account given in the Rapporteur's report.

Mme. AAS (Norway) paid a tribute to the work of Miss Jebb, the foundress of the "Save the Children" International Union, who had drafted the Declaration of the Rights of the Child,¹ known as the Declaration of Geneva. That Declaration had been adopted ten years previously by the Assembly at its fifth ordinary session, on the proposal of M. Valdés-Mendeville. She also paid a tribute to the efforts made on behalf of suffering children by her own compatriots, the late Dr. Nansen and Dr. Lange, now President of the "Save the Children" International Union.

In approving and adopting the Declaration, the Members of the League had implicitly bound themselves to put its principles into practice. Great progress had been made in that field in many countries, and it was encouraging to learn of the measures taken to better conditions among children according to modern medical views. In some countries, however, the principles seemed to have been forgotten. That situation was due partly to the economic crisis, but also to the apathy of public opinion. The tenth anniversary of the adoption of the Declaration provided an opportunity of reminding States Members of the obligations which they had undertaken. Delegates, when returning to their countries, must urge that these "minimum rules" for the treatment of children should be put into practice. She would like a reference to that question made in the report.

Child welfare was essentially work for the future, and, as doctors knew only too well, budgetary restrictions which might seem an economy only entailed heavier expenses later on.

Mme. Luh-Tsen LIU (China) described some of the work undertaken in her country by the National Child Welfare Association founded in 1928. Its activities comprised a full investigation into questions regarding the children of unemployed parents and unemployed young people, relief work for all orphans in North China during the invasion of the Province of Jehol, and much organisatory work for the promotion of child welfare. Moreover, in the past year, the association had investigated hundreds of cases of child exploitation, and had done valuable work in placing children in homes and aiding many thousands of sick children. Lastly, she would mention a petition which had been filed with the Legislature for the early establishment of juvenile courts. The Chinese Criminal Law stipulated that no sentence must be imposed on a child under the age of 13, and that reduced sentences should be imposed on those between the ages of 13 and 16. The institution of juvenile courts would mark an important advance in that sphere.

She welcomed the proposal that the Child Welfare Committee should act as a centre of information and documentation, which she considered would be of the greatest assistance in developing child welfare work in the different countries.

Mlle. CAMPOAMOR (Spain) observed that the proposals contained in the report regarding the problem of unemployment as it affected young people were not only of social but also of political importance. The present state of affairs tended to produce a feeling of resentment among young people, who would become a dangerous element in the population unless something were done to improve their prospects.

Referring to the proposed information centre, she was glad to note that there was to be no overlapping with the work of the Library, but that the services of the Library were to be extended and improved so as to meet the needs of the Child Welfare Committee. She emphasised that the official in control of the centre should have power to take the initiative in suggesting improvements regarding the means of obtaining information.

She warmly supported the Norwegian delegate's request that the report should draw attention to the Declaration of Geneva on the occasion of the tenth anniversary of its adoption, and was glad to be able to inform the Committee that the Spanish Government had incorporated that Declaration in the articles of its Constitution. She mentioned that a special service of guardianship for children had been instituted under a recent Government decree.

Countess APPONYI (Hungary) also endorsed the Norwegian delegate's proposal.

Count CARTON DE WIART (Belgium) asked that the whole text of the Declaration should be reproduced in the report.

¹ See *Official Journal*, Special Supplement No. 23, page 177.

He emphasised that the documentation centre must in no way be regarded as a separate organisation, but merely as a means of developing, under the authority of the Child Welfare Committee and the Secretariat, the activities which those bodies have already initiated, and any that they initiate in the future. It should be a dynamic and not a static institution. It must bring to light the efforts being made everywhere for the welfare of the child. Its principal function should be not to preserve but to disseminate.

SIXTH MEETING.

Held on Thursday, September 20th, 1934, at 3.30 p.m.

Chairman : M. LEVILLIER (Argentine Republic) ; and, later, Mlle. VACARESCO (Roumania).

10. **Child Welfare : General Discussion** (continued).

Count DE PENHA GARCIA (Portugal) pointed out that the Congress recently held at Lisbon had made it possible to form an idea of Portugal's progress in the field of child welfare, a progress which was beginning to make itself felt in her colonies too.

The Portuguese delegation supported the resolution proposed by the Rapporteur. Its conclusions might seem modest, but they would enable the work undertaken to acquire that indispensable characteristic—universality. The information centre contemplated would be incontestably valuable to the different countries and would also carry on propaganda in favour of the League of Nations.

Mme. MALATERRE-SELLIER (France), Rapporteur, described the amendments she had introduced in the draft in order to take into account all the suggestions made by members of the Committee. In particular, as regards the question raised by the Swedish, Polish and Roumanian delegates, she proposed that the following paragraph should be added :

“ The Fifth Committee was gratified to note that the serious problem of unemployment among young people had been placed on the agenda of the International Labour Conference in 1935, and that, in view of the urgency of the question, the Governing Body had instructed the International Labour Office to enable the Conference to reach at its next session a decision making generally applicable the successful experiments carried out in certain countries.”

In reply to questions put by a number of delegations, she explained that the filing system in the Library would be that which had been adopted at the Washington Congress, supplemented by the decimal system in use in the Palais de Bruxelles. The Library would collect information, while the information centre would undertake its dissemination in the form acceptable by all those interested in child welfare. The information centre would undertake research whenever resources permitted ; but, until better times came, the centre would content itself with being largely a body for the dissemination of information with special reference to education and social guidance.

The establishment of the centre would give the most valuable encouragement to every woman and to every mother by proving that the League of Nations did not confine itself to political questions, but gave thought to the children, who were the future generation on which world peace depended.

Mlle. VACARESCO (Roumania) asked that, in the expression of thanks to be recorded on the occasion of the tenth anniversary of the Children's Charter, the women's and feminist organisations, which had so constantly given their help to the work in hand, should not be forgotten.

After an exchange of views, the Committee *adopted* the draft resolution proposed by the Rapporteur in the following form :

“ The Fifth Committee is in complete agreement with the Child Welfare Committee as to the need for systematic collation by the League of Nations of information bearing on Child Welfare with a view to the formation of a centre of information and diffusion. When the Child Welfare Committee was established, it was recognised that this would be one of its main duties, and it is only lack of staff which has prevented its carrying it out in full. The general scheme recommended by the Child Welfare Committee and approved by the Fifth Committee is that the Library of the Secretariat should collect and keep up to date the most complete information possible, including :

“ (a) Present and contemplated legislation of different countries and its application ;

“ (b) The work done by institutions and organisations, both official and unofficial ;

“ (c) The activities of international bodies ; and

“ (d) Bibliographical material.

“ It will be necessary to that end :

- “ (a) To approach the various Governments ;
- “ (b) To collect full information regarding the activities on this subject of institutions and associations, whether of an official character or due to private initiative, in accordance with the rules and regulations of the Secretariat and with the procedure agreed upon with the Governments concerned ;
- “ (c) To be informed of the activities of international bodies ;
- “ (d) To have access to bibliographical information in regard to child welfare questions.

“ For that purpose, the Secretariat should maintain close contact with the International Labour Office and the other organs of the League, together with the different centres of documentation. The material thus collected should be placed at the disposal of persons in all countries engaged in research or enquiries in respect of child welfare.

“ The work of collecting information and utilising it will be carried out in accordance with the regulations in force for the organisation of the League of Nations Library and with the plans to be approved from time to time by the Child Welfare Committee, and will cover only such subjects concerned with child welfare as may be approved by that Committee.

“ To enable the Secretariat to fulfil the function of a centre of information as described, the personnel of the Social Questions Section will have to be strengthened. It will be necessary to have someone of not lower rank than Member of Section to supervise the work, and there will be other incidental expenditure.

“ The Fifth Committee,

“ Having carefully examined the proposed scheme ;

“ Being satisfied that it will greatly assist the development of the child welfare work of the League :

“ Considers that a credit not exceeding 30,000 francs would be sufficient ;

“ Strongly urges the Fourth Committee to make the financial provision necessary to bring this scheme immediately into force. ”

II. Penal and Penitentiary Questions : General Discussion.

Mlle. VACARESCO (Roumania) *took the Chair.*

M. Simon van der Aa, Secretary-General of the International Penal and Penitentiary Commission, took his place at the table.

Mr. HEARNE (Irish Free State), Rapporteur, invited discussion on the Secretary-General's report to the Assembly on Penal and Penitentiary Questions.¹ That report showed that steady progress had been made in a field of social work of the highest humanitarian importance. The Committee was aware of the history of the Standard Minimum Rules for the Treatment of Prisoners.² The fourteenth Assembly had examined those rules in their revised form and decided to refer them to the various Governments with the request that they should state whether they were in a position to consider the approval and practical application of the rules in whole or in part. The report now before the Committee contained the substance of twenty-seven replies, which were almost entirely satisfactory. Other replies had been received within the last two weeks. The Japanese Government stated that it had no objection to make with regard to the adoption of the minimum rules as an international minimum standard for the treatment of prisoners. The Australian Government stated that, in Victoria, Queensland and Western Australia, the practice conformed to the revised Standard Minimum Rules, and that in New South Wales and Tasmania, where practically all the rules were in operation, the competent authorities approved those rules. The Yugoslav Government agreed in principle with the revised Standard Minimum Rules, which were in harmony with a law adopted on February 16th, 1929, in Yugoslavia, but made certain reservations with regard to Rules 30, 31 and 41.

The task of the present Assembly, as foreshadowed in the Fifth Committee's report for 1933, was to decide whether it was possible to recommend the Governments of Member States to adopt the Standard Minimum Rules for the Treatment of Prisoners ; and, further, to examine whether it was advisable to consult the Governments as to the necessity for an international convention on the treatment of prisoners, or whether the rules should be approved by the League, and circulated to all Governments in the hope that they would aim at, if they had not already attained, the standard which the rules required. The Irish delegation would welcome a convention on the subject, as marking an advance in the progressive codification of international law ; but the experience of the Hague Conference of 1930 had shown that success could hardly be hoped for from such a convention until a satisfactory technique of codification had been worked out. The problem was an urgent one, and it seemed therefore that the more practical course would be to secure the approval of the Assembly and, with the authority of that approval, to request the Governments to adopt the Standard Minimum Rules and give effect to them with as little delay as possible. Personally, he hoped that that course would

¹ Document A.14.1934.IV.

² See *Official Journal*, Special Supplement No. 119, pages 14 to 16, and Annex 1.

lead to a change in international thought which would prepare the way for the successful conclusion of a convention.

He then read the following draft resolution, which had been circulated to the Committee :

“ The Assembly,

“ Having taken note of the resolution adopted by the International Penal and Penitentiary Commission in August 1934 concerning the revised Standard Minimum Rules for the Treatment of Prisoners ;

“ Considering that these rules constitute a minimum below which no State's penitentiary system should fall ;

“ Considering that it is highly desirable that efforts should be made to improve the treatment of prisoners by going beyond that minimum, as has been done in several countries :

“ (1) Recommends States to take into consideration the Standard Minimum Rules framed by the International Penal and Penitentiary Commission as a minimum for the treatment of every individual deprived of his liberty ;

“ (2) Requests States to consider the possibility of adapting their penitentiary system to the Standard Minimum Rules, if that system is below the minimum laid down in the said rules ;

“ (3) Considers that States whose economic or financial situation constitutes an obstacle which prevents them temporarily from complying with this minimum should endeavour to reach it as soon as circumstances permit and at the earliest possible date ;

“ (4) Instructs the Secretary-General :

“ (a) To request Governments to communicate, if possible annually, the experience obtained and any other observations relating either to the application of the Standard Minimum Rules or to reforms brought about in penitentiary matters ;

“ (b) To report on these questions to the Assembly. ”

Another matter to which he would call the Committee's attention was the splendid work carried out by the technical organisations dealing with penal and penitentiary questions. The Secretary-General's report to the Assembly on penal and penitentiary questions¹ was the only publication which gave a general survey of international efforts outside the League of Nations in that field. He proposed that the Committee should express its appreciation of that portion of the report by requesting the Secretary-General to continue to keep in touch with the technical organisations and incorporate annually in his report a survey of their activities, with particular reference to their relations to the work of the Fifth Committee. He would like to suggest that more rapid progress might be made in the excellent work of the technical organisations if their various activities could be focused on particular subjects, or particular aspects of the same subject, by joint meetings. He might mention the question of *souteneurs*, family desertion, treatment of prisoners and the suppression of the traffic in dangerous drugs, all of which were susceptible of examination from the various standpoints of the different organisations. If that suggestion were carried out, the Secretary-General's work in the preparation of the relevant part of his report would, he thought, be facilitated. Moreover, the practice of holding joint meetings would bring the organisations into closer contact with the character of the work of the Fifth Committee, which had to deal with social and humanitarian questions from every point of view. Personally, he would like to see a permanent international commission established by the League to deal with penal and penitentiary questions, but a more suitable time for considering such a measure would perhaps come when a convention or a series of conventions had been concluded, the administration of which would call for central control of a kind which the Fifth Committee could not appropriately exercise.

M. PELLA (Roumania) entirely approved the draft resolution submitted by the Rapporteur. He merely desired to define the scope of the penal and penitentiary problems to be considered by the League.

Having studied the report of the Secretary-General to the Assembly on penal and penitentiary questions and listened to the statement of the Rapporteur, M. Pella thought that the Fifth Committee should consider the following two questions :

(1) What further steps should be taken in connection with the Standard Minimum Rules for the Treatment of Prisoners² drawn up by the International Penal and Penitentiary Commission ?

(2) In what manner and to what extent should the technical organisations which had made a special study of penal and penitentiary questions co-operate with the League ?

M. Pella emphasised the well-balanced and enlightened character of the work done by the International Penal and Penitentiary Commission in drawing up the Standard Minimum Rules for the Treatment of Prisoners, which had come before the Assembly in 1930 for a preliminary decision and had subsequently been submitted for examination to various

¹ Document A.14.1934.IV.

² Document A.26.1933.IV, Annex.

technical organisations—in particular, the International Penal Law Organisation and the International Penal Law Union; while the Governments had been consulted twice. The rules had been revised in the light of all the various comments received.

Did that problem come within the competence of the League? In reply to that question, M. Pella reminded the Committee that, under Article 25 of the Covenant, the League had expressed the desire to associate itself with all activities having for their object "the mitigation of suffering throughout the world". Such mitigation was the object of the Howard League for Penal Reform in England.

The question should, however, be examined, not only from the humanitarian, but also from the scientific point of view, which was not incompatible with the former. The sole purpose of sentencing criminals was no longer punishment for the crime they had committed, but above all the readaptation of the convict to the conditions of social life and the transformation of his "negative energy" into energy of use to the community. For that reason, a study of the treatment of prisoners included scientific questions relating to psychology, pedagogy, hygiene, etc.

The problem of the treatment of prisoners included also their after-life when they had served their sentence. Though that had not been extensively dealt with in the Standard Minimum Rules, it was none the less an important point.

Two alternatives were under consideration in connection with the Standard Minimum Rules; they might be converted into an international convention, or a special organ of the League might be set up to deal with the matter.

As regards the first alternative, the delegations were bound by the instructions received from their Governments.

In Roumania an Act, in which M. Pella had co-operated, had been passed in 1929 for the reorganisation of prisons and reformatories, and the Roumanian Government would be willing to adhere to an international convention drawn up on the basis of the Standard Minimum Rules. The situation, however, was not the same in every country. If in certain countries, such as England, Belgium, France and Italy, the treatment of prisoners was a long way above the minimum laid down in the Standard Rules, in other countries the organisation of the penitentiary system was still far from complying with these minimum conditions. Before an attempt was made to draw up an international convention, it must first be ascertained that such minimum conditions prevailed in a large number of countries.

As to the second solution, M. Pella was aware that the Howard League considered the setting-up of a special League organ to be necessary, and certain organisations, such as the International Federation of the League of Nations Unions and the International League of Women for Peace and Freedom, had passed resolutions to that effect.

However, when the question had been referred to the Fifth Committee in 1933, it had stated in its report to the Assembly:

"Consequently, in view of the fact that the most competent organisations are able to collaborate with the League in regard to penal and penitentiary questions, and that such collaboration may take different forms — for example . . . the Fifth Committee considers that it is not necessary to set up a special organisation of the League to deal with penal and penitentiary questions."¹

M. Pella did not desire to influence the Committee's decision in any way. Nevertheless, the Standard Minimum Rules should not only be adopted but also applied, and he thought that only in the light of such results as might be obtained would it be possible to express an opinion on the utility of the special organisation proposed. In other words, he was not opposed to setting up such a body, but thought it premature.

M. Pella desired to draw the attention of the Committee and the Rapporteur to a further point. Paragraph 4(a) of the draft resolution proposed by the Rapporteur was to the effect that the Secretary-General should be instructed to request Governments to supply information as to the application of the Standard Minimum Rules or the reforms brought about in penitentiary matters. M. Pella supported that recommendation in so far as it related to the communication of such information for the purposes of study to the International Penal and Penitentiary Commission, and the Fifth Committee might consider the addition to the resolution of a paragraph to take into account that desire, for which there was very good reason.

M. Pella reminded the Committee that, in his report to the Fifth Committee in 1931, he had explained the necessity of the collaboration of the technical organisations with the League of Nations, which might take the following forms:

(1) The representation of the Secretary-General at the meetings of the technical organisations. Even prior to the 1931 resolution, the Secretary-General had been represented at many such meetings—in particular, the congresses of international associations held at Bucharest and Prague and the three conferences held at Brussels (1930), Paris (1931) and Madrid (1933).

(2) Communications to the League of the experience obtained in the course of the year. Effect had been given to that point since 1933 in the Secretary-General's report to the Assembly on penal and penitentiary questions.

(3) Co-ordination of efforts and technical co-operation in the form of preparatory work carried out in connection with the questions which concerned the League.

¹ See *Official Journal*, Special Supplement No. 119, page 32.

The 1931 Assembly had requested the collaboration of the following seven organisations : International Penal Law Association ; International Bureau for the Unification of Penal Law ; International Penal and Penitentiary Commission ; International Criminal Police Commission ; Howard League for Penal Reform ; International Law Association ; International Penal Law Union.

M. Pella had convened a meeting of all those organisations, which had taken place on May 10th, 1932. The organisations had recognised the necessity for co-ordinating their efforts and had decided, while preserving their independence, to become members of the International Bureau for the Unification of Penal Law.

The question had been examined in 1933 by the First Committee, which had adopted an important resolution. M. Pella referred in particular to the following passages :

“ Noting the reorganisation of the International Bureau for the Unification of Criminal Law by the entry of representatives of the six other organisations into that body ;

“ Considering that the Members of the League have been consulted on the question of the gradual unification of criminal law and the co-operation of States in the campaign against crime and that the majority of the replies received are favourable in principle to collaboration by the League in these matters ;

“
“ And considers it desirable that, in cases where the organs of the League feel it appropriate to do so, those organs should consult the said organisations. In such cases, the International Bureau for the Unification of Penal Law might be asked to give its assistance in the preparatory investigations undertaken in connection with the drawing-up of any convention which may be contemplated. So far as concerns law and practice in regard to penal questions, the assistance of the International Penal and Penitentiary Commission might be obtained. ”¹

Immediate effect had been given to that resolution. Immediately after its adoption, the collaboration contemplated had been put into operation and had continued without interruption. The International Bureau, which dealt with slavery, the traffic in obscene publications, and the traffic in women and children, had also undertaken to study the questions of *souteneurs* and the desertion of the family. The documentation compiled by the Roumanian Government on this latter question had now reached him. It comprised, *inter alia*, the reply of the Soviet Government.

There were further problems to be studied, such as the international regulations governing the right of reply and the correction of news published in the Press, and extradition. No adequate or final solution had yet been given to this latter problem, particularly in the case of a criminal who, being the national of one country, committed a crime in a second and took refuge in a third.

M. Pella would not dwell on the part played by the various technical organisations. He would simply recall the fact that questions of penal law entered into the work of many League organisations, and emphasised the important contribution made to the question by the International Labour Office with respect to prison labour.

In conclusion, he felt quite sure that, in recommending the Standard Minimum Rules to the Governments, the Fifth Committee would be helping in a humanitarian and scientific work, while the collaboration between the League and the technical organisations would facilitate the union in the various countries of all the forces of life in their struggle against the forces of death.

M. PARRA-PÉREZ (Venezuela) drew the attention of the Fifth Committee to the problem referred to by M. Pella—namely, the extradition of criminals who had taken refuge in a country other than that in which they had been sentenced. The conclusion of an extradition treaty sometimes met with insuperable difficulties, while, on the other hand, it was frequently impossible to carry out a deportation order, since no State willingly received into its territory persons known to be criminal in character. An end must be put to this intolerable situation, while there still remained the humanitarian aspect.

M. Parra-Pérez wondered whether, in addition to the bilateral extradition treaties, rules should not be drawn up for the repatriation of refugees convicted for an offence against the ordinary law and escaped prisoners. Without wishing to submit a formal resolution, he laid the following draft proposal before the Committee :

“ That the International Bureau for the Unification of Penal Law should undertake an enquiry into the conditions for the repatriation of persons convicted for an offence against the ordinary law who have taken refuge in a country other than that in which they had been sentenced. ”

Countess APPONYI (Hungary) recalled that the question referred to in the resolution proposed by the Rapporteur had already occupied the attention of the Fifth Committee for the last three years.

The Hungarian delegation had already implicitly expressed its approval in 1933. Moreover, the regulations in force in Hungary for the treatment of prisoners exceeded the minimum laid down in the Standard Minimum Rules.

M. FABBRI (Italy) pointed out that the Italian Government, in its reply to the Secretary-General's questionnaire respecting the treatment of prisoners, had declared that any action taken by the League with reference to penitentiary questions should be limited to suggestions and recommendations, since the right to punish, and above all the execution of sentences, were

¹ See *Official Journal*, Special Supplement No. 116, page 43.

essentially linked with the exercise of the State sovereignty. Subject to these restrictions, the Italian delegation saw no objection to recommending the Standard Minimum Rules. Moreover, the Italian regulations respecting the treatment exceeded the minimum laid down. Consequently, the Italian delegation approved the draft resolution submitted by the Rapporteur.

Mlle. HESSELGREN (Sweden) assured the Committee that, although her Government had not yet been able to submit its reply regarding the Standard Minimum Rules, the delay was not due to any lack of interest. Sweden entirely approved those rules, which were already applied in its laws and regulations.

She was inclined to agree with the Rapporteur that a convention should not be drawn up until information had been obtained as to how the rules were working in those countries which had not hitherto reached the standard prescribed. She welcomed the suggestion made by the Rapporteur and the Roumanian delegate for the establishment of an international commission to deal with penal and penitentiary questions. While realising that that step could not be taken until a convention had been concluded, she hoped the Committee would bear it in mind as an ultimate aim.

Mme. WOYTOWICZ-GRABIŃSKA (Poland) stated that the practice followed in Poland in penal and penitentiary matters was above the standard laid down in the Minimum Rules, and she therefore supported the resolution proposed by the Rapporteur.

Miss HORSBRUGH (United Kingdom) also supported the resolution proposed by the Rapporteur. The Committee was, she felt, deeply indebted to the International Penal and Penitentiary Commission for the valuable constructive work which it had carried out in drawing up the Standard Minimum Rules for the Treatment of Prisoners. It had been said that its progress was slow, but she would emphasise that a body of experts dealing with technical subjects must inevitably proceed at a measured pace if it was to achieve practical results. Her Government considered that the Commission was the appropriate body to undertake enquiries in the field of penal and penitentiary questions. The League's part should be to continue the closest co-operation with the Commission, referring to it the various problems which might arise and implementing its conclusions. For that reason, she would propose that the last paragraph of the draft resolution should be amended by adding at the end the words "and communicating the information received from the Governments to the International Penal and Penitentiary Commission".

The British Government was opposed to the idea of an international convention. It did not consider that penal and penitentiary questions were by their nature a suitable subject for a convention. In such questions as the sale and manufacture of drugs or the traffic in women, which are strictly international in character, a convention became the indispensable instrument of progress; but the penal system of one country was not vitally affected by the system enforced by another country. Moreover, there was a danger that, in the effort to reach the greatest possible measure of agreement in negotiating a convention, the standard set by the Minimum Rules might be so reduced as to lower rather than to raise the general level of penal administration in the world.

Citizens who have been deprived of their liberty for whatever reason, and who remain for a long period invisible to society, formed a class of the community which were specially entitled to protection. It was within the knowledge of all that, in some places, and on some occasions, the power of authority over the prisoner was gravely abused. She hoped that the widespread adoption and application of the Standard Minimum Rules would ensure justice and humane treatment for every prisoner in the world.

Mrs. COUCHMAN (Australia) warmly sympathised with the sentiments expressed by the United Kingdom delegate. She was glad to say that the practice in Australia was in advance of the Minimum Rules. She looked forward to the time when even better conditions than had been embodied in the rules would be generally applied to prisoners.

M. JIMENEZ (Mexico) informed the Committee that his Government's reply with regard to the Standard Minimum Rules had just been received, and that the practice followed in Mexico in penal and penitentiary matters conformed almost entirely to those rules. Owing to its federal constitution, his country would not be able to take part in a convention, but he was able to support the resolution proposed by the Rapporteur.

A measure of penal reform recently introduced in Mexico involved a new Penal Code which conformed almost completely with the Standard Minimum Rules. In many of the States, however, the application of some of the rules was impeded by financial difficulties. His Government was anxious to co-operate in any possible way with the associations interesting themselves in humanitarian work on behalf of prisoners.

M. Simon VAN DER AA (Secretary-General of the International Penal and Penitentiary Commission) noted with great satisfaction that the general tenor of the speeches of the members of the Fifth Committee was in complete agreement with the work which had been effected when drawing up the Standard Minimum Rules for the Treatment of Prisoners. Those rules had been adopted by all the States represented on the International Penal and Penitentiary Commission and approved by all the States Members of the League which had been consulted. That, however, did not mean that the rules were certain of being applied in their entirety, and the International Commission appreciated to the full the help which the League of Nations could give towards achieving the aim in view. He would therefore be happy and grateful if the League could see its way to recommending those rules.

M. CASSIN (France) declared that the French delegation approved as a whole the resolution which had been submitted. Nevertheless, he thought it would be unwise to lay on the Secretary-General and Governments too heavy an obligation, which ran the risk of not being observed and remaining a dead letter. He suggested, therefore, that, in the first line of the penultimate paragraph, the words "if possible annually" should be replaced by the words "from time to time".

On the other hand, it would be advisable to associate the important special organisations with the work of documentation, since they might in many cases be in a position to relieve the Governments of a part of the burden. The French delegation therefore proposed that, after the words "from time to time" which it had just mentioned, the words "with the help of the qualified associations" should be added.

SEVENTH MEETING.

Held on Friday, September 21st, 1934, at 3.30 p.m.

Chairman: M. LEVILLIER (Argentine Republic).

12. Penal and Penitentiary Questions : General Discussion (continued).

M. DE ARMENTEROS (Cuba) supported the proposal made by the Venezuelan delegate at the previous meeting with regard to the extradition of criminals who had taken refuge in a country other than that in which they had been sentenced.

M. PELLA (Roumania) referred to the two amendments to the draft resolution put forward by the Rapporteur, submitted by the French delegate, M. Cassin. The first was that Governments should be asked to communicate information with regard to the application of the Standard Minimum Rules for the Treatment of Prisoners from time to time and not annually. He hardly considered that amendment necessary, as the words "if possible" in the original text made it clear that Governments would not be under a definite obligation to submit observations every year. There had, moreover, been a reason for the use of the word "annually", the Fifth Committee having asked in 1932 and 1933 that the Secretary-General should report each year to the Assembly on the general position with regard to penal and penitentiary problems.

Secondly, the French delegate had asked that the replies of Governments should be made in collaboration with the great associations dealing with penal and penitentiary questions. He agreed with the principle underlying that proposal, but doubted whether it was for the League Assembly to indicate to Governments what procedure they should adopt in supplying information.

He supported the proposal of the Venezuelan delegate with regard to the question of persons convicted of an offence against the ordinary law who have escaped or taken refuge in foreign countries. In that connection, points arose that could not be satisfactorily settled by means of bilateral agreements. The substance of the question was not within the competence of the Fifth Committee, but that Committee could submit the matter to the International Penal and Penitentiary Commission and the International Bureau for the Unification of Penal Law, requesting them to make a scientific study of the problem and communicate the results to the Secretary-General, who would transmit them to the Assembly.

M. PARRA-PÉREZ (Venezuela) observed that, in the proposal under discussion, he had only mentioned referring the problem to the International Bureau for the Unification of Penal Law. He was quite willing, however, as the Roumanian delegate had suggested, that it should also be considered by the International Penal and Penitentiary Commission. His proposal was therefore to the effect that the International Bureau for the Unification of Penal Law and the International Penal and Penitentiary Commission should undertake a study of the conditions under which repatriation could be effected in the case of persons convicted of an offence against ordinary law who took refuge in a country other than that in which they had been sentenced.

M. GAUTIER (France) explained that the amendments proposed on behalf of the French delegation by M. Cassin would, in the first place, avoid giving the impression that too much was being asked of the Governments, and would ensure that the Secretary-General's report would bring to the notice of the Assembly each year anything of interest which had occurred in one country or another in the course of that year; and, secondly, would make it clear that private associations should not be disregarded by the Governments. Perhaps that idea might be indicated in a formula such as: "It seems desirable that Governments should maintain as close contact as possible with institutions dealing with penitentiary questions".

M. PLOY (Yugoslavia) observed that the Yugoslav Government was, in principle, in agreement with the Standard Minimum Rules, but made certain reservations. With regard to Rule 30, his Government thought it inadvisable that administrations should facilitate the introduction of politics into prisons. With regard to Rule 31, it considered that communication with the outside world should be limited to the prisoner's nearest relatives. Lastly, it considered

that the provision in Rule 41 that every prisoner should have each day the opportunity of putting forward requests or complaints was excessive.

Mr. HEARNE (Irish Free State), Rapporteur, informed the Committee that a number of letters had been received by the Secretariat from private organisations supporting the proposal to establish an international minimum standard for the treatment of prisoners. Among them was an appeal to the delegates of the fifteenth Assembly from the Howard League for Penal Reform. At the eighth International Congress of the Women's International League for Peace and Freedom, which had just been held at Zurich, a resolution had been passed suggesting the setting up of a special commission to study the question of penal and penitentiary reform. The International Federation of League of Nations Societies, at its meeting at Folkestone in May 1934, had passed a resolution in a similar sense, which also called attention to the increased urgency of the question owing to recent political events. The resolution had been endorsed by the International Council of Women, at its meeting in Paris in July. All these communications showed the great interest manifested by public opinion in the Standard Minimum Rules.

The Rapporteur expressed his agreement with the observations of the Hungarian, Australian and Polish delegates, and with the amendment proposed by the British delegate.

With regard to the question raised by the Venezuelan delegate, he would like to have some further enlightenment as to the number of cases in point which had occurred in various countries. If, as he understood, the problem existed to any great extent, he agreed that rules should be established for its solution and that the two appropriate associations which had been mentioned should be asked to study the question. He thought that the problem would ultimately have to be decided in connection with repatriation or extradition rather than penal and penitentiary reform.

The Italian delegate had justly observed that the treatment of prisoners was an internal matter under the control of each national Government. It was, however, precisely for that reason that an effort was being made to ask States to exercise their sovereign power in accordance with the international standard now proposed.

The Swedish delegate had laid stress on the desirability of establishing an international commission to deal with penal and penitentiary problems. He fully concurred with that view and would only emphasise that the Commission could not usefully be set up until there was a definite code of agreed international law in these matters such as had already been established in the traffic in dangerous drugs and the traffic in women. He would add that, if such a commission should be created, its functions should not overlap with those of the private organisations.

He thought that the French delegate's suggestions might best be met by adding in the draft resolution, paragraph 4(a), the words "and if necessary with the collaboration of the qualified associations". The result would be that, if Government authorities were too busy, they could obtain all the information asked for from private associations, and, if they agreed with it, send it forward as their own.

M. PARRA-PÉREZ (Venezuela) asked the Rapporteur to add to the proposal which he had already made concerning the question of repatriation of prisoners a sentence to the effect that, when the two associations to which he had referred had studied the question, they should inform the Secretary-General of their conclusions. With regard to the explanations asked for by the Rapporteur, he endorsed the Roumanian delegate's statement that the question involved very complex legal problems. It was not yet ripe for full consideration by the Assembly, and he was therefore anxious that, before the matter was discussed in the First Committee, the Fifth Committee should recommend measures to be taken with a view to its being studied by expert bodies.

M. SIMON VAN DER AA (Secretary-General of the International Penal and Penitentiary Commission) informed the Committee that the general question of repatriation of foreign discharged prisoners was being studied by the International Penal and Penitentiary Commission and that the Sub-Committee dealing with it had presented a provisional report, which had been published a few months' previously. The Commission would be glad to get into touch with the Bureau for the Unification of Penal Law in order to examine the question specially from the aspect referred to by the Venezuelan delegate.

13. Traffic in Opium and Other Dangerous Drugs : Statement by the Rapporteur : General Discussion.

M. CASARES (Spain), Rapporteur, presented the following statement on the principal questions regarding the traffic in opium and other dangerous drugs submitted to the Fifth Committee, explaining that the statement was intended to form the basis of the Committee's report to the Assembly :

" Since the last Assembly, the Advisory Committee has held, for the first time, two sessions—one in the autumn and one in the spring. Further, the Council, at its meeting on January 17th, 1934, decided, on the proposal of the Advisory Committee, to retain the seven members added to the Committee on May 14th, 1930, and to add also the representatives of four new countries, Canada, Persia, Sweden and Turkey.¹

¹ See *Official Journal*, February 1934, page 112.

"I propose to mention here only the most important questions dealt with by the Committee during the two last sessions.

" I. RATIFICATION OF CONVENTIONS.

" 1. *Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs of 1931.*

Forty-seven countries have so far either ratified or acceded to the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, not counting Ecuador, whose ratification is subject to reservation. A list of the countries concerned, arranged according to continents, will be found hereunder :

" *Europe.*—Austria, Belgium, United Kingdom, Bulgaria, Czechoslovakia, Free City of Danzig, France, Germany, Hungary, Irish Free State, Italy, Lithuania, Monaco, Netherlands, Norway, Poland, Portugal, Roumania, San Marino, Spain, Sweden, Switzerland, Turkey.

" *America.*—Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Peru, Salvador, United States of America, Uruguay, Venezuela.

" *Asia.*—China, India, Iraq, Persia, Siam.

" *Africa.*—Egypt, Sudan.

" *Oceania.*—Australia.

" Estonia and Latvia have pronounced in favour of accession. The Greek delegation recently notified the Secretariat that the Convention had been ratified by Parliament and that the instrument of ratification would be deposited in the near future.

" 2. *Bangkok Agreement.*

" Portugal ratified the Bangkok Agreement of 1931 on January 27th, 1934, being the fourth State to become a party to that Agreement (United Kingdom, France, the Netherlands and Portugal).

" II. PRINCIPAL ASPECTS OF THE PRESENT SITUATION.

" In order to give a general idea of our work, it may be well to stress the chief characteristics of the present situation, as noted by the Advisory Committee in its reports to the Council and by the Rapporteur to the Council on September 7th, 1934 (eighty-first session).

" Thanks to the stricter and more general application of the International Conventions on narcotic drugs, there has been a progressive shrinkage in the volume of the legitimate trade in opium, coca leaves and manufactured drugs. According to the statistics for the years 1928-1932 given in the report to the Council on the work of the eighteenth session,¹ the amounts legally manufactured are approximating more and more nearly to the estimates of the world's legitimate consumption, leaving a smaller margin than in the past that might feed the illicit traffic.

" Before concluding its discussion, the Fifth Committee will be able to consult the statistics of licit manufacture for the year 1933, reproduced in the report of the Permanent Central Opium Board to the Council.

" On the other hand, clandestine manufacture has increased ; this in its turn supplies the illicit traffic and is itself growing, especially in those countries in which the raw materials are produced. Bulgaria and China are cases in point. This question is examined separately below.

" The task of the Committee and of Governments in the campaign against illicit traffic is thus rendered more difficult, but the results obtained in countries where it has been possible to establish effective control justify the hope that similar success may be achieved elsewhere.

" The Advisory Committee also noted the increase in the number of manufacturing countries as one of the most striking developments in the drug situation since the Limitation Conference in 1931. It pointed out that the establishment of factories in new countries (seventeen since the decision of the Assembly, in September 1929, to hold the Limitation Conference) was not open to objection when production was for home requirements and domestic control was effective, but that there was the risk of complications, should the tendency, already observable, to manufacture for export also become more marked.

" Lastly, the Advisory Committee had to deal with a new question : the discovery in Hungary of a process for the extraction of morphine from the poppy straw, which had hitherto been an agricultural waste product, but, it is claimed, can now be utilised under conditions which would enable morphine manufactured from that straw to compete successfully with morphine derived from opium. It appears that that process and its probable extension may have a considerable effect on the situation of the raw-opium market, and the far-reaching consequences which might result therefrom will be apparent to the Fifth Committee. The Advisory Committee's report on the work of its eighteenth session gives details of the enquiries which the Secretariat has been instructed to make in the matter.²

¹ Document C.256.M.105.1934.XI, page 3.

² See document C.256.M.105.1934.XI, page 8.

“ III. CLANDESTINE MANUFACTURE.

“ *Situation in Bulgaria and China.*

“ The Advisory Committee had to deal with a new question of considerable interest for the detection of clandestine manufacture—namely, the movement of a chemical product—acid acetic anhydride—which, according to the statement made by Mr. Fuller, United States delegate, at the eighteenth session, is, in practice, almost indispensable for the manufacture of heroin, but which has only limited use for other industrial purposes. The imports of acid acetic anhydride into Bulgaria, and into China through the port of Shanghai, having increased very considerably during the last two years—the amounts in question would be sufficient to manufacture heroin for the legitimate requirements of the entire world for many years—Governments will be requested, on the proposal of the Advisory Committee approved by the Council, to furnish statistics of their imports and exports of acid acetic anhydride and to state the destination and origin of the same.

“ Further, in view of the information given by M. Casares, representative of Spain, and based on the statistics of the Chinese Maritime Customs, to the effect that enormous quantities of caffeine, probably intended for the preparation of heroin pills, had, in recent years, been imported into China, the Council instructed the Secretary-General to ask Governments, with regard to caffeine, for the same information as for acid acetic anhydride.

“ I. *Situation in Bulgaria.*

“ The Advisory Committee was particularly concerned at the information which had come to its knowledge regarding extensive developments in the clandestine manufacture of heroin in Bulgaria.¹

“ As stated in the Rapporteur's note to the Council,² the Bulgarian Government, when apprised of the questions that had been raised, gave proof of its desire to collaborate by communicating to the Secretary-General information in its possession concerning imports of acid acetic anhydride and information relating to the discovery of the clandestine manufacture of narcotics in Bulgaria. The Bulgarian Government also requested further information regarding exports of acid acetic anhydride consigned to Bulgaria and particulars of the ten clandestine factories and laboratories stated by the Egyptian representative to exist in Bulgaria.

“ The Committee requested the Bulgarian Government to furnish statistics of the production of raw opium in 1931, 1932 and 1933, and expressed the hope that the Bulgarian Government would take all possible steps to put an end to a situation which constituted a serious menace to Bulgaria and the rest of the world.

“ 2. *Situation in China.*

“ The Fifth Committee will remember that the Advisory Committee, at its sixteenth session (May 1933), had found itself confronted with very disquieting facts, which seemed to show that China was about to become a source of supply for the illicit traffic in narcotics.

“ The Minutes of the meetings of May 29th and 30th, 1934, of the eighteenth session,³ reveal this alarming situation in all its details. In view of their importance, the Council decided, on the suggestion of the Advisory Committee, that these Minutes should be communicated officially to the Chinese Government, and to the Governments of the Treaty Powers, these Governments being asked to forward their observations on facts revealed in the discussion and to furnish the replies to the questions which were put during the discussion.

“ Statements made by Mr. Fuller, the representative of the United States, and by Dr. Hoo Chi-Tsai, representative of China (reproduced verbatim in the Minutes), indicate that the production of opium in China, north and south of the Great Wall, is practically unlimited, and that this production supplies both the opium-smokers and the clandestine manufacturers, which throw on the market ever-increasing quantities of morphine and heroin.

“ The total opium production in China in 1930 was estimated by a Chinese high official at 12,000 tons—that is, seven times the total production of all other countries. All evidence indicates that the production increases every year, and that it develops to such an extent that it escapes all control, thereby constituting a danger to the whole world.

“ The clandestine manufacturer in South Manchuria still flourishes, and the smuggling of morphine and heroin from Manchuria to the United States continues.

“ Up to the present, only the imports of acid acetic anhydride made regularly through Shanghai are known, and there are no statistics available as regards the imports of this chemical into Manchuria and the Kwantung leased territory. Owing to this lack of statistics, it is not possible to estimate the importance of the clandestine manufacture in these two last-mentioned territories. The quantities imported annually through Shanghai would be sufficient to the manufacture of 18 tons of heroin—*i.e.*, twelve times the world's legitimate needs.

“ In view of the serious situation, not only in China itself, but also in the foreign concessions, the Advisory Committee, at its sixteenth session (May 1933), constituted a standing Sub-Committee for the application of Chapter IV of the Hague Convention, with instructions

¹ See document C.256.M.105.1934.XI, page 9.

² Document C.382.1932.XI.

³ See document C.317.M.142.1934.XI, pages 53 *et seq.*

to examine the means of establishing close collaboration between the Chinese authorities and the authorities of the powers concerned.¹ The Council, on January 20th, 1934 (seventy-eighth session)² approved the Committee's proposal that there should be sent to the Chinese Government, and for the concessions, settlements and leased territories to the Governments concerned, a questionnaire, preceded by an introduction, which would enable the Chinese Government and the foreign authorities to supply more easily information concerning the laws and regulations in force in China and in the concessions, settlements and leased territories, the administrative methods employed, and the difficulties encountered by the authorities, in order to facilitate co-operation by a regular exchange of information.³

"Generally speaking, the Advisory Committee, at its eighteenth session, found, to its regret, that the situation had grown worse in China, in the matter of the clandestine manufacture of drugs and of the illicit importation of manufactured drugs as well as of the illicit production, import and use of opium.⁴

"There will be found in the Advisory Committee's report to the Council on the work of its eighteenth session,⁵ the text of two resolutions—adopted by the Committee and approved by the Council on September 7th, 1934—designed to remedy the situation from a twofold point of view : the first resolution requests Governments enjoying the privileges of extra-territoriality in China to take measures calculated to impose more effective penalties upon their respective nationals in the case of offences relating to opium or other narcotic drugs ; the second concerns the measures to be taken by the Chinese Government, whose representative stated that the investigation announced the previous year by the Chinese Government into the situation in China, as regards opium and drugs, was still proceeding and that the results would be communicated to the Commission.

"The Council also approved the Committee's proposal that the Chinese Government be asked to supply information concerning the reported establishment of monopolies for supplying opium to addicts in ten provinces—namely, Hupeh, Hunan, Anhwei, Kiangsi, Kiangsu, Chekiang, Fukien, Honan, Shensi and Kansu—and to furnish more detailed reports on the situation in China.

"In order to complete this picture of the situation in China, it may be well to recall that, at its two sessions (seventeenth and eighteenth), the Committee dealt also with the aggravation of the situation from the standpoint of opium and drugs in Manchuria and Jehol, and the Council, on the Committee's recommendation, directed the attention of the principal producing and manufacturing countries to the necessity of exercising the strictest supervision over all applications for imports of drugs intended for these territories and to the fact that, under the terms of the Hague Opium Convention of 1912, authorisation could not be given for the export of raw and prepared opium to the territories in question.

" IV. ISSUE OF PASSPORTS AND DELIVERY OF VISAS TO TRAFFICKERS.

"I desire to direct my colleagues' attention to one question, which has been specially noted by the Sub-Committee on Seizures—namely, the ease with which notorious traffickers, among whom are to be found experts in the matter of the manufacture of narcotic drugs, obtain passports and visas enabling them to travel freely across frontiers. This question is of capital importance from the standpoint of the setting-up of clandestine factories in countries in which they did not previously exist.

" V. PREPARATORY WORK FOR A CONFERENCE TO CONSIDER THE POSSIBILITY OF LIMITING AND CONTROLLING THE CULTIVATION OF THE OPIUM POPPY AND THE CULTIVATION AND HARVESTING OF THE COCA LEAF.

"The Secretary-General, in accordance with the recommendation of the Advisory Committee, which was instructed by the 1931 Assembly to collect as soon as possible all documentary material that might serve as a basis for the work of a conference on the limitation of raw materials, transmitted to Governments on December 19th, 1933, two questionnaires,⁶ one for opium and the other for the coca leaf, to which a certain number of Governments have already replied. The information and statistical data contained in these replies will be incorporated in a document to be drawn up later by the Secretariat.

"The Secretariat has also prepared for the Advisory Committee a preliminary study of the raw-opium situation of the world from a statistical point of view,⁷ which represents the first attempt that it has so far been possible to make to present statistics of production and distribution upon a uniform basis.

¹ See document C.480.M.244.1933.XI, page 48.

² See *Official Journal*, February 1934, pages 157 *et seq.*

³ See document C.642.M.305.1933.XI, pages 19 *et seq.*

⁴ For particulars of centres of clandestine manufacture in China, see the report of the Sub-Committee on Seizures for 1933 and the first three months of 1934 (document C.256.M.105.1934.XI, pages 13 *et seq.*).

⁵ *Ibidem*, pages 12 and 13.

⁶ Circular Letters Nos. 229 and 234, 1933.XI.

⁷ Document O.C.1554.

“ VI. DRAFT INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE ILLICIT TRAFFIC IN DANGEROUS DRUGS.

“ The Fifth Committee will remember that the Secretary-General communicated to Governments a draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, intended to combat the resourceful international organisation of illicit traffickers by concerted, and likewise international, repressive measures. The 1933 Assembly, on the proposal of the Fifth Committee and in view of the urgency and importance of this draft convention, delegated to the Council its right of deciding whether the draft convention should be taken into consideration with a view to the conclusion of a convention and of proceeding to a second consultation of Governments, without prejudice to the final decision of the Assembly as to the advisability of concluding this convention and of convening a conference, in accordance with paragraph 5 of the Assembly resolution of September 25th, 1931, concerning the procedure to be followed in the negotiation of general conventions under the auspices of the League of Nations.¹

“ On the basis of the observations presented by Governments, the Advisory Committee adopted at its eighteenth session an annotated draft convention² and decided that this draft should be forwarded to Governments in accordance with the Council's decision of May 14th, 1934, together with the observations on the preliminary draft received from the various Governments.

“ Since it has not yet been possible for a sufficient number of replies to this draft—communicated on July 16th, 1934³—to reach the Secretariat, the position is as follows :

“ Either the Assembly will reserve its right of deciding, having regard to the second consultations, whether a convention should be concluded and, in that case, to submit the draft to a conference for which it will request the Council to fix a date (point 5 of the resolution of September 25th, 1931), in which event it will have to postpone its decision until next year's session, which will cause considerable delay ;

“ Or else, in accordance with the procedure which enables the Assembly and Council to adopt more appropriate methods when special circumstances render this desirable (last paragraph but one of the resolution)—a procedure which was followed last year—the Assembly may once again delegate to the Council its right of deciding whether a convention should be concluded, and in that case to submit the draft to a conference for which the Council should fix the date.

“ This second procedure would have the advantage of gaining time in the application of a convention which is considered urgent.

“ VII. CAMPAIGN AGAINST THE SPREAD OF DRUG ADDICTION.

“ The attention of the Fifth Committee should be drawn to the resolution adopted by the Advisory Committee, with a view to organising the campaign against drug addiction and especially of asking Governments to furnish any information regarding the measures taken or contemplated for the purpose of establishing the special administration mentioned in Article 15 of the Convention. Information is further to be asked of Governments regarding measures which they have taken or intend to take for the purpose of organising the campaign against drug addiction and suppressing the illicit traffic in accordance with paragraph (c) of the same article.

“ In addition, the resolution contains a request for information concerning the action taken in the campaign against narcotic drugs by the national and international associations and by missionary organisations.

“ VIII. SITUATION REGARDING INDIAN HEMP.

“ At its last session, the Advisory Committee had to consider a problem which seems to have become very serious during these last years : the increase in addiction to Indian hemp in certain countries and the fear that, according as they find it more difficult to acquire other drugs, addicts may resort to an increasing extent to Indian hemp in order to gratify their vice.

“ The Committee took note of a study prepared by the Secretariat regarding the cultivation and use of Indian hemp, as well as the legislation in force in this matter in various countries, and will follow up its enquiry into the question in order to secure, if possible, a closer supervision over the trade in this plant and its products.

“ IX. WORK OF THE SUPERVISORY BODY PROVIDED FOR IN THE LIMITATION CONVENTION OF 1931.

“ The Supervisory Body provided for in the 1931 Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, whose duty it is to examine the estimates furnished by Governments of world requirements in narcotic drugs, has now held five sessions.

¹ See *Official Journal*, Special Supplement No. 115, page 91.

² Document C.256.M.105.1934.XI, Annex 5.

³ Circular Letter No. 120, 1934.XI.

It was able to communicate to Governments a statement of the world requirements in narcotic drugs for 1934¹ on the date stipulated (November 1st).

" This document indicated the total of the world's requirements for each drug for the year 1934 as established by the estimates. In this statement are incorporated the estimates of every country and territory in the world, the total number of administrative units for which there are separate estimates being 188. The Supervisory Body itself framed estimates for all countries and territories (namely, 23 countries and 31 territories) for which estimates had not been furnished by the Governments concerned. It thus succeeded from the outset in carrying out the task assigned to it under the Convention of securing the universal application of the estimates system. During the year, the Supervisory Body had dealt with over seventy supplementary estimates revising or modifying the estimates contained in the original statement and has issued several supplements to that statement.

" As regards estimates for the year 1935, the Supervisory Body has already examined the estimates furnished by forty States (out of the total of seventy) and of fifty-three colonies and other territories (out of the total of 119). In accordance with its instructions, the Supervisory Body sent letters to various Governments asking for explanations on certain of their estimates, which in some cases it has been possible to reduce.

" The Supervisory Body will meet again on October 5th, 1934, in order to finish its work on the estimates for the year 1935 and to prepare the statement of estimates for that year, which, like the preceding statement, is to be sent to all the States by the Secretary-General before November 1st, and on which the working of the system of limitation provided for in the 1931 Convention is based.

" X. WORK OF THE PERMANENT CENTRAL OPIUM BOARD.

" The tasks entrusted to the Central Board by the Geneva Convention of 1925 are well known.

" But what characterises in a special manner the work of the Central Board during the year since the last Assembly is, above all, the determination of the rôle which the Committee is called upon to play under the Limitation Convention of 1931. Firstly, the Central Board has established the models of the various statistical forms which is the task assigned to the Board under the terms of the Convention. These forms will serve for the purpose of furnishing all the quarterly and annual statistics which are indispensable for the application of the new Convention. They were communicated to the various Governments last October and are to be used for the statistics referring to the present year. The mechanism of the Limitation Convention is already operating in view of the fact that, since January 1st, 1934, the Central Board has had to apply Article 14—*i.e.*, to ensure that the imports of the various countries do not exceed their legitimate needs as approved by the Supervisory Body, or, in the case of countries which have not furnished estimates, as established by the Supervisory Body, in accordance with Article 5 of the Convention. Indeed, the Central Board has been obliged to note numerous cases of excess during the first six months of 1934. Fortunately, it is only in exceptional cases that these excesses have amounted to considerable quantities.

" The Central Board has grave responsibilities under this article. For this reason, the Board has been much preoccupied in establishing a procedure which, although in complete accord with the spirit of the Convention, would avoid inconveniences to Governments which would be out of all proportion to the small quantities of narcotic drugs which in most cases are involved.

" The success of the Central Board in its tasks under the two Conventions depends to a large extent on the manner in which Governments fulfil their obligations, especially in regard to the sending in of exact statistics established in accordance with the method worked out by the Board and as far as possible within the time fixed by the Conventions. This preoccupation runs through all the work of the Board, and the Fifth Committee would do well to draw the attention of all its delegates to this important point."

At the conclusion of his statement, the Rapporteur submitted the following resolution on the draft International Convention for the Suppression of Illicit Traffic in Dangerous Drugs :

" The Assembly,

" Referring to the draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, transmitted to the Governments on July 16th, 1934, with a view to a second consultation (Circular Letter No. 120.1934.XI) in application of the procedure laid down in the Assembly resolution of September 25th, 1931, for the conclusion of all general conventions to be negotiated under the auspices of the League of Nations ;

" Considering that, in conformity with that resolution, the results of the aforementioned second consultation, which is still in progress, should in the ordinary course be communicated to the Assembly, which would decide whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which it would request the Council to fix a date ;

" Considering, moreover, that the aforementioned resolution of September 25th, 1931, expressly empowers the Assembly and the Council to adopt more appropriate methods when circumstances render this desirable ;

¹ Document C.610.M.286.1933.XI.

“ Having regard to the necessity of facilitating the adoption of a draft, the urgency and importance of which have been emphasised by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs as well as by the Council and Assembly, and of not postponing the above-mentioned decision until the next session of the Assembly :

“ Instructs the Council, for the reasons set out above, to decide, in the light of the results of the second consultation, whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which the Council will fix a date.”

The CHAIRMAN observed that a draft resolution had been submitted by the Venezuelan delegation regarding the obtaining by the Advisory Committee on Opium of information on the specialised police forces engaged in the campaign against the clandestine manufacture of and illicit traffic in narcotic drugs. The resolution, which had already been distributed to the members of the Committee, read as follows :

“ The Fifth Committee,

“ Being convinced that specialised police services represent the only means whereby Governments can detect and close clandestine drug factories and effectively combat illicit traffic ;

“ Noting the lack of information regarding the numbers and character of the personnel assigned to this class of work in the various countries :

“ Requests that the Advisory Committee on Opium and Other Dangerous Drugs should take steps to obtain the necessary information by placing this question on the agenda for its next session.”

Miss HORSBRUGH (United Kingdom) considered that the handling by the League of the problems connected with dangerous drugs was an excellent example of the results which could be achieved through international action. She proceeded to summarise the main activities of the League in combating the dangers resulting from the traffic in the drugs derived from opium and coca leaves—a subject the gravity of which was not yet realised by the general public.

It was during the present generation that drug addiction had developed into a formidable worldwide evil, possibly owing to the increasing strain of modern life. The first attempt to deal with the problem internationally had been made in 1912, when the parties to the Hague Convention had agreed to confine the manufacture of narcotic drugs to medical and legitimate purposes, and to control their import and export. Slow progress had been made in securing ratifications of the treaty, but at the end of the great war all the signatories to the Peace Treaties had become a party to the Hague Convention. A provision in the League Covenant entrusting the League with the general supervision over the execution of agreements with regard to traffic in opium and other dangerous drugs had marked a turning-point in the history of the question, as it had led to the creation of the Advisory Committee and of the Opium Section of the Secretariat, and to the erection of international machinery which was now exercising direct control over the whole trade in dangerous drugs.

The greatest achievements of the Advisory Committee had been the Geneva Convention of 1925 and its complementary instrument, the Limitation Convention of 1931, each of which had given rise to the establishment of a new organ of the League. The Geneva Convention had set up the Permanent Central Board to collect and control statistical returns, and it had thus become possible for the first time to estimate the amount of each drug required for legitimate needs, to establish that the amount being manufactured was far in excess of those requirements, and to indicate approximately the amount which had reached the illicit traffic from each of the countries concerned. The Limitation Convention had set up the Supervisory Body, whose principal functions were to examine the annual estimates of medical and scientific requirements for each drug furnished by the contracting parties, and to make estimates for countries which did not give them.

That international machinery was designed to effect, first, the strict limitation of the use of drugs to medical and scientific purposes, and control over manufacture and distribution in each country ; secondly, the subjection of international trade to a system of import and export certificates ; and, thirdly, the limitation of manufacture. No country might manufacture in any year more drugs than were specified in its estimates, and the amounts which might be manufactured for export were strictly limited to the estimates of the importing countries.

A comparison of the figures for 1929 and 1933 showed a remarkable decrease in the manufacture of morphine and heroin. The satisfactory conclusion drawn by the Advisory Committee was that the amount now legally manufactured approximated to, or even fell below, the estimates of the world's legitimate consumption. The first main objection set before that Committee had thus been reached—namely, the drawing-up of a clear dividing-line between the licit and the illicit trades. That achievement had involved arduous and prolonged work on the part of the Advisory Committee, the Opium Section, and the staff of the Permanent Central Board. In that connection, she had read with great pleasure in the Advisory Committee's Minutes the expression of appreciation of the services of Sir Malcolm Delevingne, on the occasion of his retirement from the Committee.

She must now turn to the dark side of the picture. Unhappily, the illicit traffic was still flourishing and even increasing. When the tightening control of the international machinery made it impossible for drugs legally manufactured to be diverted to the illicit trade, it was not surprising that traffickers should attempt to manufacture drugs for themselves, and they

had naturally turned to those countries where there was already a plentiful supply of raw material.

Turkey had been the first country to become a centre of clandestine manufacture ; but thanks to the energetic measures taken by the Government, that source of supply appeared to have been almost entirely stopped.

Now Bulgaria and China had become the centres of danger. Revelations had been made to the Advisory Committee regarding the huge imports of acid acetic anhydride, a product required for the manufacture of heroin, and the mushroom growth of many new clandestine factories. It was understood that the Bulgarian Government had since taken action in the matter, and the Committee would be anxious to hear how far its measures had succeeded.

In China, and particularly Manchuria, opium production was increasing. In 1931, it had already reached the enormous figure of 12,000 tons, representing seven times the total known production of all other countries.

Clandestine manufacture was also on the increase, a fact of which she had received further confirmation since coming to Geneva. Within the last week or two, the authorities of Hong-Kong had seized a consignment of 128 kilogrammes of heroin, bound from Canton to Shanghai, whence it was doubtless intended to find its way to America. The amount seized represented nearly three times the annual consumption of that drug in the United Kingdom, and nearly one-third of the amount estimated to be required in 1934 for the whole of Europe. She hoped the Chinese delegate would be able to assure the Committee that his Government would take vigorous measures to put an end to that intolerable situation.

Though the gravity of the danger arising from clandestine manufacture must not be minimised, there was no reason why, with more constant vigilance and more complete co-operation on the part of all countries concerned, a remedy should not be found. The draft Convention now under consideration for the Suppression of the Illicit Traffic in Dangerous Drugs was designed for that purpose. She had no doubt that the draft resolution proposed by the Rapporteur for expediting the procedure for submitting that Convention to an international conference would be readily accepted by the Committee. One of the best safeguards against clandestine manufacture, however, was to limit the supply of raw material, and several of the poppy-growing countries had shown that that was a practical proposition.

Lastly, she would refer to an aspect of the matter which was apt to be forgotten. When men and women had become addicted to narcotic drugs, supplies became a necessity for them and they would sell all they had to procure them. In some countries, the evil was a menace to the very existence of the population. The traffickers recognised that it was in their financial interest, not only to increase supplies for the addicts, but to tempt others to become slaves to the vice. It behoved every country to do all that was possible by education and social measures to limit the market of the traffickers by reducing in the future the number of their clients. She appealed to all the delegates on the Fifth Committee to keep their Governments informed of the position, and urge them to take all possible steps for the suppression of the illicit traffic in dangerous drugs.

M. DRAGHICESCO (Roumania) felt that the present situation, in which, while control had been successfully established over the legitimate trade in dangerous drugs, the illicit traffic was still unlimited, gave little cause for satisfaction. The increase of the illicit traffic could be attributed largely to the economic and moral crisis. Every human soul had aspirations towards happiness and desires for a fuller life. Men and women who were obliged to lead a monotonous and mediocre existence resorted to gambling, drink or drug-taking in their efforts to fulfil those aspirations. It had been said that religion was the opium of the peoples. He would say rather that it was evident that many people who had lost their faith found a kind of illusory satisfaction in opium, which produced a transitory feeling of exaltation.

Roumania was in a particular difficult position with regard to the drug traffic. The country was mainly agricultural and did not produce the opium poppy, and hitherto the use of narcotic drugs had been very little known there. Roumania was, however, in danger owing to its proximity to two countries, Hungary and Bulgaria, in which the problem of the drug traffic in Europe was now centred. Hungary had discovered a new method of extracting morphine direct from the poppy plant, while in Bulgaria there had been an enormous development of clandestine manufacture. Roumania was, therefore, most anxious that the measures provided in the Geneva Convention and the Limitation Convention should be strictly applied. The most effective means of combating the evil would be to control and limit the cultivation of the raw material, and for that purpose he considered it essential to establish the system of monopolies.

The draft resolution submitted by the Rapporteur regarding the new draft International Convention seemed to him to be couched in somewhat hesitating terms. It must be remembered that all delegates in the Assembly had not the opportunity of thoroughly studying the relevant documents and were perhaps not fully aware of the existing dangers. He thought, therefore, that the Fifth Committee should make somewhat more emphatic recommendations on the matter.

M. CAVAZZONI (Italy) referred to the account of the Advisory Committee's work given by the United Kingdom delegate. The Conference held in 1925 had led to the conclusion of two Conventions, and after an arduous struggle, rules for the international limitation of manufacture had been embodied in a Convention in 1931. Owing to the opposition encountered

by the Advisory Committee in its efforts to secure agreement on limitation, six years had been wasted before it had been possible, with the help of the Press and public opinion, to persuade Governments to take steps to put a stop to the manufacture of drugs used for illicit traffic. He agreed with the Roumanian delegate that, if the cultivation of the opium poppy and the coca leaf could be effectively limited and controlled, the problem of the drug traffic could practically be solved. At present, however, the cultivation of those products was on the increase. In Europe alone, there were serious difficulties in the way of remedying the situation. For example, in Yugoslavia the cultivation of the poppy was the main means of livelihood for the small farmer; Turkey derived a considerable part of its revenue from the production of opium, which amounted to 500 tons a year. He would add that assurances had been given by those countries that the products in question did not go to supply the illicit traffic.

In Europe, the position with regard to the drug traffic had definitely improved. He thought that the Roumanian delegate took a somewhat pessimistic view in his references to Hungary and Bulgaria. The new method of extracting morphine from the poppy plant, invented in Hungary, was only being studied, and Bulgaria had undertaken to adopt measures with a view to abolishing illicit manufacture.

The Rapporteur's statement that the quantity of drugs manufactured now closely approximated to legitimate needs referred more especially to Europe. Unfortunately, that could not be said of the Far East, which was now the nerve-centre of the drug problem. In alluding to the narcotic drug evil in China, he would like to repeat what he had often said in the Fifth Committee and the Advisory Committee, that the League's task was to help China and not to criticise her. It must never be forgotten that it was manufacturers and traders from European countries who had committed the crime of introducing heroin and cocaine into China.

In 1932, he had called attention in the Fifth Committee to the terrible conditions of hundreds and thousands of human beings in Asia who were being slowly poisoned in order that a few dozens traders and manufacturers might gain enormous profits. The Minutes of the eighteenth session of the Advisory Committee recorded facts regarding the appalling situation in certain parts of China—facts which spoke for themselves.¹ Moreover, the French representative on that Committee had stressed the great anxiety which his Government felt with regard to the smuggling of opium into Indo-China from neighbouring territories, which was carried out by powerful gangs.

Could a remedy be found for that deplorable state of affairs? He thought that much could be done if all European countries, especially those which had settlements in China, would make a determined effort, with the help of China, to prevent European chemists and capital from entering China for the purpose of the illicit traffic.

As regards the Venezuelan delegation's proposal regarding specialised police, it was notorious that there had been cases in which administrative officials had been implicated in the illicit traffic. He would vote for the resolution, or, alternatively, for the proposal which it contained, to be included in the report in some other form.

He was also in favour of the draft resolution proposed by the Rapporteur at the end of his statement.

In connection with the paragraph in the statement entitled "Campaign against the spread of drug addiction", he must take the opportunity of calling attention to an omission in the Minutes of the eighteenth session of the Advisory Committee, to which he personally attached great importance. On the proposal of the Uruguayan delegate and himself, the Committee had passed a resolution asking the Secretariat to obtain information, not only from Governments, but also from national and international associations with regard to the measures taken and the methods adopted in the campaign against drug addiction.² The United States delegate had asked that the Secretariat should in no circumstances communicate direct with the associations in the United States, as such a course might give opportunities for fraud to unscrupulous individuals. M. Cavazzoni had protested against the United States delegate's observations, as appearing to cast suspicion on members of national and international associations which had done invaluable work in the humanitarian campaign for the suppression of the drug evil. He had been absent when the Minutes were approved, and he had noticed later that no mention had been made of his protest.

He now came to the work of the Permanent Central Opium Board. He must admit that the Board's latest report did not appear to him to have reached the high level of those issued in previous years. The summary given of the statistical tables was of great value to the reader who was not specially versed in statistics, but something more was wanted. The Board should have made clear with due emphasis the dangers represented by those figures. It had, however, merely alluded in almost timid tones to certain deplorable situations revealed by its statistics. For instance, the Board itself had shown as early as 1932 that there was a risk of Bulgaria's becoming a centre of illicit traffic, and innumerable documents to that effect had been received. In 1934—after two years had been wasted—the Board confined itself to an expression of regret that certain figures supplied by the Bulgarian Government were "incomplete", refraining from any comment on the pretext that the question was being

¹ See document C.317.M.142.1934.XI, pages 52-62.

² See document C.317.M.142.1934.XI, pages 41 and 42.

dealt with by the Advisory Committee. He was the first to appreciate the necessity for avoiding the overlapping of work, but he saw no reason why two organs of the League which arrived at the same conclusions by different routes should not both sound the alarm.

Article 24 of the Convention of February 19th, 1925, described the main duty of the Central Board as follows: "The Central Board shall continuously watch the course of the international trade."¹ The Board had noted that Honduras had, in fifteen months, imported eighty times the quantity of morphine which, according to the estimate of the Supervisory Body, it required in a year for legitimate needs. In that connection, the attitude of the Board had been that it was not worth while to take any special action, as the Limitation Convention would prevent such a situation from recurring. In his opinion, if the Board had given due attention to the first application for the authorisation of export which appeared to it excessive, it would immediately have found out a fact that had emerged only a year later—that the greater part of those exports had been made through bogus import certificates.

He was concerned by the Board's statements that the efficacy of its control over the movements of the coca leaf and, to a certain extent, of crude cocaine, was only relative, owing to the fact that a large proportion of these products came from countries, such as the Argentine and Peru, which did not supply statistics. In the case of the Argentine, the reason was that the trade in the coca leaf was not controlled in any way in that country. This was no light matter. Bolivia alone had informed the Committee that it had sent to the Argentine in a single year 334 tons of coca leaves, and no one knew what became of this enormous quantity. That situation was endangering the whole system set up by the Geneva Convention, and he greatly regretted that the Central Board only stated the bare facts.

The Convention provided that the Central Board should consist of persons who could command "general confidence". The Board had deservedly obtained such confidence through five years' conscientious and methodical work, as the Council had recently shown by reappointing its members. His own faith in it was unshaken, but he must add that it would deserve still greater confidence if it would go boldly forward and enlighten public opinion as to where the dangers and the chief responsibilities for them lay.

In conclusion, he would urge that social and humanitarian work would be doomed to failure unless it were founded on a spiritual basis. Materialism had led the human race into the wrong paths, from which it could only return if all efforts to better conditions in the world were governed by the divine law of love and justice.

EIGHTH MEETING.

Held on Saturday, September 22nd, 1934, at 10.30 a.m.

Chairman : M. LEVILLIER (Argentine Republic) ; and, later, Mlle. VACARESCO (Roumania).

14. Traffic in Opium and Other Dangerous Drugs : General Discussion (continued).

The CHAIRMAN, speaking as Argentine delegate, replied to the observations made by the Italian delegate during the previous meeting. M. Cavazzoni had drawn attention to the fact that Bolivia had exported 334 tons of coca leaves to the Argentine in 1933 and had asked to what use these coca leaves were put. He feared, no doubt, that the habit of chewing the leaves might be detrimental to the health of the natives.

The figure quoted by the Italian delegate might be correct, although M. Levillier was unable to give any precise information on the point, since no statistics were compiled in the Argentine for coca leaves, nor was the trade in coca leaves covered by legislative provisions of any kind. The importation, consumption and exportation of coca leaves were free. He could, however, state definitely that the Argentine Republic did not manufacture cocaine ; on the contrary, that substance was imported for her medical requirements. The figures given by the Central Board showed that the quantities of cocaine imported had amounted to 194 kilogrammes in 1931 and 151 kilogrammes in 1932. The population of the Argentine Republic being about 12,500,000, this latter figure gave a consumption of 12 kilogrammes per million inhabitants. By way of comparison, M. Levillier quoted the following figures for the consumption of cocaine per million inhabitants : 11 to 12 kilogrammes in Australia and 6.5 to 8 kilogrammes in Uruguay in 1932 and 1933.

The Argentine Republic not only did not manufacture cocaine, but cases of drug addiction there were very rare. In the northern regions with which M. Levillier was familiar, the population, except in the large towns possessing railway communication, was scattered throughout isolated areas and small villages, separated by considerable distances. The conditions of life were hard and the inhabitants needed all their energy to perform their agricultural or industrial work ; the mere idea that they could indulge in narcotics was ridiculous to anyone who knew the country. The situation was different in the capital and in two or three large cities, where there were idlers, as in other parts of the world ; among these a few

¹ Document C.88(t).M.44(1).1925.XI, page 10.

addicts were to be found. They were rare exceptions, however. M. Cavazzoni, who possibly felt concern at drug addiction in the Argentine on account of the large number of Italian residents in that country, might rest assured—the vice was not a menace to such active and industrious workers.

On the other hand, M. Levillier did not think that the coca leaves imported into the Argentine were re-exported for unlawful purposes. In any case, now that the Argentine had effectively resumed her place in the League, she would remain in close contact with the Central Board and the Secretary-General and would join her efforts to those already engaged in the campaign against the spread of drug addiction. As a matter of fact, that had consistently been her policy in the general interest.

M. Levillier would ask leave to explain, in a reference to history, the origin of the use of coca leaves by the natives and to show that that habit was not harmful to their health, although the cultivation of the plant was a source of danger. The Incas of Peru had been a vigorous race which, according to legend, had originated in the region of Lake Titicaca and in some five centuries of conquest had founded an immense empire, extending over present-day Peru, Bolivia, Ecuador, Chile, Southern Colombia and North-West Argentine.

The Incas were in the habit of chewing the coca leaf, but the plant was held to be divine and reserved for royal consumption. Nevertheless, by way of exception, the king might make a present of a few bags to his favourites or to a general whom he desired to reward. The coca leaf relieved hunger and thirst for more than twenty-four hours and had a stimulating effect. If the habit of chewing the leaves was harmful to health, the Incas would not have been a conquering race and left behind them the sturdy descendants who existed to-day.

During the early days following on the Spanish conquest, cultivation of the coca plant had become general, and its use had spread throughout the Viceroyalty of Peru, of which present-day Argentine and Bolivia had formed a part. The Spaniards, however, were not long in discovering that, if the consumption of the coca leaf was harmless, the cultivation of the plant—which only grew in very hot and damp climates—entailed serious danger, since the persons engaged therein contracted a kind of St. Vitus' dance, leading after a few years to convulsions with possibly fatal consequences.

They had tried, therefore, to limit cultivation; but it had continued to develop since the natives in the north and in the Argentine had become accustomed to the stimulant and demanded that it should be supplied to them, offering high prices.

At the present time, the few thousand natives still surviving in the Andine Provinces of the North-Western Argentine consumed quantities of coca leaves. The practice enabled them to travel across vast desert tracts where the transport of considerable food supplies was impossible, and it gave them strength without harm to their health. M. Levillier stated in conclusion that, if the Central Board had not yet received from the Argentine Republic all the information required, it was because her relations with the League had not been settled as firmly as was now the case. Argentine delegates had attended meetings of committees and conferences, and the Government had sent replies to a number of questionnaires regarding international co-operation, but permanent contact had not been established. Permanent contact had now been achieved and would continue. M. Levillier's country took a keen interest in humanitarian and social questions, and he could say that his Government would steadily support the efforts of the League, and consequently of the Fifth Committee, in its campaign against dangerous drugs.

M. CAVAZZONI (Italy) stated that his observations had referred, not to the Argentine Republic, but to the Central Board, which was the organisation set up under the Conventions to supervise their application. He was glad that the explanations given by the Chairman allowed the Committee to hope that, in future, the omission in the Central Board's report would be made good. To whatever use coca leaves might be put—and he did not desire to press that point—it was certain that the Conventions made provision for the supervision of the raw materials used in the manufacture of narcotics, and it was the duty of the signatory States to supply all information on that point.

M. PARRA-PÉREZ (Venezuela) said that, since the last Assembly, Venezuela had ratified the 1931 Convention. That was the third instrument which his country had put into operation in furtherance of the campaign against the illicit traffic in opium and other dangerous drugs, in which the Venezuelan delegation had always taken a direct interest. He was glad to note the excellent work carried out by the League in that field; it had undeniably had considerable success in its efforts for the limitation and supervision of drugs intended for lawful use. That, however, was only one aspect of the campaign which the Governments had undertaken against the contamination of the human race. It would be more to the point to stop smuggling instead of harassing pharmacists, and the illicit traffic must be the main subject of concern.

The suppression of illicit traffic was a police matter, but every person with any knowledge of the question was convinced that in no country could the existing police discharge that duty. That, indeed, had been the opinion expressed by the United States representative during the Advisory Committee's eighteenth session. A number of countries, therefore, including the United Kingdom, the United States, Canada and Egypt, had set up special police services for the suppression of the illicit traffic. A special police service had also been organised in certain countries where a smoking-opium monopoly existed, but the chief duty of that police was to see that the monopoly was respected. In the rest of the world little was known concerning the methods appropriate for suppressing the traffic. At present, the illicit traffic was organised in a scientific manner, and its suppression had also become a matter of science.

In 1924, a draft proposal had been submitted to the Advisory Committee for an enquiry into the means at the disposal of the different Governments in their campaign against dangerous drugs, but that enquiry had never been held.

The Venezuelan delegate observed that the information to be collected, as suggested in his draft resolution, would not overlap with that to be supplied by the Governments under Article 14 of the 1931 Convention. He added that the Venezuelan delegation had no intention of imposing any hard and fast rules on Governments in that connection. It was a matter of course that the Advisory Committee would have full discretion in drawing up a questionnaire which would take into account the necessity for not detracting from the secrecy of police operations, and that it would conduct the enquiry as circumspectly as possible.

Governments had at present under consideration a draft International Convention for the suppression of the illicit traffic, transmitted to them by the Secretary-General, mention of which was made in the statement submitted by the Rapporteur. The enquiry proposed by the Venezuelan delegation in its draft resolution could not but help to throw light on the matter for the discussions on the future Convention. In conclusion, M. Parra-Pérez recalled the phrase quoted by the Roumanian delegate : " Religion is the opium of the people". In face of the immense growth of the curse of drug addiction, which was an even greater danger to the human race than alcohol, syphilis, or war, care must be taken lest opium become the religion of humanity.

M. Hoo Chi-Tsai (China) agreed with the delegates who had expressed their appreciation of the work accomplished by the League organs—the Advisory Committee, the Central Board and the Opium Traffic Section.

Several speakers had expressed their satisfaction at the fact that the lawful production of drugs had come down to the level of medical requirements. The progress accomplished during the last few years was indeed remarkable, but the Committee should not allow itself to be lulled by undue optimism. The report to the Council on the work of the Permanent Central Opium Board during its eighteenth, nineteenth, twentieth and twenty-first sessions contained the following passage :

" If the 1933 figures . . . are compared with the amended figures for 1932, we find that, in 1933, there was a general increase in the manufacture of morphine, the substances not covered by the Convention into which it is converted, and also of diacetylmorphine and cocaine ".¹

These efforts must therefore be continued.

Moreover, the volume of the illicit traffic did not appear to have decreased. Mr. Fuller had declared that it would be rash to say that the quantities imported into the United States had decreased ; it was merely that the methods of despatching the drugs had changed. As the aim in view was the suppression of drug addiction and not only the decrease in the lawful production, the campaign must be resolutely continued. The Chinese Government approved every measure likely to bring about the desired results, and, in consequence, the Chinese delegation supported the two draft resolutions submitted by the Rapporteur and the Venezuelan delegate.

During the preceding meeting, Miss Horsbrugh had mentioned a case of the seizure of heroin while in transport from Canton to Hong-Kong. She had promised to furnish M. Hoo Chi-Tsai with further information on the point, and as soon as he had received those details he would communicate them to his Government. He would, however, point out at once that it was by no means proved that the heroin in question had been manufactured in China, since re-exportation was regularly practised by traffickers. Thus, for example, a document published by the League of Nations mentioned a seizure of cocaine sent from Shanghai to the Philippines ; since coca was not cultivated in China, and cocaine was not manufactured there, that was obviously a case of re-export.

Miss Horsbrugh had remarked on the volume of the seizure, which had amounted to 128 kilogrammes. That figure was certainly very high, but it was far exceeded in certain cases by that of the drugs imported into China. In 1930, 386 kilogrammes of heroin and 283 kilogrammes of morphine were seized at Shanghai. In 1928, 6,000 kilogrammes of benzoylmorphine arrived at Dairen ; more than 1,000 kilogrammes were seized, but over 4,000 kilogrammes entered China. Between 1925 and 1930, the total volume of the drugs for which the illicit traffic was responsible amounted to 100 tons, while the report submitted by the Egyptian Government gave an idea of the consignments sent to China. The latter country had therefore more right to complain of the foreign drugs imported into its territory than the other countries of the Chinese or so-called Chinese drugs sent to them.

Mention had also been made during the preceding meeting of the importation into America of illicit drugs from China. M. Hoo had no knowledge of any case of that kind in which it was proved that the drugs had been manufactured in China, or at least in Chinese territory under the control of the Chinese authorities. With respect to Manchuria, Jehol, the leased territory of Kwantung and the concessions, where cases of manufacture and illicit exportation had been reported, the Chinese Government was obviously not in a position to exercise the necessary supervision and could not be held responsible.

In that connection, M. Hoo thought that, in order to give an exact picture of the situation in view of the information given by Mr. Fuller, the following sentence in the Report on the Work of the League since the Fourteenth Session of the Assembly : " The principal centres of clandestine manufacture appeared to be situated in Szechuan, Shanghai and Peiping, with

¹ See document C.390.M.176.1934.XI, page 8

secondary centres in Mukden and Harbin”,¹ should be completed by the words : “ and at Dairen as well as in the leased territory of Kwantung ”.

M. Hoo read the following passage from the statement submitted by the Rapporteur :

“ Statements made by Mr. Fuller, the representative of the United States, and by Dr. Hoo Chi-Tsai, representative of China . . . indicate that the production of opium in China, north and south of the Great Wall, is practically unlimited. . . . ”

The delegate for China pointed out that Mr. Fuller had simply stated that production had increased ; for his part, while admitting that the situation was far from being ideal, he had merely made an observation regarding the figure given—namely, 12,000 tons. That figure had been quoted by a Chinese official in an article in a review, but merely for purposes of comparison with production in 1907, which had amounted to 24,000 tons, without counting the thousands of cases despatched from India.

The Chinese delegation was the first to recognise that the situation as regards opium was bad in China, but it was also bad elsewhere. In the preliminary statistical study² of the raw opium situation of the world prepared by the Secretariat for the Advisory Committee, it was shown that, in the other opium-producing countries, the accumulated stocks far exceeded requirements.

In the section of his statement headed “ Situation in China ”, the Rapporteur had referred to a statement by Mr. Fuller relating to the total production of China opium in 1930. M. Hoo pointed out that the reference should have been to Manchuria and not to China proper.

The delegate for China had pleasure in informing the Committee that, as from May 1934, the Chinese Government had taken a number of measures the consequences of which would be to improve the situation as regards opium and dangerous drugs. At the time of the last meeting of the Advisory Committee, the Chinese delegation was not fully informed of those measures, which had only just been adopted and were directed against both manufactured drugs and opium.

Referring to manufactured drugs, M. Hoo quoted the following passage from a statement which he had made before the Advisory Committee on May 30th, 1934 :³

“ In the last few years, a new factor has been introduced which alarmingly complicates the opium problem, that of manufactured drugs. The Committee is aware that China has been and continues to be invaded by an extraordinary quantity of manufactured drugs from abroad. Addiction is developing in our country to a most alarming extent. Clandestine factories are being installed in China itself. So long as this problem of manufactured drugs has not been solved, it will be futile to attempt to solve that of opium. To abolish the use of opium without succeeding in abolishing that of manufactured drugs would be to incite opium addicts to become morphine addicts, which would be still more dangerous.”

In order to give an idea of the severity of the laws passed, the delegate for China stated that persons engaged in the manufacture, transport or sale of drugs, or persons who gave injections for other than medical purposes, were liable to the death penalty. During his recent voyage to China, M. Hoo had ascertained that the measures indicated were being put into force and there was every reason to hope that they would soon give tangible results.

On the other hand, the new regulations provided for the compulsory treatment of all addicts. For that purpose municipal and provincial hospitals had been set up at Nanking, Shanghai, Tientsin and Peiping, and other institutions would soon be established throughout China. Drug addicts were obliged to undergo treatment, and severe penalties, including capital punishment, were laid down for recalcitrants and persons guilty of a repetition of the offence.

The use of opium was prohibited under Chinese legislation until quite recently, but the laws which had been enacted could not be applied everywhere, and the Chinese Government had thought it necessary to authorise the consumption of opium in certain cases and under certain conditions, lest opium addicts be driven to indulge in other drugs. Thus, aged persons and persons who could not be deprived of the drug all at once without danger were authorised to smoke opium ; that, however, was subject to obtaining a Government permit, and it had been laid down that, after a period of six years, no further permit should be granted. The policy adopted by the Chinese Government was to stamp out the vice completely within six years.

For the purpose of the smoking-permits, the sale of the drug had also been authorised subject to certain conditions. A permit had to be obtained from the Government, and opium must not be sold except to persons holding a permit.

Finally, the Chinese Government had ordered the cultivation of the opium poppy to be abolished within time-limits varying from one to six years according to the province, the time-limit being longer in the case of provinces where the poppy was extensively cultivated. Inspectors of the Central Government would visit every province in order to supervise the administration of the laws, which also provided for the despatch of troops if necessary. M. Hoo would in due course communicate to the Advisory Committee the text of the law to which he had referred.

¹ See document A.6(a).1934, page 53.

² Document O.C.1554.

³ See Minutes of the Eighteenth Session of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, document C.317.M.142.1934.XI, page 64.

M. Casares also mentioned in his statement that large quantities of acid acetic anhydride and "enormous" quantities of caffeine were imported into China. The estimates made were not official, since those two products did not fall under special headings in the Chinese Customs returns; the Chinese delegation therefore reserved its opinion concerning the figures quoted. It had been stated before the Advisory Committee that the imports of caffeine had risen from 60 kilogrammes to 60 tons; it would be interesting to know the dates for those figures, as they would be more easily explicable if the increase reported referred to a period of several decades.

After the meeting of the Advisory Committee, M. Hoo had emphasised in his report to his Government the importance attached by the Advisory Committee to the question of acid acetic anhydride and caffeine. He was glad to be in a position to state that the National Committee for the Suppression of Opium in China had, at his suggestion, asked the competent departments whether it would not be possible to place acid acetic anhydride and caffeine under the same restrictions as dangerous drugs for the purpose of their importation. The question was at present being examined, and the Chinese Government would probably give a favourable reply. M. Hoo had also asked that acid acetic anhydride and caffeine should constitute special items in the Chinese Customs statistics.

During the previous meeting, several delegates had asked that the Chinese Government should give an assurance of its goodwill. The delegate of China was glad to be able to give more than a mere assurance by announcing facts which the Committee would certainly appreciate at their true value. Although the Chinese Government had taken energetic measures in its campaign against drug addiction, nevertheless the co-operation of other countries was indispensable, more particularly because foreigners who enjoyed the privilege of extra-territoriality and certain parts of Chinese territory did not come under the control of the Chinese authorities.

M. Cavazzoni, speaking of the situation in China, had referred to the responsibility of foreign countries. Mr. Fuller had also raised the question at the eighteenth session of the Advisory Committee and had submitted four proposals¹ recommending: (1) that foreign Governments should continue to provide technical assistance in the work of reform and restoration now being carried on in China; (2) that certain of those Governments should increase the penalties applicable to their nationals found guilty of the traffic in and manufacture of drugs in China; (3) that they should, as far as possible, prevent notorious traffickers from proceeding to China, and should closely watch those who had been able to reach that country; (4) that the Chinese Government should be given facilities to deport such traffickers.

The Chinese delegation was glad that those important proposals had been adopted in the form of a resolution² mentioned in the Rapporteur's statement, and he thought they might be included in the report of the Committee to the Assembly. The Chinese delegation would be glad if the Committee would pass the resolution, which had already been approved by the Council.

China stood most in need of the co-operation of a country which unhappily was not represented on the Assembly of the League of Nations. M. Hoo would not enlarge upon the point, but he was certain that the co-operation of that country was indispensable for China in her campaign against the spread of the use of opium and dangerous drugs. It was notorious that the nationals of the country in question were engaged in the drug traffic either in China or for consignment to China, and that the penalties inflicted on them were ridiculous. According to Press information, the responsibility of the Government of that country was not involved in regard to those acts only; it contributed in another respect also to the development of drug addiction in China. Without the goodwill of that country, all the efforts of the Chinese Government would always be in vain.

M. Hoo was glad to be able to state that co-operation had become closer with the other countries holding concessions in China. The working arrangements with those countries would be facilitated, especially by the setting-up of the Permanent Committee for the Application of Paragraph 4 of the Hague Convention.

M. Hoo desired to conclude on a less pessimistic note than that of the statement of M. Casares, and expressed his conviction that, in the near future, the members of the Committee would congratulate themselves on the results obtained in China, thanks to the severe measures adopted in that country. The Chinese delegation wished to support the appeal to moral force made by M. Casares during the previous meeting. The Chinese had at all times placed moral and spiritual values above material values; five hundred years before Jesus Christ, Confucius gave this advice to mankind: "Do unto others as you would that they should do unto you". If that advice had been followed by certain countries in their relations with the Far East, the drug situation in China would not have been so serious as those same countries were now pleased to point out; but it was to be hoped that that advice would be followed by all nations for the good of humanity.

Countess APPONYI (Hungary) stated, in reply to the observations made by the Roumanian delegate with reference to the new method of extracting morphine and other opium alkaloids directly from the dried poppy plant, that by purchasing that product, which had previously been valueless, the Hungarian Government would assist farmers, while owing to the new process the lawful drug trade could be supplied at prices lower than heretofore. She explained that the new process was subject to a licence, and that it would facilitate supervision; thus, far from constituting a danger, it was a safeguard.

¹ See document C.256.M.105.1934.XI, page 11.

² *Ibidem*, pages 12 and 13.

Mlle. VACARESCO (Roumania) stated that the Roumanian delegation would note that statement.

Sir Krishnama CHARI (India) had nothing to add to the impartial statement on opium and dangerous drugs contained in the two reports of the Advisory Committee and the Secretary-General. He thought that the clear distinction established between the lawful trade and illicit traffic constituted important progress.

The Indian Government had given effect to all the administrative measures under the Bangkok Agreement. The legislative measures had been submitted to the Legislative Council, and the Agreement would be ratified as soon as the relevant laws had been promulgated. The Indian Government was in sympathy with the draft International Convention for the Suppression of Illicit Traffic in Dangerous Drugs, and was considering how to surmount the technical difficulties raised by that question. The Indian delegation would support the Rapporteur's proposal respecting that draft Convention.

Mr. DÉSY (Canada) emphasised the importance attached by the Canadian Government to the campaign against narcotic drugs; his Government had appointed the head of the Canadian services for the suppression of the drug traffic as its representative on the Opium Advisory Committee.

There were drug addicts to be found in Canada, as elsewhere. If their number had not increased to an appreciable extent, that was due without doubt to the timely and energetic measures taken by the authorities, to the conscientious manner in which those measures were applied and amplified, and to the very severe penalties imposed on the guilty persons.

The Canadian delegation recognised the force of the remarks made by the delegate of the United Kingdom concerning the disastrous situation which would have arisen if economic or purely selfish interests had been given free play without restriction of any kind. Without the supervision of the lawful trade, Canada would have been overwhelmed.

Side by side with that legitimate trade were to be found the illicit traffic and clandestine manufacture. Canada constituted a transit territory, with an immense frontier which was difficult to guard. The illicit manufacture and traffic in Bulgaria and the Far East caused Canada the gravest anxiety, since the drugs were consigned from those countries to Canada in transit for the United States and Europe. In 1933, more opium, morphine and heroin was seized on the Pacific Coast than in 1932.

The Canadian delegation warmly supported the recommendations made by the Advisory Committee, and felt that urgent measures were required to combat the invasion. The protective measures organised by the Canadian authorities in agreement with the American authorities would continue to be inadequate so long as the producing countries did not give all possible support. In that connection, the Canadian delegation expressed its thanks to the delegate of China for his assurance of co-operation.

An international convention for the suppression of the illicit traffic would repair a serious omission in the organisation of international control, and it was to be hoped that that scheme would shortly be put into operation. It was an encouraging fact that the illicit traffic now drew very few supplies from legitimate sources, and that was an additional reason for tracking down the illicit traffic by the systematic use of all available forces of the specialised police services.

The Canadian delegation thought it urgent to apply the Geneva Convention and the Limitation Convention. The Fifth Committee should appeal to all delegations to make every endeavour to secure that the 1931 Convention now in force should be put fully into effect in their respective countries. The signatory States had assumed obligations which it might be useful to mention in the report *ad memoriam*, mention being made of the points in respect of which the co-operation of the non-signatory States was extremely desirable.

In addition to the question of the ratification of the 1912, 1925 and 1931 Conventions, some consideration must be given to the legislative measures resulting from those Conventions and the administrative regulations to be adopted in conformity with the model suggested. It was essential that the texts of those laws and regulations should be communicated to the Secretary-General and that the annual reports on the application of the Conventions, the illicit traffic and the estimated requirements of each country should be transmitted to him regularly, together with the quarterly statistics of imports, exports, production and manufacture, consumption and supply, and, finally, the names of all undertakings engaged in the manufacture and conversion of drugs. All signatory States should employ every means at their disposal to make the international control as Draconian as possible and forward complete information to the Secretary-General.

As an illustration of the results obtained by international co-operation in suppressing the illicit traffic, Mr. Désy stated that, at Montreal, a certain Harry Davis had just been sentenced to 14 years' penal servitude, corporal punishment and a fine of \$3,000 for having, together with accessories in Montreal, New York and Paris, imported fraudulently 300 kilogrammes of narcotic drugs consigned to Canada and the United States. These drugs came originally from Bulgaria and represented a value of about six million dollars. Enquiries were made, and the accessory in Paris, who had been sentenced in that city, was extradited and imprisoned in the United States, while the accessory in New York was extradited and imprisoned in Canada.

The Canadian delegation supported the draft resolutions submitted by the Rapporteur and the delegate of Venezuela.

NINTH MEETING.

Held on Saturday, September 22nd, 1934, at 3.30 p.m.

Chairman : M. LEVILLIER (Argentine Republic) ; and, later, Mlle. VACARESCO (Roumania).

15. Traffic in Women and Children : Report of the Fifth Committee to the Assembly (Annex I) : Discussion and Adoption.

Miss HORSBRUGH (United Kingdom), Rapporteur, presented the draft report to the Assembly on the traffic in women and children, and also read the following report by the Mixed Sub-Committee of the Fifth and Sixth Committees on assistance to be given to Russian refugee women in the East :

“ The Sub-Committee, composed of representatives of the Fifth and Sixth Committees, which was appointed to examine the question of Russian women refugees in the East has considered the matter in the light of the discussion which took place in both Committees.

“ The subject has two aspects. In the first place, it is a large refugee problem ; and, secondly, there is the problem, which is much smaller numerically, of traffic in women. The second aspect only came under the consideration of the Sub-Committee.

“ This question has been raised by the Commission of Enquiry into Traffic in Women and Children in the East, whose report was presented in December 1932.¹ The Commissioners state that many Russian women refugees in China become the victims of traffickers, and similar statements as regards Shanghai are made by a representative of the Nansen Office who was lately in Shanghai. The Commission's report raises a number of questions connected with the commercial aspects of prostitution in the East, and it is proposed—a proposal which is supported by the Fifth Committee—that the central authorities in the East should be invited to hold a conference on the subject at some suitable centre in the East, under the auspices of the League of Nations. The Sub-Committee is of opinion that the question of the Russian refugee women should be brought before such a conference. Indeed, the question figures prominently in the Commission's report.

“ It has been suggested that the League of Nations should give some immediate financial assistance towards the rehabilitation of the women concerned, as it has done previously on exceptional occasions for special work of a similar character. The Sub-Committee thinks, however, that further enquiries as to what can be done ought to be made on the spot, and that the Secretariat should be asked by the Council to communicate with various authorities, both official and non-official, and to report to the Traffic in Women and Children Committee. Enquiries of this kind would be valuable for the purpose of the Conference already referred to and might also disclose what further could be done—either by the League or by the agency of the various voluntary bodies who are carrying on work in the East.”

Countess APPONYI (Hungary) was greatly concerned to find that the Sub-Committee had not been able to go further than a proposal for an enquiry through the Secretariat and a conference which was to be held in the Far East in the somewhat distant future. The Advisory Committee's intention in bringing the matter forward had been that something practical should be done immediately, and she urged that an effort should be made to give assistance to the Russian refugee women without delay.

Mlle. HESSELGREN (Sweden), as a member of the Sub-Committee, explained the reasons for the conclusions reached. The Advisory Committee's resolution asking that a grant be made to the Nansen Fund seemed to imply that it had some scheme for using the money. As a result of enquiries made by the Sub-Committee and by various members of the Fifth Committee, it was found, however, that no suggestions as to what practical measures could usefully be taken were forthcoming. It had therefore been agreed that the problem should be examined by the proposed Far-Eastern conference with a view to obtaining the fullest information possible. It was not intended, however, that the whole question should be left in abeyance until that conference met. The Sub-Committee recommended that, in the meantime, the Secretary-General should be asked to make enquiries of official and unofficial authorities and report to the Advisory Committee. It was to be hoped that that Committee would, in the coming spring, be able to formulate some practical scheme.

Mlle. FORCHHAMMER (Denmark) shared the Hungarian delegate's disappointment that it had not been possible to propose any immediate relief measures for the Russian women refugees. She thought there was no alternative but to abide by the unanimous decision of the Sub-Committee, but the Fifth Committee might express the hope that there would be the least possible delay in the matter. It must be remembered that the situation for which a remedy was sought might daily be affecting increased numbers of women.

The Committee adopted its report to the Assembly on the traffic in women and children and the draft resolutions² contained in the report.

¹ Document C.849.M.393.1932.IV.

² The resolutions were adopted by the Assembly on September 26th, 1934.

The CHAIRMAN asked whether the Committee wished the report to be submitted to the Assembly by the Rapporteur, or whether it considered the simplified procedure provided by the 1933 Assembly sufficient.

Countess APPONYI (Hungary) considered that the simplified procedure provided in 1933 would not secure sufficient publicity for the questions with which the Fifth Committee had dealt, and urged that at least the resolutions embodied in the report, with a few explanations, should be read to the Assembly.

Miss HORSBRUGH (United Kingdom), Rapporteur, strongly supported the Hungarian delegate's views. It would, she considered, be harmful to the League as a whole if the practice of reports being presented by the Rapporteurs with a few explanations were abandoned. She would be willing at the most to agree that the report on traffic in women and children should be dealt with in the present session according to the simplified procedure, provided it were made clear that the decision would not create a precedent.

Mlle. FORCHHAMMER (Denmark) could not agree to that suggestion. The simplified procedure was not, in her view, satisfactory for the report on traffic in women and children, particularly as it was always difficult to secure adequate publicity for social questions. If that procedure were adopted for every question before the Assembly, there would be no object in holding the plenary meetings at the close of the session. What she had in mind was not a long discussion, but merely a presentation of the resolutions by the Rapporteur with short comments.

Mme. STARHEMBERG (Austria) agreed with the Hungarian, United Kingdom and Danish delegates.

Mme. KLUYVER (Netherlands) was in favour of the new procedure as a means of effecting economies. While not disputing the decision taken with regard to the question of the traffic in women and children, she assumed that the Committee would not necessarily adopt the same attitude with regard to all the other questions with which it had to deal.

M. PARRA-PÉREZ (Venezuela) contended that, even if the Committee unanimously agreed to the simplified procedure, any delegate would have the right to initiate a discussion at the plenary session.

M. CAVAZZONI (Italy) dissented from that interpretation of the fourteenth Assembly's decision. He thought, moreover, that the new procedure would not be less effective than the old from the point of view of publicity.

M. CASSIN (France), speaking as a member of the First Committee of the fourteenth Assembly, which had drawn up the proposals for simplified procedure, pointed out that, even if a Committee reached a unanimous decision in favour of adopting that procedure, an delegate could, after receiving the Committee's report, ask the Chairman to open a discussion upon it.

The CHAIRMAN stated that, in the absence of unanimous agreement, the new simplified procedure would not be applied with regard to the Fifth Committee's report.

The Committee appointed Miss HORSBRUGH (United Kingdom) Rapporteur to the Assembly for the question of the traffic in women and children.

16. Traffic in Opium and Other Dangerous Drugs : General Discussion (continued).

M. CHODZKO (Poland) stated that he was particularly interested in the question of the new drug-manufacturing countries. The existence of new factories was not in itself a danger provided their production was limited to the needs of the countries in which they were situated ; it was somewhat disquieting, however, to find that they also manufactured for export. He considered that the Advisory Committee should make an appeal to the countries concerned not to export dangerous drugs. There should not be any great difficulty in obtaining the consent of the various Governments, as the amount of the exports in question was negligible and would have no budgetary importance. He had ascertained that his Government would be willing to support and respond to such an appeal.

With regard to the method of extracting morphine direct from the poppy plant, he would say frankly that his Government was at present studying the process, as it had received applications from several agriculturists and industrialists for licences for manufacture by that method. He understood that only codeine, not morphine, would be manufactured. The introduction of the method would have certain advantages for agriculture and would probably enable economies to be effected by a decrease in the importation of opium. He assured the Committee that he would follow the question in his country very closely. His Government was prepared to refuse to allow any increase in the manufacture of morphine, but was willing to permit the manufacture of codeine by the new process if it should prove satisfactory. He pointed out, moreover, that, if the new method were generally adopted, smuggling would tend to disappear, as countries would not need to import opium. At the same time, a new problem of national control would arise and would probably involve the introduction of State monopolies.

The question of internal control was dealt with in Article 15 of the Limitation Convention of 1931, which provided for the creation of special administrations for that purpose. He thought that States which had not yet set up such administrations should be asked to do so as

soon as possible, and that the Fifth Committee should, in its report, draw the Assembly's attention to that point. In Poland, it was proposed to set up a special commission to deal with dangerous drugs, which would carry out the duties required under Article 15.

Another question of great importance was that concerned with the issue of passports and visas to traffickers, who, under present conditions, had far too many facilities for escaping. At the last session of the Advisory Committee, he had suggested that a list of persons suspected of being involved in illicit traffic should be communicated to the Secretariat for transmission to the various Governments. That suggestion had not so far been taken up, and he would like to see it included in the report to the Assembly, so that the Advisory Committee might give it further consideration.

Experience in Poland, and probably in other countries too, showed that it would be desirable in some cases for States to conclude bilateral agreements for the prosecution of traffickers. He did not think such agreements would be contrary to the provisions of the 1931 Convention, but would like to hear the views of other members of the Committee on the subject, particularly from the legal point of view.

He strongly supported the Venezuelan delegate's proposal concerning specialised police services, and the proposal, submitted by the Rapporteur at the end of his statement, for the adoption of more expeditious procedure with regard to the draft Convention for the Suppression of the Illicit Traffic in Dangerous Drugs. He also agreed with the Roumanian delegate that the last paragraph of the resolution proposed by the Rapporteur was too vague, and that a definite recommendation should be made with regard to the convening of a conference.

Finally, he would like to express his appreciation of the admirable work carried out for many years by Sir Malcolm Delevingne in the Advisory Committee.

Mme. AAS (Norway) informed the Committee that the Norwegian Government had ratified the 1931 Convention. Its delay in doing so was due to the fact that some time had been needed to bring the national legislation into line with the Convention and take the necessary administrative measures.

Mrs. COUCHMAN (Australia) stated that the Secretariat had received a message from the Prime Minister of the Commonwealth of Australia to the effect that the Australian Government was in sympathy with the object of the draft Convention.

With regard to the statement which had been made in the course of the discussion that the consumption of cocaine in Australia was high, amounting to 11 to 12 kilogrammes per million of the population, she explained that that figure could be accounted for by the particularly large use made of cocaine for medical and dental purposes in Australia.

Reference had been made to the importance of publicity and of the influence of the Press. She considered that valuable preventive work in the campaign against the drug traffic could be done through broadcasting. She suggested that delegates should request the broadcasting authorities of their countries to give publicity, not only to the effects of narcotic drugs on addicts and to the enormous profits made by traffickers, but should also give a full account of the activities of the League in combating those evils.

M. DE VASCONCELLOS (Portugal) associated himself with the tribute paid to Sir Malcolm Delevingne, whose outstanding ability and powers of organisation had been of incomparable value to the Advisory Committee.

Reviewing the present situation with regard to the campaign against the drug traffic, he observed that traffickers had recently changed their strategy and their tactics. Clandestine manufacture had been attempted in Turkey, and he would congratulate the Government of that country upon its energy and success in taking measures to suppress the evil. Illicit manufacture was now going on in Bulgaria and China. He hoped that, by effective collaboration of the Bulgarian Government with the League, the danger of that country's remaining a centre for the production and distribution of narcotic drugs would be removed.

As far as Europe was concerned, the Limitation Convention had worked satisfactorily. Unfortunately, it was very difficult to obtain good results in the Far East, and it was essential that the Governments of the countries concerned should take more energetic action.

With regard to the situation in China, he would emphasise that, while the 1931 Convention had provided an adequate system of limitation, countries were still badly equipped with regard to the *suppression* of the drug traffic. At present, traffickers were willing to run the risk of detection and arrest. It was essential that the penalties inflicted on them should be so severe as to be an effective deterrent. Penal legislation must ultimately be unified and the crime of illicit traffic in drugs internationalised, so that offenders could be punished in the country in which they were arrested. He supported the proposal to convene a conference with a view to the conclusion of the proposed draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs. He was, in fact, in favour of even more advanced measures than those provided in the draft Convention.

Now that, thanks to the efforts of the Advisory Committee and the Secretariat, Governments were taking greater interest in the drug problem, he thought that a word of warning was needed. There was a tendency to ask too much of Governments and to overburden them with requests for statistics which in some cases appeared superfluous. For instance, it had recently been decided to ask the various Governments for statistics as to their import and export of caffeine. It appeared to him unnecessary to obtain that information, except in the case of countries which were suspected of using the product for clandestine manufacture.

Mlle. VACARESCO (Roumania) *took the Chair*.

Mlle. HESSELGREN (Sweden), referring to the question raised by the Polish delegate with regard to the possibility of concluding bilateral conventions for the prosecution of traffickers, informed the Committee that a convention of that kind had recently been concluded between Finland and Sweden with a view to the suppression of the illicit traffic in spirits, and that its results promised to be valuable.

The CHAIRMAN was glad to be able to announce to the Committee that information had just been received that the Government of Honduras had ratified both the Geneva Convention of 1925 and the Limitation Convention of 1931.

M. CASARES (Spain), Rapporteur, reviewed the various observations and suggestions made in the course of the discussion, assuring the members of the Committee that he would take full account of them in drawing up the report to the Assembly.

He warmly agreed with the views of those delegates who had expressed admiration of the work of Sir Malcolm Delevingne, and was sure he was interpreting the Committee's wishes in asking the United Kingdom delegate to convey to Sir Malcolm the Committee's sincere appreciation of his invaluable collaboration in the work of the Advisory Committee.

The Italian delegate's criticisms of the Permanent Central Opium Board might have appeared somewhat alarming to anyone attending the Fifth Committee for the first time, but were, of course, only intended to spur the Board on to increased efforts. Everyone was convinced that that body was carrying on useful work in the right direction, but it sometimes had not brought out certain facts with sufficient emphasis. The Council had expressed its satisfaction with the Board's activities by reappointing its members. He thought the Board itself would be glad to have a passage included in the report inviting it to greater energy.

He had been particularly gratified to hear the Argentine delegate's statement that his country intended in future to collaborate more and more closely with the organs of the League of Nations, especially those dealing with dangerous drug problems.

He was strongly in favour of the Venezuelan delegate's proposal with regard to specialised police services. In that connection, he would inform the Committee that the Spanish Government, when setting up the special administration referred to in the 1931 Convention, had appointed to it a police official who was required to follow special courses in problems relating to drug addiction.

With regard to the views expressed by the Roumanian and Polish delegates that the wording of the last paragraph of the resolution which he had proposed concerning the draft Convention should be strengthened, he would point out that he had employed the usual official formula and that it was the function of the Council to decide whether or not a conference should be convened.

In reply to the points raised by the Chinese delegate, he observed that the figure of 12,000 tons of opium produced in China, though it represented a decrease in output, had not been disputed, and the Rapporteur still maintained that it was enormously high. Secondly, the figures relating to the import of caffeine into China mentioned by M. Casares in the Advisory Committee had been calculated from the *value* of imported caffeine quoted in the official publication entitled *Trade of China* for 1932. He agreed with the Chinese delegate's proposals with regard to the assistance of foreign Powers in China and would mention them in his report. He had been glad to learn that the Chinese Government was entering with all the necessary energy upon a new phase in its efforts to suppress the drug traffic.

With regard to the quantities of acid acetic anhydride imported into Bulgaria, a letter, dated September 15th, 1934, had been received from the Bulgarian Government, stating that the importation of that substance into the country was prohibited, except by a special authorisation specifying the object for which the substance would be used, and that anyone in possession of acid acetic anhydride was bound to declare it within a prescribed time-limit. Another letter from the Bulgarian Government gave figures for the importation of the substance, which did not coincide with those mentioned in the Advisory Committee by the United States delegate. That question would have to be looked into.

With regard to the clandestine manufacture of narcotics, the Bulgarian Government had discovered one factory; but, having so far found no trace of other factories, asked for further information concerning the facts mentioned in the Advisory Committee.

Referring to the new method for extracting morphine from the poppy plant, of which the Polish delegate had spoken, he thought that new measures would have to be introduced and licences granted for such manufacture, in order that the new process should not become a danger.

In reply to the Polish delegate's enquiry concerning the possibility of concluding bilateral conventions, it seemed to him that such a course, far from being contrary to the 1931 Convention, would only reinforce it.

M. THEODOLI (Secretary of the Permanent Central Opium Board), on being invited by the Chairman to address the Committee, thanked the members of the Committee on behalf of the Board for their expression of appreciation and also for their criticisms, both of which would be an encouragement to the members of the Board to persevere in their task.

In connection with the criticisms made, he would remind the Committee that even the most exact statistics had to be interpreted. Sometimes it had been possible to obtain a definite

idea of a situation through statistics, and in those cases the Board had not hesitated to act under Articles 25 and 26 of the 1925 Convention. In other cases, the figures had not made it possible to reach definite conclusions. The powers conferred on the Board were of a somewhat judicial character, and, in those circumstances, the Board preferred to appear almost timid rather than to run the risk of committing a judicial error. He would add that the Permanent Central Opium Board always endeavoured not to encroach upon the competence of the Advisory Committee on Traffic in Opium, but to work in agreement with it.

TENTH MEETING.

Held on Monday, September 24th, 1934, at 10.30 a.m.

Chairman : M. LEVILLIER (Argentine Republic).

17. Assistance to Indigent Foreigners : Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 5) : Discussion and Adoption.

Mme. HUBICKA (Poland), Rapporteur, submitted the draft report of the Fifth Committee to the Assembly on assistance to indigent foreigners. Commenting on the report, she observed that great caution was required if the desired results were to be obtained.

She drew attention to the entry into force of a convention concluded between Denmark, Finland, Iceland, Norway and Sweden for the execution of maintenance obligations abroad.

With regard to the draft Multilateral Convention and the fourteen recommendations relating to assistance to indigent foreigners drawn up by the special Committee of Experts set up by the Council, she emphasised that the Committee's aim had been to ensure assistance for indigent foreigners, not only from the material, but also from the moral point of view, through the services of women welfare workers and charitable institutions. Such moral assistance was of great importance.

The draft Convention and the fourteen recommendations had been submitted to Governments for their observations. So few replies had been received and so diverse were the views which they revealed that it was not possible at the present stage to consider the substance of the draft Convention. She therefore proposed, at the end of her report, a resolution expressing the hope that those Governments which had stated that they were in favour of the fourteen recommendations would apply them at the earliest possible moment, and instructing the Secretary-General to request those Governments which had not yet sent their observations on the subject to send them to the Secretariat as soon as possible, and to submit the Governments' observations to the Committee of Experts for examination at its next session.

Count CARTON DE WIART (Belgium) entirely approved the report submitted to the Committee. He recalled that the problem had at first been considered from two points of view—firstly, the restoration to their homes of minors who had escaped from the authority of their parents or guardians ; and, secondly, assistance to foreign indigent minors.

With regard to the first of these questions, bilateral agreements had been signed. In connection with the second, it had been recognised that the assistance contemplated must be extended to the parents of minors. The Committee had perhaps been too ambitious in not limiting its study to children, for the problem had now assumed vast proportions at the very time when it was considerably complicated by political and economic circumstances. Not only the crisis and unemployment, but also the nationalist principles of certain Governments, had made it more difficult to give effect to the generous ideal of assimilating indigent foreigners to indigent nationals in the various countries.

In those circumstances, it was not surprising that many Governments, including those of very important countries, had not yet sent observations on the draft Convention and the fourteen recommendations submitted to them. He considered that the time-limit for that consultation should be prolonged. When a sufficient number of replies had been received, the experts would meet again under the chairmanship of M. de Navailles in order to consider the observations made by the various Governments and submit proposals.

Count Carton de Wiart drew attention to the following two passages in the report of the Committee of Experts, which appeared to him somewhat inconsistent with each other :

“ The Committee was unanimous in recommending the exclusion, from the sphere of public assistance proper, of benefits under social insurance and special unemployment benefits and free legal aid to the poor.”¹

“ [The Committee] recommends that the participation of foreigners in the benefits of unemployment insurance and various forms of assistance to unemployed should be regulated as early as possible and in the most liberal manner by means of an international labour convention on the basis of the principle of equality of treatment. It requests the Council of the League of Nations to transmit this recommendation to the International Labour Organisation.”²

¹ See document C.10.M.8.1934.IV, page 4.

² *Ibidem*, page 7.

He need not stress the difficulties which would be encountered in carrying out that recommendation. It would, for instance, be difficult for Belgium to conclude reciprocity agreements with regard to indigent foreigners, as she had admitted a large number of workers from other countries without any corresponding export of labour. The complications of a problem which was difficult enough in itself must not be increased by combining questions of assistance with those of insurance, which included, not only unemployment insurance, but also old-age insurance.

At the same time, the Committee must, of course, not reject the possibility of securing the adoption of an international convention for ensuring that indigent foreigners should be granted the same equitable treatment as that given to indigent nationals.

He considered that the Committee had acted wisely in inviting the collaboration of the Permanent International Conference for the Protection of Migrants and the International Migration Service, and that it would also be useful to consult other organisations, such as the Salvation Army, the Paris Comité permanent pour les Congrès internationaux d'assistance publique et privée, the Stockholm "Social Christianity" Association, the "Carità Cattolica" of Vienna and Strasburg, and two German associations dealing with assistance.

M. FABBRI (Italy) stressed the importance of the subject at present under discussion in the Fifth Committee. The Italian Government had not yet submitted its reply, but he might say that, in Italy, the regulations concerning assistance to indigent foreigners were governed by the highest humanitarian considerations and that the administrative practice in that matter was very liberal.

Italy had signed agreements on the question with thirteen countries. Moreover, the national organisation for the protection of mothers and children made no distinction of nationality in giving assistance.

As the Rapporteur had pointed out, it would be premature to consider the substance of the question at the present time, and the Italian delegation entirely approved the conclusions of the draft report.

Mlle. VACARESCO (Roumania) stated that the Roumanian Government wished to examine the question with great care before submitting its observations on the draft Convention and the fourteen recommendations. Her country was particularly familiar with problems relating to foreigners, as it had for a long time been giving shelter to a very large number of political refugees. Those refugees were the constant concern of private organisations and of the Government, but the question was bound up with those of unemployment and protection of national workers. The system of labour cards did not exist in Roumania, and there were no restrictions on the employment of foreign workers.

Mlle. CAMPOAMOR (Spain) mentioned that the Spanish Government had replied to the Secretariat's communication. While appreciating the humanitarian principles embodied in the documents submitted to it, the Spanish Government considered that, before a decision was taken, the matter would have to be studied with the greatest care and all the difficulties involved would also have to be examined.

In Spain, assistance to indigent persons was based principally on a number of private institutions in which millions had been invested by their founders, whose wishes had to be respected. So far, no distinction had been made between nationals of the country and foreigners with regard to the right of sojourn in Spain, the right to work or the right to benefit by poor relief. Moreover, under the new regime, the organisation of public assistance was being considerably developed.

The Spanish delegation approved the draft resolution proposed by the Rapporteur, and hoped it would be possible to find a formula which would enable Spain to agree to an international convention at an early date.

Finally, she pointed out that, if the conclusions of the Committee of Experts were adopted immediately, Spain would be obliged to introduce discrimination between indigent foreigners and indigent nationals.

Countess APPONYI (Hungary) stated that the Hungarian Government would shortly submit its observations on the draft Convention and the fourteen recommendations. In Hungary, no distinction was made between foreigners and nationals of the country, particularly since 1931.

The Hungarian delegation approved the draft resolution proposed by the Rapporteur.

Mme. WOYTOWICZ-GRABIŃSKA (Poland) thought she was right in saying, as member of the Committee of Experts, that the inconsistency mentioned by Count Carton de Wiart between two paragraphs of the report of the Committee of Experts was only apparent and was due to a misunderstanding. The Committee, as stated in the first of those two paragraphs was "unanimous in recommending the exclusion, from the sphere of public assistance proper, of benefits under social insurance and special unemployment benefits." The second of the paragraphs in question was merely a recommendation, made by the Committee for transmission to the International Labour Organisation, that the question of the participation of foreigners in the benefits of social insurance should be settled as early as possible by an international convention. There were no grounds for fearing that the Committee itself would resume the study of the question.

The CHAIRMAN, speaking as delegate of the Argentine Republic, observed that there was more immigration into his country than into any other, except the United States of America. The millions of foreigners residing there received exactly the same treatment as nationals with regard to education, health services and private or public assistance. The standard of

social legislation in that matter was so advanced in the Argentine that it might well be used as a basis for the proposed Convention ; in no other country could an example of more liberal treatment to foreigners be found.

M. GAJARDO (Chile) recalled that the Chilean Government was among those which had replied to the Secretary-General. It had stated that it accepted the immediate application of the fourteen recommendations, and was prepared to agree to the proposed Convention. Foreigners were, in fact, assimilated to nationals in Chile.

The Chilean delegation approved as a whole the draft resolution submitted by the Rapporteur, but considered that a distinction should be made between the fourteen recommendations, which were of a national character, and the draft Convention, which was international. It would be regrettable for countries which were prepared to accept the fourteen recommendations to wait until the final results of the Secretary-General's consultation were known before applying them. The Chilean delegation would not present a formal proposal on the subject, but asked that Governments should be invited to apply the fourteen recommendations as early as possible.

Mme. HUBICKA (Poland), Rapporteur, was glad to note that the members of the Committee unanimously approved her report as a whole. She replied to the observations made in the course of the discussion.

The inconsistency mentioned by Count Carton de Wiart was, as Mme. Grabińska had explained, merely due to a misunderstanding.

With regard to the opinion expressed by the Belgian delegate that a larger number of specialist organisations should be invited to take part in the work of the Committee of Experts, she thought it important that that Committee should not be increased to unwieldy proportions. It would appear difficult to invite national organisations, which were exceedingly numerous ; but the Committee might ask the Secretariat what international organisations were not represented on the Permanent International Conference for the Protection of Migrants and the International Migration Service, and such organisations might be asked for their opinion.

Lastly, the Rapporteur sympathised with the anxiety felt by the Chilean delegate. It seemed to her, however, that his wishes had already been met, since the fourteen recommendations had been submitted to Governments, and their observations would enable it to be determined to what extent those recommendations were applied.

M. GAJARDO (Chile) appreciated the point of the Rapporteur's explanation, but still thought that, in view of the following paragraph of the draft resolution : " Being of opinion that, since so few replies have as yet been received, it is not possible to take any substantive decision on the draft Convention and the fourteen recommendations drawn up by the Committee of Experts ", some Governments that were prepared to apply the fourteen recommendations might decide to wait for the final resolutions of the Secretary-General's consultation. They should, on the contrary, be encouraged to apply those recommendations without delay.

Mme. HUBICKA (Poland), Rapporteur, explained that the replies received showed that all countries did not unreservedly approve the fourteen recommendations, some countries having raised objections. In these circumstances, she considered that the Committee could not express an opinion with regard to the fourteen recommendations. Moreover, countries which were prepared to apply them would not fail immediately to take the necessary action with regard to them.

M. GAJARDO (Chile) explained that he had had no idea of suggesting that the Fifth Committee should urge all Governments to accept the fourteen recommendations. He was only anxious that those Governments which had sent favourable replies should not be discouraged.

He therefore proposed that the resolution should state that the Assembly was glad to note that the fourteen recommendations would be immediately applied in the countries which had sent a favourable reply.

M. GAUTIER (France) did not oppose the amendment suggested by the Chilean delegate, but pointed out that certain Governments might perhaps have stated that they approved the recommendations on the understanding that they would be accepted in all other countries.

Mme. KLUYVER (Netherlands) agreed with the French delegate. She stated that legislation in the Netherlands already conformed to a large extent with the fourteen recommendations. She considered that the recommendations were bound up with the draft Convention, and that the Fifth Committee was not at present competent to express an opinion with regard to them. If the Chilean delegate's proposal was to be put to the vote, the Netherlands delegation would abstain.

The Committee unanimously approved, the Netherlands delegation abstaining from voting, the following addition proposed by the Chilean delegate at the end of the resolution :

" And also to thank Governments which have stated that they accept the fourteen recommendations and to express the hope that those Governments will give effect to those recommendations without delay."

M. HABICHT (Secretariat), replying to Count Carton de Wiart's observation with regard to the participation of a larger number of specialist organisations in the work of the Committee of Experts, explained that, in view of the number of competent national associations which existed, that Committee had decided to apply only to international associations. The Paris

Comité permanent pour les Congrès internationaux d'assistance publique et privée had received the same communication as that addressed to the other two organisations. The Comité had stated, however, that it was not in a position to present observations, and it was therefore not invited to take part in the work of the Committee's first session. Moreover, several of the organisations mentioned by Count Carton de Wiart were represented on the Permanent International Conference for the Protection of Migrants. In practice, therefore, the Belgian delegate's wishes were realised, as those organisations could express their views through the Conference. The question whether it would be desirable for the Committee of Experts to apply to other organisations so that all national organisations could express their opinions would, however, be brought before that Committee.

The Committee adopted its report to the Assembly on assistance to indigent foreigners and the draft resolution¹ contained in the report, with the amendments made during the discussion.

It declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

18. International Relief Union : Note on the Activity of the Union for the Year 1933 - 34 (Annex 6) : General Discussion.

The CHAIRMAN stated that, at the request of several delegations, the question of the International Relief Union had been placed on the agenda of the Fifth Committee. At the request of the Italian delegation, a note from the Permanent Central Service on the activity of the Union from September 12th, 1933, to September 12th, 1934, had been published in the *Assembly Journal*.

M. PARRA-PÉREZ (Venezuela) recalled that the scheme for an International Relief Union had originated in the Fifth Committee of the fourth Assembly, in 1923. As a member of its Executive Committee and also as delegate for Venezuela, he would emphasise that that splendid institution was now definitely on the way to achieving practical results.

The Union now included twenty-nine States, and three-quarters of the contributions to the initial fund had been paid. It had organised its work with the valuable assistance of the two secretariats of the International Committee of the Red Cross and the League of Red Cross Societies, and it had already compiled a small *corpus juris* of statutes and regulations which international organisations might find it useful to consult as a model.

The work of the Union was unostentatious. In accordance with the Convention of July 12th, 1927, it had offered assistance to the States members of the Union whose populations had been stricken by some disaster. Its gift of £1,000 to the people of India who were victims of the Bihar earthquake at the beginning of 1934 was the first manifestation of international generosity.

The Union was an entirely new and complex type of international organisation, and time and experience would be needed to enable it to carry out completely the objects for which it was founded. It was essential, in the first place, that the States belonging to it should collaborate effectively in its work in accordance with Article 8 of the Convention. Furthermore, it was most desirable that States not members of the Union should consider the necessity of joining it as soon as possible, and that national relief societies, more especially the Red Cross societies, should take an increasingly active part in the work of the Union as provided in Article 5 of the Convention. It was the duty of the League of Nations to continue to ensure protection and assistance to the Union. It was one of the best achievements of the Covenant, and it would be premature at present to abandon it to its own resources.

M. Parra-Pérez expressed his appreciation of the excellent international Red Cross organisations under the direction of M. Max Huber and Mr. Payne, which, from the outset, had voluntarily given their valuable co-operation to the Executive Committee. That Committee had held its last meeting in Rome in March 1934, when it was accorded the most generous hospitality by the Italian Government, whose head was good enough to receive the members of the Committee. M. Mussolini, who had always given the Union his distinguished patronage, had shown further proof of the value which he attached to international collaboration by delivering an address to the members of the Committee which they deeply appreciated. He had proposed that the Union should have as its motto the celebrated words of the Latin poet : *Homo sum : humani nihil a me alienum puto*. The ideals of the Union could not be better expressed, and it would always keep this watchword.

Mlle. VACARESCO (Roumania) expressed great satisfaction at the success of an organisation which she had seen inaugurated and which had since made striking progress. This institution, with which the name of Senator Ciruolo was associated, was worthy of the notice and admiration of the whole world.

It would be a great pity if the unanimous support which the Union had hitherto received should be withdrawn, with the result that it could not continue its beneficent activities owing to the economic crisis. It was to be hoped that the crisis would soon come to an end, whereas the work of the Union must continue indefinitely.

M. CASSIN (France) associated the French delegation with the tribute paid to the International Relief Union. France had been one of the Union's first collaborators, and he urged the necessity of making that institution universal. At the time of the recent disaster in Japan, there was a unanimous feeling of sympathy with that country, and it was regrettable that the

¹ The resolution was adopted by the Assembly on September 27th, 1934.

Union was unable to give it the benefit of its assistance, which it could only accord to member States. That example was significant : it was obvious, moreover, that, in the case of smaller countries, the relief which could be given by the Union was still more valuable. The Relief Union must become a universal co-operative society for mutual assistance.

M. FRANGULIS (Haiti) also hoped that States which were not yet members of the Union would join it. It would be very regrettable if international solidarity could not ensure that both the League of Nations, which was a kind of mutual insurance society against human disasters, including war, and the International Relief Union, which insured its members against natural disasters, should become absolutely universal.

Sir Krishnama CHARI (India) expressed the gratitude of his country for the generous assistance afforded by the International Relief Union to the Indian Red Cross at the time of the Bihar earthquake.

M. CHODZKO (Poland) stated that the Polish delegation was particularly glad to associate itself with the tribute paid by various speakers to the Union, as Poland had been one of the first countries to support the Union. It also agreed with the observations made by M. Cassin with regard to Japan.

M. FABBRI (Italy) wished to say how much the Italian delegation appreciated the tributes that had been paid to the initiative of Senator Ciraolo and to the head of the Italian Government. He hoped that the countries which had not yet ratified the Convention would do so as soon as possible and that the League would endeavour to find means to strengthen its connection with the Union.

The CHAIRMAN congratulated Senator Ciraolo on the success of his institution, and hoped that, when the International Relief Union published its report on its activities, it would be able to proclaim that it had been joined by all the Members of the League of Nations.

ELEVENTH MEETING.

Held on Monday, September 24th, 1934, at 4.30 p.m.

Chairman : Mlle. VACARESCO (Roumania).

19. Penal and Penitentiary Questions : Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 3) : Examination and Adoption : Statement by the Austrian Delegation.

Mr. HEARNE (Irish Free State), Rapporteur, submitted and commented on the draft report.

The Committee adopted its report to the Assembly on penal and penitentiary questions and the draft resolution¹ contained in the report.

Mme. STARHEMBERG (Austria) desired to make a statement on behalf of her Government in order to rectify false and tendentious information which had been spread by the Press regarding the treatment of prisoners in Austria. The Austrian Government was applying the Standard Minimum Rules as far as the situation allowed. The fantastic figures which had been circulated regarding the number of persons imprisoned in Austria were without foundation. The total number of prisoners, including those convicted of ordinary crimes and political crimes, did not exceed one-sixth of one per cent of the population. The numbers were, moreover, rapidly decreasing as the proceedings in connection with political offences were being disposed of.

The Committee noted the Austrian delegation's statement.

The CHAIRMAN asked whether the Committee wished the report to be submitted to the Assembly by the Rapporteur, or whether it considered the simplified procedure sufficient.

Mr. HEARNE (Irish Free State), Rapporteur, did not think he need address any observations to the Assembly on the report on penal and penitentiary questions.

Miss HORSBRUGH (United Kingdom) thought it preferable that, for this question, the resolutions should be read to the Assembly with any necessary explanations.

M. GAUTIER (France) was in favour of applying the simplified procedure to the report on penal and penitentiary questions. He thought the Rapporteur should be asked to address the Assembly only on some question which was entirely new or of exceptional importance.

¹ The resolution was adopted by the Assembly on September 26th, 1934.

Mlle. HESSELGREN (Sweden), while fully sharing the views of the delegates who had stressed the importance of the questions dealt with by the Fifth Committee, did not think that the procedure hitherto followed in presenting the reports of Committees to the Assembly had been particularly effective in arousing interest in the various subjects dealt with. The new procedure saved time, and she was therefore in favour of it.

The delegates of Venezuela, Czechoslovakia, Switzerland and South Africa supported the views expressed by the French delegate.

The Committee declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

TWELFTH MEETING.

Held on Tuesday, September 25th, 1934, at 10.30 a.m.

Chairman : M. LEVILLIER (Argentine Republic) ; and, later, Mlle. VACARESCO (Roumania).

20. Child Welfare : Draft Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 2) : Examination.

Mme. MALATERRE-SELLIER (France), Rapporteur, submitted and commented on the draft report.

Miss HORSBRUGH (United Kingdom) explained that the United Kingdom delegation was anxious to draw attention to the gravity of the question of deterioration in the physique of children of unemployed parents, which prevailed in all but a few privileged countries.

Mme. THIBERT (Representative of the International Labour Organisation), at the request of Mlle. Hesselgren (Sweden), explained the normal procedure followed at International Labour Conferences in regard to the various questions on its agenda. They were dealt with at two successive sessions. A preliminary discussion took place at the first session, and conclusions were reached at the second, a questionnaire having been circulated to Governments in the interval. Provision was made, however, for questions of special urgency to be dealt with at a single session. The Governing Body had decided by a majority vote to authorise the International Labour Office to make the necessary preparations to enable the 1935 Conference to arrive at decisions on the question of unemployment among young people. A draft report, including a draft resolution, would accordingly be presented to the next Conference ; but it would be for the Conference itself to decide whether it would adopt the abridged procedure or follow the normal course of discussion at two sessions.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections), in reply to Miss Horsbrugh (United Kingdom), stated, with reference to the section of the report dealing with the development of the informative rôle of the Secretariat, that, in accordance with the Fifth Committee's decision at its sixth meeting, application had been made to the Fourth Committee for a credit not exceeding 30,000 francs. Of that sum, 20,000 to 22,000 francs would be allocated to the salary of a Member of Section and 6,000 or 7,000 francs to that of a bilingual shorthand-typist. It was subsequently found, however, that no new credit would be needed for a shorthand-typist, as the post could be filled by a transfer within the Secretariat. The amount to be considered was therefore the salary of a Member of Section. After discussion, the Supervisory Commission had agreed to approve a credit of 16,000 francs for that purpose, and the Secretary-General had accepted that decision on the understanding that the credit would be used only if no suitable official to supervise the information centre could be found among present members of the Secretariat. M. Ekstrand added that he had emphasised that the new official of the Social Section must be thoroughly trained in child welfare work.

Miss HORSBRUGH (United Kingdom) considered that the sum of 16,000 francs would not make it possible to appoint an official with the kind of experience and training required. She observed, moreover, that no provision appeared to have been made for the " incidental expenditure " mentioned in the draft report. It was of the greatest importance that the work of the information centre should be developed on the best scientific lines, superior even to those adopted in the countries most advanced in those matters. Her delegation was therefore opposed to the establishment of the information centre with inadequate funds, and considered that the scheme should be postponed until larger credits could be obtained.

Mrs. COUCHMAN (Australia) supported the United Kingdom delegate's views. The official in charge of the information centre should, she considered, have not only a thorough knowledge of child welfare questions, but also the necessary training and ability to write monographs and, in general, ensure that the information collected could be utilised to the best advantage.

Mme. MALATERRE-SELLIER (France), Rapporteur, pointed out that the high qualifications required of the official in charge of the information centre had been made clear in the report of the Supervisory Commission, which had still to be discussed by the Fourth Committee. Although the wishes of the Fifth Committee had not been fully met, she thought it was a matter of satisfaction that, at a time when economies were being sought in every direction, the Supervisory Commission had shown its appreciation of the importance of child welfare work by voting an additional credit.

M. GAUTIER (France) considered that it would be a mistake to open a discussion in the Fourth Committee by pressing for a higher grant. In his opinion, the results obtained from the Supervisory Commission were very satisfactory in view of the difficulties of the financial situation and of the considerable sacrifices asked of other services.

THIRTEENTH MEETING.

Held on Tuesday, September 25th, 1934, at 3.30 p.m.

Chairman: Mlle VACARESCO (Roumania), and later M. LEVILLIER (Argentine Republic).

21. **Child Welfare : Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 2) : Examination and Adoption.**

Mme. AAS (Norway) feared that, if the Committee did not accept the credit of 16,000 francs offered to it for the proposed information centre, it might have to be content with even less next year. Moreover, that sum was, in her opinion, sufficient to remunerate the services of someone qualified for the work.

Mlle. HESSELGREN (Sweden) recalled that, when the Committee had first considered the scheme for the creation of the information centre, it had expressed the opinion that the centre should be able to undertake some scientific research. She had therefore been somewhat concerned on hearing the decision of the Supervisory Commission to reduce the appropriation asked for to 16,000 francs, and she had been tempted to support the opinion expressed by Miss Horsbrugh. However, after carefully considering the question in the light of the observations of other members of the Committee, she agreed with Mme. Aas that the appropriation of 16,000 francs might be sufficient, at all events for the time being, since certain auxiliary expenses at first anticipated would not be included. The Committee must be content with firmly expressing its desire that the new post should be given to a qualified person.

Mme. MALATERRE-SELLIER (France), Rapporteur, proposed that, in order to give satisfaction to the United Kingdom delegate, the resolution might specify that the work should be in the charge of an official of a rank not lower than that of Member of Section, who would have special knowledge and competence in child welfare questions, these being essential conditions for carrying out the work of the information centre desired by the Fifth Committee ; and that some other incidental expenditure would also have to be reckoned with.

The proposal was approved.

The Committee adopted as a whole, with the amendments approved during the discussion, its report to the Assembly on child welfare and the draft resolution¹ contained in the report.

The Committee appointed Mme. MALATERRE-SELLIER (France), Rapporteur to the Assembly for the question of child welfare.

22. **Assistance to Indigent Foreigners : Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 5) : Examination and Adoption.**

Mme. HUBICKA (Poland) submitted and commented on the draft report.

The Committee adopted its report to the Assembly on assistance to indigent foreigners and the draft resolution¹ contained in the report.

The Committee declared that it did not consider a discussion of the report to be necessary in plenary session of the Assembly.

¹ The resolution was adopted by the Assembly on September 27th, 1934.

23. **Traffic in Opium and Other Dangerous Drugs : Report of the Fifth Committee to the Assembly and Draft Resolution (Annex 4) : Examination and Adoption.**

M. CASARES (Spain), Rapporteur, submitted and commented on the draft report.

M. HOO CHI-TSAI (China) reminded the Committee that, in the statement he had made before it on September 22nd, he had made an express reservation regarding the term "enormous"¹ used to describe the quantities of caffeine imported into China in recent years.

M. CASARES (Spain), Rapporteur, in reply to a suggestion made by M. HOO CHI-TSAI (China), stated that it was not in accordance with League policy to name in the report the countries which had not yet ratified the 1931 Convention on Limitation, with a view to exercising pressure on their Governments.

The Committee adopted its report to the Assembly on the traffic in opium and other dangerous drugs and the draft resolution² contained in the report.

The Committee appointed M. CASARES (Spain), Rapporteur, to the Assembly for the subject of the traffic in opium and other dangerous drugs.

M. CHODZKO (Poland) proposed that the Committee's report, which was due to M. Casares, which constituted a most interesting summary of the work concerning the opium traffic and the results achieved in this field, should be published in the form of a pamphlet, in the most widely used languages, which could be distributed throughout the world.

Mr. HEARNE (Irish Free State) seconded the proposal. The publication of the report in a suitable form would draw the attention of the whole world to the second phase of the League's campaign against the drug traffic, which would aim at the reduction and the limitation of the raw materials. At the opening of this second chapter, particular attention should be drawn to the persevering efforts made by the competent Section of the Secretariat.

M. HOO CHI-TSAI (China) also approved the Polish delegate's proposal, and asked that the suggested pamphlet should contain a list of the countries which had signed and ratified the 1931 Convention on Limitation.

24. **Close of the Committee's Proceedings.**

After the customary tributes had been paid, the CHAIRMAN declared the proceedings of the Fifth Committee of the fifteenth ordinary session of the Assembly closed.

¹ See seventh and eighth meeting.

² The resolution was adopted by the Assembly on September 27th, 1931.

ANNEX 1.

Official No. : A.38.1934.IV.

TRAFFIC IN WOMEN AND CHILDREN.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Miss HORSEBRUGH (United Kingdom of Great Britain and Northern Ireland).

The last annual report of the Traffic in Women and Children Committee, which was brought before the Fifth Committee, dealt with several matters of exceptional interest and led to a useful discussion.

The report of the Commission of Enquiry in the East came under further examination. The various recommendations made by the Commissioners were reviewed with the object of deciding whether any further action could usefully be taken by the League of Nations to give effect to these recommendations. Attention was specially drawn in the Advisory Committee's report to the need for securing closer co-operation and greater exchange of information between the authorities responsible for the measures taken to prevent traffic in women. It was accordingly proposed that a conference of these authorities should be held under the auspices of the League of Nations. It was also suggested that such a conference might be held at the same time as some future meeting of the Singapore Bureau and that representatives of unofficial organisations and missions should be invited to be present. Many of the matters dealt with in the report of the Commission of Enquiry could be referred to such a conference, as, for instance, the suggestion that greater use might be made of the services of trained women officials in the administration of matters connected with the welfare of women and children. Several of the delegates of the Fifth Committee who represent Eastern countries spoke in favour of a conference and the proposal met with general agreement. As it appears to the Fifth Committee that the co-operation of the Governments in the East is essential to the success of such a conference, steps will have to be taken to consult them.

Another matter to which prominence is given in the report of the Commission of Enquiry is the position of Russian women refugees in China, many of whom, it is stated, become victims of traffickers. The Fifth Committee is of opinion that, if it is decided to hold a conference as proposed, this matter would appropriately be brought before it for examination. A suggestion was made to the Fifth Committee, as well as to the Sixth Committee, that the League of Nations should give some immediate financial assistance towards the rehabilitation of the women concerned, as it has done previously in exceptional circumstances for special work of a similar character. Both Committees, however, came to the conclusion that further enquiries as to what can be done ought to be made on the spot and that the Secretariat should be asked by the Council to communicate with official and unofficial authorities, and to report to the Traffic in Women and Children Committee. Enquiries of this kind would be valuable for the purpose of the conference already referred to and might also disclose what further could be done, either by the League or by the agency of the various voluntary bodies who are carrying on work in the East. The co-operation of the authorities concerned should be enlisted without delay in the organisation of any measures found to be necessary.

The Commission of Enquiry in the East came to the conclusion that the continuance of the system of licensed houses in many countries is one of the main causes of traffic in women. It will be remembered that the Special Body of Experts who made an enquiry in Europe and America some years ago came to the same conclusion. These strongly expressed opinions give additional weight to the proposals made in the last report of the Traffic in Women and Children Committee for the abolition of licensed houses.

The Advisory Committee on Traffic in Women and Children having expressed a wish last year to be placed in possession of full and accurate information on the latest developments of the licensed-house system, the Secretariat prepared an excellent report, which formed the basis of a full discussion in the Advisory Committee. The report, which has been published separately, deserves, in the opinion of the Fifth Committee, the careful study of all who are interested in the steps taken in many different countries to deal with this social evil. The significant fact which emerges from the report is the general recognition, based on practical experience, that the licensed house, far from being a solution of the problem of prostitution, is a direct incentive to the traffic, and that those countries which have abandoned the system have no wish to go back to it. The value of the enquiry

is reflected in the discussion of the Committee, and it is very satisfactory to find that long-standing differences of opinion among members of the Advisory Committee have this year given way to unanimous agreement on the main principles.

The Fifth Committee, after considering the evidence contained in the report referred to, is of opinion that the resolutions passed by the Traffic in Women and Children Committee deal with the whole subject in a thorough and practical manner and that the main task in the future will be to consider in what way the principles laid down can be carried into action. The Fifth Committee recommends that the Assembly should instruct the Secretary-General to communicate these resolutions to all States Members and non-members of the League and invite them to give their earnest consideration to these resolutions in dealing with the problem of prostitution. It ventures to think that, if these principles are universally carried into effect, a great deal will have been done to suppress traffic in women.

The Fifth Committee was glad to learn from several delegates — including those of India, Italy, Mexico and Spain — the steps which are being taken in their countries to deal with this problem, and noted with satisfaction the statement of the delegate of Chile that the Traffic in Women and Children Committee had decided to study the possibility of making a supplementary investigation of the question of licensed houses in South America, and that the Pan-American Sanitary Bureau was prepared to furnish information.

For some time, the Traffic in Women and Children Committee, with the collaboration of the International Bureau for the Unification of Criminal Law, has been examining the question of drawing up an international convention as to the measures to be taken for the punishment of *souteneurs*. The Fifth Committee observes with satisfaction that the Traffic in Women and Children Committee has decided to consider this matter further at its next session.

The special Conference held last year during the session of the fourteenth Assembly to draw up an International Convention for the Suppression of Traffic in Women of Full Age led to the conclusion of a Convention on October 11th, 1933, which came into force on August 24th, 1934. The Fifth Committee is glad to learn that twenty-seven States have signed this Convention, and it hopes that these States will ratify their signatures without delay and that other States will adhere to the Convention. On the motion of the Roumanian delegate, it was decided to invite the Assembly to draw the special attention of all States to the importance of acceding to the Convention.

On behalf of the Fifth Committee, I have the honour to submit to the Assembly for approval the following draft resolutions :

“ (1) The Assembly is of opinion that the report of the Commission of Enquiry in the East should be considered at a conference of the authorities who are responsible in Eastern countries for the measures taken to prevent traffic in women with a view to securing closer co-operation and greater exchange of information between them ; and that the Governments concerned should be consulted by the Secretary-General as to their willingness to co-operate in such a conference, to be held in the East under the auspices of the League of Nations.

“ (2) The Assembly, having considered the statements made by the Commission of Enquiry in the East as to Russian women refugees in China becoming victims of the traffic, decides to instruct the Secretary-General to collect further information from official and unofficial sources and to report the result of such enquiries to the Traffic in Women and Children Committee.

“ (3) The Assembly, having taken note of the resolutions passed by the Traffic in Women and Children Committee on the subject of the abolition of licensed houses, decides to communicate these resolutions to all States Members and non-members of the League, and to invite them to give their earnest consideration to these resolutions in dealing with the problem of prostitution.

“ (4) The Assembly observes that the Traffic in Women and Children Committee has decided to consider at its next session the question of the preparation of an international convention for the punishment of *souteneurs*.

“ (5) The Assembly, recognising that, to ensure the effective suppression of the traffic in women, it is important that as many States as possible should become parties to the International Convention for the Suppression of the Traffic in Women of Full Age, which was concluded in Geneva on October 11th, 1933, instructs the Secretary-General to invite those States which have signed the Convention to ratify their signatures as soon as possible and to draw the attention of those States which have not signed the Convention to the importance of acceding to it without delay.”

ANNEX 2.

Official No.: A. 52. 1934. IV.

CHILD WELFARE.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY

Rapporteur: Mme. MALATERRE-SELLIER (France).

As this year marks the tenth anniversary of the establishment of the Child Welfare Committee, it was thought desirable to append to this report a short summary of its main activities. It appears to the Fifth Committee that the subject of child welfare offers a field of study which is of the greatest value to the League of Nations and that the work of the Committee deserves to be extended on more scientific lines. Some proposals in this direction are included in the present report.

* * *

The Secretary-General's report on the work of the League since the fourteenth session of the Assembly (document A.6.1934) and the report of the Child Welfare Committee to the Council on the work of its tenth session (document C.149.M.62.1934.IV) contain an account of the questions with which that Committee has dealt more particularly. Some of these questions are not yet ripe for decision and are mentioned only for the purpose of giving a complete enumeration.

Among these problems still in course of study, I will mention *desertion of the family*. The delegate of Roumania stated that the documentary material which his Government had promised to collect on this subject would be sent to the Secretariat shortly. The Fifth Committee expressed its thanks to the Roumanian Government.

The question of the *welfare and education of blind children* is to form the subject of a full report, which will be submitted to the Child Welfare Committee.

Similarly, the interesting problem of *recreational films* for children and young people has not been fully considered in 1934, but the Child Welfare Committee has instructed the Social Section to collect as complete a documentation as possible, with which it will deal at its next session.

As the Child Welfare Committee has not had time to study adequately the documentary material published by the Secretariat regarding *institutions for erring and delinquent children*, it has deferred its examination to its next session.

The question of the *placing of children in families* cannot be discussed until 1936, as in the present year the Secretariat can only collect information by means of a questionnaire, which was sent to all Governments last June.

The Committee also noted with much interest the report submitted by Mlle. Chaptal on the enquiry she has carried out regarding *children in social and moral danger* in seven countries: the United States of America, the United Kingdom, Canada, Denmark, France, Germany and Italy.

The two principal questions with which the Child Welfare Committee dealt at its last session were the *effects of economic depression and unemployment upon children and young people* and the *development of the rôle of the Secretariat as an information centre*.

The first of these two questions presents different aspects, according as it is regarded from the point of view of the children of unemployed parents or from that of unemployed young people. The consideration of both aspects of the question led to a useful exchange of views in the Fifth Committee, and many delegates added to the value of the discussion by describing the experiences of their own countries.

The position of the *children of unemployed parents* is a serious one both from the physical and moral aspects. The Fifth Committee was glad to learn, from the report of the Child Welfare Committee and from the observations made by certain delegates during the discussion, that, in some countries, unemployment among parents had not led to any marked deterioration in the physique of the children, thanks largely to the development of various public health services; but the situation appears to require the greatest vigilance, in view of the obvious risks of the children not receiving sufficient food. Moreover, the economic position has made it impossible for many countries to carry on their health services in their fullest activity.

But the physical aspect of the question is not the only one which calls for consideration. Prolonged unemployment of the parents for many months, and even years, may produce an atmosphere of depression which reacts both on the parents and the children, and which may have serious psychological effects leading, in some cases, to the breaking-up of the home.

If the present depression is prolonged, there is a danger that parental authority will be undermined. When a child realises that his parents are reduced to idleness and are no longer able to provide for the family, he loses respect for them. It is, moreover, a bad thing for a child to gain the impression that all his needs are met by public or private assistance. In such cases, he gradually loses all self-respect, for he ultimately finds it quite natural to make no return to the community for what he receives.

In many countries, as the Child Welfare Committee has pointed out, attempts are being made to obviate these dangers. The Fifth Committee concurs in the conclusions of the Child Welfare Committee as to the principles which should be followed in dealing with this difficult situation.

These principles are as follows:

- (a) That the unity of the family and of the home should be safeguarded;
- (b) That provision should be made to enable the children to receive the necessary material care and to give them some relief from the depressing atmosphere to which privation inevitably leads;
- (c) That the methods adopted should not be such as to undermine the child's self-respect.

Unemployed Young People.

The Fifth Committee was gratified to note that the serious problem of unemployment among young people had been placed on the agenda of the International Labour Conference in 1935, and that, in view of the urgency of the question, the Governing Body had instructed the International Labour Office to enable the Conference to reach at its next session a decision making generally applicable the successful experiments carried out in certain countries, and hoped that the Conference would achieve this result at its next session.

The problem of unemployed young people clearly lies more particularly within the province of the International Labour Organisation; nevertheless, it would seem highly desirable for the Child Welfare Committee to make suggestions on the subject to the Labour Conference.

The Committee displayed keen interest in the various suggestions made by the Child Welfare Committee, among which the following are worthy of note: the adoption generally of compulsory school attendance for primary education, and, in the countries where this measure exists, the extension of the period of compulsory school attendance by the addition of one or more classes to the primary school, supplementary vocational courses, the extension of the period of attendance at nursery schools, the institution of workers' allotments and suburban colonies, or voluntary civil service in labour camps.

The Fifth Committee endorsed the opinion of the Child Welfare Committee that it is only by close co-operation between public authorities and private enterprises, and by the systematic organisation and co-ordination of all efforts, that the rising generation can be saved from the dangers which threaten it. Furthermore, in the desire to call the attention of Governments to the advisability of action with regard to relief measures on the widest possible scale, a strong appeal had been issued to all child welfare organisations, asking them to take urgent action at an early date to seek means of affording material protection to thousands of children whose normal development is threatened as a result of the economic depression and unemployment.

This recommendation shows the high esteem in which the work of private associations is held, particularly at a time when the economic and financial depression makes it impossible for Governments to meet all their obligations in the matter of relief. The Fifth Committee, moreover, expressed its gratitude to the private international organisations, especially the women's organisations, which are so generously active in connection with all the problems of childhood.

Development of the Informative Rôle of the Secretariat.

The Assembly, at its fourteenth session, asked the Child Welfare Committee, in a unanimous recommendation, to submit to it a plan of work concerning the rôle of its Secretariat as an information centre. This plan was to be so drawn up as to enable it to develop to its fullest extent—and in co-operation with the International Labour Office and the other organs of the League of Nations, together with the existing centres of international documentation—the task contemplated at the time of the foundation of the Child Welfare Committee. The delegate of France submitted to the Committee at its last session a plan which made it possible to define the aim and the methods of work of the Secretariat as an information centre.

As the outcome of the discussions which took place on this subject, the Child Welfare Committee unanimously adopted a resolution emphasising the value of the contribution which the League of Nations would thus make in regard to social questions and asking the Secretariat:

" I. To collect and keep up to date as complete a documentation as possible on all such questions, this documentation mainly consisting of:

- " (a) Legislation of the different countries (laws, decrees, ordinances, regulations);
- " (b) Information on institutions and organisations, whether of an official character or due to private initiative;

- “ (c) Information on the activities of international bodies;
- “ (d) Bibliographical material.

“ The Social Section will pursue its activities in co-operation with the International Labour Office and the other organs of the League of Nations, together with the existing centres of international documentation;

“ II. Furthermore, to take the necessary steps to render this information easily accessible to all those whom it may interest.”

The Child Welfare Committee further requested the Council to invite the Assembly to place the necessary credits at the disposal of the Secretary-General with a view to the organisation of this service. The Council having conveyed this resolution to the Assembly, the Fifth Committee entered into a far-reaching discussion, in the course of which all the speakers emphasised the importance and the necessity of such a service. All the observations made were quite clearly designed to facilitate its immediate creation. It was plain that in this service the League, whose humanitarian and social work is too little known, had a form of activity which would enable it to reach circles that are not closely touched by its other work.

The Fifth Committee accordingly proposes that the Assembly adopt the following resolution:

“ The Assembly affirms the need for the systematic collation by the League of Nations of information bearing on child welfare with a view to the formation of a centre of information and diffusion. When the Child Welfare Committee was established, it was recognised that this would be one of its main duties, and it is only lack of staff which has prevented its carrying it out in full. The general scheme recommended by the Child Welfare Committee and approved by the Assembly is that the Library of the Secretariat should collect and keep up to date the most complete information possible, including:

- “ (a) Present and contemplated legislation of different countries and its application;
- “ (b) The work done by institutions and organisations, both official and unofficial;
- “ (c) The activities of international bodies; and
- “ (d) Bibliographical material.

“ It will be necessary to that end:

- “ (a) To approach the various Governments;
- “ (b) To collect full information regarding the activities on this subject of institutions and associations, whether of an official character or due to private initiative, in accordance with the rules and regulations of the Secretariat and with the procedure agreed upon with the Governments concerned;
- “ (c) To be informed of the activities of international bodies;
- “ (d) To have access to bibliographical information in regard to child welfare questions.

“ For that purpose, the Secretariat should maintain close contact with the International Labour Office and the other organs of the League, together with the different centres of documentation. The material thus collected should be placed at the disposal of persons in all countries engaged in research or enquiries in respect of child welfare.

“ The work of collecting information and utilising it will be carried out in accordance with the regulations in force for the organisation of the League of Nations Library and with the plans to be approved from time to time by the Child Welfare Committee, and will cover only such subjects concerned with child welfare as may be approved by that Committee.

“ To enable the Secretariat to fulfil the function of a centre of information as described, the staff of the Social Questions Section will have to be strengthened. The work will have to be done by an official of not lower rank than Member of Section, who has had special training and experience in regard to child welfare questions. The conditions are essential if the information service desired by the Fifth Committee is to work efficiently.

“ Other incidental expenditure will also be necessary.”

* * *

The Fifth Committee desires to remind delegates of Governments of the terms of the charter of the rights of children which, in 1924, was appended to the first report submitted to the Assembly on 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.”

We ask you to celebrate the tenth anniversary of this charter by an achievement which will undoubtedly gain the ear of all who regard children as the most precious form of capital. We ask you to recognise, by your vote, the rights of the coming generation over its predecessor.

The Assembly approves the report (document A.52.1934.IV), submitted to it by the Fifth Committee on the question of child welfare.

Appendix.

ACTIVITIES OF THE SOCIAL SECTION OF THE LEAGUE OF NATIONS
CONCERNING CHILD WELFARE.

The Child Welfare Committee has made a comparative study:

1. Of legislation regulating the age of marriage and the age of consent (document C.P.E.90(2) [revised]);
2. Of the system of family allowances in different countries and their development (in collaboration with the International Labour Office) (extract from the *International Labour Review*, Volume XXI, No. 3, March 1930);
3. Of the legislation and administrative measures regulating the presence of children at cinematographic performances (document C.P.E.134 [revised]);
4. Of the position of the illegitimate child in various countries (document C.P.E.141(1));
5. Of the position of the illegitimate child under social insurance laws (document C.P.E.283);
6. Of the systems of official guardianship of illegitimate children (document C.P.E.322).
7. It has drawn up a document on the subject of official documents which do not disclose illegitimacy (document C.P.E.399(1)).
8. It has made a study, in three parts, of special jurisdiction for minors, and has, in this connection, published three documents:
 - (a) Auxiliary services of juvenile courts in twenty-seven countries (document C.P.E.238(1));
 - (b) Organisation of juvenile courts in thirty-two countries (in collaboration with the International Penal and Penitentiary Commission) (document C.P.E.315);
 - (c) Institutions for erring and delinquent minors in forty-two countries (document C.P.E.430).
9. It has published an enquiry, made at its own request, into the question of children in moral and social danger, in seven different countries (document C.P.E.445(1)).
10. It has drawn up a model Convention regarding the return of children and young people to their homes, which has been transmitted to all the Governments and which had already served as a model for the conclusion of various bilateral agreements (document C.264.M.119.1931.IV).
11. The Child Welfare Committee, by its exhaustive study of the question of assistance to foreign minors, has caused the Governments to decide to consider once more the entire problem of assistance to indigent foreigners, which is at present in the hands of a committee of experts.
12. The Child Welfare Committee has also created, in the Library of the League of Nations Secretariat, a section devoted to child welfare, which contains several hundreds of books.

ANNEX 3.

Official No. : A.45.1934.IV.

PENAL AND PENITENTIARY QUESTIONS.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Mr. John J. HEARNE (Irish Free State).

The Fifth Committee has examined the Secretary-General's report to the fifteenth Assembly on penal and penitentiary questions (document A.14.1934.IV), which submitted the Governments' observations on the revised Standard Minimum Rules for the Treatment of Prisoners drawn up by the International Penal and Penitentiary Commission and information on the activity of technical organisations working in the field of penal and penitentiary questions.

I. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS.

The Secretary-General's report recalls the former action of the Assembly in this matter, and it might suffice to state here that, after a double consultation of the Governments, the Assembly is now asked to take a decision on the suggestion of the International Penal and Penitentiary Commission with regard to the establishment of an international minimum standard for the treatment of prisoners.

The said Commission has drawn up a set of fifty-five rules laying down the minimum conditions which should be observed in the treatment of every individual deprived of his or her liberty and has given expression to the principle that no penitentiary system should fall below a certain minimum. This minimum, described in detail by the Commission and reproduced in the Appendix of this report, is intended to maintain or to bring about a rational and humanitarian treatment assuring to prisoners the preservation of their health and giving them other guarantees as well against any kind of abuses.

The twenty-nine replies received¹ from Governments by the Secretariat were, as a whole, in favour of the adoption of the Standard Minimum Rules, and the Fifth Committee felt unanimously that the time had come for the League to take definite steps to bring about the application of the recommendations of the International Penal and Penitentiary Commission in practice. Two possible steps were suggested to this end. Petitions received by the League from private organisations suggested the preparation of an international convention on the treatment of prisoners, and several delegates of the Fifth Committee expressed themselves in favour of such a step. Other delegates, however, were opposed to the idea of embodying the Standard Minimum Rules in an international convention. They proposed to ask the Assembly to express its approval of the Standard Minimum Rules in the form of a resolution inviting Governments Members and non-members of the League to adapt their penitentiary systems to the Standard Minimum Rules wherever this had not yet been done. Some delegates, although in favour of a convention, nevertheless recommended this latter course, pointing out that the conclusion of a convention would be easier at a later stage, when a great number of States, following the recommendation of the Assembly, had brought their penitentiary systems into harmony with the Standard Minimum Rules.

The Fifth Committee was unanimous that the present Assembly should give its endorsement of the Standard Minimum Rules and should establish the principle that, for humanitarian and scientific reasons, the treatment of all categories of prisoners should never fall below the minimum so carefully established by the International Penal and Penitentiary Commission.

Without prejudicing the possible conclusion of an international convention on the treatment of prisoners in the future, and leaving this question entirely open for further discussion, the Committee agreed unanimously on the following draft resolution, which it has the honour to submit to the Assembly for approval :

“ The Assembly,

“ Having taken note of the resolution adopted by the International Penal and Penitentiary Commission in August 1934 concerning the revised Standard Minimum Rules for the Treatment of Prisoners ;

¹ The replies of twenty-six Governments are published in document A.14.1934.IV. Since the issue of this document, the Governments of Australia, Japan and Yugoslavia have also given their approval in principle to the Standard Minimum Rules.

“ Considering that these rules constitute a minimum below which no State’s penitentiary system should fall ;

“ Considering that it is highly desirable that efforts should be made to improve the treatment of prisoners by going beyond that minimum, as has been done in several countries :

“ 1. Recommends Governments to take into consideration the Standard Minimum Rules framed by the International Penal and Penitentiary Commission as a minimum for the treatment of every individual deprived of his liberty ;

“ 2. Requests Governments to consider the possibility of adapting their penitentiary system to the Standard Minimum Rules if that system is below the minimum laid down in the said rules ;

“ 3. Considers that Governments whose economic or financial situation constitutes an obstacle which prevents them temporarily from complying with this minimum should endeavour to reach it as soon as circumstances permit and at the earliest possible date ;

“ 4. Instructs the Secretary-General :

“ (a) To request Governments to communicate, if possible annually, and, if necessary, with the collaboration of qualified associations, the experience obtained and any other observations relating either to the application of the Standard Minimum Rules or to reforms brought about in penitentiary matters ;

“ (b) To report on these questions to the Assembly and to communicate the information received from Governments to the International Penal and Penitentiary Commission. ”

The Fifth Committee wished to thank the International Penal and Penitentiary Commission for drawing up the Standard Minimum Rules and it expressed its great satisfaction at the close co-operation which has been established in this matter between the League and the said Commission.

II. CO-OPERATION WITH TECHNICAL ORGANISATIONS.

The Secretary-General’s report (document A.14.1934.IV) gives, as usual, a survey of the activities of several technical organisations interested in penal and penitentiary questions.

The Fifth Committee expressed its particular satisfaction about these annual reviews given by the Secretary-General, for it is the only publication which gives a general survey of such activities and allows the League to co-ordinate its own efforts in penal and penitentiary matters with those made by other organisations. The following international associations have this year submitted a report on their current activities :

1. The International Bureau for the Unification of Penal Law ;
2. The International Penal and Penitentiary Commission ;
3. The International Criminal Police Commission ;
4. The Howard League for Penal Reform ;
5. The International Law Association ;
6. The International Penal Law Union.

Unfortunately, no information has been received from the International Penal Law Association, which is one of the seven organisations in which the Assembly has expressed a particular interest.

The reports received show that a number of interesting and important problems are under study by these technical organisations, such as the regulation of carrying of arms, the offence of deserting the family, the suppression of the activities of *souteneurs*, the problem of the forging of cheques and other transferable securities, the suppression of terrorism, the preparation of model extradition treaties, the scientific examination of prisoners, the problem of repatriated discharged alien prisoners, the question of international criminal and prison statistics, international police co-operation and the problem of prison labour.

A great number of publications are issued yearly by these organisations, reference to which can be found in the Secretary-General’s report.

In 1935, the International Penal and Penitentiary Commission will hold in Berlin the eleventh Quinquennial International Penal and Penitentiary Congress ; the Bureau for the Unification of Penal Law is organising in Copenhagen next year the sixth conference for the Unification of Penal Law ; and the International Penal Law Association will hold its fourth congress in Athens in 1936.

The Fifth Committee has taken note with great satisfaction of the manner in which the collaboration between the League and the technical organisations is developing. It wishes to mention, in particular, the assistance given by the International Penal and Penitentiary Commission to the League in its study on juvenile courts and cognate questions and the aid given to the League by the International Bureau for the Unification of Penal Law with regard to the suppression of the activities of *souteneurs* and the offence of desertion of family.

The Fifth Committee wishes also to express its satisfaction at the great efforts made by the technical organisations to further international co-operation in penal and penitentiary matters, and it invites the Assembly to request the Secretary-General to keep in close touch and to strengthen the contact with these organisations. It would also be useful if the Secretary-General, before establishing the annual review on the activities of the technical organisations, would inform them of the latest possible date for sending in their information. Such a reminder letter would certainly help to make the annual review as complete as possible.

The Fifth Committee has also taken note of the publications of the International Labour Office on the problem of prison labour, and it expresses its hope that the International Labour Organisation will continue to give its attention to this very important question.

The delegate of Venezuela, supported by other delegates, asked the Committee to refer for study to the International Bureau for the Unification of Penal Law and the International Penal and Penitentiary Commission a question which he has formulated as follows :

“ Under what conditions would it be possible, in the absence of an extradition treaty or if expulsion cannot take place, to repatriate persons convicted of an offence against the ordinary law who have taken refuge in a country other than that where they have been convicted ? ”

The Committee proposes to the Assembly to request the Secretary-General to invite the two organisations mentioned above to consider this question and to report the results of their studies.

Lastly, the Committee wishes to inform the Assembly that the question of constituting a special League Committee on penal and penitentiary matters has again been raised this year. During the discussion, it was pointed out that the League should pay the same interest to penal and penitentiary matters as it does to the problems of traffic in women and children and traffic in opium and other dangerous drugs. As special League Committees are dealing with these latter problems, it was suggested that a similar organ should be created for penal and penitentiary matters. On the other hand, the opinion was expressed that there is no analogy between penal and penitentiary questions and the other questions referred to, which, it was said, are strictly international in character and are entrusted to the League of Nations by a specific provision of the Covenant.

The Committee felt, in view of the decisions taken last year by the Assembly on this question (documents A.37.1933.V and A.44.1933.IV) and in particular in view of the fact that collaboration with the seven technical organisations obviates the necessity for the creation of a special organ of the League in this connection, that for the present the efforts of the League should be directed towards co-ordinating the activities of the already existing organisations working in the field of penal and penitentiary matters. For this reason, the Committee did not wish to make any suggestions to this Assembly with regard to the creation of a new League organ for penal and penitentiary questions.

The Fifth Committee has the honour to ask the Assembly to give its approval to the resolution submitted on the Standard Minimum Rules and to adopt the present report.

Appendix.

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS.

Preliminary Observations.

The Rules contained in this collection are framed with a practical object. They show the general direction which it is desired should be followed in the application of every penitentiary system, whatever the legal, social and economic conditions.

These Rules do not in their entirety describe a model condition of things, but they serve to indicate the *minimum conditions* which should be observed in the treatment of prisoners from the humanitarian and social points of view.

If amongst the Rules laid down there are some which cannot be carried out by reason of special circumstances, particularly in very small prisons, it is evidently desirable that the number of such prisons should be reduced to the lowest possible figure. Nevertheless, there may be conditions, especially in sparsely populated countries, where the distances are great and the means of communication restricted, which make it necessary to continue the use

of such prisons. In these cases, the spirit of the fundamental ideas should be maintained and the Rules should be applied as far as possible. Moreover, the application of certain rules, especially those relating to the individual treatment of the prisoner, will be more difficult when there is a very large number of prisoners in one and the same establishment. It is therefore advisable to avoid prisons of too big a size.

Under the term "prisoners" are included, in general, all persons deprived of their liberty and put in prison for any reason whatever. The term "prison" is used in the widest sense of the word.

If the premises used for the provisional detention of persons arrested by the police are not included in this term in certain countries, the fundamental ideas underlying the Rules must nevertheless be followed as far as possible.

I. DISTRIBUTION AND SEPARATION.

1. As far as possible, the different categories and groups of prisoners should be detained in different prisons. Where this is impossible, prisons should be so arranged as to permit of their separation.

In distributing the prisoners, the nature of the offence must be taken into account.

Males and females should always be separated.

Untried prisoners should be kept separate from convicted prisoners. In countries which practice imprisonment for debt and other imprisonment under order of the court, the persons subject to such measures should be separated from other prisoners.

Young prisoners should always be kept separate from adults. Moreover, prisoners who are still morally uncorrupted should be separated from those of whom, in view of their past life, the nature of their crime or other causes, there is reason to fear that they may exercise a bad influence upon their fellow prisoners.

2. Usually prisoners should sleep in separate cells.

If this is impossible, it is advisable that they should sleep in dormitories so contrived as to ensure their separation.

When common dormitories are used, special night supervision must be arranged.

II. TREATMENT.

General Provisions.

3. In the treatment of prisoners, account should be taken of the nature of the offence.

Prisoners in the same category should, on principle, be given identical treatment.

In the application of the treatment, the individuality of each prisoner should be considered. For this purpose, in the case of penalties which are not of very short duration, the prisoners must be subject to a physical and mental examination by a specially qualified medical officer.

4. The principal aim of the treatment of prisoners should be to accustom them to order and work and to strengthen their moral character.

The treatment of young prisoners should be specially inspired by the desire to improve their education and their general character. When they are still at the age of physical development, this should equally be the object of special care.

More severe treatment or more lenient treatment should only be admitted according to rules prescribed by the law, or by a decree of competent administrative authorities. Prisoners who have to undergo a sufficiently long period of detention should be induced to interest themselves in their own improvement during their detention. With this object they should gradually be given a certain measure of responsibility and should receive certain privileges resulting from that responsibility, and should be made to take a share in determining their future during detention, during the period of possible conditional liberation and after their final liberation.

As soon as they enter prison, all prisoners should be instructed in the rules for their conduct and duty.

It would appear advisable to create the possibility of temporary liberation when the state of the prisoner's health or other serious reasons demand it.

Special Categories.

5. Untried prisoners and persons imprisoned for debt, together with other civil prisoners under order of the court in countries where such measures exist, should not be subjected to any greater restriction of liberty or severity than is required by the special nature of the detention and to maintain order.

Deposit of Valuables.

6. All money or valuables brought in by a prisoner should be taken in charge by the Governor or other officer appointed by him. After an accurate record of these has been made, they should be kept in a safe place in order to be returned to the prisoner on his liberation, except in so far as money may have been spent by him on authorised payments. Money received from outside during his detention shall be treated in the same way.

Clothing and Bedding.

7. Clothing and bedding should be supplied by the administration, except in such cases as the prisoner is allowed to use his own. They should be suitable for the climate, and for the state of health of the prisoners.

Food.

8. The administration should supply prisoners with food sufficient both in quality and quantity to maintain their ordinary health and strength.

Every prisoner should at any time have a possibility of obtaining drinking-water.

The feeding of prisoners should be under the supervision of the Medical Officer of the establishment.

Work.

9. Prisoners so sentenced as to be bound to work should always be supplied with work.

Other prisoners should have a possibility of working if they desire it.

10. As far as possible, the work should be instructive and of a nature which may enable prisoners to earn their livelihood after liberation.

In assigning the prisoners to work, attention should be paid as far as possible to their physical and intellectual capacity, to the profession which they exercised before their imprisonment and, under certain circumstances, to their inclination.

The work assigned to young prisoners should be educative in character, and should as far as possible teach them a trade.

11. The arrangements for work in prisons should be organised as far as possible on the model of free labour.

Of the various forms of organisation of prison work, the "régie" system would usually appear to be preferable, especially from the point of view of the occupational training of the prisoner.

The precautions laid down to protect the life and health of free workmen should be equally observed in prisons.

12. The maximum number of hours for the daily work of prisoners on working-days should be fixed. It may vary according to the different categories of prisoners and the kind of work to be done.

The working-hours must be fixed in such a manner as always to leave leisure time for the special duties of education and social readaptation.

13. It is important to give prisoners some remuneration for the work accomplished.

Health Measures.

14. Establishments used for the detention of prisoners should always be in such a condition that they do not involve any danger to the health of the prisoners.

15. In every prison the lodging of prisoners should be appropriate to the climatic conditions and to the interests of health. In cold weather a certain minimum temperature should always be maintained. The construction and utilisation of buildings should always ensure a sufficient quantity of air and space.

16. The places or cells where prisoners are detained should have the windows sufficiently large to enable them easily to read or work by daylight.

When prisoners have to read or work by artificial light, this should be sufficient to enable them to do so without injury to their eyesight.

17. All inhabited places or cells, both by day and night, should always be scrupulously clean. All other parts of the establishment should be kept as clean as the circumstances permit.

18. All rooms or cells where prisoners are detained should be sufficiently ventilated. The windows should be so constructed that they can be opened to allow the entrance of fresh air whether or not there is artificial ventilation.

19. The administration of the prison should supply every prisoner with water and the necessaries for preserving personal cleanliness.

Such installations should be provided as will permit every prisoner to comply with the needs of nature in such a manner as will not damage his health nor be objectionable to the feelings of other prisoners.

20. The prison authorities must watch that prisoners, as well as their clothes — where these are not supplied by the administration — are thoroughly clean from the moment they are lodged in prison.

21. Clothing, both upper and under, furnished to prisoners should always be clean when it is supplied to them. Underclothing worn next the skin should, as a rule, be washed once a week.

Clean bedding should be supplied at intervals fixed according to the requirements of cleanliness, or according to the instructions given by the medical authorities for the sake of health.

22. On his arrival at the prison, every prisoner should be examined by the doctor, so that every case of physical or mental illness may be discovered and the necessary measures taken.

23. It is essential to watch over the preservation of the bodily and intellectual health of the prisoners. With this object, the Medical Officer should see all prisoners at regular intervals. The medical examination should, amongst other matters, determine whether the prisoner is capable of work, and if the regime of isolation is a danger to his health, and also whether he has contagious diseases — in particular, tuberculosis and venereal diseases.

24. As a rule, the Medical Officer should make a daily round to visit all sick prisoners who require it and every prisoner who complains of illness.

The necessary medical treatment and care must be supplied to sick prisoners and pregnant women. Special accommodation should be provided for those whose condition demands it.

There should be a sufficient supply of medicines for the medical service.

25. Every prisoner who is not employed at work out of doors should have at least half an hour daily at exercise in the open air, if the weather permits.

A longer period at exercise in the open air should be given to young prisoners who are still at the age of physical development and to those for whom the doctor considers such prolongation is necessary on account of the state of their health.

It is advisable to institute gymnastic exercises for prisoners for whom they would appear to be desirable and, in particular, for young prisoners.

26. The Medical Officer should inspect the sanitary services of the prison and report every defect to the Governor or Warden of the prison, in order that it may be remedied.

Moral and Intellectual Reclamation.

27. Every prisoner should regularly have the opportunity of satisfying the needs of his religious life, so far as circumstances permit.

Access of a qualified representative of his religion should not be refused to any prisoner.

If the prison contains a sufficient number of prisoners of the same religion, a regular spiritual minister should be appointed for them.

28. Prisoners undergoing sufficiently long sentences should receive intellectual instruction so far as that instruction appears likely to be useful to them.

All young prisoners should receive instruction appropriate to their age.

29. Every prison should have a sufficient library of books assigned to the use of prisoners. Books should be specially of an instructive and recreative character, and prisoners should be allowed to read them from the commencement of their sentence.

30. The administration should furnish prisoners with the means of keeping in touch with the important events which take place in the world. This principle applies especially to prisoners undergoing long periods of detention.

Communications with the Outside World.

31. Prisoners should have the opportunity of communicating with their relations and respectable friends, under necessary supervision. Arrangements should be made to allow this communication at regular intervals, both by receiving visits and by correspondence.

32. Prisoners belonging to a foreign nation should be authorised to hold communication with the diplomatic and consular representatives of the State to which they belong.

III. DISCIPLINE.

Disciplinary Punishment.

33. Disciplinary punishments should never, either by their nature or by their application, depart from the prescriptions of the law or the decrees of competent administrative authorities.

34. The law or a decree of the competent administrative authority should determine the individual or the authority to whom should belong the right of inflicting disciplinary punishment.

35. Before a punishment is inflicted, it should be preceded by a thorough examination, and the prisoner should have the opportunity of expressing whatever he wishes to say for his defence.

If the person or the competent authority inflicting punishment does not speak the language of the prisoner, the latter should have the opportunity, before he is punished, of giving his defence through an interpreter.

36. It is desirable to reach a stage where corporal punishment is no longer included in disciplinary punishments.

If, in certain countries, for exceptional cases, corporal punishment is permitted, the method of its execution should be determined by the law.

If it is allowed, corporal punishment should never be carried out unless the Medical Officer certifies that the prisoner can bear it. It should never be carried out except by an official and under the personal control of the Governor and the Medical Officer.

37. It is desirable to reach a stage where disciplinary punishments no longer include the placing of a prisoner in a cell without light.

If, in certain countries, for exceptional cases, placing in a dark cell is permitted, the restrictions which govern it should be regulated by the law.

38. Disciplinary punishments which, by their nature or on account of the condition of the prisoner, may have consequences prejudicial to his health, such as the reduction of food below the ordinary ration, or the reduction or deprivation of open-air exercise, should never be applied for more than a strictly limited period and in accordance with the decision of the Medical Officer. The maximum period for which these punishments can be imposed should be prescribed by law.

Instruments of Restraint.

39. Instruments of restraint, such as handcuffs, chains and strait-jackets, should never be applied as a punishment but used only for the temporary restraint of violent prisoners, and only when they are necessary for preventing them from doing injury to themselves or to others or from continuing to destroy property. They should be removed as soon as circumstances permit, and should not be applied again unless the prisoner recommences his violence.

Instruments of this nature should be constructed according to models approved by the central penal administration.

40. Chains and other devices which are not intended to deprive the prisoner of the use of his limbs, but only to prevent him from escaping, should always be light and constructed to a model approved by the central penal administration.

When these are employed, the Governor or Warden and other officers must watch to see that they are so applied as not to cause wounds or bruises.

Requests and Complaints.

41. Every prisoner should have each day the opportunity of making requests or complaints to the Governor or Warden of the prison, or his deputy.

42. Every prisoner should have the opportunity of making complaints by the approved channel to the superior authorities outside the prison.

IV. PERSONNEL.

43. The choice of the whole personnel of the prison should be made with the greatest care, not only as regards their capacity, but particularly as regards their character.

It is advisable to organise theoretical and practical courses for the personnel, and periodical meetings dealing with prison subjects.

44. All the officials of the prison should carry out their work in an exemplary manner. Their duty is not only to keep the prisoners in safe custody but, by their own good conduct, to exercise over them an educative influence.

45. In all large establishments, the Governor or Warden should live upon the prison premises or in its immediate vicinity, and he should not exercise any other functions.

When several small establishments are under the care of one Governor or Warden, he should visit all at frequent intervals. Each of these establishments should have at its head a responsible resident official.

46. The Governor or Warden should speak the language of the prisoners of the country, so that he can converse with them without the use of an interpreter.

The deputy Governor or Warden and, as far as possible, the other officials of the prison should be able to speak the language of the majority of the prisoners.

Whenever necessary, the services of an interpreter should be employed.

47. In order to give every prisoner the regular opportunities of worship of his own religion, a minister of his faith should have regular access to the prison and be given, as far as possible, facilities for conducting worship. Moreover, this minister should be allowed regularly to converse in private with every prisoner of his faith.

48. A medical man should be attached to each prison.

In large establishments he should reside upon the prison premises or in their immediate vicinity. To those that are too small to justify the employment of a medical man exclusively for the work of the prison, he should pay frequent visits and should reside sufficiently near to be summoned without delay in cases of urgency.

Prison medical officers, especially those who give their whole time to the work, should have a special knowledge of psychiatry.

49. In prisons where the teaching of prisoners can be arranged, qualified persons should be engaged with this object.

In establishments intended for young prisoners, the personnel must include one or more officials with the duty of giving suitable instruction.

Moreover, in establishments where this is possible, it is advisable to have persons for preparing the social readaptation of convicted prisoners.

50. The supervision of female prisoners should be entrusted, as far as possible without exception, to female officers.

No male officer, whatever his rank, should be allowed to enter the female prisons or sections of prisons, except when he is called by his duties. In this case he should be always accompanied by a female officer, unless in the case of the Governor, the Medical Officer or the Chaplain.

51. Officials should never use their arms nor force against a prisoner except in self-defence, or in case of attempted escape, when this cannot be prevented in any other way. The use of force should always be strictly limited to what is necessary.

52. Officials, as soon as they have entered the service, should be instructed for sufficient time in the duties and responsibilities of their profession before they are entrusted with the supervision of prisoners.

53. The authorities should make every effort to awaken and maintain in both the prison officer and the general public the conviction that this service entails heavy responsibilities and that it is of a considerable social importance.

V. ASSISTANCE OF LIBERATED PRISONERS.

54. The assistance given to prisoners for the period after liberation demands most careful attention. This assistance should begin during the period of detention and should be based upon an exact study of the personality of the prisoner, his conditions of life and those of his relations. Its object should be to give to the discharged prisoner the possibility of leading henceforth a straight and regular life.

55. It is desirable to encourage as far as possible in each locality where one or more establishments are situated the formation of an Aid Society which will take charge of the assistance of liberated prisoners, especially by visiting them and assisting them to return into society and to find a place amongst honest citizens.

It is desirable that the various local societies should regularly keep in touch with each other in order to co-ordinate their efforts.

ANNEX 4.

Official No. : A.51.1934.XI.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. Julio CASARES (Spain).

The two-fold objective pursued by the League since the beginning of its work in this field has been, as the Opium Advisory Committee points out in its report to the Council,¹ to draw a clear-cut dividing-line between the legitimate trade and the illicit traffic in dangerous drugs : on the one hand, it has sought to confine production and manufacture of these substances to the amounts required for legitimate needs and to ensure through the strict application of the Conventions that the amounts so manufactured in the legitimate trade do not get into the illicit traffic ; on the other hand, it has also sought to combat with all the means at its disposal the illicit traffic.

The task of the Assembly is, first, to survey the progress made towards achieving these objectives ; secondly, to bring out as sharply as possible, for the guidance of Governments and public opinion, the main characteristics of the present situation ; and, thirdly, to lay down the broad lines of policy for the future.

¹ Document C.256.M.105.1934.XI.

LIMITATION CONVENTION IN OPERATION.

The principal point of interest during the present year is that the Assembly is afforded at its present session the first opportunity of studying the results of the drugs limitation Convention of 1931 in actual operation. Although it is not possible to review the working of this Convention as a whole until the first annual statistics relating to its operation are available, it should be emphasised that during this present year the operations of the legitimate drug trade of the world — manufacture, export, import, consumption and the maintenance of stocks — have been conducted for the first time in history on the basis of a world plan drawn up in advance under the auspices of the League and legally binding on all parties to the Convention in their relations both with each other and with non-parties.

The Assembly will be gratified to note that the estimates system — the only literally universal piece of international administration so far undertaken by the League, since it applies actively to every single State and separate administrative unit in the world — has been put into universal application from the very outset, and on the dates provided for in the Convention. This is a great achievement, and the congratulations of the Assembly are due to the Governments which contributed towards this result by furnishing their estimates in time and to the Supervisory Body, which, despite the great difficulty and novelty of its task, succeeded from the very beginning in securing the universal application of the estimates system, which is essential to the successful operation of the Convention.

The result is all the more noteworthy since, in order to secure it, the Supervisory Body was obliged to make extensive use of the power conferred upon it under the Convention of drawing up estimates for all countries and territories which do not furnish them. It drew up estimates for no less than twenty-three countries and thirty-one territories.

The first statement of the estimated world requirements of drugs¹ communicated to Governments of States Members and non-members of the League of Nations by the Secretary-General on November 1st, 1933, contained the estimates for fifteen drugs and for 188 countries and territories.

The preparations for the second annual statement — for the year 1935 — for the world manufacture and trade in drugs are already advanced, the Supervisory Body having examined the estimates of forty States and fifty-three colonies and territories in 1934.

Another result of the operation of the Convention is that the Permanent Central Opium Board, to which also the thanks of the Assembly are due for the part it has already played in applying the Convention, has throughout the year kept a careful check on all quarterly export and import returns against the total of the estimates for each drug for each country, and has not hesitated to use, on a number of occasions, the drastic power given to it under the Convention of stopping exports to countries which have exceeded the total of their estimates.

Whilst the Central Board has been obliged to note numerous cases of excess during the first six months of 1934, it is only in exceptional cases that these excesses have amounted to considerable quantities. Nevertheless, the demonstration which the Board has given of the reality of the provisions of Article 14 of the Convention will serve as a useful reminder of the fact that the obligation under the Convention not to exceed estimates is clear and categorical.

The Central Board has grave responsibilities under the Convention in this matter. For this reason the Board has been much pre-occupied in establishing a procedure which, although in complete accord with the spirit of the Convention, would avoid inconveniences to Governments which would be out of all proportion to the small quantities of narcotic drugs which in most cases are involved.

The Fifth Committee has no doubt that the excesses which have occurred have in a number of cases been due to inadvertence, which further experience of the Convention will remedy. It therefore asks the delegations present at this Assembly to draw the attention of their Governments to the necessity of keeping a close and constant check on the imports of each drug as against the country's estimate for that drug, in order to ensure that import certificates in excess of the total of the estimates for the drug are not issued.

Moreover, the Fifth Committee would emphasise that the Convention provides, as the Supervisory Body has pointed out in its statement, not only for the keeping of adequate stocks, but also for the leaving of a reasonable margin in the estimates to meet possible fluctuations in demand. It also provides for the making of supplementary estimates in cases where experience proves that the real needs of the country have been under-estimated. The process of adjusting more closely the estimates to the real needs of the various countries has been going on during the course of the year, over seventy supplementary estimates having already been dealt with by the Supervisory Body.

At last year's Assembly, barely two months therefore after the entry into force of a part of the Limitation Convention, the Assembly was only able to express a hope that

¹ Estimated World Requirements of Dangerous Drugs in 1934 (document C.610 M.286.1933.XI).

the Convention — embodying as it did a bold conception without precedent in the history of international relations and international law, and proposing as it did the entire regulation of a whole industry and of a branch of trade extending over the surface of the globe — would prove in practice to be a workable, valuable and effective instrument.

We are to-day in a position to pass judgment on the Convention in the light of the experience, incomplete as yet but already striking, of its first year of application.

Economically speaking, by limiting *on an international basis*, directly, quantitatively and qualitatively, the manufacture of certain industrial products, and consequently the trade in the same, with strict reference to the volume of the legitimate demand for such products, the Limitation Convention affords a practical illustration on the international scale, in the case of a particular industry, of the fundamental principles of what is usually known as a “planned economy”.

Legally and administratively, the Limitation Convention has not merely imposed reciprocal obligations on States, but by establishing for the first time the principle of the complete supervision of an entire industry, it has made provision for and prescribed the organisation of a real international administration, which will henceforward regulate and supervise, day by day, the relations of the contracting parties in their several capacities as manufacturers, exporters, importers or consumers of particular industrial products.

It is, moreover, a remarkable fact at the present time, when disappointments and failures are almost daily occurrences, that a work of international solidarity has been tried and has succeeded. It may now be said that close and effective co-operation exists between peoples, in one field at any rate — a limited but important field — and from the fact of its existence affords an example and a precedent. In view of the immense importance of this Convention and the complex nature of its provisions, it has been thought desirable to attach to the present report a brief summary of the system of control established by the Convention.

This record of success in this important field of manufactured narcotic drugs, the forging of such a powerful instrument of international government as the international opium Conventions, and their successful application on a world-wide scale in the short space of thirteen years would be inconceivable without the existence of the League, whose successes are too often passed over in silence.

These happy results show what the League might do in other spheres of international life, if the Governments would afford it such possibilities as now exist in the matter of narcotic drugs. It is worth while recalling in this connection the Secretary-General's memorandum on “Analogies Between the Problem of the Traffic in Narcotic Drugs and that of the Trade in and Manufacture of Arms”, which has been transmitted to the delegations to the Conference for the Reduction and Limitation of Armaments.¹

THE WORLD'S LEGITIMATE TRADE IN MANUFACTURED DRUGS AND THE DEVELOPMENT OF CLANDESTINE MANUFACTURE.

In summing up the principal aspects of the present situation, the Advisory Committee in its report to the Council has on several occasions during the last three or four years drawn attention to the fact that, thanks to the stricter and more general application of the International Opium Conventions, there has been a progressive shrinkage in the volume of legitimate trade in opium, coca leaves and manufactured drugs. According to the statistics for the years 1928-1932, given in its report to the Council on the work of the eighteenth session,² the amounts legally manufactured approximate more and more nearly to the world's legitimate consumption as indicated by the returns of legitimate consumption furnished by Governments, thus leaving little apparent margin that might feed the illicit traffic. The statistics for the year 1933, which have just been published by the Permanent Central Board, do not change the main lines of the situation, since, as the Board points out, the increase which took place in the manufacture of morphine during that year is represented by an increase in stocks, there having been a decrease of manufacture and consequent depletion of stocks in the year 1932.

The broad stream from the licensed factories which once fed by innumerable leakages the underground stream of the illicit traffic has now diminished. Its place as the principal source of the illicit traffic has been taken by clandestine factories from which flows an underground stream that threatens to be even greater than that which in the past flowed from the licensed factories.

In the main, therefore, the League may be said to have achieved the first of the two-fold objectives referred to at the beginning of this report — that is to say, the drawing of a clear-cut dividing-line between legitimate trade and the illicit traffic.

The principal tasks now are to exercise a constant vigilance over the legitimate trade, to see that no leakages from it take place, and, on the other hand, to concentrate more than ever upon the discovery and elimination of the clandestine factories. That part of the League's work which relates more specifically to the suppression of the illicit traffic and to the creation for this purpose of a united front on the part of the forces of justice and of

¹ Document Conf.D.159.

² Document C.266.M.105.1934.XI.

police throughout the world must therefore be even more strongly emphasised in future than in the past. The matter is referred to in detail later in this report.

The virtual cessation of the overflow from the licensed factory and the development of the clandestine factory as the source of supply of the illicit traffic marks a great turning-point in the work of the League in this field. It is vital for the full success of the campaign against clandestine manufacture that this fact should be stated clearly for the guidance both of the Governments and of the public. To bring out clearly the significance of this situation, it is necessary to look back for a moment upon the road whereby the League, after thirteen years' arduous work, has arrived at this turning-point. It is clear, in the light of the reports in recent years of the Opium Advisory Committee, that it was in the last six months of 1930 that this transformation of the scene first became evident. Every year since that date the nature of the change has become clearer and clearer. For three years now the old appalling gap between the output of legitimate manufacture of the licensed factories and legitimate medical consumption has been narrowed down to a small fraction.

Looking back at the situation as it existed at the first session of the Advisory Committee in 1921, the contrast between then and now is almost unbelievable. In 1931 a remarkable analysis of the unique system of world-wide interlocking international statistics, built up by the League through ten years of laborious work, was published by the Opium Section of the Secretariat for the use of the Limitation Conference. This analysis revealed for the first time, as the Advisory Committee in its report to the Council in that year stated, the full gravity of the situation as it existed up till about the beginning of 1930. It showed that the illicit traffic, particularly during the years 1926-1929, was on an even more colossal scale than was suspected at that time. It revealed also, as the Advisory Committee points out, the remarkable change in the situation which was produced by the putting into force of the Geneva Convention of 1925 in the remaining European manufacturing countries other than Turkey. Perhaps most important of all, it gave for the first time estimates of real world needs which subsequent experience has proved to have been extremely close to the mark. By establishing these estimates it provided a measuring-rod whereby it was possible to go back year by year and to see how great the gap between real needs and licensed manufacture had been.

The magnitude of the results gained by the League cannot be expressed in any complete way in figures. The data are incomplete and the full amounts which passed into the illicit traffic will never be known. The analysis made by the Secretariat and presented to the Limitation Conference in 1931 proved that, at a very conservative estimate, not less than 100 tons of the drugs could be shown to have passed into the illicit traffic in the five years 1925-1929. What the real situation was in 1921 when the Advisory Committee began its work can only be guessed at. In 1920 one country alone — Japan — had available through manufacture or import the colossal figure of about 40 tons of morphine, heroin and cocaine — an amount which is almost equal to the estimated needs of the whole world for the year 1934, not only for these three drugs, but for twelve others in addition. Only in the light of our present knowledge — painfully built up for so many years — is it possible to judge what figures like these really mean, and to measure the extent of the League's achievement in this field of its activities.

* * *

Among the numerous questions examined by the Advisory Committee at its sessions in November 1933 and May 1934 respectively, the Fifth Committee has devoted its attention in the main to the following essential points :

1. RATIFICATION OF THE CONVENTIONS.

The Fifth Committee has noted with keen satisfaction that the three Conventions — the Hague Opium Convention of 1912, the Geneva Convention of 1925 and the Limitation Convention of 1931 — have obtained a very considerable number of ratifications or accessions and are thus progressing in the direction of that universality which is the fundamental condition of their efficient application. The Hague Convention has obtained 58 ratifications or accessions, the Geneva Convention 51, and the Limitation Convention 48, not including Ecuador, which has ratified subject to Parliamentary approval. The Fifth Committee has been gratified to learn that, in the course of the present session of the Assembly, Norway has acceded to the 1931 Convention and Honduras to the 1925 and 1931 Conventions.

Furthermore, the Governments of Estonia and Latvia have pronounced in favour of accession to the 1931 Convention, and the Greek delegation recently informed the Secretariat that the Convention had been ratified by Parliament and that the instrument of ratification would be deposited in the near future.

2. CLANDESTINE MANUFACTURE.

With the increasing severity of international control, which prevents legally manufactured drugs from being diverted into the illicit traffic, traffickers have applied themselves to the clandestine manufacture of such drugs on their own behalf and are turning their attention towards the countries in which it is easy to obtain the necessary raw materials. Hence their attempt to transfer their nefarious activities to Turkey, where the energetic action of the Turkish Government has happily put an end to their operations, and subsequently to Bulgaria, where the position has not yet been cleared up, and to China, both north and south of the Great Wall, where it is becoming more and more serious. This position gives rise to grave apprehensions, for, as has been pointed out by the Canadian representative, the drugs manufactured in Bulgaria and the Far East are shipped to Canada for subsequent despatch to the United States of America and Europe. In 1933, the quantities of opium, morphine and heroin seized on the Pacific coast of America were greater than the corresponding quantities in 1932.

In this connection, the Fifth Committee's attention was directed to a new question which is of considerable importance from the point of view of the detection of clandestine manufacture — viz., the trade in acid acetic anhydride, a chemical product which, according to the statement submitted to the Advisory Committee at its eighteenth session by Mr. Fuller, the United States representative, is, in practice, almost indispensable for the manufacture of heroin and is of only limited use for other industrial purposes. As the imports of acid acetic anhydride into Bulgaria, and into China through the port of Shanghai, have increased to a very considerable extent in the last two years, and as, moreover, the quantities involved are such as would make it possible to manufacture sufficient heroin to meet the legitimate requirements of the entire world for many years, it is essential to the Committee's activities that, in accordance with the Council's recommendation, the Governments should supply statistics of their imports and exports of acid acetic anhydride, together with particulars of origin and destination. Furthermore, in view of the particulars supplied by M. Casares, the Spanish representative, regarding the enormous quantities of caffeine imported into China in the course of recent years and for use, in all probability, in the manufacture of heroin pills, it is absolutely essential that the Governments should supply the same particulars in respect of caffeine as those which they are asked to furnish in regard to acid acetic anhydride.

The Fifth Committee requests the Governments to assist the League of Nations in its work and is persuaded that the administrative effort which it asks them to make will be amply rewarded by the valuable results which will thus be obtained for the common good of all.

(a) *Position in Bulgaria.*

The Fifth Committee has devoted particular attention to the information supplied to the Advisory Committee by the representatives of the United States of America, Canada and Egypt regarding the development of extensive clandestine manufacture of heroin in Bulgaria. According to this information, the quantities of acid acetic anhydride imported into Bulgaria in 1932 and 1933 were sufficient to produce a quantity of heroin representing, in 1932, twice and, in 1933, four times the legitimate requirements of the entire world. The Fifth Committee has learned with keen satisfaction that, when its attention was drawn to the questions raised at the meeting of the Advisory Committee, the Bulgarian Government not only gave practical proof of its spirit of co-operation by transmitting to the Secretary-General information regarding such imports of acid acetic anhydride as had come to its notice, together with particulars regarding the detection of the clandestine manufacture of narcotics in Bulgaria, but also took energetic steps to deal with the situation.

In a letter dated September 15th, 1934, the Bulgarian Government informed the Secretariat of the League of Nations that the Directorate of Public Health had drawn up a Decree-Law providing for strict control of opium and other dangerous drugs — which the Council of Ministers would shortly approve — and, most important of all, that the importation of acid acetic anhydride into Bulgaria had been prohibited by a circular of the Directorate-General dated June 5th, 1934. Under the terms of that circular, the importation of acid acetic anhydride into Bulgaria is prohibited, except in cases where a special permit is issued specifying the purpose for which the product is to be used. Similarly, any person in possession of acid acetic anhydride is required to declare it to the Directorate-General of Public Health within a period of ten days as from the publication of the circular; failing which the quantities involved are seized. The Bulgarian Government has asked for details regarding the quantities of acid acetic anhydride exported to Bulgaria — as its own statistics do not tally with those brought to the notice of the Advisory Committee — together with details regarding the clandestine factories and laboratories which the Egyptian representative stated to be operating in Bulgaria, as it has not been possible to trace all the establishments reported.

As the development of clandestine manufacture in Bulgaria is coinciding with a corresponding increase in the production of raw opium — which, according to the particulars supplied by the Canadian representative on the Advisory Committee, has risen from 4,000 kg. in 1932 to 45,000 in 1933 and 65,000 in 1934 — the Fifth Committee, like the Advisory Committee, hopes that the Bulgarian Government will also be able to supply

accurate figures of opium production and will do everything in its power to put an end to a position which would appear to constitute a grave menace both for Bulgaria and the rest of the world. It is confident that the Bulgarian Government will soon be able to supply the Advisory Committee with information which will entirely set at rest its apprehensions as to the position in Bulgaria.

(b) *Position in China.*

The Fifth Committee has discussed the general position in China, the rapid deterioration of which was very strongly emphasised by the Advisory Committee, as regards both the clandestine manufacture and the illicit importation of manufactured drugs, and also as regards the illicit production, importation and use of opium. The Fifth Committee strongly urges the Chinese Government and the Governments of the Treaty Powers — whose attention should be drawn to the Minutes of the meetings held by the Advisory Committee on May 29th and 30th, 1934, during its eighteenth session, when the alarming situation in the Far East was revealed in all its details — to make known their observations on these facts and reply in full to the questions asked, so that full information may be available, as regards both the position itself and the means by which it is proposed to deal with it.

The Fifth Committee noted that, according to the statements made in the Advisory Committee by the representative of the United States of America, the production of opium, both to the north and south of the Great Wall, is enormous and supplies both opium-smokers and clandestine traffickers. All the evidence indicates that production increases every year and that it is developing to such an extent that it constitutes a menace to the whole world.

As regards clandestine manufacture, this constitutes a still more serious threat. According to the information supplied by the Seizure Sub-Committee to the Advisory Committee, the chief centres of the illicit manufacture of morphine and heroin in China are Szechuan, Shanghai and Peiping, with secondary centres at Mukden and Harbin, as well as at Dairen and in the Leased Territory of Kwantung. Figures are only at present available regarding the imports of acid acetic anhydride regularly effected through Shanghai, and no statistics are available regarding the importation of acid acetic anhydride into Manchuria and into the Leased Territory of Kwantung, so that it is not yet possible to estimate the volume of this manufacture in those two territories. The quantities imported each year through Shanghai would alone suffice for the manufacture of 18 tons of heroin, or at least twelve times the legitimate requirements of the world. The seizures effected in the United States of America confirm the gravity of the traffic coming from China and South Manchuria. The United Kingdom delegate drew the Fifth Committee's attention to the seizure effected a week ago at Hong-Kong, of 128 kg. of heroin on the way from Canton to Shanghai and probably intended for America.¹ This figure represents nearly a third of the total quantity required for the legitimate needs of Europe and constitutes the largest seizure of heroin made in the last two or three years.

Lastly, as regards the territories to the north of the Great Wall — Manchuria and Jehol — the Fifth Committee also gave its attention to the aggravation of the situation, from the point of view both of opium and of drugs, reported in this territory, which is outside of the Chinese Government's control. The Fifth Committee is accordingly asking the Governments to give their full attention to the Advisory Committee's recommendation, approved by the Council, regarding the necessity for the principal producing and manufacturing countries to exercise the strictest supervision over all applications for the importation of narcotics to those territories, and to the fact that, under the Hague Opium Convention of 1912, the export of raw and prepared opium to those territories cannot be authorised.

In view of this disquieting situation, the Fifth Committee paid special attention to the best means of remedying it; like the Advisory Committee, it is convinced that only effective co-operation, taking the form of practical measures between China and the Treaty Powers, is likely to improve the present state of affairs from the point of view of opium and from that of drugs. It therefore attaches special importance to the strict application of the two resolutions adopted by the Advisory Committee at the conclusion of its debate on China during its eighteenth session, and to the other measures recommended by the Advisory Committee and approved by the Council.

It desires to reproduce the full text of the two resolutions in its report.

I.

“ The Advisory Committee asks the Council to request Governments having extra-territorial powers in China to take the following measures without delay, unless they have already been adopted :

“ (1) To deport from China all their nationals who have been convicted of taking part in the illicit manufacture of drugs in China or in the illicit traffic in

¹ See also below, page 82, last paragraph.

such drugs in China. Once deported, these persons should not be allowed to re-enter China.

“(2) Enactment of legislation which will apply in extra-territorial jurisdiction to impose adequate penalties upon their respective nationals who are in future convicted of illicit trafficking in opium or narcotic drugs in China or of complicity in the illicit manufacture in China of narcotic drugs.

“(3) Withdrawal of the protection accorded to vessels engaged in inland-water navigation in China and flying the flags of these countries when those vessels are found to be habitually employed in the illicit traffic in opium and dangerous drugs.”

II.

“The Advisory Committee,

“Having examined carefully the information available to it concerning the alarming situation existing in China as regards poppy cultivation and consumption of opium, the illicit traffic in opium and its derivatives, and, above all, as regards the rapid development of clandestine manufacture of morphine and heroin in the Chinese territory :

“Expresses the desire to be informed as soon as possible of the results of the enquiry which was announced a year ago by the Chinese Government and which was intended to serve as a basis for the establishment of a comprehensive plan to prevent illicit traffic in opium and its derivatives and to suppress immediately all illicit manufacture of opium derivatives ;

“Expresses the wish that, while awaiting the results of this enquiry, the Chinese Government should take every possible step to combat the illicit traffic in opium and drugs in China and to prevent its territory from becoming a source of supply for traffickers in other countries ;

“Recommends that the Council should communicate officially to the Chinese Government and the Governments of the Treaty Powers, through the Secretary-General, the Minutes of the Committee's discussion on the situation in the Far East at its sittings on May 29th and 30th, with a request for the observations of those Governments on the facts disclosed by the discussion and for their replies to the questions put in the course of this discussion.”

Lastly, apart from these international measures, the Fifth Committee learnt that the Chinese Government had adopted internal measures for the purpose of improving the situation. The measures regarding manufactured drugs are the strictest. Several laws have been enacted, and the manufacture, transport and sale of manufactured drugs are now punished by very severe penalties going so far as capital punishment. The injection of morphine into another person for non-medical purposes is also punishable by death. These measures have already been put into force. The law also prescribes the compulsory treatment of drug addicts in hospitals which have been opened for this purpose, and recalcitrant drug addicts are very severely punished, the maximum penalty being death. The Central Government's policy is to induce the provincial Governments to create hospitals of this kind throughout China. These laws must be applied ten days after the receipt of the legislative text, which is an exceptionally short period for China.

As regards opium, the Fifth Committee learnt from the Chinese representative that the system in operation had undergone important modifications, the development of which it will follow with the greatest interest. The Government judged that the consumption of opium must be authorised under certain conditions owing to the menace constituted by drugs, but the regulations stipulate that after a period of six years no further licences will be granted. Henceforward certain persons will be allowed to smoke opium, principally aged persons or inveterate opium addicts. The sale of opium for these persons is authorised subject to a permit. The cultivation of the poppy is temporarily authorised, but its abolition is prescribed within certain periods varying from one to six years according to the province. Inspectors will be sent to the different provinces to satisfy themselves of the execution of these laws.

The Fifth Committee expresses the hope that, as regards acid acetic anhydride and caffeine, the Chinese Government will adopt the happy suggestion made at the Chinese representative's request by the National Commission for the Suppression of Opium in China — namely, that the system of import licences in force for dangerous drugs should be applied to these products ; it also hopes that the Chinese Government will adopt its representative's suggestion that a special item should be introduced for these products in the Chinese Customs statistics.

The Chinese representative, in expressing his satisfaction at the increase in the close co-operation with certain Powers having concessions in China, insisted on the necessity of the collaboration of a certain Power without whose assistance the efforts of the Chinese Government in its campaign against narcotic drugs would be in vain, and emphasised

the difficulties encountered by China as a consequence of the inadequacy of the penalties applied to traffickers by that country. He drew the Committee's attention to the fact that the drugs coming from China which had been seized had not necessarily been manufactured in China or on Chinese territory under the control of Chinese authorities.

3. SPECIAL MEASURES AGAINST TRAFFICKERS.

The discussion of the situation in China led the Fifth Committee, like the Advisory Committee, to ask for the application of stricter methods to traffickers, who will continue their operations as long as the trivial risks which they run are out of all proportion to the enormous profits they can realise. The Fifth Committee was especially concerned in this connection at the facility with which notorious traffickers, among whom are experts on the manufacture of narcotics, obtain passports and visas permitting them to cross frontiers without hindrance, and to establish clandestine factories in countries where hitherto none had existed. The Italian representative emphasised the fact that if all countries, and particularly those which co-operate with China, prevented, *inter alia*, their chemists from going to China with a view to clandestine manufacture, the situation would be considerably improved. In this connection the Polish representative recommended the conclusion of bilateral conventions for the prosecution of traffickers between countries directly concerned, between which considerable illicit traffic might exist. Agreements of this kind did not appear to him to be contrary to the 1931 Convention, and the Swedish representative informed the Committee of the existence of a bilateral Convention for the prosecution of traffickers — particularly liquor traffickers — between Sweden and Finland, from which both countries derived great advantage.

4. POLICE ORGANISATIONS.

This co-operation between the different States, which must be intensified owing to the enhanced difficulty of detecting the growing clandestine manufacture, must chiefly be exercised, in the Fifth Committee's opinion, through the police. The Fifth Committee accordingly adopted a draft resolution submitted by the Venezuelan representative, in whose opinion the campaign of the police against the traffickers can only be effectively carried on in present circumstances if such police is specialised. In order to detect clandestine manufacture, the most up-to-date technical and scientific methods must be used. The example of countries like Canada, Egypt, the United States of America and the United Kingdom, which have already created special services for this purpose, should therefore be followed. The first step consists in obtaining information as to the police organisations already in existence, and this is the purpose of the following resolution unanimously approved by the Committee :

“ The Fifth Committee,

“ Being convinced that specialised police services represent the only means whereby Governments can detect and close clandestine drug factories and effectively combat illicit traffic ;

“ Noting the lack of information regarding the numbers and character of the personnel assigned to this class of work in the various countries :

“ Requests that the Advisory Committee on Opium and Other Dangerous Drugs should take steps to obtain the necessary information by placing this question on the agenda for its next session.”

5. DRAFT INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE ILLICIT TRAFFIC IN DANGEROUS DRUGS.

The draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, approved by the Advisory Committee and submitted to Governments for a second consultation, is aimed at providing the Governments with a new weapon to deal with the skilful organisation of the illicit traffickers in the international sphere, by concerted measures of repression which would also be international. It will be recalled that the essential object of this draft was to make penalties more severe, to facilitate extradition, and especially to remedy a deficiency in legislation which does not always allow of the offenders being dealt with when the offence is committed abroad. In view of the importance of applying this Convention as rapidly as possible, the Fifth Committee unanimously adopted the resolution given below, being convinced that the Governments will hasten to reply to the second consultation, so as to enable the Council to fix as soon as possible the date of the Conference, which will conclude a convention judged to be of great importance and urgency. As the Portuguese representative emphasised, the Fifth Committee is sure that this draft will constitute a first step towards a still greater

strengthening of the penalties applicable to traffickers, and perhaps towards the unification of penal legislation in this sphere, for the campaign against narcotics will not be genuinely effective until the Governments are better armed for repression.

“ The Assembly,

“ Referring to the draft International Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, transmitted to the Governments on July 16th, 1934, with a view to a second consultation (C.L.120.1934.XI) in application of the procedure laid down in the Assembly resolution of September 25th, 1931, for the conclusion of all general conventions to be negotiated under the auspices of the League of Nations ;

“ Considering that, in conformity with that resolution, the results of the aforementioned second consultation, which is still in progress, should in the ordinary course be communicated to the Assembly, which would decide whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which it would request the Council to fix a date ;

“ Considering, moreover, that the aforementioned resolution of September 25th, 1931, expressly empowers the Assembly and the Council to adopt more appropriate methods when circumstances render this desirable ;

“ Having regard to the necessity of facilitating the adoption of a draft, the urgency and importance of which have been emphasised by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs as well as by the Council and Assembly, and of not postponing the above-mentioned decision until the next session of the Assembly :

“ Instructs the Council, for the reasons set out above, to decide, in the light of the results of the second consultation, whether a convention should be concluded and, in that case, whether the draft should be submitted to a conference for which the Council will fix a date.”

6. FORGERY AND MISUSE OF IMPORT CERTIFICATES.

In view of the excessive exports to Honduras on the basis of forged import certificates to which the Advisory Committee referred in its report on the work of its eighteenth session, the Fifth Committee especially welcomes the accession by Honduras to both the Geneva Convention of 1925 and the Limitation Convention of 1931. It trusts that the Government of Honduras will find it possible to reply at an early date to the enquiries made by the Secretariat as to how these forged import certificates came into circulation and the steps taken by the Government to deal with the traffickers concerned.

7. CO-OPERATION BETWEEN GOVERNMENTS AND THE LEAGUE OF NATIONS.

The Fifth Committee also considered it essential, in order to combat successfully the increased illicit traffic, that the three existing Opium Conventions should be strictly applied and, on the proposal of the representative of Canada, decided to remind the delegations present at the Assembly of the following obligations devolving upon Governments under those Conventions :

1. Legislative and administrative action (see Model Administrative Codes, document C.774.M.365.1932.XI).
2. Communication to the Secretary-General of laws and regulations.
3. Communication of the annual reports submitted to the Advisory Committee on the working of the Conventions.
4. Notification to the Secretary-General, for communication to the Governments, of every important case of illicit traffic.
5. Despatch of estimates of the annual requirements of drugs in the case of each country or territory.
6. Despatch of quarterly statistics of imports and exports and annual statistics of production, manufacture, consumption, stocks and seizures.
7. Communication to the Secretary-General of a list of drug factories.

Whether the coherent system laid down in the Conventions is efficacious or not depends upon the extent to which the obligations devolving upon Governments are faithfully carried out.

As regards States not parties to the Opium Conventions, the Fifth Committee emphasises the great importance of their ratifying or acceding to those Conventions and urges that, in the meantime, they should facilitate the League's work by co-operating with it and transmitting, in the same way as the States parties to the Conventions, the various particulars mentioned above.

8. NEW HUNGARIAN METHOD OF EXTRACTING MORPHINE FROM THE DRY POPPY PLANT.

The Fifth Committee devoted its attention to the questions raised by the discovery in Hungary of a process for extracting morphine from poppy straw, which was formerly an agricultural waste-product, but which can now be used for the extraction of morphine under conditions enabling the product manufactured from this straw to compete favourably with morphine derived from opium. The Hungarian representative expressed the opinion that the Hungarian Government was entitled to make use of this process, as it would help the peasants by enabling them to utilise a product hitherto regarded as a waste-product and would thus reduce the price of morphine, which was an advantage from the medical point of view. She assured the Committee that the Hungarian Government was exercising strict control over the manufacture of this product and was prepared to furnish full particulars of the new process. She thought it could easily be controlled and consequently involved no danger.

The Polish representative drew the Committee's attention to the various consequences which might ensue as a result of the application of this process, which would doubtless be used by other countries in view of its economic advantages. Poland was studying the matter with the greatest interest and proposed to use it for the manufacture of codeine. The application of this system would call for a considerable tightening-up of internal supervision on the part of States, or possibly the establishment of a monopoly. For that reason, the organisation of a special administration, as provided for in Article 15 of the 1931 Convention, became even more necessary. In Poland the setting-up of a special Commission for this purpose was contemplated. Any drugs manufactured would not be exported.

The Fifth Committee draws the Assembly's attention to the urgent necessity for States to consider this question of the application of Article 15 of the 1931 Convention with a view to the creation of a special administration to organise the campaign against drug addiction and to suppress the illicit traffic.

9. MEASURES TO PREVENT THE EXTENSION OF DRUG ADDICTION.

This question in a more general form was also considered by the Advisory Committee and the Fifth Committee, which was unanimously in favour of the resolution adopted by the Advisory Committee, requesting Governments to submit information regarding the measures taken or contemplated for the purpose of establishing the special administration mentioned in Article 15 of the Convention and regarding the measures which they have taken or intend to take for the purpose of organising the campaign against drug addiction and suppressing the illicit traffic.

The resolution also provides that information be requested regarding the action taken in the campaign against narcotic drugs by national and international associations and by missionary organisations.

10. POSITION IN REGARD TO INDIAN HEMP.

The Fifth Committee, which had before it particulars relating to the increase during the last few years of addiction due to Indian hemp in certain countries, was gratified to note that the Advisory Committee and the Secretariat are continuing the study of this question, and urges Governments to supply the Secretariat, for the use of the Committee, with all the necessary particulars, so that stricter supervision may be exercised over the trade in this plant and its products and the evil may thus be remedied before it has grown too great and the difficulty of suppressing it has increased.

11. PREPARATIONS FOR A CONFERENCE TO CONSIDER THE POSSIBILITY OF LIMITING AND CONTROLLING THE CULTIVATION OF THE OPIUM POPPY AND THE CULTIVATION AND HARVESTING OF THE COCA LEAF.

The Fifth Committee requests the Governments and the Advisory Committee to take steps to see that the documentary material needed for the preparation of this Conference is collected as quickly as possible and that, in particular, replies to the questionnaires regarding opium and the coca leaf sent to Governments on December 19th, 1933, are despatched as soon as possible.

The Fifth Committee appreciated the explanations given by its Chairman, the Argentine representative, concerning the utilisation of coca leaf in the Argentine. Imports from Bolivia amounted to 346 tons in 1932 and to 334 tons in 1933. The Argentine representative explained that the leaves were chewed by the natives and were not used for the manufacture of cocaine. His country imported cocaine solely for medicinal and scientific purposes.

The Fifth Committee was also gratified to note the statements made by the Argentine representative regarding the effective co-operation which his country, which had returned

to the League a short time ago, hoped to make to the League's work of combating the traffic in dangerous drugs. The Fifth Committee is of opinion that the close co-operation of this great country will be of the utmost value to the League's work in this field.

12. WORK OF THE PERMANENT CENTRAL OPIUM BOARD.

During the discussion the Fifth Committee expressed its appreciation of the work done by the Permanent Central Opium Board. Whatever criticism may have been made during the discussion was of a character to encourage the Board to go forward in the accomplishment of its tasks and to utilise the powers conferred upon it by the Conventions of 1925 and 1931. It is in this spirit that the Fifth Committee once again expresses its confidence in the Board.

13. TRIBUTE TO SIR MALCOLM DELEIVINGNE.

Before closing the discussion, the Fifth Committee was anxious to pay a unanimous tribute to Sir Malcolm Delevingne, the United Kingdom representative on the Opium Advisory Committee and the present Chairman of the Supervisory Body, for the zeal, experience and ability which he has displayed in the League's service ever since its foundation. He has been *par excellence* the pioneer and guiding spirit of the Advisory Committee's work.

* * *

In conclusion, the Fifth Committee desires to emphasise the fact that the further difficulties that have arisen in various parts of the world in regard to clandestine manufacture in no way diminish the success already achieved by the League in combating the illicit traffic in narcotic drugs. On the contrary, this success encourages the hope that the intensification of the campaign against clandestine manufacture and the illicit traffic will have a favourable issue.

I propose that the Fifth Committee should ask the Assembly to adopt the following resolution :

“ The Assembly takes note of the report submitted by the Fifth Committee and adopts the resolutions and the conclusions of the report.”

Appendix.

SHORT ANALYSIS OF THE SYSTEM OF CONTROL SET UP BY THE LIMITATION CONVENTION OF 1931.

The mechanism of control instituted by the new Limitation Convention of 1931, the results obtained and the forms in which it works in actual practice may be briefly summarised as follows :

No contracting party may manufacture, export or import without accounting for such transactions and without the whole of its industrial and commercial operations in the matter of drugs being subject to strict supervision by various national and international bodies : supervision is organised in three stages extending over a period of three years.

First stage. — An international plan — the statement of the Supervisory Body referred to below — is drawn up in respect of the coming year.

During this first stage, the countries supply estimates of their requirements for the coming year. Should any State neglect to send in its estimates, these are furnished by the Supervisory Body — a special organ set up under the Convention : the Supervisory Body does this for all States and territories, irrespective of whether they are parties to the Convention or not.

The Supervisory Body provides the basis of all control — both national and international — by drawing up, by November 1st of each year, a statement showing the estimates of the requirements of each country or territory, indicating the *authorised amount* of world consumption and manufacture for the following year, and also the volume of licit international trade.

Second stage. — Application and control of the above-mentioned plan during the year in regard to which it has been established — that is to say, national control (of manufacture, imports and exports, consumption and stocks) and international control. This international control involves general supervision by the Opium Advisory Committee of the legislative and administrative application of the Convention ; modification, where necessary, of the estimates controlled by the Supervisory Body ; supervision by the Permanent Central Board of international trade on the basis of the quarterly statistics of imports and exports.

Third stage. — *Ex post facto* control in regard to the preceding year on the basis of the annual statistics supplied by the Governments.

The industrial and commercial operations of the preceding year are all reviewed by an international body — the Permanent Central Opium Board — on the basis of the statistics supplied and in the light of the estimates — contained in the statement showing the estimates — which are legally binding on each Government.

Such are the essentials of the system and — as is proved by its first year of actual application and the experience already gained as regards the Geneva Convention of 1925, which is completed by the Limitation Convention — it represents an *effective* method of national and of international control (the latter exercised by independent bodies) which extends to the whole industry from the raw materials to the consumption of the manufactured article.

What are the guarantees that the obligations relating to the national and international control will be fulfilled and that the measures decided upon by the international supervisory bodies set up by the Limitation Convention will be applied ?

In the first place there is the good faith of the States themselves, which by ratifying the Convention have freely assumed undertakings towards the other parties, as well as towards non-parties.

But the Limitation Convention goes even further. To that guarantee must be added another, no less effective and no less real : Article 14 provides for a *kind of embargo*.

Should the returns of exports to and imports by a given country, as supplied to the Permanent Central Opium Board, show that the total estimates — as drawn up and published by the Supervisory Body in the statement of estimates already mentioned — have been exceeded in respect of any drug, the Central Board, on noting this fact, at once advises all the other contracting parties, which are thereupon debarred from authorising any further exports to the country in question. This is tantamount to a kind of general embargo of world-wide scope which, so far from remaining a dead letter, has already been applied on several occasions during the past year. Such a proceeding is without precedent in the history of international law.

ANNEX 5.

Official No. : A.50.1934.IV.

ASSISTANCE TO INDIGENT FOREIGNERS.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Mme. HUBICKA (Poland).

As the question of assistance to indigent foreigners now appears for the first time on the Assembly's agenda, I think it advisable to begin my report by briefly summarising the history of the question.

It was originally dealt with in the Child Welfare Committee, in the limited form of assistance to indigent foreign minors. After investigations covering several years, the Committee reached the conclusion that assistance to foreign minors could not be dealt with satisfactorily unless account were taken of the position of the families to which those minors belonged.

As any enquiry into the problem as a whole exceeded the province of the Child Welfare Committee, the Council decided to set up a special Committee of Experts, appointed by a small number of interested countries, and entrusted to it the task of preparing, after the necessary enquiries had been made, a preliminary draft international Convention.

In pursuance of this decision, a temporary Committee of Experts was set up on May 20th, 1931. The Governments of the following countries accepted the Council's invitation : Argentine, United Kingdom of Great Britain and Northern Ireland, Denmark, France, Hungary, Italy, Japan, Mexico, Netherlands, Poland, Switzerland, United States of America. The Committee of Experts held eleven meetings from December 4th to 9th, 1933, under the chairmanship of M. de Navailles, the distinguished French expert, whose thorough knowledge of the question is recognised by all. The Committee thought it desirable to invite the Permanent Conference for the Protection of Migrants and the International Migration Service to take part in its discussions in an advisory capacity.

The Committee's report to the Council, embodied in document C.10.M.S.1934.IV, sets forth the results of its enquiries and the conclusions reached. It contains fourteen recommendations and a draft Multilateral Convention on Assistance to Indigent Foreigners. I propose to summarise these as briefly as possible, starting with the *draft Convention*.

This draft provides in general that each of the contracting parties shall grant to the indigent nationals of the other contracting parties residing in its territory and standing in need of material or moral assistance the same treatment as it grants to its own nationals. As regards indigent foreign minors, the assistance to be granted to them will include, in addition to medical and hygienic care and admission to institutions, all the measures of

protection, maintenance, training and education applicable to indigent national minors. This assistance will be granted even to such minors as are nationals of States not parties to the Convention.

The draft Convention provides for the extension of assistance to Stateless refugees and persons of indeterminate nationality, when such persons are indigent.

Each of the contracting parties undertakes not to deport foreigners on the sole ground that they are indigent, except by means of repatriation and under the conditions laid down in the Convention. These provisions, however, will not prevent the application of police measures such as expulsion, even to an assisted person, if such measures are the normal consequence of infringement of the laws and regulations.

In particular, repatriation should take place only if it is in the interests of the assisted person and his family.

It should be carried out only by common agreement between the Government of the country of residence and the Government of the country of origin. Provision is made for special cases in which the State of origin may not oppose repatriation and the State of residence may not insist upon it (Article 6).

Should repatriation be proposed by the State of residence, the State of origin may replace this measure, in agreement with the State of residence, by the refund of assistance costs.

In view of the fact that the drawing-up of an international convention always takes a considerable time, the Committee, being anxious to improve as soon as possible the precarious position in which a large number of indigent foreigners are at present placed, made *fourteen recommendations*, which it proposes should be applied immediately.

The general principles governing those recommendations are as follows :

States should aim at the utmost possible assimilation of foreigners with nationals in respect of assistance to indigent persons, including refugees and foreigners without nationality or of indeterminate nationality.

The preservation of the family unit should constitute the basis for the application of measures of assistance.

Assistance should not be refused on purely formal grounds ; and measures of assistance should be simplified as much as possible, in order to enable the relief to be made available with all speed.

In the case of repatriation, regard should be had to the circumstances of the material, moral and social position of the indigent person. Certain of the recommendations relate to the repatriation of children, mothers and sick or aged persons. Indigent foreigners whose position is irregular should not be repatriated, if that position is due to a reason for which they are not morally responsible, until steps have been taken to enable them to return to their country of origin, or to proceed to any other country in which they may reside.

In the last of its recommendations, the Committee of Experts observes that it was no part of its intentions, in proposing a draft multilateral Convention, to exclude other means of improving the situation in regard to assistance to foreigners, whether by amendments to national legislation or by bilateral agreements, always on the basis of the above recommendations.

* * *

It is desirable to point out that the question of assistance to indigent foreigners has also been dealt with by the thirteenth International Labour Conference, which took place in June last. It dealt particularly with the assistance to be accorded to the unemployed. It took note of the general Convention for assistance to foreigners proposed by the Committee of Experts, and passed a resolution on the subject which is reproduced *in extenso* in document A.V./6.1934.

The Labour Conference expressed the hope that the participation in poor-relief benefits of unemployed of foreign nationalities, whose right to allowances or grants has expired, would be settled by the adoption of an international convention regulating in a definite and liberal manner the right of foreign unemployed workers to such benefits.

* * *

The draft Convention, together with the recommendations, was submitted to Governments by a decision of the Council of the League dated January 17th, 1934. The Secretary-General communicated on the subject with seventy Governments, of which only twenty have submitted their observations : these are published in document A.V./6.1934 and the addenda thereto.

So few observations have been received, and so diverse are the views they reveal, that I do not think it possible to arrive at any opinion at present as to the possibility of concluding the proposed Convention in its present form.

With regard to the fourteen recommendations, it would seem that the majority of the replies received from the twenty Governments may be regarded as in favour of the

proposals by the Committee of Experts ; but certain observations contain reservations with regard to the application of these recommendations in whole or in part.

The opinions of the twenty Governments on the subject of the draft Convention differ much more widely.

Certain Governments accept the draft without restrictions ; others say they are ready to accept it if they can introduce certain amendments. The amendments relate to a number of different provisions of the Convention. Other Governments are opposed to the draft Convention ; but some of them say their attitude is provisional, and that it is possible they may reconsider the matter later in a more favourable sense. Certain of the twenty Governments are prepared to accept the draft Convention as a basis of discussion, with a view to drawing up a model bilateral convention. Others, again, say that at present the matter is of no practical concern to them.

In view of the variety of these opinions and their very small number — they do not include those of France, the United Kingdom, Italy, the United States of America and certain other countries¹ — it would seem premature to subject them to an exhaustive analysis, for which purpose more copious material would be needed. It therefore appeared difficult for the Fifth Committee to enter into a far-reaching discussion, either on the recommendations or on the draft Convention proposed by the Committee of Experts.

Inasmuch as this was a highly complicated question and one very difficult to settle, both from the social and humanitarian standpoint and from that of economics and administration, it seemed necessary to wait until the question had been more thoroughly studied and elucidated. That being so, the Fifth Committee proposes that the Assembly instruct the Secretary-General to appeal to those Governments that have not yet sent their observations on the draft Convention and the recommendations of the Committee of Experts to do so as early as possible, and to refer all the replies that may be received to the Committee of Experts, which will have to decide whether all the views of the Governments interested can be reconciled.

The draft resolution which the Fifth Committee has the honour to submit to the Assembly is as follows :

“ The Assembly,

“ Having studied with keen interest the work accomplished by the Committee of Experts on Assistance to Indigent Foreigners and the Execution of Maintenance Obligations abroad at its first session, in December 1933 ;

“ Having noted the replies received from twenty of the seventy Governments to which the proposals of the Committee of Experts have been submitted ;

“ Being of opinion that, since so few replies have yet been received, it is not possible to take any decision on the substance of the draft Convention and the fourteen recommendations drawn up by the Committee of Experts :

“ Expresses the hope that those Governments which have stated that they are in favour of the fourteen recommendations will apply them at the earliest possible moment, and

“ Instructs the Secretary-General to request those Governments which have not yet sent their observations on this subject to send them to the Secretariat of the League as soon as possible, and to submit those observations to the Committee of Experts for examination at its next session.”

Appendix.

GOVERNMENTS TO WHICH THE SECRETARY-GENERAL FORWARDED,
ON FEBRUARY 14TH, 1934, THE PROPOSALS OF THE COMMITTEE OF EXPERTS
ON ASSISTANCE TO INDIGENT FOREIGNERS (DOCUMENT C.L.18.1934.IV) :

- | | |
|-----------------------|------------------------|
| 1. Abyssinia | 13. Colombia |
| 2. Albania | 14. Cuba |
| 3. Argentine Republic | 15. Czechoslovakia |
| 4. Australia * | 16. Denmark |
| 5. Austria | 17. Dominican Republic |
| 6. Belgium * | 18. Estonia * |
| 7. Bolivia | 19. Finland * |
| 8. United Kingdom | 20. France |
| 9. Bulgaria | 21. Germany |
| 10. Canada | 22. Greece * |
| 11. Chile * | 23. Guatemala |
| 12. China * | 24. Haiti |

¹ For those Governments which have not yet sent their observations, see Appendix.

- | | |
|----------------------|---|
| 25. Honduras | 48. Salvador |
| 26. Hungary | 49. Siam |
| 27. India * | 50. Spain * |
| 28. Iraq * | 51. Sweden * |
| 29. Irish Free State | 52. Switzerland * |
| 30. Italy | 53. Turkey * |
| 31. Japan | 54. Union of South Africa |
| 32. Latvia * | 55. Uruguay |
| 33. Liberia | 56. Venezuela |
| 34. Lithuania * | 57. Yugoslavia |
| 35. Luxemburg | 58. Afghanistan |
| 36. Mexico | 59. Brazil |
| 37. Netherlands * | 60. Costa Rica |
| 38. New Zealand * | 61. Danzig |
| 39. Nicaragua | 62. Ecuador |
| 40. Norway * | 63. Egypt |
| 41. Panama | 64. Iceland |
| 42. Paraguay | 65. Liechtenstein |
| 43. Persia | 66. Monaco * |
| 44. Peru | 67. San Marino |
| 45. Poland * | 68. Sa'udi Arabia |
| 46. Portugal | 69. Union of Soviet Socialist Republics |
| 47. Roumania | 70. United States of America. |

Note. — The names of the twenty Governments which have so far sent in their observations on the draft Convention and the fourteen recommendations drawn up by the Committee of Experts are marked with asterisks.

ANNEX 6.

INTERNATIONAL RELIEF UNION.

NOTE FROM THE PERMANENT CENTRAL SERVICE ON THE ACTIVITY OF THE INTERNATIONAL RELIEF UNION FROM SEPTEMBER 12TH, 1933, TO SEPTEMBER 12TH, 1934.

(Published in No. 13 of the *Journal* of the fifteenth session of the Assembly, dated
September 23rd, 1934.)

At an extraordinary meeting held on March 21st, 1934, at Rome, the Executive Committee of the International Relief Union decided not to draw up a financial report for the period from July 12th to December 31st, 1933. In agreement with the representative of the Secretary-General of the League of Nations, it was decided to postpone this report until 1935, and to submit only a statement for the period from July 12th, 1933, to December 31st, 1934.

Consequently, the first report of the International Relief Union, which, under the provisions of Article 10 of the Union's Statutes, devolves upon its Executive Committee, will be drawn up in 1935 and submitted next year to the members of the Union and to the sixteenth Assembly of the League.

Irrespective of this report, and to mention only the most important facts, the Union had the great satisfaction of seeing two more countries accede to the Convention of July 12th, 1927: the Kingdom of Iraq on June 12th, 1934, and the Republic of Cuba on June 19th, 1934, making the number of States members of the Union twenty-nine, as follows:

Albania, Belgium, United Kingdom, Bulgaria, Cuba, Czechoslovakia, Egypt, Ecuador, Finland, France, Germany, Greece, Hungary, India, Iraq, Italy, Luxemburg, Monaco, New Zealand, Persia, Poland and the Free City of Danzig, Roumania, San Marino, Sudan, Switzerland, Turkey, Venezuela, Yugoslavia.

Thirteen States have paid their contribution to the initial fund, which now amounts to 314,132.50 francs.

The Executive Committee of the Union has met twice: once at Paris on October 31st and November 1st, 1933, and the second time at Rome on March 21st, 22nd and 23rd, 1934 (second and third sessions).

The Executive Committee nominated the following experts, with the approval of their respective Governments :

Italy : Gr. Off. Comm. Domenico ROMANO.
Bulgaria : M. St. N. LAFTCHIEFF.
France : M. Jules BRISSAC.
Greece : M. Miltiade NEGROPONTE.
Czechoslovakia : Dr. Hynek PELC.
Yugoslavia : M. Stevan PAVLOVITCH.
 M. Ljubomir MIHAILOVITCH (substitute).
 Dr. Tchedomir DJOURDJEVITCH (substitute).
Germany : Dr. RUPPERT.

The Executive Committee has devoted all its attention to perfecting its Rules of Procedure and organisation. The National Red Cross Societies, which are mainly responsible for the real work of the Union, have been asked to intensify their preparations for that purpose, and a report to this effect will be submitted at the fifteenth International Red Cross Conference, at Tokio on October 20th, 1934.

The Executive Committee has outlined the main features of an eventual plan of action in conformity with the provisions of the Convention and the Statutes.

The International Relief Union has, very fortunately, not had to take any action during the current year, but was glad to extend its help to one of the Member States, India, in connection with the Bihar earthquake ; on January 19th, 1934, a sum of £1,000 was sent to the Red Cross of India.

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MINUTES

OF THE

SIXTH COMMITTEE

(Political Questions)

GENEVA 1934.

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LIST OF MEMBERS OF THE SIXTH COMMITTEE.

Chairman : His Excellency M. Salvador DE MADARIAGA Y ROJO (Spain).

Vice-Chairman : His Excellency Dr. Rudolf HOLSTI (Finland).

Members :

- Abyssinia* : His Excellency the Badjerond HAWARYAT.
- Albania* : Dr. Fuad ASLANI.
- Argentine Republic* : His Excellency Dr. José Maria CANTILO.
His Excellency Dr. Enrique RUIZ-GUINAZÚ (Substitute).
His Excellency Dr. Roberto LEVILLIER (Substitute).
- Australia* : The Right Honourable S. M. BRUCE, C.H., M.C.
Mr. F. K. OFFICER, O.B.E., M.C. (Substitute).
- Austria* : His Excellency Dr. Egon BERGER-WALDENEGG.
His Excellency M. Emeric PFLÜGL (Substitute).
Mme. Fanny STARHEMBERG (Substitute).
- Belgium* : His Excellency M. Henri JASPAR.
His Excellency M. Paul HYMANS.
M. Maurice BOURQUIN (Substitute).
- Bolivia* : His Excellency M. Adolfo COSTA DU RELS.
- United Kingdom of Great
Britain and Northern
Ireland* : The Right Honourable Anthony EDEN, M.C., M.P.
Mr. A. Noel SKELTON, M.P.
- Bulgaria* : His Excellency M. Constantin BATOLOFF.
M. Nicolas ANTONOFF (Substitute).
- Canada* : Mr. O. D. SKELTON, M.A., Ph.D.
Mr. J. S. MACDONALD (Substitute).
- Chile* : His Excellency M. Manuel RIVAS-VICUÑA.
His Excellency M. Jorge VALDÉS-MENDEVILLE (Substitute).
- China* : His Excellency M. QUO Tai-chi.
His Excellency Dr. TSIEN-Tai (Substitute).
M. Dekien TOUNG (Substitute).
- Colombia* : His Excellency Dr. Augustin NIETO-CABALLERO.
Dr. J. M. YÉPES (Substitute).
- Cuba* : His Excellency Dr. Guillermo PATTERSON.
- Czechoslovakia* : His Excellency M. Eduard BENEŠ.
His Excellency M. Stefan OSUSKÝ (Substitute).
- Denmark* : Dr. Peter MUNCH.
M. Erik DE SCAVENIUS.
Mlle. Henni FORCHHAMMER (Substitute).
M. Gustav RASMUSSEN (Substitute).
- Estonia* : His Excellency M. Julius SELJAMAA.
His Excellency M. Auguste SCHMIDT (Substitute).
- Finland* : His Excellency M. A. HACKZELL.
His Excellency Dr. Rudolf HOLSTI.
- France* : His Excellency M. Louis BARTHOU.
M. René MASSIGLI (Substitute).
M. Jules BASDEVANT (Substitute).
M. René CASSIN (Substitute).
M. Louis AUBERT (Substitute).
- Greece* : His Excellency M. D. MAXIMOS.
His Excellency M. Nicolas POLITIS.
His Excellency M. R. RAPHAËL.
M. R. BIBICA-ROSETTI (Substitute).
M. B. P. PAPADAKIS (Substitute).

- Guatemala :*
- Haiti :* His Excellency M. Constantin MAYARD.
His Excellency M. A. F. FRANGULIS (Substitute).
- Hungary :* M. Tibor DE ECKHARDT.
M. Béla DE SZENT-ISTVÁNY (Substitute).
M. Zoltán BARANYAI (Substitute).
M. François MENGELE (Substitute).
- India :* Sir Denys BRAY, K.C.S.I., K.C.I.E., C.B.E.
- Iraq :* His Excellency General NOURY PASHA EL SAID.
Mussa Beg SHABANDAR (Substitute).
Major C. L. EDMONDS (Substitute).
JA'FAR PACSHA EL ASKARI (Substitute).
- Irish Free State :* Mr. Eamon DE VALERA.
Mr. Francis T. CREMINS (Substitute).
- Italy :* His Excellency Baron Pompeo ALOISI.
The Honourable Giuseppe BIANCHINI (Substitute).
The Honourable Antonio MARAINI (Substitute).
M. Augusto BIANCHERI CHIAPPORI (Substitute).
Marquis Antonio MELI LUPI DI SORAGNA (Substitute).
M. Renato BOVA SCOPPA (Substitute).
- Latvia :* M. Wilhelms MUNTERS.
M. Jules FELDMANS (Substitute).
- Liberia :* His Excellency M. Clarence L. SIMPSON.
His Excellency Doctor F. A. K. RUSSELL.
- Lithuania :* His Excellency M. Stasys LOZORAITIS.
His Excellency M. Petras KLIMAS (Substitute).
- Luxemburg :* His Excellency M. Joseph BECH.
- United States of Mexico :* His Excellency M. Francisco CASTILLO NAJERA.
His Excellency Dr. Enrique JIMÉNEZ (Substitute).
Dr. Pedro DE ALBA (Substitute).
- Netherlands :* His Excellency Jonkheer A. C. D. DE GRAEFF.
His Excellency M. J. A. N. PATIJN (Substitute).
- New Zealand :* The Honourable Sir James PARR, K.C.M.G.
Mr. C. KNOWLES, C.B.E. (Substitute).
- Norway :* M. Carl J. HAMBRO.
M. E. O. MASENG.
M. R. I. B. SKYLSTAD (Substitute).
M. Rolf ANDERSEN (Substitute).
- Panama :* His Excellency Dr. Belisario PORRAS.
Dr. Ernesto HOFFMAN (Substitute).
- Paraguay :* His Excellency Dr. R. V. CABALLERO DE BEDOYA.
- Persia :* His Excellency Mirza Seyed Bagher Khan KAZEMI.
His Excellency M. Anochirevan Khan SEPAHBODI.
M. Mohammed Khan SCHAYESTEH (Substitute).
- Peru :* His Excellency Dr. Luis MIRÓ QUESADA.
His Excellency M. Ventura GARCÍA CALDERÓN.
M. José-Maria BARRETO (Substitute).
- Poland :* His Excellency M. Joseph BECK.
His Excellency M. Edouard RACZYŃSKI.
His Excellency M. Witold CHODZKO (Substitute).
M. Roman DEBICKI (Substitute).
M. Thadée GWIAZDOWSKI (Substitute).
M. Titus KOMARNICKI (Substitute).
M. Ladislas KULSKI (Substitute).
M. Wladyslaw Józef ZALESKI (Substitute).
- Portugal :* His Excellency Dr. José CAEIRO DA MATA.
His Excellency Dr. José Lobo D'AVILA LIMA.
His Excellency Dr. José Capelo DE FRANCO-FRAZÃO, Count DE
PENHA GARCIA (Substitute).
Dr. N. M. FREIRE DE ANDRADE (Substitute).
- Roumania :* His Excellency M. Constantin ANTONIADE.
M. Mircéa DJUVARA (Substitute).
Mlle. Hélène VACARESCO (Substitute).

- Salvador :*
- Siam :* His Excellency Phya Subarn SOMPATI.
M. Luang BHADRAVADI (Substitute).
- Union of South Africa :* His Excellency M. Eric Hendrick LOUW.
His Excellency Dr. Herman Dirk VAN BROEKHUIZEN (Substitute).
- Union of Soviet Socialist
Republics :* M. Maxime LITVINOFF.
M. Vladimir POTEKINE (Substitute).
M. Boris STEIN (Substitute).
- Spain :* His Excellency M. Salvador DE MADARIAGA Y ROJO.
His Excellency M. Teodomiro DE AGUILAR (Substitute).
Mlle. Clara CAMPOAMOR (Substitute).
M. Julio CASARES (Substitute).
- Sweden :* His Excellency M. R. J. SANDLER.
M. B. Ö. UNDÉN (Substitute).
Mlle. Kerstin HESSELGREN (Substitute).
M. A. G. F. VOUGT (Substitute).
M. E. HENNINGS (Substitute).
- Switzerland :* His Excellency M. Giuseppe MOTTA.
M. Albert OERI (Substitute).
- Turkey :* His Excellency Tevfik RÜSTÜ Bey.
His Excellency Cemal HÜSNÜ Bey (Substitute).
- Uruguay :* His Excellency Dr. Augusto César BADO.
His Excellency Dr. Alberto GUANI.
His Excellency M. Victor BENAVIDES.
- Venezuela :* His Excellency Dr. C. PARRA-PÉREZ.
His Excellency Dr. Diógenes ESCALANTE (Substitute).
- Yugoslavia :* His Excellency M. Bogolioub YEVITCH.
His Excellency M. Constantin FOTITCH (Substitute).
Dr. Ivan SOUBBOTITCH (Substitute).
M. Milan STEVANOVITCH (Substitute).

The following persons attended certain meetings of the Sixth Committee :

M. Gonzague DE REYNOLD (International Committee on Intellectual Co-operation).

M. Henri BONNET (Director of the International Institute of Intellectual Co-operation).

Major JOHNSON (Nansen International Office for Refugees : Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees).

SIXTH COMMITTEE OF THE FIFTEENTH ORDINARY SESSION OF
THE ASSEMBLY.

(POLITICAL QUESTIONS.)

AGENDA.

1. NANSEN INTERNATIONAL OFFICE FOR REFUGEES : Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.
 2. PROTECTION OF MINORITIES : Conclusion of a General Convention on the Protection of Minorities : Draft Resolution submitted by the Polish Government.
 3. INTELLECTUAL CO-OPERATION.
 4. DISPUTE BETWEEN BOLIVIA AND PARAGUAY : Appeal by the Bolivian Government under Article 15 of the Covenant (see *Official Journal* for November 1934 (Part II)).
 5. MANDATES.
 6. PROTECTION OF MINORITIES : The Part of the Report to the Assembly (pages 38-45) dealing with the Question of Minorities : Draft Resolution submitted by the Hungarian Delegation.
 7. SLAVERY.
 8. ADMISSION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE LEAGUE OF NATIONS.
 9. ADMISSION OF THE KINGDOM OF AFGHANISTAN TO THE LEAGUE OF NATIONS.
 10. PROHIBITION, UNDER THE PROVISIONS OF THE COVENANT, OF THE SUPPLY OF ARMS AND WAR MATERIAL TO BELLIGERENTS.
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SIXTH COMMITTEE OF THE FIFTEENTH ORDINARY SESSION OF
THE ASSEMBLY.

(POLITICAL QUESTIONS.)

FIRST MEETING

Held on Tuesday, September 11th, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

1. Election of the Vice-Chairman.

On the proposal of Mr. SKELTON (United Kingdom), seconded by M. CASTILLO NAJERA (Mexico), M. HOLSTI (Finland) *was elected Vice-Chairman by acclamation.*

2. Publicity of the Meetings.

The Committee decided to continue its traditional practice of admitting the public and Press to its meetings, save in exceptional cases.

3. Consideration and Adoption of the Agenda.

The CHAIRMAN read the Committee's agenda which, for the present, included the following questions :

1. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.
2. Polish Proposal for the Conclusion of a General Convention on the Protection of Minorities.
3. Intellectual Co-operation.
4. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant.

He added that the Assembly would, in all probability, refer other items to the Committee.

**4. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees :
Appointment of a Rapporteur.**

On the proposal of the CHAIRMAN, M. RAPHAËL (Greece) *was appointed Rapporteur for this question.*

**5. Simplification of the Procedure of the Assembly : Presentation of the Reports of
Committees.**

The CHAIRMAN reminded the Committee that the last Assembly had adopted the following resolution :

“ The Assembly decides that the following procedure shall be applied, as an experiment, at the ordinary session of 1934 :

.....
“ 2. (i) When the reports and resolutions submitted by the various Committees of the Assembly are brought up for adoption in plenary session, the President, in the cases indicated below, shall read the titles of the reports and put forthwith to the vote the resolutions which are proposed.

“ (ii) The procedure provided for in paragraph (i) shall only apply in cases where the Committee has unanimously declared that it does not consider a discussion of the report in plenary session to be necessary and where no delegation has subsequently asked the President to open a discussion on the report. The report must be circulated to the delegations twenty-four hours before it is brought up in plenary session.”

The Committee decided to adhere to the procedure outlined in this resolution whenever possible.

6. Participation of Experts in the Work of the Committee.

The CHAIRMAN proposed that the Committee should invite various experts, whose assistance would be particularly useful, to take part in a discussion of certain technical questions—for instance, M. Antoniade, representing the Governing Body of the Nansen International Office, a representative of the Committee on Intellectual Co-operation and the Director of the Institute of Intellectual Co-operation.

The Chairman's proposal was adopted.

SECOND MEETING.

Held on Wednesday, September 12th, 1934, at 11 a.m.

Chairman : M. DE MADARIAGA (Spain).

7. Intellectual Co-operation : Appointment of a Rapporteur.

On the proposal of the CHAIRMAN, seconded by M. PARRA-PÉREZ (Venezuela), M. MARAINI (Italy) *was appointed Rapporteur for this question.*

8. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Communication by the Clairman.

(See Official Journal, Special Supplement No. 124.)

9. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees : General Discussion.

M. ANTONIADÉ (Governing Body of the Nansen International Office), representing the Chairman of the Governing Body, who had been prevented by illness from attending, summarised the report of the Office's work during the past year (document A.12.1934).

As the Office's report to the last session of the Assembly had foreshadowed, the intensification of the economic crisis had had a very serious effect on the situation of refugees during the previous year. Information from different sources confirmed the continual increase of distress among refugees. This distress had, unfortunately, been accentuated by the measures adopted in various countries to prohibit the employment of foreign labour. These measures had sometimes made it necessary to repatriate foreign workers. Refugees, however, were unfortunately often expelled, a fact which made their situation tragic, and at the same time created difficulties in the countries which they were forced by circumstances to enter clandestinely.

The total number of Russian refugees had increased during the last year owing to the arrival in various countries bordering on Russia of new groups of refugees. The number of unemployed refugees had also greatly increased for the reasons just stated.

In its report, the Office estimated that there were not less than 800,000 Russian, 170,000 Armenian and 14,000 Assyrian, Assyro-Chaldean and Turkish refugees. In view of this impressive total of nearly one million persons, the Committee could easily imagine the number of problems of every kind which their presence and condition raised for the Office. The problem was complicated by the fact that in certain countries 50 per cent of the able-bodied refugees were unemployed, while another 25 per cent at least consisted of persons unfit for work, and children. Consequently, members of families who were fortunate enough to have work had to support a very heavy burden.

Apart from the general refugee problem, the Office had been obliged, during the year, to deal with certain special tasks of great urgency. For instance, several hundred Molokans—a religious sect from Russia—had arrived in Asia Minor, after suffering the cruel hardships of a very severe winter; three hundred Catholic, Lutheran, Mennonite and Pfingstbrüder refugees had had to be evacuated, their situation in Harbin having become so precarious that exceptional efforts had to be made to settle them in Brazil; and, finally, a much more painful problem, that of the large numbers of Russian women refugees in China who had become victims of the traffic in women. In this connection, he drew attention to an annex to the Office report in which the lamentable state of affairs was described by the Office representative in China.

The many remedies adopted by the Office to extricate the refugees from their difficult situation might be divided into two broad categories: the application of intergovernmental arrangements providing them with an international status and the material relief granted to groups and to certain individuals.

Important progress had been achieved during the previous year in the first respect, through the adoption of a Convention which supplemented and consolidated, not only the work of the League of Nations in this domain, but also the intergovernmental arrangements previously concluded. The Convention had, however, up to the present not obtained many signatures. It would be desirable for the Assembly to recommend that as many as possible of the Governments concerned should accede to this Convention and ratify it without delay.

Such material relief as the Office was able to grant was of a diversified nature and ranged from the comprehensive scheme for settling Armenian refugees in Syria, where more than 26,000 refugees had been taken away from the camps and settled in agricultural colonies or urban districts, to the individual settlement of more than 700 refugees as artisans, small traders, etc., on the basis of an average advance of about 200 Swiss francs per person. Moreover, 17,000 refugees had been helped through advances or subsidies granted by the Office to refugee organisations. In all, the Office had, in one way or another, assisted more than 90,000 refugees.

Owing to the increasing difficulty of obtaining work for refugees in Europe, and even in maintaining refugees in the situations they already held, the Office had, in accordance with the resolution adopted by the previous Assembly, paid particular attention to the possibility of settling them in overseas countries. As a result, the Office had been able to submit, in response to a request from the League, a carefully studied detailed plan for the settlement of the Assyrians of Iraq in Brazil. It had, unfortunately, been impossible to execute this plan, in spite of Brazil's favourable reply regarding the acceptance of Assyrian refugees, owing to the new immigration laws which had subsequently been promulgated in that country. Nevertheless, the experience acquired by the Office in this field enabled it to render useful service to certain Governments which had requested it to co-operate with them in solving refugee problems in their respective territories. It would be desirable to reiterate the recommendation of the previous Assembly regarding this immigration to overseas countries and to request the countries prepared to accept such refugees to do so on the most liberal lines possible.

The services which the Office was able to render to refugees in general were, however, limited by the modest resources at its disposal. Consequently, it might perhaps be desirable for other Governments to follow the example of some who had capitalised their expenditure on refugees for the purpose of financing settlement schemes through the Office.

Moreover, if Governments would only follow the enlightened example of the French Government and take steps to secure the general application of the Nansen stamp system in their countries, new sources of revenue would become available to enable the Office to carry on its work.

In compliance with the last Assembly resolution, the Office had kept in mind the question of settling Armenian refugees in the Republic of Erivan and was continuing negotiations on the subject.

In spite of its very limited resources, the Office had succeeded, by careful management, in achieving important results on behalf of the refugees.

Mlle. CAMPOAMOR (Spain) drew attention to the following resolution adopted on April 11th, 1934, by the Advisory Committee for the Protection and Welfare of Children and Young People :

“ That the Council be asked to recommend to the Assembly that a grant be made to the Nansen Office to make at least a beginning towards rendering the assistance to Russian women in the Far East that is needed.”

She observed that this was a question which concerned the Fifth Committee also, but thought the Sixth Committee could itself recommend the communication to the Fourth Committee, and thence to the Assembly, of a decision concerning the financial aid of which the Office stood in need.

If so, three considerations must presumably be borne in mind :

(1) That this financial aid should be used neither for relief work nor for administrative expenditure, but solely to improve the situation of those women who, being unable to find employment, had been obliged to resort to prostitution as the only means of gaining a livelihood ;

(2) That this decision should not in any way affect the ordinary working of the Nansen Office—that was to say, its development or the time-limit fixed for its existence ;

(3) That, for the protection of these refugees, the Nansen Office should in every case act in agreement with the Advisory Committee on Traffic in Women and Children, both in regard to the protective measures to be adopted and in view of the eventual winding-up of the Nansen Office, so that the work of the protection of women might be carried on by that Committee.

Mlle. FORCHHAMMER (Denmark) supported the Spanish delegate's proposal. Many years ago, when Dr. Nansen was working on the refugee question, he had been especially interested in the fate of Russian women in Constantinople, who had also, like the refugees at present under consideration, been driven to prostitution. She was sure that, if Dr. Nansen had been still alive, he would have taken a special interest in this question.

Nobody could read the report and recommendations of the experts who had studied conditions in the Far East without being deeply moved, and the reaction was the same on reading the report of the Nansen Office representative in Shanghai, describing the dreadful situation of the women there.

She agreed with the Spanish delegate that the Fourth Committee ought to be urged to vote funds for the purpose. The work could not be carried out without special funds, because, as the Committee was aware, the resources of the Nansen International Office had been considerably cut down and were automatically diminishing every year. While she agreed that the various League Committees should co-operate in this matter, she felt that the Nansen Office needed to keep in even closer touch with the League Advisory Committee than with the Fifth Committee, important though that Committee was. Would not the Spanish delegate accept a slight amendment to her proposal in that sense ?

Mlle. Forchhammer was glad to note that the Nansen Office had been able to send more Armenian refugees to Erivan. She hoped that this work would continue, because the Republic of Erivan was the only place which the Armenian refugees could regard as their national home, after so many of their hopes had been frustrated.

M. ANTONOFF (Bulgaria) drew attention to the very difficult situation of the refugees established in Bulgaria, where, owing to the crisis, it was becoming increasingly difficult to secure employment for foreigners. It was highly important that the Nansen Office should pursue as actively as possible the enquiries it had undertaken with a view to evacuating refugees, and particularly transferring Armenian refugees to the Republic of Erivan, in order that they might not shortly find themselves in a still worse situation.

Mr. OFFICER (Australia) was sure that all delegations had been moved by the appeal of the Spanish delegate, so ably supported by the delegate of Denmark, on behalf of those unfortunate women in the Far East ; he thought, however, that the Committee could hardly begin to consider the proposal seriously until it had been given more information by the representative of the Governing Body. First, had that Body considered the proposal, and what had it to suggest ? The report merely referred to making a start in affording assistance. The Committee ought, if possible, to be given some idea of the active form this assistance should take in the event of the proposal being favourably received. Secondly, would not the making of contributions for specific purposes be a departure from existing practice ? The usual method was to make a contribution towards the general expenses of the Nansen Office. Perhaps the representative of the Governing Body could supply some information on these points.

Princess STARHEMBERG (Austria) had also been deeply moved by Mlle. Campoamor's speech regarding Russian refugee women in the Far East. She was sure that these unfortunate women deserved the sympathy of all nations. On behalf of her country, she therefore supported the proposal submitted by the delegate of Spain.

M. TSIEN Tai (China), referring to the condition of Russian women in China, said that the Chinese Government was doing all it could to improve their lot. He was bound, however, to point out that, as the report showed in its Appendix II, Harbin was the main supply centre of the traffic. For reasons well known, China was powerless in that region for the moment. Moreover, the situation reported at Shanghai, Tientsin and Hankow was in reality that in the foreign concessions, and was therefore outside the Chinese Government's control. He had pointed this out in order to explain the difficult position of the Chinese Government, which regretted the situation as much as—if not more than—any other Government, and was doing all within its power to bring about an improvement.

Sir Denys BRAY (India) said that the assurance of the Chinese Government would be very welcome to the Committee. It was quite clear that the difficulties were great, and in this connection the very practical speech of the Australian delegate was appreciated. It was wise to know beforehand what practical steps were likely to be possible. It was wise also to think twice before embarking on new methods and establishing new precedents. On the other hand, all who had read the annex to the Office's report must feel that an effort should be made to overcome all difficulties and that all practical methods should be explored to combat an evil which, so far from diminishing, was clearly increasing. The Committee should bear in mind, not only the condition of the unfortunate women themselves, but the effect of such a situation on civilisation itself. This evil acted like a corrosive on Western civilisation ; he therefore trusted that the League of Nations would deal with it fearlessly. The practical difficulties must, however, be faced if they were to be overcome.

Mlle. HESSELGREN (Sweden) said that some years previously she had, in the Assembly, appealed to the League to combat the traffic in women. She had been immensely impressed by what the League had accomplished in that domain. The present report was further evidence of practical achievement. She sincerely hoped that the Committee would do all it could to help. The League was not being asked to subsidise an unknown body, but to grant an allocation to an Office which, for many years, had been doing splendid work. Money so allocated was not wasted. While she was aware that the Sixth Committee could not vote credits, she hoped it would support the Fifth Committee in making recommendations to the Fourth Committee to the effect that practical assistance be afforded to these unfortunate women.

M. CHODZKO (Poland), as a member of the Child Welfare Committee, which had adopted the resolution quoted by the Spanish delegate, emphasised the importance of this question. He had been somewhat astonished to note that Table B, page 9, of the report made no provision for the relief of Russian women refugees in China, and more particularly in Manchuria. The report also stated that the representative of the Office in China had been withdrawn. That was much to be regretted. Might it not be possible to reverse that decision ?

Doubtless, the question of procedure was very difficult ; but, as the Nansen Office was to continue in existence until 1938, it would find itself in a very awkward position if it were not able to meet the cost of assisting Russian refugee women in the Far East.

The financial situation of the League of Nations did not justify excessive pessimism. For instance, there was a surplus of 209,000 francs which the Fourth Committee had decided to allocate to the fund for writing off exchange losses. Could not the Fourth Committee reverse this decision on the ground that refugee relief was a more urgent matter than the requirements of the exchange-losses fund ? Moreover, the Swiss delegate had drawn the Fourth Committee's attention to the 1935 credit for economic relations, which was five times as great as that in 1933. In the sphere of economics, efforts had not always been successful ; consequently, more attention might be devoted to the social questions with which the League was concerned, and which were at the present time in the forefront of the world's anxieties.

He therefore asked the Sixth Committee to be good enough to adopt Mlle. Campoamor's proposal. With regard to this proposal, he shared the fears expressed by the Danish delegation. The competence of the Nansen Office should not be too strictly limited.

Mlle. CAMPOAMOR (Spain) replied to certain of the observations submitted.

With regard to the question of procedure raised by the Australian delegate, she quite agreed that the Advisory Committee should deal with the question in collaboration with the Nansen Office.

She was sure that everyone appreciated the information supplied by the Chinese delegate and realised that China could not do more than she was at present doing for the refugees.

She entirely agreed with the views of the delegate of India, who had defined the situation clearly and had explained that it was better to think twice before creating fresh precedents. It was indispensable, in the first place, to be quite sure of the conditions in which financial aid might be afforded to these unfortunate women whose poverty forced them to engage in prostitution.

She fully understood Mlle. Hesselgren's scruples and the possible danger of hampering the Nansen Office's work. One objection had been made with regard to the administrative costs which the undertaking would involve ; it had been pointed out that lump sums were paid to the Nansen Office. It would, therefore, be somewhat difficult to allocate them for specific purposes. She felt sure that these difficulties could be overcome. Mlle. Campoamor observed that from 20,000 to 25,000 francs would be sufficient to begin the work. That was not an excessive sum. Surely the sufferings of these women were poignant enough to warrant support for action ? As the League of Nations possessed a Committee on Traffic in Women, it could not abandon so many unfortunate women unable to save themselves without its help.

The CHAIRMAN reminded the Committee that the Council had referred the Advisory Committee's resolution to the Assembly, which had in turn instructed the Sixth Committee to examine it. The Spanish delegation had proposed that this resolution should be adopted, first by the Sixth Committee and then by the Assembly, subject to the three following conditions :

- (1) The financial aid accorded should not be used to cover any administrative expenditure ;
- (2) This aid should not in any way affect the existence or abolition of the Nansen Office ;
- (3) The work of saving these women should be undertaken jointly with the Advisory Committee which had passed the resolution.

In this connection the Australian delegate also raised two supplementary questions, to which a third, arising out of the discussion, had to be added :

- (1) A question of principle : Should precedents be disregarded by granting to the Nansen Office a non-global contribution intended for a special purpose ?
- (2) A practical question : In what precise form should relief be granted ?
- (3) What would be the cost of this undertaking ?

The Chairman thought that, before reaching a decision, the Committee might be glad to hear the representative of the Nansen Office.

M. ANTONIADE (Governing Body of the Nansen International Office) observed that the Office had long felt anxiety on this subject, but, owing to lack of means, it had not been able to put its thoughts into concrete form. If it could obtain fresh resources, it would be prepared to study the question in all its details. He ventured to point out, however, that the problem was not so simple as might appear at first sight. The Australian delegate's observations on the subject were entirely relevant.

The representatives of the Nansen Office, the Rapporteur and those speakers who had made proposals might meet and discuss the question, so that, at the next meeting, further details might be forthcoming, both as to the manner in which the resolution should be submitted and as to the working proposals which the Nansen Office might be able to put forward for the solution of the problem.

M. RAPHAËL (Greece), Rapporteur, concurred with the suggestion that a meeting should be held to decide on the manner in which the proposal could be put into effect. Nevertheless, he thought it would be difficult to state the problem in the form of any figures that could hope to resist the detailed scrutiny of the Supervisory Commission. The problem was a very difficult one, and he did not think that, in two or three days, the necessary data could be obtained in order to supply figures to the Fourth Committee. It would not, therefore, be an easy matter to reach definite conclusions immediately.

The CHAIRMAN proposed that the delegations interested in this question should get into touch as soon as possible with the representative of the Nansen Office and with the Rapporteur. The latter would then submit a draft resolution or a report at one of the next meetings.

The Chairman's proposal was adopted.

THIRD MEETING.

Held on Saturday, September 15th, 1934, at 4 p.m.

Chairman : M. DE MADARIAGA (Spain).

10. Assistance to Russian Women Refugees in China : Communication from the Chairman of the Fifth Committee.

The CHAIRMAN read the following letter from the Chairman of the Fifth Committee :

“ The Fifth Committee discussed this morning in plenary meeting the question of the assistance to be afforded to Russian women in China. It decided to appoint a Sub-Committee to study the problem in greater detail and expressed the opinion and desire that the Sixth Committee should collaborate in the work of this Sub-Committee, consisting of Miss Horsbrugh (United Kingdom), Mme. Luh-Tsen T. Liu (China), M. Rudolf Künzl-Jizerský (Czechoslovakia), M. Jules Gautier (France), M. Stefano Cavazzoni (Italy), Mlle. Clara Campoamor (Spain), and Mlle. Kerstin Hesselgren (Sweden). This Sub-Committee will meet as soon as possible.

“ I should be grateful if you would inform me whether the Sixth Committee would be disposed to co-operate, and, if so, communicate to me the names of its representatives.”

The Chairman proposed that the Committee should appoint M. RAPHAËL, Rapporteur for the question of the Nansen International Office ; M. ANTONIADE, representing the Office ; and Sir Denys BRAY as the Sub-Committee designated to collaborate with the Fifth Committee's Sub-Committee, of which two members of the Sixth Committee, Mlle. Campoamor and Mlle. Hesselgren, were already members.

The Chairman's proposal was adopted.

11. (1) Mandates, (2) Protection of Minorities : Insertion of these Items in the Agenda.

The CHAIRMAN announced that, in conformity with the decision reached by the Assembly on September 12th, the question of mandates and the part of the report to the Assembly concerning the question of minorities (document A.6.1934, pages 38 to 45) had been added to the Committee's agenda.

12. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : General Discussion.

(See *Official Journal*, Special Supplement No. 124.)

FOURTH MEETING.

Held on Monday, September 17th, 1934, at 4.30 p.m.

Chairman : M. DE MADARIAGA (Spain).

13. **Slavery : Insertion of this Item in the Agenda.**

The CHAIRMAN said he had received the following letter from the President of the Assembly :

“ The Assembly at its meeting this morning adopted the following resolution proposed to it by the delegation of the United Kingdom of Great Britain and Northern Ireland :

“ ‘ The Assembly, in view of the interest it has shown in the past in the question of Slavery, decides to refer to the Sixth Committee the Chapter on Slavery in the report on the work of the League since the last session of the Assembly ’ (document A.6.1934).

“ I should be obliged if you would kindly take whatever action you consider desirable with regard to this communication.”

The discussion of this question would be opened at the end of this meeting should time permit.

14. **Question of the Entry of the Union of Soviet Socialist Republics into the League of Nations.**

The CHAIRMAN.—I have received the following letter from the President of the Assembly :

“ The Assembly at its meeting this morning decided, on the proposal of its General Committee, to refer to the Sixth Committee for its consideration the communication concerning the entry of the Union of Soviet Socialist Republics into the League of Nations.

“ I should be obliged if you would kindly give effect to this decision of the Assembly.”

The documents relating to this letter have been distributed (Annex 1). They include an invitation addressed by certain Members of the League to the Government of the Union of Soviet Socialist Republics and a letter addressed to the President of the Assembly by that Government.

M. CAEIRO DA MATA (Portugal).—The Government of the Portuguese Republic has decided that it cannot vote in favour of the admission of the Union of Soviet Socialist Republics into the League of Nations. I have now to state the reasons which have determined the attitude of my Government.

Portugal is fully conscious of the duties which devolve upon her as a Member of the League and which she has always fulfilled with loyalty and resolution. She realises that after a period of the greatest anxiety the League is only now beginning to emerge victoriously from a serious crisis. It is for those States which are convinced that the League is accomplishing a task of vital importance and represents an instrument for the protection of the rights of peoples against the spirit of conquest and domination, to continue the work of strengthening and consolidating the institution at Geneva. On the other hand, Portugal, like any other State, cannot disregard the unchanging requirements of her national life and the powerful pressure of public opinion in the country. She holds these requirements as sacred as her international obligations. My country considers that, in adopting the attitude I have explained, she is acting in the best interests of the world.

There is manifest opposition—I may even say incompatibility—between the principles advocated by Soviet Russia in the economic, juridical, political and moral spheres and the conceptions which form the basis of our ancient civilisation and constitute the very essence of our culture and ethics. That is the main general reason which prevents the Portuguese Government from voting in the affirmative. I shall not discuss these principles ; this is neither the time nor the place to do so. But I do not hesitate to say that the admission of the Soviets will be in contradiction to the ideas which have guided the most highly civilised nations during the last few centuries, and on which they have built up their honour and glory.

M. Beneš, that great European and indefatigable defender of international peace, stated in a letter addressed to M. Borel, President of the Committee of European Co-operation, on the occasion of the opening of a meeting to study the future of European thought, that it was necessary for the organisation of Europe and the peace of the world that there should be as close identity as possible between the political systems of the various States. For the purpose of effective international co-operation and the creation of a real spirit of solidarity in Europe as opposed to the spirit of isolation (which leads inevitably to war), it is indeed indispensable that there should be a common denominator of morality and culture. Does this common denominator exist between Russia and other countries ?

I must confess in all sincerity that I do not see how the admission of the Soviets can create favourable prospects for the work of peace and world security invoked in the Preamble of the Covenant of the League of Nations which ought to constitute the *Magna Carta* of all modern States. Is there not a risk that the mere increase of prestige which would be conferred on the Soviets by their admission into the League would render more effective the propaganda for the destruction of those institutions on which the political and social organisation of States is founded? It is also on account of this propaganda and the harmful effect which it might have on my country—a country characterised by order and discipline, firmly established Christian sentiments, the highest standards of family morality and deep respect for the rights of the individual—that the Government of the Republic, which has not yet recognised the Union of Soviet Socialist Republics, is voting for the refusal of the application for its admission into the Geneva Organisation.

Furthermore, there is a problem, the difficulties of which you will, I am sure, appreciate: how is the fact of admission into the League to be reconciled with practice, or rather with the international technique in force in the matter of the recognition of States? Are we to have recognition at Geneva and non-recognition elsewhere? Is there to be international co-operation in the League, which implies the most serious international undertakings, and abstention outside it? Will not the admission of the Soviet Union into the League logically and necessarily involve the *de jure* recognition of the Soviet Government by the various States? What will be the position of those who do not wish or are unable at present to adopt that attitude?

Portugal's vote will be an affirmation of principle on the part of a Power which is proud of its age-long existence, its vast colonial empire and its economic and financial situation, which has attained the equilibrium almost universally lacking elsewhere. If, after all, the view which I have defended is defeated, I would nevertheless express my faith in the power of the League to dissolve all misunderstandings between nations and dispel the confusion which reigns in men's minds and prevents both the upper classes and the masses from finding the way to overcome accumulated difficulties. I am convinced that, through the might of its moral standards and the enormous resources at its disposal, it will succeed in finally consolidating the uncertain peace of the present day.

M. MOTTA (Switzerland).—The position adopted by the Swiss Federal Council with regard to the application of the Union of Soviet Socialist Republics is generally known. Criticised by some, defended by others, this position must be justified and explained all the more as it is contrary to the expressed policy of the greater number of delegates and especially of the three great Powers represented amongst us. I shall endeavour to justify and to explain it with the moderation which alone lends arguments their full weight, but also with that frankness which we owe to one another.

Switzerland is the only State which entered the League of Nations as a result of a plebiscite—that is, of the direct vote of the people and of the cantons. The struggle which took place over this all-important issue was one of the most heated and moving in the long history of our country. The Federal Government advocated the entry of Switzerland with all the authority at its command and its advice was followed. The founders of the League had shown us their confidence in choosing Geneva as the seat of the new institution. Swiss public opinion has always been and still is very appreciative of this great honour. One of its consequences, happy on the whole, has been to concentrate public attention in our country, more perhaps than elsewhere, on the work and activities of the League. Proximity almost always makes for interest.

From the beginning we have been resolute advocates of universality. We have proved it by our acts. Were I not fearful of betraying a lack of taste, I might be tempted to quote the speech I delivered on November 20th, 1920, on the opening of the first Assembly. Therein, directly alluding to Russia, I expressed the hope that, having been "cured of her madness" and "delivered from her misery", she might some day seek and find in the League the help indispensable for her reconstruction.

In spite of its constant and warm friendship for the Russian people, the Swiss Government has, however, never felt able to recognise *de jure* their present regime. It is determined to maintain this negative and expectant attitude. Our Legation at Petrograd was pillaged in 1918 and one of its officials killed. We have never secured so much as a word of apology. When, in 1918, an attempted general strike nearly plunged our country in the horrors of a civil war, a Soviet mission, which we had tolerated in Berne, had to be expelled *manu militari*, because it was found to have had a hand in the agitation.

As soon as the possibility of admitting the Soviet Union into the League began to be discussed this year in diplomatic circles, the Federal Council unhesitatingly informed Parliament that it could not, for its part, favour such a step. We realised that an affirmative vote would in fact, if not necessarily in law, lead to the resumption of regular diplomatic relations. That was out of the question. From a proper sense of caution, however, the Federal Council at that time, and until it became necessary to take a more definite decision, maintained its freedom of choice between a categorical negative vote and abstention, the latter being, in its opinion, only a disguised form of refusal.

Since then, and as the chances of a Russian application became closer and more imminent, the problem has come to be publicly discussed with increasing vigour. I shall in a moment explain why and how our public opinion has reacted, but before doing so I beg leave to say a word about the significance and force of public opinion in Switzerland.

Swiss public opinion is always free ; it is also spontaneous. Our Press is entirely free. The Federal Council has nothing resembling a semi-official Press. No pressure is ever exercised, no indications even are received from above. At the same time, we have many and various patriotic associations which cultivate and stimulate public spirit. We should not be the democracy we are, were it otherwise. We are proud of this democracy ; it is one of the reasons of our very existence. Without democracy, no Switzerland. If, therefore, on any matter of importance, the Press and these patriotic associations take a like stand, irrespective of political party, region and language, we are confronted with the national will clearly proclaimed. The Government must take account of it. It must do so all the more when its own opinion coincides with that thus expressed. Such is the case here.

Holding to essentials and leaving aside all secondary factors, let me now state how the problem of the admission of the Soviet Union into the League presents itself to us.

Does a regime, does a Government which proclaims and practises an expansive and militant Communism fulfil the necessary conditions of admission ?

I shall refer neither to the Preamble nor to the literal provisions of the Covenant. The arguments they suggest are very powerful, but they are of minor importance when compared with the fundamental principles of the Covenant, with its main purpose, with that which it does not explicitly mention because it goes without saying and is therefore necessarily assumed.

In every sphere—religious, moral, social, political, economic—this form of Communism is the most radical negation of the ideas by which we breathe and have our being. Most States even prohibit simple Communist propaganda, all regard it as a political crime as soon as it seeks to pass from the realm of theory into that of action.

Soviet Communism combats the ideal of religion and all that is spiritual in every form. Lenin compared religion to opium. Freedom of conscience is but a mere semblance. The servants of religion and their families are deprived of food cards. Churches are desecrated and fall in ruin. Moscow had five hundred churches and chapels ; forty are said to remain. Christian churches the world over feel smitten in the spirit and in the flesh of all those who there profess and proclaim their belief in Christ. A so-called petition for the martyrs was, last year in Switzerland, covered by over two hundred thousand signatures !

Communism dissolves the family ; it suppresses individual initiative ; it abolishes private property ; it organises labour in forms which it is difficult to distinguish from forced labour. Russia is afflicted with the dark curse of famine. Impartial observers wonder whether this famine is a purely natural phenomenon or whether it is the consequence of an economic and social system vitiated in its very roots.

But these characteristics of Communism, which I have sought objectively to define, still do not give a true picture of Russian Communism. There must be added another essential and distinctive trait which still more completely puts it into opposition with the most fundamental and most universally recognised principles prevailing in relations between States. Russian Communism seeks to strike root everywhere. Its ambition is world revolution. Its nature, its aspirations, its inner urge, all make for foreign propaganda. Its vital law is expansion beyond political frontiers. For Communism to abandon these aims would be to deny itself ; but by pursuing them, it becomes our common enemy, because it threatens us all. It would be easy for me to base each of these statements on authoritative texts drawn from official Bolshevik literature, but I would spare you superfluous quotations. We are faced with uncontroverted and uncontrovertible truths.

But I perceive the first objection. We hear it said : let us not confuse the Communist Party with the Bolshevik State.

This is no objection. The Bolshevik State, the Communist Party and the Third International to which it owes its birth are all morally one. The Bolshevik State was founded to carry out the programme of the Communist Party. Lenin had united in his person the functions of head of the State and of the Party. The present Secretary-General of the Party, without being the nominal head of the State, is its true master. The bonds between the State and the Party are indissoluble. The Party issues orders, the State carries them out.

I perceive a second and more important objection. Let me formulate it before examining it.

Attention is called to the fact that the Soviet Union is an immense territory of a hundred and sixty millions of inhabitants. Facing Asia on one side and Europe on the other, astride in a way on two continents, it cannot safely be ignored and deliberately left aside. The League of Nations is only a new form of international co-operation. It is not an institute of ethics, but a political association whose principal aim is to prevent wars and to maintain peace. If, by admitting Russia, we can serve the cause of peace, we must suppress our fears, our doubts, the repugnance which Governments may feel. May we not hope that continuous co-operation with other States within the League will promote an evolution beneficial for all and for Russia itself in the first instance ?

You would rightly be surprised were I to deny these considerations all value. The Governments of France, the United Kingdom and Italy have already placed similar views before the Federal Council through the ordinary channels of diplomacy—that is, through their representatives at Berne. The conversations which, as head of the Political Department, I was privileged to have with these gentlemen, were pursued in a spirit of friendship and confidence.

I never had the slightest feeling of any, even indirect, pressure. Let me make that clear in order, in the general interest, to dispel any possible misunderstandings.

While, however, we appreciated the points of view of other Governments, and particularly those of the three Great Powers, we were obliged to adopt another for ourselves. A country like Switzerland, which is neither able nor willing to play a part in high international policy, must necessarily pursue its own conceptions. In certain cases, we must deny ourselves opportunism, even of the highest and most legitimate order. We can emulate other countries only in the arduous pursuit of moral values.

Now, we cannot believe in this evolution of the Bolshevist regime, for which we hope no less than you. We cannot sacrifice to the principle of universality the idea of a necessary minimum of moral and political conformity between States. The League is or should be, in our view, one of the greatest of all human conceptions and realisations. When, on May 16th, 1920, the people and the cantons of Switzerland, overcoming all the obstacles due to their historical traditions, decided that the Confederation should join the League, they generously obeyed the call of an ideal.

To-day the common feelings of all patriotically and nationally minded Swiss is that the League is embarking on a hazardous undertaking. As we see it, it is venturing to wade water and fire. If Soviet Russia all of a sudden ceases to insult the League, which Lenin defined as an institute of brigands, we read the explanation of this novel attitude in the fiery letters of the Far-Eastern sky. We have no confidence. We do not feel able to co-operate in an act which will confer upon Soviet Russia a prestige which it has not here to fore enjoyed.

But the die is cast. *Alea jacta est.* We prefer to warn, to put you on your guard. We hope the future may show that our misgivings were unduly exaggerated. We count on all the other States to help us in preventing Geneva from becoming a centre of dissolving propaganda. We will be vigilant. That is our duty. For the present, it suffices for us to know that, in oblivion of its past, Soviet Russia will not be admitted to the League by a unanimous vote and crowned with laurels of triumph.

When it has been admitted, the Council and the Assembly will be faced with several questions that are still pending before them. The Assembly's resolution relating to the independence of Georgia will not sleep the sleep of death. Armenia, Ukraine, other countries, will still enjoy the interest of men of goodwill. Let it not be said : These questions will no longer be raised. The sympathies of civilised mankind will never fail heroes fighting for life and liberty. No statute of limitations will deny their claims.

And above all, when the Soviet delegates are in Geneva we hope that voices may be raised here to demand explanations of their Government on behalf of the conscience of mankind, voices to denounce this anti-religious propaganda which is without precedent in the annals of humanity and which plunges Christendom into grief and tears and, with Christendom, all men who believe in God and who invoke his justice.

I have finished. I have endeavoured to express the feelings of the immense majority of the Swiss people. We do not want to preach to others, but I was impelled to speak my mind. Had I refrained from so doing, I should have been unfaithful to my trust.

It is to the honour of the Assembly that the procedure of admission, however delicate, has been followed in a calm and serene atmosphere. The Swiss people will take cognisance of decisions of the majority with cool composure and with that wise democratic discipline which it owes to its secular traditions.

M. JASPAR (Belgium).—Belgium has not established diplomatic relations with the Soviets. Her attitude in this matter is due to reasons based on the lofty considerations which the Swiss delegate has just set forth with a tempered eloquence and restrained emotion on which I must congratulate him. In the name of the free and democratic nation I represent, I too should like to speak on these questions were it not that I should be taking up too much of your time and presuming on your indulgence.

In addition to these fundamental considerations there are others peculiar to my country.

As Minister for Foreign Affairs of the Belgian Government I had the honour to inform the Genoa Conference in 1922 of the enormous losses, amounting to milliards of gold francs, which the Soviets brought upon my compatriots by unlawfully taking possession of the 161 industrial undertakings created in Russia through the labours of Belgian engineers and workpeople who initiated that country into the industrial life on which its present Government prides itself. No restitution or reparation, not even any apology, has ever been offered for this unjustifiable spoliation of a little nation by one of the most powerful empires in the world.

Belgium does not, however, intend to give a negative vote ; she will abstain.

This attitude is dictated solely by the following considerations : it has been said that the entry of Russia into the League will, by enlarging the League, contribute to the consolidation and better organisation of international relations. That has been our aim. Three great Powers with whom Belgium has close relations have taken the initiative in this policy and expressly associated themselves with it. Whatever her doubts and her just grievances, Belgium does not wish to oppose the efforts of those countries when they are assuming special responsibility in the maintenance of European order and universal peace.

M. CANTILLO (Argentine Republic).—It is my duty to explain as briefly as possible the special situation of my country in regard to the question of the admission of the Soviet Republics to the League.

The Argentine Republic has had no official relations with the Soviet Government since the setting up of the present regime in Russia, at which time diplomatic relations were broken off as a result of the maltreatment, contrary to all the rules of law, of the Argentine representative at St. Petersburg.

These earliest outrages were repeated in 1920, when attacks were made, not only on the official in charge of our interests, but also on the offices of our Legation.

Grave as they were in themselves, those acts were rendered still graver by the accompanying circumstances, an account of which I shall spare the Committee. In the absence of the Minister, who was on leave at Buenos Aires at the time, M. A. Naveillan, the official in question, who was responsible for our interests, was subjected to a whole series of outrages. He was persecuted, hunted down and imprisoned several times, when he almost died of starvation and had no means of communication with the outside world; not only was he maltreated himself, but the offices of the Legation were broken into and the official papers entrusted to his keeping were seized.

The Soviet Government has never taken any notice of our complaints, has never offered any compensation or furnished the slightest explanation to the Argentine Government in regard to its treatment of our representative.

Our desire for impartiality, the meaning and purport of which you will all appreciate, impels us to rise above our grievances, which our honour and dignity do not allow us to forget, and we will therefore abstain from voting.

That was why we abstained in the Council and shall abstain when the vote is taken in the Assembly.

Jonkheer DE GRAEFF (Netherlands).—I am anxious to say a few words so that there may be no misunderstanding as to the attitude of the Netherlands delegation in regard to the question now under consideration.

I need not repeat the general reasons set forth so eloquently by previous speakers, and particularly by the Swiss delegate, and will only say that the Netherlands delegation is obliged to vote against the entry of the Union of Soviet Socialist Republics into the League.

M. BARTHOU (France).—It is with the Covenant in my hand, that Covenant which laid the first foundations of world peace, that I mount this platform. The Covenant is my guide, my witness and my surety. I have just listened to M. Motta's speech, by which, like the rest of the Committee, I was deeply moved. I am grateful to M. Motta for expressing his opinion with so much independence and moral authority, and I am no less grateful to him for expressing feelings which even now prevail in this important discussion.

M. Motta began by saying that he would speak frankly, adding that he would be guided by a sense of moderation and proportion without which no argument carried its full weight.

Why has this rule of moderation not been followed by all speakers? Why, instead of keeping to questions of principle and doctrine, to ground on which we might have met and disputed with one another, did they reduce this discussion to the mean and petty level of a personal quarrel? I need say no more.

M. Motta made another forceful and authoritative statement in reply to certain charges made, not only against my country, but against two great friendly countries, the United Kingdom and Italy. The three Governments of these countries, acting quite independently of each other, considered that they could and should explain to their friends in Europe and all over the world the reasons why they considered that the time had come to admit Soviet Russia to the League.

This was a simple, natural and perfectly normal proceeding. M. Motta, speaking with all the authority of his office, recognised that fact. He said that representations had been made by the three Ambassadors in a friendly spirit and that no attempt had been made, even indirectly, to bring pressure to bear upon the Swiss Government. I am grateful to M. Motta for that declaration, for which, in truth, there was every need, though I will forbear to call it tardy in so far as he is concerned.

I should like to invoke the declaration of our distinguished Swiss colleague in support of my statement that we have made no attempt to bring any pressure to bear, either in his or in any other case.

It is true that there have been conversations.

Are not these preliminary conversations in accordance with the traditions of the League and to a certain extent a necessary condition of its organisation and work?

Were not far longer conversations held at the time that Germany asked to be admitted to the League?

For instance, did we not pursue last June, under the distinguished guidance of Baron Aloisi, negotiations with the German Government in an endeavour to reach agreement on the Saar question? Those negotiations were both delicate and difficult. At one time, it was feared that they had broken down. Yet, on June 4th, we held one of the meetings which does the utmost honour to the League Council and to the League itself, since all delegations without exception expressed themselves in favour of the proposals made by the Committee of Three.

Turning to the question now under consideration, what was the object of our conversations? What had we to fear? That certain of the necessary guarantees might be lacking?

Those guarantees were demanded by Mr. de Valera with a force and authority which made a deep impression on the Assembly. What did our eminent and respected colleague desire to obtain? Reciprocal guarantees. He was anxious that Soviet Russia, once she had stated her intention of entering the League, should not be exposed to the risk of seeing that offer rejected; and Mr. de Valera, who was in favour of her admission, said that this humiliation could not be inflicted upon a great country, containing 160 million inhabitants. He added that the League should ask for, and even demand, equal guarantees. He thought it would be intolerable not to know, in the event of an invitation being sent to Russia, what response would be received and not only whether the reply would be favourable, but also the general terms in which it would be drawn up.

We all agreed that we would endeavour to obtain those guarantees, just as we were all agreed that there should be full freedom of discussion and that both sides should have an opportunity of expressing their views.

What has been the result? A decision has been taken by the League Council. The Council's procedure was such that its unanimous opinion cannot affect the decision of the Assembly. The matter is now before the Assembly, which will be called upon to pronounce on the draft resolutions submitted to it.

What else have we obtained? A reply from the Soviet Government—and this brings me to the substance of the question and the crux of the discussion—in which it stated clearly and categorically that, being desirous of entering the League, it undertook to comply with all the provisions of the Covenant.

Such language from Russia is something altogether new. For long there existed a—sometimes violent—controversy between the League and the statesmen representing the Soviet Union. M. Motta has referred to it. That belongs to a past which is already remote.

Decisions have been taken by the League, which has been anxious to act in accordance with the spirit of the Covenant, and thus to make the League a universal body. The founders of the League were themselves concerned to make it universal.

M. Motta has forcible arguments with which to meet any objections which might be raised—not personal objections, which belong to the old controversy which I have just deprecated, but objections based on ideas and principles. It is true that, in 1920, when the question of Russia's entry into the League was under discussion, M. Motta said that Russia must first be cured of her madness and released from her servitude. Since then, however, we have had declarations from men who are the glory of the League: first, M. Léon Bourgeois, then Lord Balfour, then Lord Cecil and M. Scialoja, and, lastly, M. Motta himself, who, in 1926, expressed the hope that Russia would one day join the League.

Like many of my friends, I consider that this time has come, and the issue that divides M. Motta, who is opposed to the admission of the Soviets, from those who are in favour of it, is whether the Soviets are in a position at the present time to provide us with the necessary guarantees.

What did M. Jaspar say? He referred to past events and expounded certain grievances. I need only recall to his memory the Genoa Conference of 1922, when he and I represented our respective countries.

M. Jaspar added certain other grievances to those expressed by M. Motta. As representative of France, I could supplement and add considerably to the list enumerated by my two colleagues. If we are to go back to the past and call to mind the cases in which rights of property have been infringed and the validity and, above all, the payment of claims have been refused, I could easily produce a more imposing list than those of Switzerland and Belgium. Is not France a country in which the Russian loans were subscribed to by the vast majority of the inhabitants? I can assure you that if, a few years ago, it had entered my head to appeal to the voters in the Department which I represent in the Senate, asking them to recognise the Soviets and also to admit them to the League, I should not have had the welcome which I hope to find there in a few weeks' time.

But is that the point of the discussion? Are we here to contrast one doctrine with another? M. Motta referred to political concepts. As others observed before him, the delegate of Portugal for instance, from the economic, political, social and religious standpoint, those doctrines are incompatible.

Did M. Motta, M. Jaspar and the Portuguese Minister for Foreign Affairs think that I should disagree with them on this point? Are we to weigh one system and one doctrine against another? On the contrary, should we not rise above these considerations, and endeavour to ascertain the real interests of the League and of peace? This, in my view, is the real point of the discussion, and I should like, if you will allow me, to take up a few minutes of your time by dealing with it.

I quite understand M. Motta's employing the lofty language used by Mr. de Valera, and his anxiety not to vote for a country in which religious liberty is not respected. From the point of view of religious beliefs, my own views are, I think, widely dissimilar from those of Mr. de Valera or M. Motta. But I belong to a class of free thinkers who respect the freedom of thought of others. I am strongly in favour of religious freedom and freedom of worship. If I were here as an historian, I should associate myself with the words spoken by M. Motta and Mr. de Valera. But I am a politician; I am obliged to look facts in the face, and I would put the following question to the Committee: Do you not think that, from the point of view of ensuring respect for the necessary principle of religious liberty, you will be in a stronger position if you have at your side in the League Council and in the Assembly the representatives of the Soviet Union, than if they are outside? Personally, I think this is so, and, moreover, without wishing to interfere in the internal affairs of another country, I think also that a remarkable evolution has taken place since the time of Lenin, to which M. Motta referred.

I do not wish to prejudice the entry of the Soviets into the League by making comparisons. But while I was listening to M. Motta, an historical incident came to my mind. I remembered that, when Mirabeau wished to become a Minister—it is an ambition that goes back to very distant times—his friend, the Count de Lamarck, who acted as intermediary for him with the Court, objected that he was a Jacobin. To allay his friend's misgivings, Mirabeau replied that Jacobins who became Ministers were not always Jacobin Ministers. I do not think it necessary to quote many instances to show that an evolution has taken place in Soviet Russia and, in any case, we have ample proof of this to-day. Did Soviet Russia reply to our invitation in vague terms and with indefinite promises? If that had been so, I should not be speaking from this platform to-day, in support of her admission.

I would appeal to your memory and your conscience. While you thought that Russia's statement would be such as to enable her admission to be accepted, did you think that it would be as categorical as was actually the case? It is so categorical and so absolute that not one of the speakers we have just heard has raised any doubt as to the sincerity of Russia's declaration.

I would, therefore, say to you: From the point of view of the League, of its leaning towards universality, here is a country with 160 million inhabitants, which states that it is prepared to enter the League. Under what conditions? Under the conditions which it imposes upon us? No, it imposes no conditions. It is willing to comply with the conditions laid down in the Covenant and which we specified. We asked it to agree to them and Russia has consented. What more do you want? I know there are certain risks and certain objections; but in public life, as in private life, it is necessary to weigh the advantages and the drawbacks. We have to take certain risks and to decide in favour of the advantages when they seem to be greater than the drawbacks.

I will put it to you in this way: If you turned Russia away by refusing the offer before you (neither the delegate of Portugal nor M. Jaspar nor M. Motta thinks of doing so), what would happen? Here is a country which is ready to enter the European community, to abide by the laws of the League, to accept all the conditions, and you propose to reject it, to humiliate it and to send it away embittered, defiant and hostile. Do you think you will be able to control the propaganda which you fear because you have refused the offer of Soviet Russia? I do not think so. I do not say that you will be able to control this propaganda if Russia enters the League, but I would rather have a responsible Soviet Union which is ready to answer not for actions relating to its internal policy, but for actions which concern international life. If we reject Russia, will she not turn against Europe? I need say no more.

I consider that it is to the League's interest, if it wishes to be universal, to accept Russia's offer.

There is also peace to be considered, and, in this connection, I should like to give you, quite calmly and sincerely, my impressions and to tell you what I really feel. I remember the speeches which have been made and I have endeavoured to ascertain their tendencies, reasons, motives and arguments. Am I wrong in saying that the doctrinal part of M. Motta's speech was stronger than the practical part? From the point of view of doctrine, it may pass. But we are not here to weigh one doctrine against another. It is not a question of an apotheosis or an accession. In my opinion, what we are faced with is an actual necessity, a political duty and a political interest.

Turning to the question of war, I noted with interest the statement made by the Portuguese delegate, and his brief but profound remark: "Isolation is already the beginning of war". If isolation is already the beginning of war, then if you reject Russia, if you send her away and isolate her, it is you who will be responsible for her attitude. I will not go so far as to draw the alarming conclusions which emerge from the moderate and high-minded statement made by the Portuguese delegate. I will merely say: You want peace; you are here to organise and promote it and to defend it throughout the world, and you propose to isolate Russia by offering her the worst insult you can offer any country!

That is the dispassionate statement I wished to make on behalf of the Government of the French Republic.

The interests of the League, the interests of European peace and of the peace of the world are bound up together. I would ask you to think over the matter and not be carried away by the emotion of the moment. That is not at all what is wanted. Both sides know what they mean to do. But it is by no means a bad thing for us to have compared our reasons. Even if we are not convinced, public opinion—as M. Motta remarked—will judge our action and we shall also be judged by posterity. We are going to make an experiment and we shall see who is right, those who favour or those who are against Russia's entry into the League.

Is this merely a personal proposal on the part of the French delegate? Is France alone in favour of it? As M. Jaspar told us, both the United Kingdom and France are asking for the admission of Soviet Russia to the League Council. Italy also makes the same request, which is supported by many other countries in Europe.

The position is no longer the same as it was in 1920 or in 1926, and I find that twenty-two countries in Europe have recognised the Soviets, as against five countries which have not yet done so. That is a new fact and one which is of importance. If I were to enumerate the countries which are on our side—countries whose traditions, greatness and noble principles place them on as high a level as others—you would see that nearly the whole of Europe is on the same side as the United Kingdom and Italy.

But our attitude should not be determined by example. We must think over the reasons which have led us to adopt that attitude. As statesmen, we have responsibilities to the world.

Do you think that, in taking a decision the gravity and possible risks of which I have not attempted to conceal, the great European Powers have adopted a common attitude without weighing their responsibilities? I must warn you against the dangers of a refusal, in which case, I repeat, your responsibility would be very much greater. Do not turn Russia out, thus leaving her to her own devices, to propagate doctrines to which you are opposed. Accept her, since she agrees to come in on the terms you have stipulated yourselves. You will thus render the greatest service to the League and—I am profoundly convinced—your active faith and foresight will have saved the peace of the world.

Mr. EDEN (United Kingdom).—I have but a few sentences to add to the discussion which has taken place in this Committee this afternoon. The foreign policy of His Majesty's Government in the United Kingdom has been based upon the League of Nations ever since the creation of that organisation. Our interest in the League is deep and sincere. Our objective, accordingly, must always be to make this common council of the world as truly representative as we can. It is, therefore, in consonance with these broad, and, in its judgment, fundamental, considerations that His Majesty's Government associates itself with a step which will effectively assist to universalise the League, by including the Soviet Union within its ranks. His Majesty's Government in the United Kingdom cordially welcomes the addition of so powerful a State, and one comprising so vast an area and embracing so considerable a proportion of the world's population, to membership of the League of Nations.

Baron ALOISI (Italy).—On behalf of Italy, the first Power to recognise the Soviets officially, I have the honour to state that I associate myself fully with the arguments advanced by the representatives of France and of the United Kingdom in favour of the admission of the Soviet Union to the League.

M. BECK (Poland).—The Polish Government and the Government of the Soviet Union have, by direct contact, established satisfactory neighbourly relations. Moreover, a series of agreements has been concluded condemning aggression. The very definiteness of these diplomatic documents is proof of the sincerely peaceful aspirations of the two Governments concerned. In view of our direct relations and the interest which the Polish Government has always shown in the development of the League, my Government could not do otherwise than definitely support the proposal that the Government of the Soviet Union should, within the framework of the League of Nations, become a partner with us in our efforts to consolidate international co-operation.

M. BENEŠ (Czechoslovakia).—In participating in the negotiations which preceded the despatch to M. Sandler, President of the Assembly, of M. Litvinoff's reply to the invitation sent to the Soviet Union by some thirty delegations of States Members of the League, I was acting mainly in my capacity as President of the Council. I was sufficiently acquainted with the views of a very large number of delegations here present regarding the entry of the Soviet Union into the League, and was fully cognisant of the opinions on this subject of all the Members concerned.

To-day, I speak as first delegate of Czechoslovakia in order to make a few very brief remarks, which are not intended as a reply to other observations we have heard in this Committee.

The League of Nations is, through its Covenant, an institution that aspires to universality. I have never believed that such universality should be achieved regardless of consequences. But the character of universality deriving from the Covenant is a reason why the League should not refuse *a priori* any State which, being prepared to conform to the obligations of the Covenant, loyally desires to co-operate with the League and voices that desire. This is my first observation.

The second is concerned with a still more important question from the political point of view. It is a fact that, since its foundation, the League has had to deal very largely with the problems of European peace, since Europe is the continent which suffered most from the world war and its consequences. European peace, the consolidation of political and economic conditions in Europe and the general organisation of European life cannot be achieved until all important countries are co-operating normally. The Soviet Union is one of the most important countries of Europe, in fact the most important from the point of view of population. Its co-operation with Europe is necessary from every standpoint. I need not dwell on the importance of the Soviet Union from the point of view of its area and population in Europe and in Asia. One thing is certain: until we succeed in obtaining at Geneva the co-operation of all important European factors, we shall be unable to solve the question of peace and war in Europe.

That was why, in 1926, we were in favour of Germany's entry into the League, and why, in 1933, we regretted her departure from Geneva. For the same reason, we hope that she will soon decide to return. For the same reason again, I have for several years advocated the entry of the Soviet Union into the League, and in view of the present conditions in Europe and throughout the rest of the world, advocate that course to-day. That is my second remark.

My third remark is this. In her foreign policy, Czechoslovakia has no interests which conflict with those of the Soviet Union. On the contrary, there are a number of points in the

policies of the two countries which are concordant and complementary. Czechoslovakia desires to co-operate loyally and amicably with the Soviet Union in maintaining peace. She will do so along the lines of M. Litvinoff's reply, for the general welfare of mankind and in order to improve still further the good relations existing between our two countries.

These are the reasons for which I shall vote in favour of the admission of the Soviet Union to the League, wishing and hoping that this very important political event will help to consolidate peace in Europe and throughout the rest of the world.

Mr. O. SKELTON (Canada).—I desire to present briefly the position of the Canadian delegation on the outstanding issue of the fifteenth session of the Assembly. This is necessary because our position is different in some respects from that of any other country whose representatives have spoken earlier in this discussion.

Canada is one of those countries which find substantial difficulties in the entrance of Soviet Russia into the League, but believe that, under the present world circumstances, its entrance is desirable. Our fundamental difficulty lies in the wide difference that exists between the social and political principles of Soviet Russia and those of our own country. We are emphatic and unrepentant believers in freedom of opinion, freedom of the Press, freedom of religious belief and worship and the organisation of industrial life on a basis of individual initiative controlled to bring it into harmony with the common good. These principles of liberty and tolerance and the institutions of parliamentary democracy which are their political complement are not the principles upon which the Soviet Union has been established. We are aware, however, that, in varying degrees, they are not principles which are accepted unreservedly by other States now Members of the League, for which we have the highest respect. While believing firmly that, in the long run, the League can succeed only by the application in the international sphere of these ideals of liberty and democracy, we recognise that, for the present, we must agree to differ and that we cannot require other States to conform to such principles, or reject their collaboration in the League, so long as they share in the one indispensable condition of readiness to work together for the peace of the world.

There are two other considerations which may be stated briefly. One is the possibility of propāganda, to which reference has frequently been made this afternoon. We in Canada have not been free from serious interference in our internal affairs by representatives of the Third International, which it has frequently been difficult to distinguish from the Government of the Soviet Union. We believe that the unreserved acceptance by the Soviet Union, in the letter which has been read to-day, of the undertaking to observe all the international obligations of the Covenant must necessarily involve a satisfactory attitude on this point in the future.

A further question is the apprehension felt by many thousands in Canada who have relatives and friends in Russia as to the continuance of the sufferings and the famine which were reported in many districts of the Soviet Union last year and on previous occasions. We consider, however, that, like other Members of the League, the Soviet Union will be prepared to do what is possible to relieve distress and will be prepared to sanction any assistance, devoid of political bias, which individual citizens of any other Member of the League might desire to tender to those in distress, just as similar sanction would be given reciprocally.

We have therefore shared in the indication which was given in advance of readiness to support the proposed entry of Russia into the League and shall vote for her admission, in the trust that her presence in the League will facilitate good-neighbourliness and mean the opening of a new and better era.

Tevfik RÜSTÜ Bey (Turkey).—The request now being considered by our Committee was, as you all know, submitted by the Union of Soviet Socialist Republics following on the invitation, and with the encouragement, of a large number of States. Turkey is one of those States. Not merely to-day, but from the outset, we have desired to see the Soviet Union become a Member of the League, because we always wish for our friends what we regard and accept as beneficial to ourselves. Moreover, we desire to see the League, of which we are a Member, gradually extend its scope and perfect its methods to the advantage of its Members and of all mankind.

For these two reasons, we have always earnestly desired to see the Soviet Union enter the League.

As representative of a country which is a neighbour of the Soviet Union, which has for more than fifteen years maintained with that country relations of close and sincere friendship, and which has been frequently in contact with its Government on various occasions, and with the experience of a man who has taken part in a number of international meetings side by side with the representative of the Soviet Union, I feel bound to declare that that country is making, and has made, continuous efforts to ensure that peace which is the reason for the League's existence, and to restore that international confidence and security which all nations desire.

The conferences held in this country have only been marked by noteworthy successes achieved by the Soviet Union, thanks to the capacity and great skill of its distinguished representatives; they have also witnessed the public thanks and congratulations offered to the Soviet Government for its efforts.

Consequently, I am convinced that the certitude of the valuable collaboration of the Soviet Union is a most auspicious and important event for the League, for its achievement of universality and for peace.

The CHAIRMAN.—I have no more speakers on my list. Unless any other delegates wish to speak, I will declare the discussion closed.

As Chairman of the Sixth Committee I cannot but rejoice that so interesting, and, in so many respects, so searching, a discussion has been maintained at such a high level of thought and also—I think you will agree—of eloquence.

I am glad that the countries which felt themselves bound to make reservations and even definite objections, or to utter a categorical “No”, to the entry of the Soviet Union, have done so with a moderation which all those acquainted with their traditional culture were entitled to expect.

As delegate of Spain I am also glad that to-day has prepared the way for such an important advance towards that universality which is not merely the aspiration, but the very essence, of the League; for the League, whatever the number of its Members, was born universal.

As, in any case, the result of our discussion was a foregone conclusion, based on an invitation tendered to the Soviet Union in various forms by thirty-four Members of the League, I think that the Committee will not accuse its officers of exceeding their powers when it learns that they have ventured to prepare a draft resolution in order to expedite the conclusion of this debate. Naturally, this will immediately be withdrawn if any delegation submits another draft. It is only in order to shorten the discussion that we have ventured to prepare it. As soon as you have read the draft, I will raise the question of procedure as to the manner in which it may be dealt with.

The text is as follows :

“ The Sixth Committee,

“ In consideration of the invitation addressed by thirty delegations to the Government of the Union of Soviet Socialist Republics on September 15th, 1934, with a view to the entry of the Union of Soviet Socialist Republics into the League, and of the communication on the same subject from the Governments of Denmark, Finland, Norway and Sweden ;

“ In consideration of the communication addressed to the President of the Assembly by the Government of the Union of Soviet Socialist Republics on the same day, in reply to the communications referred to above ;

“ And in consideration of the fact that the Soviet Government states in its reply that it undertakes ‘to observe all the international obligations and decisions binding upon Members in conformity with Article 1 of the Covenant ’ :

“ Recommends the Assembly to admit the Union of Soviet Socialist Republics to the League of Nations.”

Does anyone wish to speak on this subject ?

M. CANTILLO (Argentine Republic).—In the last paragraph the draft resolution submitted to us says “ Recommends the Assembly . . . ” For my part, I do not “ recommend ”, since I shall abstain from voting. I do not see how the attitude of my delegation is to be expressed in this text. I shall be obliged to make a statement at the plenary meeting in order to explain my position.

The CHAIRMAN.—I can give the following explanation : The Committee “ recommends ” even if the delegate of the Argentine Republic abstains or even if a delegate votes negatively. In point of fact, it is the majority of the Committee which “ recommends ”. The Rapporteur appointed by the Committee will submit this resolution to the Assembly at its plenary meeting, and will allude to the negative votes and abstentions. There is, moreover, nothing to prevent the negative votes and abstentions from being once more recorded at the plenary meeting.

M. CANTILLO (Argentine Republic).—I thank the Chairman for this explanation.

M. BENEŠ (Czechoslovakia).—After this broadminded and dignified discussion, I think the best course would be to vote on the resolution. As the Chairman has explained, the resolution can be adopted by a majority vote.

Moreover, I propose that the Committee request its distinguished Chairman to submit this resolution to the Assembly to-morrow.

The CHAIRMAN.—As no delegate is opposed to M. Beneš's first proposal, I shall consider it adopted. The Committee will therefore vote this evening, and will then take a decision regarding the Czechoslovak delegate's second proposal to the effect that I should be asked to submit this resolution to the Assembly.

M. TITULESCO (Roumania).—I ask that M. Beneš's second proposal be adopted by acclamation.

The CHAIRMAN.—We will now vote by roll-call.

M. POLITIS (Greece).—In the present case, as a bare majority suffices, we can vote by the raising of hands, unless a vote by roll-call is expressly demanded by the requisite number of delegations. I am under the impression that, up to the present, no such request has been made.

M. MOTTA (Switzerland).—May I first associate myself with the Chairman in paying a tribute to the perfect correctness of this discussion, and his subsequent remark, or, at any rate, suggestion, that the debate has taken place in a friendly spirit, which is the fundamental rule of all the League's discussions? But since our minds are made up and since many of us have clearly stated their intention and resolve to vote for or against the request submitted, or to abstain from voting, and as, at the present time, no delegation is in any uncertainty as to the attitude it intends to adopt in the Assembly, I think that in the interests of all it would be preferable to take a vote by roll-call, although I quite admit that M. Politis could perfectly well invoke a number of reasons in support of his argument.

M. POLITIS (Greece).—I do not insist on my proposal. I merely wished to point out what is laid down in the texts on the subject and what have been the precedents. In view of the importance of the discussion, and as M. Motta has put forward his request, I willingly agree that, for once, an exception should be allowed to the established rule of procedure.

The CHAIRMAN.—Let us bow to pure reason as represented by M. Politis, but nevertheless give way to the practical reasons advanced by M. Motta. Let us vote by roll-call.

The vote was taken by roll-call.

The following voted in favour : The delegations of the following countries : Union of South Africa, Albania, Australia, Austria, Bolivia, United Kingdom of Great Britain and Northern Ireland, Bulgaria, Canada, Chile, China, Colombia, Denmark, Dominican Republic, Spain, Estonia, Abyssinia, France, Greece, Guatemala, Haiti, Hungary, India, Iraq, Irish Free State, Italy, Latvia, Liberia, Lithuania, United States of Mexico, Norway, New Zealand, Persia, Poland, Roumania, Sweden, Czechoslovakia, Turkey, Yugoslavia.

The following voted against : The delegations of the following countries : Netherlands, Portugal, Switzerland.

The following abstained : The delegations of the following countries : Argentine Republic, Belgium, Cuba, Luxemburg, Nicaragua, Peru, Venezuela.

The draft resolution was adopted by thirty-eight votes in favour to three votes against, with seven abstentions.

The CHAIRMAN.—I now have to submit M. Beneš's second proposal, that I should be allowed the honour of submitting your resolution to the plenary session of the Assembly.

This proposal was adopted by acclamation.

15. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Reference of a Question of Competence to the First Committee.

(See *Official Journal*, Special Supplement No. 124.)

FIFTH MEETING.

Held on Tuesday, September 18th, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

16. Mandates : Appointment of a Rapporteur.

On the proposal of the Chairman, seconded by M. Levillier (Argentine Republic), M. DE SCAVENIUS (*Denmark*) was appointed *Rapporteur* for this question.

17. Entry of the Union of Soviet Socialist Republics into the League of Nations : Statement by the Finnish Delegation.

M. HOLSTI (Finland).—In order to avoid any misunderstanding, I desire to state that, if I had been able to be present in the Sixth Committee yesterday at the time of voting on the resolution recommending the admission of the Union of Soviet Socialist Republics, I should have voted affirmatively because the Soviet Union undertakes to observe all the international obligations and decisions binding upon all the Members of the League in conformity with Article I of the Covenant.

The CHAIRMAN.—The Committee takes note of M. Holsti's declaration.

18. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Statement by the Paraguayan Delegation.

(See *Official Journal*, Special Supplement No. 124.)

19. Intellectual Co-Operation : General Discussion.

M. MARAINI (Italy), Rapporteur, submitted his draft report.

M. DE REYNOLD, speaking on behalf of the International Committee on Intellectual Co-operation, first reminded the Sixth Committee that he and the Chairman of the International Committee, Professor Gilbert Murray, were now the only representatives of the first team as it had existed in 1922. He could therefore speak of intellectual co-operation with twelve years' experience behind him, gauge the distance covered, count the achievements, note the progress and, above all, record the increasing interest which intellectual co-operation was arousing in ever wider circles. Whenever the organisation included a definite question in its programme, it immediately received assistance from every side.

The Intellectual Co-operation Organisation should not merely place itself at the service of the States and the intellect : it should also bring practical assistance to intellectuals themselves, defending their interests and facilitating their tasks.

He insisted that the National Committees were the very foundation of intellectual co-operation. He urged the representatives of Governments to facilitate, as far as they could in these difficult times, the work of these Committees.

M. de Reynold believed that it was becoming increasingly necessary, for the future of intellectual co-operation, to establish contact with the rising generation. It was not enough to endeavour to teach the younger generation. The voice of the younger generation must be heard and steps must be taken, by direct and personal contact, to prepare them so that they might carry on with the work begun by their predecessors.

The spirit which governed, and should increasingly govern, intellectual co-operation was the spirit of universality. To ensure this, intellectual co-operation should, within the framework of the League, enjoy the largest possible measure of autonomy. The League of course granted such autonomy, and in this respect he admitted that it was necessary, in selecting the members of the Committee on Intellectual Co-operation, to try and secure a balance between the various nationalities as between the various cultures. But it was even more necessary to pay attention to the question of personalities, so that the Committee might become illustrious through the merit and fame of its members. The more it was able to rise above politics the more surely would it achieve universality.

He would leave aside the question of the Intellectual Co-operation Organisation's material needs, because the Sixth Committee was not the proper place to discuss that question and because almost all great results had been achieved with meagre resources. Certainly, efforts should be made to avoid poverty, but poverty was not a condition to be feared.

In conclusion, he urged that the Intellectual Co-operation Committee's proper share in the work of the League was that indicated by the Assembly itself : the share of the intellect, he might even say the soul. In the grave circumstances through which the world was passing, intellectual co-operation should be a refuge of serenity set high above the chaos of the times.

M. LEVILLIER (Argentine Republic), after paying a tribute to the considerable achievements of the Institute of Intellectual Co-operation, and its Director, felt nevertheless bound to point out a danger : the excellent idea of "conversations" was being threatened by a continual increase in the number of participants and in the number of the pages of the volumes consecrated to these "conversations". If the growth continued, the original idea would have been killed and the "conversations", a light and ethereal concept, would have become a congress of ponderous propositions. It was easy to avoid this danger by carefully selecting a limited number of persons whose thoughts turned in the same direction, varying the choice each year without increasing the number. He therefore hoped that the Institute would see that these "conversations" should be frequent, that the number of participants should in each case be limited, and that an appeal should be made to the best minds throughout the whole world in order that these dialogues might conserve a permanent interest.

He thought that the Ibero-American collection was excellent. He would propose that the possibility should be examined of preparing by universal collaboration a work on Spanish America. For some years archæological research in this part of the world had produced quite remarkable results. It would therefore be desirable, by an effort of international collaboration, to establish a written record of the various pre-Columbian civilisations to which qualified Americanists of every nationality would contribute. The moment had come to collate and co-ordinate the recent works on the great discoveries and conquests of America.

For about the past twenty-five years the documentary research work carried out in the Record Offices of all the countries of South America had entirely corrected the prevalent conception concerning the part played by Spain in the discovery and conquest of America. It was of the greatest interest that this subject should be undertaken jointly, that is to say, in the international sphere, under the auspices of the Institute of Intellectual Co-operation. For this purpose, a committee might be formed to draft the plan for this work of archæology and history which would not go beyond the sixteenth century. This committee should be given a whole year for its work so that it would be able to lay its plan before the next Assembly. The Institute, on the other hand, would have time during that year to approach the Governments and scientific institutions of all the countries in the world, and invite the co-operation of the most qualified persons in this work and decide the form which should be given to this co-operation.

In this connection M. Levillier proposed the following draft resolution :

“ The Assembly,

“ Approves of M. Levillier’s very interesting suggestion that the Institute of Intellectual Co-operation of the League should publish, by international scientific collaboration, a collection of original works on the native civilisations of America and a similar collection dealing with the history of the great American discoveries and conquests of the sixteenth century ;

“ And requests the Director of the Institute of Intellectual Co-operation, after consulting the Publications Committee of the Ibero-American Collection, to bring that suggestion forward at the next session of the Executive Committee of the Intellectual Co-operation Organisation with a view to the appointment, as proposed by the Argentine delegate, of a small Committee of Americanists for the purpose of drawing up a scientific and financial plan for the proposed work, such plan to be submitted to the next Assembly for its approval.”

M. BOURQUIN (Belgium) had had the opportunity during the past year of witnessing the work of the Intellectual Co-operation Organisation in connection with the problem of collective security which the Permanent Conference on Higher International Studies had inserted in its agenda. The League of Nations had had this problem before it since its very inception, but, unfortunately, a solution was still far from being found. It might even be said that the differences of opinion, instead of becoming less, had, on the contrary, a tendency to grow farther apart. The Conference, therefore, had resumed this problem from the beginning and in a new spirit. Recognising that it was a question of an essentially political character, it was careful to avoid all theorising ; it was studying the problem in a realistic spirit, taking all the difficulties and practical aspects of the question into consideration. It was considering the matter in a strictly scientific spirit, its main endeavour being to understand and explain the psychological reactions which confront each other and complicate the problem.

Each National Study Group composing the Conference frankly explained the point of view of its country, and the hopes, fears and scruples of its public opinion. The Conference then endeavoured to distinguish in this mass of information all the elements of agreement, not by pressure or majorities, but by the free play of discussion and mutual instruction. It would, of course, be too much to predict that the plenary Conference, which was to meet next summer, would arrive at completely satisfactory solutions, but it was already possible to state that this method was found to be the right one and in any case the work would yield results.

A preliminary session was held last May at Paris for the purpose of drawing up a joint plan of work. This first contact had already borne fruit and M. Bourquin thought that all those who has taken part had been very favourably impressed.

He added that such a result was only possible on account of the devotion, intelligence and assiduity shown by the Director of the Institute, to whom he desired to pay tribute.

M. CASSIN (France) associated himself with the tributes that had been paid to all those who were so vigorously encouraging the work of intellectual co-operation.

France, having suffered severely by the death of those distinguished scientists Mme. Curie and M. Painlevé, could only hope that other distinguished figures would take the place of those that were gone.

The French delegation endorsed in its entirety, not only the report on past work done,¹ but also the future programme of the Organisation. It was enough to indicate the lines already followed to show the direction to be taken in the future.

When the 1924 Assembly decided to create the Institute of Intellectual Co-operation, he (M. Cassin) had been instructed by the French delegation to point out that the new move was due, not merely to the initiative of distinguished scientists, but also to the desire to meet the aspirations and needs of the masses. The Intellectual Co-operation Organisation had as its primary object the restoration of moral values, and as a secondary object the dissipation of animosities by the dissolvent of mutual comprehension. The two objectives in question could hardly, it was true, be said to have been attained. The economic crisis and international difficulties had complicated the issue, and incidentally had brought to light a third aspect of the problem—namely, the obligation, now that the world had been revolutionised by scientific discoveries, to organise the leisure and provide for the culture of the humblest. Recent years showed clear progress in that direction. Professor Shotwell’s programme for social and economic science would be found to have filled a gap. The élite of all countries should be in a position to communicate with one another with a view to the advancement of the study of social science.

In that connection the conversations and correspondence and the various other forms of communication between intellectuals were of the highest importance. In the darkest periods of the Middle Ages, the “ clerks ” of all countries, all opinions and all confessions succeeded in communicating with one another despite wars and famines. The “ clerks ” of to-day must not fail to be mindful of their duty of freely interchanging their ideas, and must not accept the view that thought and science could possibly abdicate in favour of any particular political regime.

As regarded the masses, it was equally essential to co-ordinate all the different processes of disseminating ideas. The French delegation was prepared in the name of France to accede,

¹ Document C. 339.M. 156.1934.XII.

subject to certain reservations of detail, to the draft Convention on broadcasting drawn up under the auspices of the Institute of Intellectual Co-operation. France also attached great importance to the problem of educational cinematography. The French delegation had returned from the Rome Congress very well satisfied with the work done, although it must be admitted that the results achieved were not yet commensurate with the efforts made.

The same thing might be said of the results in the sphere of moral disarmament. But the texts in regard to which the Sixth Committee had expressed a favourable opinion in the previous year had been submitted to the Moral Disarmament Committee, and had provided practically the entire framework of its activities. That Committee for its part had come to a decision as to the wording of these texts, and had forwarded them to the Bureau of the Disarmament Conference to be appended to the General Disarmament Convention, if and when such a Convention should be concluded. But, whatever the issue of the Disarmament Conference, it was not possible that the efforts of the Intellectual Co-operation Organisation on behalf of moral disarmament should come to nothing and fail in their beneficial effects.

Briefly, the work done was beginning to yield results, especially in respect of its universalisation. He had been gratified to note the importance now attached to the Institute and to the various intellectual organisations in America, China and Soviet Russia.

M. Cassin referred, in conclusion, to the importance of the financial aspect of the question. The noblest works, the works of faith, had been accomplished without money, being purely moral or intellectual in character ; but that could not apply to social work. It was not possible that States which were devoting such vast sums to repairing the damage caused by the last war should fail to make sufficient sacrifices, national or international, for the completion of the intellectual, moral and social work still remaining to be done.

Mlle. VACARESCO (Roumania) drew attention to the conversations at Madrid, with their sequel in the shape of European conversations, the credit for which rested with the Paris Institute and could not be sufficiently emphasised. The Committee should instruct M. Cassin to express to the French Government the gratitude due to it for the hospitality given by France to the Institute.

Side by side with the wave of nationalism which was spreading over the modern world, there was a movement in the direction of intellectual internationalism. There was therefore a certain lack of harmony between ideas and facts. All the conversations inaugurated by the Committee on Arts and Letters had been directed towards the definition of that vital question. At Venice, thanks to the generous hospitality of the Italian Government, it had been found possible to deal with the burning question of the relations between art and the State. While the artist, whose very origin was to be sought in the spirit of rebellion, was reluctant to submit to general rules, the State demanded law and order. The Venice conversation would be found to have made it possible to define, if not to reconcile, these divergent standpoints.

As regards broadcasting, that transcendent triumph not only of the machine but also of art, the communication of which to the masses it facilitated, there was (she felt) a certain danger—the danger that the majority of artists might be deprived of their livelihood by the wireless. Intellectual unemployment was a menace against which they must fight. Governments levied their charges on broadcasting, which the Intellectual Co-operation Organisation supported as an unavoidable necessity and a universally triumphant achievement. Would it not be prudent to create out of the proceeds of these charges a fund for the relief and encouragement of artists ? That would be a partial solution of the problem of the relation of the State to art.

She paid her tribute to the memory of Mme. Curie, who was “ assured of immortality ” (as the Countess de Noailles had said), and of M. Painlevé, who had been so devoted to the cause of intellectual co-operation.

She welcomed the Institute's proposal for a study of the relations between East and West and for the development of increasingly close contact between those two foci of civilisation.

As to moral disarmament, her only complaint was that the movement lacked lyrical power and afflatus. Moral disarmament was a conception that no mind had previously entertained : it was a theme for poets and pioneers, a cause calling for personalities of the very first order who should be left to follow their own instincts. It was only on these conditions that this sublime movement, this Bible in action, would be able to find its place in the conscience of humanity.

M. MOTTA (Switzerland) warmly supported the statements of previous speakers. He wished to refer in particular to the International Bureau of Education, which had been founded at Geneva in 1925. It had at its head a distinguished personality, M. Piaget, who was entitled to rank as one of those personalities of whom Mlle. Vacaresco had spoken. The Bureau had taken the initiative in calling an educational conference that year, the responsibility for which had been in a sense accepted by the Swiss Federal Council, inasmuch as it had issued the invitations to the conference through the diplomatic channel. Forty States had been represented, and the work had proceeded in an atmosphere of great scientific interest. He expressed the hope that the Paris Institute would look into the means of establishing harmonious and beneficent co-operation between itself and the Bureau at Geneva.

M. DE ECKHARDT (Hungary) reminded the Committee that a resolution adopted by the International Committee on Intellectual Co-operation at its last plenary session had dealt with the collaboration of the National Committees, and stressed once more the importance of the part which these Committees should play in intellectual co-operation in the international

field. The resolution allotted to them the following twofold task :¹ to act within the country concerned as one of the instruments of national intellectual life ; and, secondly, to provide constant liaison in the international field. Moreover, the Committee's report had given expression to a similar opinion on this point in the following words :²

“ We have consistently emphasised that the National Committees are the very basis of our organisation and the indispensable intermediaries between the International Committee and intellectual life in each country.”

While associating himself with this view of the National Committees' functions, the importance of which had also been emphasised by the Rapporteur, the Hungarian delegate was glad to be able to state that the Hungarian National Committee had always done its best to carry out the tasks assigned to it in the field of international intellectual co-operation, and that since its establishment in 1923 it had never missed an opportunity of serving, within its sphere of activity, the cause of intellectual co-operation by answering conscientiously and as promptly as possible the many calls which had been made upon it.

But frankness compelled him to add that throughout this whole period, including the present, the Hungarian National Committee had repeatedly had occasion to note the disappointing fact that its useful activities constantly met with insuperable obstacles, and its efforts were not only hampered but very largely paralysed by the attitude of several States whose territory marched with that of Hungary. This state of affairs was not new—it recurred year after year—and M. de Eckhardt was bound to submit it once more to his colleagues' kind consideration and to the attention of the competent organs of the Intellectual Co-operation Organisation.

Several times since 1927, the Hungarian National Committee had called the attention of the International Committee on Intellectual Co-operation to the fact that a number of measures taken by certain of Hungary's neighbours prejudiced the idea of collaboration ; they were making it very difficult, if not impossible, for any sort of relations to be maintained with Hungarian scholars inhabiting the districts which had been detached from Hungary. He would not go into the details of the matter now ; he reserved the right to bring the supporting documents—documents which constituted to an impartial eye an irrefutable testimony of the truth of his assertions—at the proper time before the technical organs of the Intellectual Co-operation Organisation ; for the present he would merely give the Committee a brief summary of the position.

M. de Eckhardt considered that it was his duty to do this, not only because his delegation had, at the 1930 Assembly, reserved the right to revert to the subject as often as was necessary, but also because at that Assembly the late Count Apponyi had been first delegate of Hungary ; he had then spoken of this question for the last time and had left to his survivors a legacy over which they were bound to watch until the problem was satisfactorily solved.

The situation was as follows : scientific and literary works published in the territory of the so-called Succession States could be introduced into Hungary without any difficulty or formality of any sort ; but, despite this, the results of the work and research carried out by scholars living within the frontiers of Hungary had been since 1923, and still were to-day, thirteen years after the signature of the Treaty of Trianon, quite inaccessible to their colleagues who were nationals of the Czechoslovak, Roumanian and Yugoslav States. The Governments of these States made a point of refusing to admit to their territory any Hungarian work printed after 1918, even if of an exclusively scientific character, and even if it contained no political allusion whatever.

Instead of seeing these unjustified and vexatious prohibitions at last abolished, or at least seeing their rigour reduced, Hungary had, to her disappointment, perceived a tendency in the other direction. Quite recently, for instance, this prohibition had been extended in Roumania, not only to purely scientific works printed after 1918, but even to scientific works published before that date. Even the works of the Hungarian scholars of the eighteenth century had been placed under this incomprehensible ban. For instance, it had been impossible to send to Cluj-Kolozsvár the “ *Elaboratio Grammatica Hungarica* ” of Miklos Révai, one of the founders of Hungarian linguistic science, despite the fact that this book, which was written in 1808, dealt exclusively with linguistic problems and was printed, apart from a short epilogue, in the Latin language, so that it could even be checked by authorities who did not know Hungarian. In the same way, the Roumanian frontier had been closed to a book entitled “ *The Chronicle of Simon de Keza* ”, by Sandor Domanovsky, a University Professor, whose many and valuable works were known and appreciated by all international specialists and who had officially represented Hungary at several international congresses. The book in question dated from 1906, that is to say eight years before the world war.

As for Hungarian scientific works which had appeared since 1918, these were banned without exception on the territory of the Succession States. They were confiscated and sent back to Hungary, and were therefore inaccessible to scholars living in these countries and desiring, nevertheless, to obtain information on the progress of scientific research in Hungary. The following were several examples taken, as being particularly characteristic, from among a large number of similar cases, all of which referred to publications of the Hungarian Academy of Science.

Thus it was that the “ *Comparative Historical Syntax of the Finno-Ugrian Languages* ”, by Antal Klemm, Professor of the University of Pécs and member of the Hungarian Academy

¹ Document C. 339.M.156.1934.XII, page 16.

² Document C. 339.M.156.1934.XII, page 6.

of Science, had been prohibited. The same fate had overtaken a philosophic work entitled "The Argument of Anaxagoras for the Existence of God", by the late Akos Pauler, University Professor and President of a section of the Hungarian Academy, a philosopher widely known abroad, whose works had been translated into a number of languages and who had represented the Hungarian National Committee in Paris at a meeting presided over by M. Bergson. The treatise in question contained nothing but an exposition of the argument developed by the great philosopher of ancient times.

The Hungarian translation of N. Lenau's "Faust" made by the late Andor Kozma, who had been an honorary member and Vice-President of the Kisfaludy Academy, had also failed to find favour with the authorities in the Succession States, despite the fact that the German original was certainly admitted to their territory.

It would be possible to mention a very large number of publications of the Hungarian Academy of Science in which an impartial and unbiased specialist could find nothing whatever of a reprehensible nature, nor anything the least likely to cause uneasiness to the authorities of any country. Quite the contrary.

From all the foregoing it followed clearly enough that the work of intellectual co-operation in the international field still left much to be desired in one very important respect. The systematic banning of Hungarian scientific books was calculated to make intellectual relations between the scholars of Hungary and of the Succession States quite impossible, and rendered intellectual co-operation no more than an empty phrase.

It would be no exaggeration to say that such measures were hardly compatible with the resolution adopted by the Assembly in 1928, as amended in accordance with the proposals of the then Hungarian delegation. This ran as follows :

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

Further, M. de Eckhardt believed that those States which, since the Disarmament Conference met, had ceaselessly urged the need for some practical measures to promote "Moral Disarmament"—and among those States were some of whose attitude Hungary rightly complained—ought to realise that the ban they placed on the importation into their territory of purely scientific publications from Hungary, and of the technical Press, was obviously contrary to the ideal of better international relations and a good understanding between peoples.

These States apparently forgot that the problem of the obstacles placed in the way of the international circulation of scientific and technical publications—a problem which the Director of the Institute for Intellectual Co-operation, in a report submitted as long ago as 1928, had described as of the greatest importance—must be considered from the twofold point of view of the principle of international intellectual co-operation, which had been so often and so emphatically proclaimed, and of the general and manifest value of intellectual freedom.

Respect for these two principles made it essential that now, fifteen years after the war, the insuperable barriers between scholars of different countries should at last be abolished.

The many efforts made by the Hungarian National Committee to put an end to this intolerable state of affairs had so far been in vain. Nor had the practice of certain States been in conformity with the resolution taken by the Assembly in 1928 concerning the re-establishment of normal intellectual relations between peoples by means of the spread of knowledge. The Hungarian delegation, therefore, sees no alternative but to appeal to the Assembly to take the appropriate steps to end the impossible situation—impossible because unjust and vexatious—which had just been described.

M. de Reynold had just indicated in concise and eloquent terms that promotion of the work of the National Committees was the keystone of international intellectual co-operation. The Hungarian delegation associated itself with this view and proposed that the following amendment be inserted in the text of the draft resolution submitted by the Rapporteur :

"The Assembly,

"Noting once again the importance of the problem of the international circulation of books,

"And reiterating the hope that the obstacles in the way of the circulation of scientific and technical publications may be overcome as far as possible :

"Requests the International Committee on Intellectual Co-operation to lend its assistance to this end in all cases in which it is asked to act as mediator."

The continuation of the discussion was adjourned to the next meeting.

SIXTH MEETING.

Held on Tuesday, September 18th, 1934, at 3.30 p.m.

Chairman : M. DE MADARIAGA (Spain).

20. **Intellectual Co-operation : General Discussion** (continuation).

M. COSTA DU RELS (Bolivia) supported the proposal made at the previous meeting by the Argentine delegate. As a member of the Permanent Committee on Arts and Letters, he had been present at the meeting in Venice, where the problem under discussion had been the serious difficulties at present encountered by thinkers and artists, not merely in earning a living, but also in making known their conceptions and their ideals.

In his opinion, the present difficulties of intellectuals were, in the main, due to the decreased purchasing power of the masses, so that the artist and the general public lost touch with each other. But there were also other more complicated and perhaps less obvious causes.

This diminution in purchasing power was only one symptom of the present state of civilisation, for there was no denying that the things of the spirit were at a discount. Works of art, however, could only be grasped through the idea which they embodied—that is to say, they could only be understood in relation to the value which they were meant to serve—namely, beauty. The question which thus arose was : What place did beauty occupy in the world to-day ?

To judge by certain premonitory signs, it would appear that the idea of beauty was gradually being merged in a kind of scientific utilitarianism, whereas, as Plato said, " human life requires rhythm and harmony ". Science had been used to break up the rhythm and throw out the harmony. The modern tendency was to attach importance only to those things which met material needs, to those things which were external to man, which were not an end in themselves but a commonplace means of achieving pleasures, though not pleasure.

Schiller, who had said : " What honours man is that his handiwork leaves an imprint of love in his heart ", would be very astonished at present-day conditions.

Was it to be inferred that the present dominance of the machine was the frustrated ideal of the age ? No ! Mankind only sacrificed itself for genuine ideals, never for interests. Unhappily, the civilisation of to-day was harnessed to interests, and it was there that resided the lack of understanding between the artists and the masses, and, by forgetting the eternal values, the latter allowed themselves to be drawn into the service of a false ideal.

Every human being had within him the germ of the cult of the beautiful. That cult must therefore be stimulated and, if necessary, awakened. In this respect, might not artistic education be a remedy for unemployment, since it would be a means of leading the victims of unemployment towards nobler and loftier purposes ?

This cult was necessary in order to arrive at knowledge of that " splendour of order " which, according to the great Schoolmen, was also " splendour of form ". Moreover, as Mr. Thomas Mann had said, " cult " and " culture " came from the same root, and, he himself would add, from the same root idea. He therefore paid a tribute to the Italian Government and the Italian National Committee on Intellectual Co-operation, which, in order to prevent the present age from confusing the idea of beauty with that of desire, had proposed that this year the Committee on Arts and Letters should meet in Venice, that incomparable city where beauty might truly be said to have presided over the debates.

It was to be hoped that other Governments would continue this tradition of inviting the Committee on Arts and Letters, together with a carefully chosen body of distinguished men, to take part in these " conversations ", the only purpose of which was to enlighten the minds and raise the intellectual level of the masses. These meetings of thinkers unquestionably had the most beneficial effects on international relations.

M. CASARES (Spain) began by emphasising the importance of the question of the harmonisation of the Berne and Havana Conventions for the protection of intellectual rights. As a former Chairman of the Sub-Committee on Intellectual Rights, he had always maintained that that question should be constantly borne in mind by the Committee on Intellectual Co-operation. That point of view, which had formerly been unanimously accepted, had subsequently fallen into disfavour. When the Committee was reorganised, the question had been relegated to the background and had even been entirely omitted from the regular activities of the Committee. M. Casares was therefore happy to note that, through the pressure of circumstances, that problem had been restored to the position which rightly belonged to it.

He reminded the Committee that, at the ninth session of the Assembly, it had been the Spanish delegation which had put forward the idea that the laws and other measures for the protection of original work in the intellectual and artistic field should be unified. The Assembly had proceeded to adopt the draft resolution which M. Casares had submitted on that occasion, and the question was subsequently examined by the competent League organs—that was to say, the Committee on Intellectual Co-operation, the Institute of Intellectual Co-operation, the Rome Institute for the Unification of Private Law, the Berne Bureau, etc. In that way, the ground had been prepared for the Conference at Montevideo, the United States National Committee on Intellectual Co-operation taking the initiative in having that question placed upon the agenda.

M. Casares briefly outlined the discussions that had taken place at the Montevideo Conference, which, after having taken cognisance of an able report by M. Antuña, the representative of Uruguay, had decided to set up an Inter-American Committee for the purpose of preparing, in view of the Brussels Conference, a preliminary draft convention designed to bring the American system into harmony with the Berne system. It was to be hoped that the activities of that Committee would hasten the adoption of the proposed reforms. At the same time, the Intellectual Co-operation Organisation must not confine itself to the rôle of observer. M. Casares hoped that it would also make a contribution to the preparation of such a preliminary draft by having a text drawn up by its competent organs. The two preliminary drafts would not, it would appear, cover the same ground, as the prevailing tendencies in America, where it was hoped to bring about the universal protection of authors' rights, differed from the less ambitious conclusions arrived at by the experts of the Intellectual Co-operation Organisation. In this connection, M. Casares reminded delegates of the following draft resolution which he had submitted to the Sixth Committee :

“ The Assembly,

“ Having heard the particulars supplied to it in regard to the progress recently made in the matter of bringing into harmony the Berne and Havana Conventions on authors' rights :

“ Notes with satisfaction that, as a result of the Pan-American Conference at Montevideo, an American Committee has been set up to prepare a draft, co-ordinating the basic principles of the two Conventions.

“ Having regard to the interest which the Assembly has taken in this problem since September 1929 :

“ It asks that the Intellectual Co-operation Organisation should study, before the Brussels Revision Conference, the terms of a preliminary draft convention embodying all features common to the respective systems of the two continents, and should prepare the way for the universal protection of intellectual rights in the future.”

As a former President of the Governing Body of the International Bureau of Education at Geneva, M. Casares strongly supported M. Motta's appeal for closer co-operation between that Bureau and the Paris Institute.

On behalf of his delegation, he fully endorsed the suggestions of the Argentine delegate for limiting the number of persons invited to take part in the “ conversations ” and the strict exclusion of politics from their discussions. It was, indeed, necessary to avoid the risk of political differences, which might compromise and even entirely nullify efforts at mutual understanding in matters of the mind.

M. Casares warmly supported M. Levillier's request for a scientific and systematic study of the origins of American civilisation. Nothing could cause Spain greater satisfaction than such an impartial investigation, which would make it possible to present in its proper light the part which she had played in the foundation of the Latin-American nations. In this connection, he drew attention to the excellent works which had already appeared in America, more especially those of M. Pereira and M. Parra-Pérez, who was a member of the Sixth Committee. It was essential that the truth on that subject, whether pleasant or unpleasant, should be brought out for the enlightenment both of Spain and other peoples, and also for the advancement of scholarship.

Dr. VAN BROEKHUIZEN (Union of South Africa) was glad to note that the nations of the world were beginning to feel the necessity for co-operation in education on international and national questions. When all the sons and daughters of every nation had been educated to express their opinions, he was sure that there would be no need for armaments, because the young generation would refuse to be used as cannon fodder for mutual destruction.

A conference had been held in Cape Town and Johannesburg, and an invitation had been sent to the League of Nations to send a representative. He wished to state, on behalf of his Government, how grateful they were to the Secretary-General of the League for having sent such a splendid representative.

South Africa had rejoiced to welcome education experts from almost every nation in the world. Her educationists had thus an opportunity to come into contact with the experts of every civilised country. The great interest taken, not only by universities, schools, professors and teachers, but by every citizen of South Africa, was a source of inspiration to the Conference. On the other hand, education in South Africa was perhaps an example to many of the older nations. Among the white races in South Africa, there were less than 2 per cent illiterates. The educational system was bilingual. The day had come when Dutch- and English-speaking South Africans were working together for the welfare of their country. Soon, every citizen of South Africa would be able to speak both languages. That example might well be taken as an ideal for certain nations of Europe.

Africa was often referred to as the “ dark continent ”. Some parts of the continent were still very dark, but light was spreading from the South, and an effort was being made to win over the black nations of South Africa to the ideal of universal co-operation among the nations.

A man who was true to the ideals of his own race, language and history would appreciate and admire those same qualities in other nations. Contact with other nations bred appreciation for their history and ideals. Without such knowledge there could be no mutual appreciation.

He wished to congratulate the Committee on its work and to offer his best wishes for its future, because the more each individual's intellect was developed, the more certain would be the future of all nations.

M. PARRA-PÉREZ (Venezuela), on behalf of his delegation, congratulated the Committee on Intellectual Co-operation and the Paris and Rome Institutes on the work done during the year. Like all Latin-American countries, Venezuela took the keenest interest in the work of intellectual co-operation, which, as shown in M. Maraini's report, was to a large extent based on the activities of the National Committees. Like the Rapporteur, M. Parra-Pérez hoped that all the members of the Sixth Committee would do everything they could to promote the development and, where necessary, the creation of National Committees in their own countries.

He warmly supported the suggestions of the Argentine delegate, and reminded delegates that a few years ago, at a meeting of the Committee on Arts and Letters in Paris, at which he had acted as substitute for the Argentine poet Lugones, he had drawn attention to the importance of developing research work in archæology and pre-history in America. As M. Casares had kindly remarked, he had himself subsequently taken up the subject of colonial history. He wished to pay a tribute to the work done by M. Levillier through his lectures at the Sorbonne and also by his writings in promoting the rediscovery of the truth in regard to the history of America. An organised body on which M. Levillier would have an opportunity of effective co-operation would be of unquestionable value in achieving that object.

As regards the "conversations", M. Parra-Pérez concurred in the views expressed by M. Levillier and M. Casares.

He noted that the publications of the Institute were being devoted increasingly to promoting the objects of the League of Nations, and he urged the Institute to persist in that course.

M. OSUSKÝ (Czechoslovakia) associated his own delegation, together with those of Roumania and Yugoslavia, with the tributes which had been paid to the efforts made by the Intellectual Co-operation Organisation to promote the spread of ideas. At the same time, he pointed out that ideas constituted a weapon which no one could employ in vain or with impunity.

The three countries on behalf of which M. Osuský was speaking had remained faithful to the dissemination of ideas, and the Hungarian delegate would bear him no ill-will if he said that these countries refused to be ranked as enemies of ideas. The ancient Kingdom of Bohemia, for example, had dearly paid for the dissemination of ideas, and, in consequence, had disappeared for centuries from the map of Europe. It was, therefore, only natural that the Czechs of to-day were anxious that it should not be thought that they were enemies of ideas and the spread of ideas.

The Hungarian delegate had complained that Hungary's neighbours were refractory to Hungarian ideas. He had quoted the cases of certain works which he said had been prohibited in Roumania—more particularly, a Hungarian grammar in Latin; a monograph on Anaxagoras and a translation of "Faust" by Lenau. One would almost think that the States adjacent to Hungary had nothing better to do than to defend themselves against Anaxagoras and Faust. With such a vigorous and active neighbour, the very reverse was the case.

M. Osuský protested against the suggestion that the States of the Little Entente, while urging moral disarmament, had refused to assist in the dissemination of ideas. In that connection, he referred to a meeting of the Disarmament Conference on November 17th, 1933, at which the question of moral disarmament had been thoroughly canvassed, together with the most appropriate means of preventing propaganda designed to incite one nation against another. M. de Eckhardt, who was attending the Committee for the first time, would see, on reference to the Minutes of that meeting, that the only delegate who had refused to consent to a system of sanctions to ensure effective moral disarmament was the Hungarian representative.

To complete his list of prohibited books, the Hungarian delegate should have mentioned, among others, an official geography text-book and an official history text-book for use in schools, where it was stated that such places as Bratislava, Kolosvar and Zagreb were in Hungary. Another case was that of a geography text-book, issued in 1926, and a history text-book, published in 1929, in which these misleading statements were repeated. It would be readily agreed that such a method of stating the facts was not exactly calculated to please the States which were Hungary's neighbours. On the other hand, a distinguished public figure, who for ten years had presided over Hungary's destinies, had publicly declared in Berlin, and last year even in London, that the Slovaks, Croats and the Roumanians of Transylvania were not his sole concern; his chief interest lay in the historical mission which the Hungarian nation was endeavouring to fulfil. The present President of the Hungarian Council, it would appear, was not far from sharing the opinions of his predecessor. Such being the case, it was not surprising that the States of the Little Entente felt bound to take certain measures, the purpose of which was not merely to defend themselves against Anaxagoras and Faust.

Czechoslovakia had, nevertheless, endeavoured to remedy that state of affairs. Last April, for example, M. Beneš had proposed to the Hungarian Government an agreement on the question of the Press and printed books. The Budapest Government had replied that it could not bind itself to conclude a formal agreement, on the grounds that the statements made, both in the Hungarian Press and Hungarian books, represented the facts of the case.

Last May, therefore, M. Beneš had proposed to the Hungarian Government a kind of gentleman's agreement, consisting of an undertaking to observe a correct neighbourly attitude. Up to the present, the Czechoslovak Government had received no reply.

Czechoslovakia was taxed with not being prepared for moral disarmament. M. Osuský would merely ask his colleagues to judge for themselves.

M. BETETA (Guatemala) wished to emphasise the importance of the proposition made by the Argentine delegate. Guatemala was the country in which the Maya civilisation was born and developed and in which it flourished for a thousand years. Much had been discovered of that great civilisation. It included more than 800 cities, and evidence of the culture and artistic skill of the people had been brought to light. Very little was known to the European world of that civilisation, except to specialists in archæology. The Mayas, however, represented in history much the same phenomenon as was represented in biology by the missing link between the most primitive of the human species and the simian. Similarly, the Mayas might be the missing link between a very old prehistoric civilisation and the civilisation of our own age.

He wished to emphasise the importance of the study of the old Maya civilisation. The Maya race had been located in Guatemala, Salvador and elsewhere in Central America, including a part of Mexico, and their remains were of the greatest interest, not only to men of science, but to all students and specialists in archæology. The Maya race had been destroyed by the Americans of the North—the English, the Dutch, the French. In the area formerly occupied by the Maya civilisation, special attention had been paid, under the patronage of a main American institution, to this question of intellectual co-operation. More than five million people of Central America and part of Mexico were really direct descendants from the Mayas. There are traces of the Mayas also in Bolivia and other South-American States. It was believed that large numbers of the Mayas went to the North, and large sums had been spent by scientific institutions and by American Governments in order to study carefully, not only the archæological remains of the ancient race, but the economic and health conditions of the present-day descendants of the Mayas.

Specialists in botany, zoology, etc., had been engaged in the work on the spot. Great efforts were being made to discover the character of the Mayas of the past by studying the Mayas of the present, and to reproduce the psychological and sociological conditions of the Maya race, with a view to achieving practical results from certain methods of education among the present-day Mayas. It might be said that the archæological study of the Mayas had brought about a real revolution in the psychological and sociological study of the peoples of Latin America. Scientists, historians and professors were entirely changing their methods of research. The way in which those discoveries might be brought to the attention of European peoples was a question that could be faced and solved by the Institute of Intellectual Co-operation.

It had been his experience, in attending international congresses in Europe, that most of the programmes were based on matters of very little concern to Latin America. The Committee on Intellectual Co-operation could perhaps extend its field of action through the proposal made by the Argentine delegate. It at present acted from Paris, but he considered it necessary that all their researches into the history of Latin America should come to the knowledge of Europeans, in order to bring about better understanding. The Committee on Intellectual Co-operation should work in direct contact with other Committees concerned in the culture of Latin America, each Committee there working in its own way, by selecting from books, periodicals and other reliable sources of information opinions on psychological and sociological matters concerning Latin America which it might be of interest to Europeans to know. It was indispensable that the Committee should work in Madrid, the capital of Spain, not only because Spain was in a better position to make its own selection from Latin-American books and reviews, but also because, as members were aware, there existed in Spain vast sources of information, by the aid of which work might be accomplished which was designed to further the study and comprehension of Latin-American history.

Sir James PARR (New Zealand) said he would not have intervened in the discussion were it not for the fact that he came from a country which was farther away from Geneva than any other Member of the League; in fact, some 14,000 miles away. He had always held that, at the very basis of the existence and prosperity of the League of Nations, was the conception that it was a league of minds to be cultivated and that only by intellectual co-operation could the League continue to exist.

It was important for all countries that there should be intellectual co-operation; but, for far-distant countries, intellectual co-operation was absolutely necessary. Such was the case with New Zealand, which had a population of two millions of British people, who lived on islands cut off by oceans from the remainder of the world.

He would like to associate himself with the congratulations that had very rightly been showered upon the Executive and the Organisation for the work they had accomplished, and would simply ask that, in their future activities, they should have regard to the fact that the far-distant nations deserved special consideration.

The people of New Zealand were insular and the risk was that they might cultivate too insular an outlook. They were of British ancestry and had perhaps inherited a slight tendency to insularity. The Intellectual Co-operation Organisation was an excellent corrective to this.

He agreed with the French delegate that the work done with regard to scientific and other research was excellent, but would emphasise the fact that these researches did not touch the masses. There was only one way of doing this. The existence of the League depended upon the enlistment of the sympathies of young people by education. Within the British Empire

there was a system which had proved to be most effective in maintaining cohesion and understanding between the members of the British Commonwealth of Nations. The system was a constant interchange of teachers. There was an interchange between one dominion and another and between the dominions and the mother-country. This system had proved one of the finest factors in the British system of co-operation of mind and intellect between the component parts of the Empire.

He would like to suggest that this system should be extended. Might not a distinguished professor of science from Madrid, for instance, go to Australia or New Zealand, and in return a young man be sent to Madrid, where he would receive the culture of the older countries of the world?

Sir James Parr would like to impress upon the Committee the desirability of considering a practical measure such as this. An endeavour must be made to bring the masses together by educating young people so that they would possess the right attitude towards the League and towards their fellow-men throughout the world.

M. KOMARNICKI (Poland) said that it was with feelings of the deepest gratitude that his delegation had listened to the tributes paid to the memory of Mme. Curie-Sklodowska, who represented Poland on the Committee of Intellectual Co-operation, and whose death had grieved, not only the two countries to which she belonged, but also the entire human race.

The Polish delegate supported the able report drawn up by M. Maraini, and joined in the congratulations addressed to the Intellectual Co-operation Organisation, and more especially to the Director of the Institute.

Not only had Poland lent her assistance to the various forms of activity in which that Organisation was engaged, but she had also done everything in her power to promote intellectual relations with the countries which still lay outside the Organisation's sphere of action. Poland hoped that, in progressing towards universality, the League of Nations would increase its contacts, and extend its field of activity in the interests of international co-operation. It was for that reason that Poland attached exceptional importance to the resolution regarding the work of the National Committees.

While the resolution regarding moral disarmament was to be attributed partly to the prevailing uncertainty as to the outcome of the activities of the Disarmament Conference, and though it was far from giving complete satisfaction, M. Komarnicki hoped that it was merely an attempt to arrive at a provisional solution, and that the next Assembly would be called upon to take more lasting decisions. As the text before the Committee represented a compromise between opposite tendencies, the adoption of such a course should be all the easier. It was greatly to be desired, in the interests of all, that, in spite of its imperfections, that compromise should be taken as the basis and point of departure for the League's entire activities in the field of moral disarmament. The investigations in question had, moreover, already been used as a basis for certain bilateral agreements which Poland had concluded with one of her neighbours.

SEVENTH MEETING.

Held on Wednesday, September 19th, 1934, at 3.45 p.m.

Chairman : M. DE MADARIAGA (Spain).

21. Protection of Minorities : Appointment of a Rapporteur.

On the proposal of the Chairman, M. BECH (Luxemburg) *was appointed Rapporteur for this question.*

22. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Question of Procedure : Communication from the Chairman of the First Committee.

(See Official Journal, Special Supplement No. 124.)

23. Dispute between Bolivia and Paraguay : Question of the Liquidation by Bolivia and Paraguay of the Advances made from the Working Capital Fund : Communication from the Chairman of the Fourth Committee.

(See Official Journal, Special Supplement No. 124.)

24. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : General Discussion (continuation).

(See Official Journal, Special Supplement No. 124.)

EIGHTH MEETING.

Held on Thursday, September 20th, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

25. **Protection of Minorities : Proposal of the Polish Government for the Conclusion of a General Convention.**

The CHAIRMAN.—We have on our agenda two questions which are connected, though they are in some respects different. The first is a proposal submitted to the Assembly by the Polish delegation in the form of a draft resolution, which reads as follows :

“ The Assembly of the League of Nations,

“ Considering that the minorities treaties at present in force and the declarations on the international protection of minorities made before the Council by certain States are only binding upon some of the Members of the League of Nations, whereas other Members of the League remain free from any legal undertaking in this respect ;

“ Being of opinion that such a state of affairs affords an international guarantee to certain minorities only, and leaves the others, which can in no circumstances appeal to the League of Nations, without international protection ;

“ Considering that such a distinction between protected and non-protected minorities is in contradiction with the sentiment of equity and justice ;

“ Having regard to the fact that racial, linguistic and religious minorities which are not covered by the present system for the protection of minorities and which have the same moral right to the protection of the League of Nations as the protected minorities are to be found in almost all European and extra-European countries :

“ Declares that the present situation in regard to the international protection of minorities is not in harmony with the fundamental principles of international morality, and is of opinion that it should be remedied by the conclusion of a general Convention on the protection of minorities, such Convention to provide for the same undertakings on the part of all Members of the League of Nations and to ensure international protection for all racial, linguistic and religious minorities ;

“ Decides to summon for that purpose an international Conference consisting of all the Members of the League of Nations, in order to draw up a general Convention on the international protection of minorities ; and

“ Requests the Council to take the necessary steps to summon that Conference in the near future, and in any case within six months from the close of the proceedings of the present session of the Assembly.”

The second proposal, which was made by the Hungarian delegate, and approved by the Assembly, was the reference to the Sixth Committee of that part of the report on the work of the League dealing with the question of the protection of minorities.

We will deal first with the Polish proposal.

Count RACZYŃSKI (Poland).—The problem of generalising the system for the protection of minorities, which is the subject of the discussion, was placed on the agenda of the fifteenth Assembly at the request of my Government. That makes it incumbent upon me to speak first, in order to supplement the statement made by the Polish delegate in the plenary Assembly.¹

The Polish Minister for Foreign Affairs, desirous of placing the minority problem before the Assembly in all its complexity, and at the same time of enlightening the Members of the League on our Government's point of view, concluded his statement by a declaration relating to the co-operation of the Polish Government with the organs of the League in respect of the application by Poland of the minorities system. The Polish Government had no intention whatever of provoking a discussion in the Assembly on this point, which is not within the competence of the Assembly, and its Committees. I, for my part, am unable to deal with that aspect of the problem or to give any explanations going beyond my competence as a delegate to the Assembly, since they would be void of any legal value.

I am instructed to confine myself to the problem before us—namely, the general extension of the minorities system.

As a starting-point, I will take the speech of the first Polish delegate to which I have just referred. In that speech he first reviewed the efforts made over the past twelve years to achieve even a minimum of progress towards the general application of the minorities system. In the second place, he made a careful analysis of the present system and its defects, which are patent to all.

I need not dwell at length on these two aspects of the question. But, as my Government has been accused of suddenly confronting the League with a new problem, I must refer to the

¹ See records of the fourth plenary meeting of the Assembly.

discussion which took place here last year. It is certainly not the Polish Government's fault if its importance escaped the notice of some. There is no need for me, however, to refer to the statements made by the Polish representative on that occasion.

I will just quote two passages from the Minutes of the Sixth Committee in 1933. First, I will read a passage from a speech delivered in this room by a distinguished statesman who certainly does not enjoy a reputation for chauvinism or intransigence. This is what M. Beneš said (page 40) :

“ Is it conceivable that a certain number of States whose national consciousness and national pride are developing daily, who are constantly growing politically more mature and who are Members of the League of Nations, can for ever remain, legally and politically, in an inferior position, while the same minority conditions—sometimes, indeed, more acute—manifest themselves in countless other States ; while every detail of their minority policy is the object, sometimes of a criticism, very often unjustified annoyance ; and while supervision is exercised by States in which the minority problem, though acute, goes unregulated ?

“ Surely such a situation has an adverse effect upon the very principle of protection of minorities, and will, in the end, wholly compromise it. I hold that this situation is morally untenable. The principle of the equality of Members of the League is essential. The question should be settled either by rendering the provisions general or by some other procedure.”

The same idea was reproduced in the Sixth Committee's report to the Assembly. The relevant passage, which was drawn up by a jurist and statesman whose authority at Geneva is unequalled, and who is rightly respected for the great services he has rendered to the cause of the League, reads (page 71) :

“ Certain delegations expressed keen regret that it had not been possible to arrange at that stage for a study of the question of generalising the system for the protection of racial, linguistic and religious minorities, at all events on the continent of Europe, as well as of the rights of men and citizens, and pointed out that, in their view, the generalisation of the system was essential, on account of the principle of the legal equality of all States, and could not be indefinitely deferred without gravely endangering the value of the treaties already in operation on the subject.”

The resolution moved by Poland this year reproduces, word for word, the proposal made last year. It simply develops the conclusions then reached. The Polish Government has been guided by no consideration extraneous to the question raised. Its initiative is, of course, not aimed at anyone.

Poland is still awaiting evidence that she is acting contrary to the spirit of the League, or that there are any imperative reasons, founded upon equity, which make her proposal undesirable or even impossible of achievement.

I have been unable to find conclusive arguments to that effect in the Minutes of the discussions at Assemblies previous to 1933. Nor did the last Assembly, in which I took part, furnish any. Part of last year's discussion was in public, but the most important and significant debates were relegated to a small sub-committee which was not open to the Press and had no Minutes. It is true that this method is sometimes employed in more complicated questions, but it hardly seems appropriate to so important a discussion affecting a problem of such general interest.

I venture to express the hope that that method may be avoided this year.

I do not want to anticipate any arguments which the delegations taking part in the discussion may advance in explanation of a possibly negative attitude. But I do feel bound to reply to those I have found in the speeches made in past years. The discussion will, I think, be more fruitful if I disregard the highly complicated problem of conditions existing in continents other than Europe.

The need for a general system of minorities protection in Europe has sometimes been denied on the ground that minorities are only found in some of the European States, whereas most countries having no minority obligations have no minorities. The argument, if really taken seriously, hardly needs refuting. It is well known that, apart from two or three European countries, all the States composing our ancient continent harbour larger or smaller groups of national or racial minorities which are not the result of recent immigration, but are composed of native elements.

The fact that, in most European countries, these minorities are unable to make themselves heard at Geneva cannot be accepted *a priori* as proof that they do not exist, or that they are unconscious of their distinct personality. Nor must their silence be attributed to the fact that they are necessarily satisfied with their lot.

It should also be observed that the few countries that have no minorities, or practically none, have hitherto been most disposed to support a general system by disinterestedly participating in it.

It has sometimes been alleged that, in countries having no minority obligations, the minorities are so generously treated that any legal undertaking would be entirely superfluous. That statement must be accepted for what it is worth. We have no legal means of testing its accuracy. But, if it were actually proved that the States falling into that category respected integrally the fundamental provisions of the existing minority undertakings ; if, in each specific case, no restriction was imposed on the free use by their nationals of any language in private

intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings ; if they gave adequate facilities to their nationals of every speech for the use of their language, either orally or in writing, before the courts ; if they reserved to their nationals who belong to racial, religious or linguistic minorities an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein ; if, in the public educational system in towns and districts in which a considerable proportion of nationals of every speech are residents, they provided adequate facilities for ensuring that, in the elementary schools, the instruction was given to the children of such nationals through the medium of their own language ; and if in towns and districts where there is a considerable proportion of nationals belonging to racial, religious or linguistic minorities, these minorities were assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds, under the State, municipal or other budget, for educational, religious or charitable purposes ; if, in a word, the States actually guaranteed to all their nationals " equality before the law " and the enjoyment of " the same civil and political rights without distinction as to race, language or religion ", how could they be adversely affected by assuming legal obligations confirming that liberal attitude and protecting it against political changes ?

Among the other arguments advanced, I might mention the attack on the national unity and sovereignty of States which, in the opinion of some, might follow from the generalisation of the existing undertakings. That argument should certainly not be overlooked. But, even if its weight be admitted, it cannot fairly be applied only to the general extension of the system. Quite the contrary. It would apply far more forcibly to an exceptional regime, which it would be very difficult to defend.

Lastly, some delegations will perhaps have recourse to history and will seek the sole justification for an exceptional system in remote causes and not in reasons that are valid to-day and to-morrow. With regard to my own country, I most definitely refuse to accept any reasoning which consists in replacing a logical exposition by arguments having no bearing on the present situation. I do not want for the moment to dwell on this point ; but, if I felt obliged to do so, I should have no difficulty in showing that, however little justification there may be in these arguments, they could be applied with at least the same force to countries having no minority undertakings.

If the minority system is recognised to be good, and if it constitutes social progress, it should be extended ; for I am unable to admit that it should be regarded simply as an expression of the legal inequality of States without relation, moreover, to their standard of development and their importance in international affairs.

The question has been put, and the Assembly is asked for a clear and definite reply.

My country awaits that reply.

M. FRANGULIS (Haiti).—Fifteen years have gone by since the founder of the League, President Wilson, proclaimed in an article which was to be inserted in the Covenant : " There shall be no impediment to the free practice of any belief, religion or opinion, whose practices are not inconsistent with public order or public morals, and, within their respective jurisdictions, no one shall be disturbed in his life, his liberty or his pursuit of happiness by reason of his adherence to any such belief, religion or opinion."

Fifteen years have elapsed since this humanitarian declaration was solemnly proclaimed, and every year we attend debates, that have almost become a rite, at which different minorities appeal to the League in the name of justice, while the different countries that have assumed exceptional legal obligations not assumed by others complain of the differential treatment thus imposed upon them in an organisation one of whose fundamental bases is equality between the Members.

We must, indeed, recognise one indisputable fact—that the countries which lost territory and those which regained their independence after the war all state that the minorities system laid down in the Peace Treaties has not hitherto yielded the results that were legitimately expected.

" In the matter of minorities," said Count Apponyi in the sixth Assembly on September 14th, 1925,¹ " the work of the League and the Council has not yet produced the results for which we had hoped, it has not yet succeeded in fully reassuring the 40,000,000 citizens who compose these minorities."

A few days ago, on September 13th, M. Beck, the first Polish delegate, said in the Assembly :

" The application of the system in its existing form has proved wholly disappointing. It has not been beneficial to the minorities ; but, owing to the fact that it has too often been applied in an abusive manner and in a spirit foreign to that of the Treaties, it has largely served as a means of spreading defamatory propaganda against the States subject to the system, and also as a means of exercising political pressure by States which, without being bound themselves, have used their prerogative to participate in the system of supervision.

" The paradoxical situation of an exceptional regime grafted on to the League organisation, which derives its political justification from its very universality and from the democratic principle of equality at public law, cannot last without doing irreparable harm to the moral foundations upon which the League was erected in 1919."

¹ See Records of the Plenary Meetings of the Sixth Ordinary Session of the Assembly, page 73.

And yet the development of the question has only served to increase the number of legal stipulations. At present, in the matter of minorities rights—that is to say, the rights of a class of citizens belonging to a certain category of countries—we have the following diplomatic instruments which confer on those rights the character of positive international law.

First, the special treaties, called Minorities Treaties, signed in Paris during the Peace Conference by Poland, Yugoslavia, Czechoslovakia, Roumania and Greece.

Second, certain special chapters in the Treaties of Peace for the protection of minorities in Austria, Hungary, Bulgaria and Turkey.

Next, certain declarations made before the League Council by Albania, Estonia, Finland, Latvia and Lithuania.

Lastly, twenty-two bilateral Conventions between various countries with regard to minorities—in particular, between Austria and Czechoslovakia, Poland and Czechoslovakia, Poland and Germany, etc.

The principle of minorities protection is also recognised in the Treaty of Riga between Poland and the Soviets (Article 7).

What, however, are the circumstances in which these undertakings were entered into by fourteen countries, out of the fifty-six belonging to the League, under the different multilateral treaties whose application is guaranteed by the League ?

The Minutes of the Peace Conference's meeting on May 31st, 1919, contain the following statement by President Wilson :

“ Is it unreasonable or unjust that the great Powers should say to their associates, not as dictators, but as friends, we cannot ‘ guarantee ’ territorial settlements which we do not regard as just and we cannot consent to allow the persistence of factors making for disorder, which we believe would trouble the world's peace ? And yet these proceedings imply the hope in Roumania, Czechoslovakia and Serbia that, if any of the clauses in this settlement is not observed, the United States will send their armies and their ships to watch over their execution.”

If I appeal so often to President Wilson, it is because his ideas, which presided over and imprinted their stamp upon the drafting of the Covenant, must not be allowed, under the force of circumstances, to decline to the status of a marginal note.

Now, what is the tenor of the obligations resulting from these so-called Minorities Treaties ? In his draft for Article 21 of the Covenant, President Wilson laid down that there should be no impediment to the free practice of any belief, religion or opinion. “ No one ”, he said, “ shall be disturbed in his life, his liberty, or his pursuit of happiness.” No distinction was made in this article between minorities and majorities. It concerns the inhabitants of the territories of all the different States, and this principle is enshrined in a model article found in all the Minorities Treaties and reading as follows :

“ Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

“ All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals ” (Article 2).

These provisions constitute, in fact, the consecration, on the territory of the States concerned, of the various rights inherent in the human person designated under the title of “ inhabitant ” or “ national ”. There is no question of minorities.

The fact is, however, that these humanitarian and impersonal stipulations, which, in the intention of the founder of the League, were to be universal and which were to apply to all the Members of the League and be included in the Covenant, were, in the end, imposed on only a small number of States Members.

Nay, more ; the system which prevailed and the application of which was, moreover, guaranteed by the League was not that of the rights inherent in the human person as conceived by the founder of the League but that of minorities protection. The principle of the national cohesion and unity of each State represented in the League was superseded by a system of discrimination in one and the same community and in one and the same State. Whereas the various Treaties of 1919 and 1920 were concerned with a specific class of citizens in numerous States, they made no provision for the future as to the status of the other citizens from the international standpoint. By reason of these inequalities, it has come about that what was claimed by the multiple collectivities that compose the League of Nations in the international sphere was not applied in the internal sphere of the different States. Thus, more was demanded of international law than of national law, in which the rights and obligations of the very citizens whom it was desired to protect had nevertheless to be defined.

What, after all, is this shifting, imprecise and vague notion which we term a minority ? In the course of their history, sometimes within a short space of time, some countries have represented now a majority and now a minority. The result of this artificial and precarious position has often made it possible to undermine, for political purposes, the cohesion and unity of the State, and many times in the course of history this so-called protection has served to bring about the most discreditable results, since it has involved dissension and disorder and so prevented a durable restoration of peace.

Every time a human community has had within its borders a specific category of citizens belonging to a racial origin different from the population as a whole and enjoying differential treatment, the outcome after a number of years has always been secession and war, sometimes leading to the dismemberment of the State itself.

Every time, on the other hand, the precarious notion of a minority has been supplanted by the higher notion of the equality of all citizens before the law, without distinction of origin or race, the result has been assimilation and internal peace guaranteeing the national prosperity and the consummation of national unity. The example of Switzerland and Canada proves that, had minorities protection existed there, the complete amalgamation of the present day, which came into being in the course of centuries, could never have been achieved.

This has also occurred in all countries in the New World. Thus, the Brazilian delegate, M. de Mello Franco, said at the Council meeting on December 9th, 1925 :¹

“ It seems to me obvious that those who conceived this system of protection did not dream of creating within certain States a group of inhabitants who would regard themselves as permanently foreign to the general organisation of the country. On the contrary, they wished the elements of the population contained in such a group to enjoy a status of legal protection which might ensure respect for the inviolability of the person under all its aspects and which might gradually prepare the way for conditions necessary for the establishment of a complete national unity.”

And M. de Mello Franco concluded that this system of discrimination was without meaning for the American continent, since equality of rights regardless of origin or of race had produced a complete fusion in America, and perfect national unity had been obtained thanks to the absence of any protection. This view is shared entirely by the country I have the honour to represent here.

The United Kingdom representative, Sir Austen Chamberlain, added that :

“ . . . As M. de Mello Franco had remarked, the object of the Minorities Treaties and of the Council in discharging its duties under them was to secure for the minorities that measure of protection and justice which would gradually prepare them to be merged in the national community to which they belonged.”

It is therefore quite clear that the exceptional position created by minorities protection can in no circumstances be perpetual, for it is a legal axiom that the exceptional cannot endure indefinitely.

But, in that case, since all the parties concerned agree that the system set up by the Minorities Treaties has not given the results legitimately expected of it, is it logical, since it is stated to be a bad system, to attempt to generalise it ? Is it logical to attempt to apply universally a system which everyone or nearly everyone now agrees serves no useful purpose ?

This, moreover, is not the first time during the fifteen years in which this question has come before you with an almost liturgical regularity that you have had a similar proposal placed before you. It is, in the last analysis, the outcome of a perfectly understandable feeling of impatience dictated by a desire to terminate an exceptional system that ill accords with the paramount interests of a country having minority obligations and by the determination not to perpetuate the engendering and fostering of subversive forces capable of undermining the national foundations.

At the sixth Assembly, M. de Jouvenel and M. Hymans combated generalisation on the ground that it might create artificial minorities. Further, Baron Wittert van Hoogland had said :

“ It would suffice to introduce into the laws of all countries minorities protection clauses to evoke minorities where they are the least suspected to exist . . .

“ It is rather like the story of the imaginary diseases from which many good folk think they suffer as soon as they pick up a treatise on popular medicine.”

And yet, with the evidence of the facts before us, it seems impossible that the League should not contemplate a guarantee under international jurisdiction for certain rights inherent in the human person and which the authors of the Covenant had in mind. No great State, conscious of its strength and mindful of its national unity, could consent to minority clauses that might imperil its unity. It is, however, obliged to make it a point of honour to obtain international acceptance for the great principles of freedom, equality of race and justice that are enshrined in its own national Constitution.

The Constitution of most States has for many years embodied the principles of the respect due to certain rights inherent in the human person, rights to which the authors of the Covenant desired to give international sanction.

In the case of the United Kingdom, the great charter of Henry I, remodelled in 1225 by Henry III, says in Clause 29 :

“ No free man shall be arrested or imprisoned or dispossessed of his free tenure or of his liberties or free customs, or outlawed or exiled, or injured in any way, and we shall not lay hands or cause hands to be laid on him, save by virtue of a legal sentence of his peers, and in accordance with the law of the Realm. We will not sell nor refuse nor defer right or justice to any man.”

Again, in the Act for the Better Government of India, promulgated by Queen Victoria, we read :

“ It is Our Royal Will and Pleasure that no man shall suffer in any way for his beliefs, nor shall he be disturbed by reason of his creed or his religious practice. It is, moreover, Our Will that, as far as possible, Our subjects of whatever class and creed shall be freely admitted to any public charge which their education, talents or integrity may make them capable of duly fulfilling.”

¹ See *Official Journal*, February 1926, page 142.

And Gladstone stated :

“ Remember that the sanctity of life in the villages of the Afghan mountains among the winter snows is no less inviolable in the eyes of the Almighty than your own Have not modern times established a league of nations, of equal and independent nations, each built up under the legitimate defence vouchsafed by the public law to every nation living within its own frontiers ? ”

In the case of the United States of America, we read in the Fourteenth Amendment to the Constitution :

“ No State shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.”

In the eighteenth century, what did the French Constituent Assembly proclaim ? Not the rights of Frenchmen, but the rights of men and citizens, and in 1793 the Abbé Grégoire drew up the famous declaration of the rights and duties of nations.

These principles are found in almost all Constitutions, for, in 1923, these legal provisions were invoked in the League Council by certain Baltic countries, which referred to the clauses in their national Constitutions wherein the respect due to the human person is enshrined as demonstrating the futility of the minority clauses, for which it was hoped to secure their acceptance. The diplomatic instruments concerning minorities seemed, therefore, to them to be supererogatory in a sphere in which they alone were entitled to govern.

Last year my delegation had the honour to submit during the first days of the Assembly a draft resolution concerning certain rights inherent in the human person, which we were anxious to see consecrated in the form of a jurisdictional guarantee. The debate that followed showed that most countries acknowledged the need for a reform of the present system.

Mr. Ormsby-Gore said in this very Committee :

“ The British Empire does not conceive of itself in terms of racial solidarity, but in terms of the free association of free people, encouraged to develop their national consciousness within the greater unit, and, above all, bound together by what is the real guarantee for all minorities all over the world—free self-governing institutions.”

The first delegate of Norway, M. Mowinckel, said :

“ The words ‘equality’ and ‘fraternity’ are relics of bygone days, and even the most sacred rights of liberty—liberty of thought and personal liberty—are not everywhere secured.”

M. Sandler, first delegate of Sweden, said :

“ What we want for the future is controlled equality.”

The Irish Free State representative added :

“ We may well ask whether the time has not come when we should try to reinforce these defective treaty provisions by writing into a new draft convention to be accepted and applied generally the provisions which experience has shown to be necessary to safeguard certain fundamental rights, accorded as a matter of course in most countries of the world. The protection of minorities is inseparably associated with the larger problem of the protection of majorities, a problem which is of special interest to my own country.”

The Roumanian delegate, M. Antoniadé, supporting the resolution we had the honour to present, stated :

“ The question is now a wider and more serious one, that of a real charter of justice and humanity.”

And M. Beneš, first delegate of Czechoslovakia, expressed himself in these terms :

“ The cultural, political and economic life of a minority can only prosper in a country where the principle of the French Revolution—that of the rights of men and citizens—the principle of the parliamentary tradition, the principle of the American Revolution and the principle of respect for human personality form the legal basis of every citizen's daily life.”

When we remember all these declarations, and more particularly when we remember that all these statesmen arrived, by perhaps rather different roads, at identical conclusions, does not that constitute a stirring indication to the League that there is something to be done ? Is it not extraordinarily timely proof that the question is one of fundamental human justice, and that it is not, as some may be tempted to believe, one that exceeds the powers of man.

You will all remember that, on the proposal of the French delegate, M. Bérenger, the Assembly reaffirmed the principles it had enunciated in 1922 and expressed 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 ”.

Thus on two occasions, in 1922 and 1933, the Assembly felt impelled to affirm certain principles applicable, not only to the countries which had assumed minority commitments, but also to countries which belonged to the League and had assumed none.

The discussions that have gone on for the past fifteen years have demonstrated the defects in the present system. It is now agreed that the system has been beneficial neither to the minorities nor to the countries on which certain unequal obligations were imposed. The facts demand a reform.

What is the method prescribed by the Minorities Treaties themselves, whereby this reform can be carried out legally and along lines which we believe might guarantee both the internal peace of the States and international peace? With regard to the amendment of the minorities clauses at present in force, paragraph 1 of Article 12 of the Treaty with Poland says:

“ Poland agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.”

And paragraph 3 says:

“ Poland further agrees that any difference of opinion as to questions of law or fact arising out of these articles between the Polish Government and any one of the principal Allied and Associated Powers or any other Power a Member of the Council of the League of Nations shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.”

The Italian representative, M. Tittoni, in his report of October 20th, 1920, interpreting these stipulations stated:

“ It seems clear that this stipulation means, above all, that the provisions for the protection of minorities are inviolable—that is to say, they cannot be modified in the sense of violating in any way rights actually recognised and without the approval of the majority of the Council of the League of Nations.”

It is therefore quite clear that any reform of the present minorities system requires, not only the consent of the parties who signed them, more especially the great Powers, but also that of the majority of the Council. And the great Powers which signed the Minorities Treaties have formally engaged themselves in advance not to refuse their consent to such modification.

On what lines should this reform be carried out?

The minority law in force is the consecration of the relativity of the sovereignty possessed by the Members of the League. We can say that the sovereignty of a certain number of countries is encumbered by a servitude from which the sovereignty of the other Members is free. The sovereignty of some is limited in this domain by virtue of a higher interest, whereas there is no such limit to the action of the other Powers.

We are, however, obliged to note that all Members of the League have agreed to a limitation of their sovereignty in other spheres in which the League carries on its activities. In the supervision of the trade in arms and munitions, in the campaign against the traffic in opium and other drugs, in the campaign against the traffic in women and for child welfare, in the campaign against slavery, and the traffic in people of coloured race and in many other cases, the States represented here have consented to a very definite measure of supervision and to a limitation of their own sovereignty. Why should it be otherwise in the case of the protection of a certain class of citizens or of the rights attaching to the human person?

For, in the last analysis, we are not merely concerned with one class of citizens belonging to the State and termed a minority, but the whole body of citizens composing the various human communities is entitled to the same freedom and protection. The League must consider the problem as a whole, and to do so it must view it from the angle of the jurisdictional guarantee of the rights possessed by men as such, irrespective of whether they belong to a minority or a majority. It must search for the solutions that are demanded. In acting thus, the League will be contemplating the return to the principles by which the authors of the Covenant were guided and which are the foundations of the League.

We think that the Assembly can no longer be satisfied with merely transmitting the Minutes of the Sixth Committee to the Council, and that the circumstances demand some more effective form of resolution.

I have, therefore, the honour to present, on behalf of my delegation, the following resolution:

“ The fifteenth Assembly requests the Council to summon a conference to consider the reforms to be introduced into the system set up by the Treaties with regard to the protection of minorities, and to submit its findings to the Council.”

Such a conference will enable the League to study the problem as a whole and to adopt the solutions demanded, in view of the defects and drawbacks of the present system, by the conscience of mankind.

JA'FAR PASHA EL ASKARI (Iraq).—The resolution proposed by the Polish delegation is in perfect harmony with the fundamental principles of the League of Nations, which are based on equity and justice. The present system of minorities, however, in my opinion, hardly represents that spirit of justice and equity. The minorities in my country enjoy full rights and privileges, while minorities in other States are deprived of similar rights. The Iraqi delegation, therefore, supports the proposal of the Polish delegation, and hopes that the minorities in all States will be dealt with in a general international convention.

M. FOTITCH (Yugoslavia).—During the discussions in previous Assemblies, the Yugoslav delegation and the Roumanian and Czechoslovak delegations have repeatedly and clearly declared their attitude with regard to the generalisation of minorities protection. To-day, therefore, I might simply have referred to the declarations already made on this subject by the representatives of these three delegations. Since, however, a discussion has been opened on a concrete proposal brought forward by the Polish Government, I am obliged to define the Yugoslav Government's point of view.

My Government is firmly convinced now, as formerly, of the necessity of a general measure of protection for minorities. This view is dictated, not by considerations of political opportunism or by tactical reasons of any kind, but by a deep-rooted conception based on international morality, and at the same time by a sentiment that is embedded in the national conscience. In the course of its history, the Yugoslav nation has undergone, in defence of its nationality, ordeals too cruel for it to feel any temptation to apply the same system to the national minorities inhabiting its territory. What, however, we cannot admit is not only that there should be a discrimination between States, some being legally bound to provide such protection and others assuming no obligation at all, but that there should be a difference between the minorities themselves. During the discussions in this Committee, the rights of minorities have often been termed sacred rights. How, therefore, can you admit that sacred rights can stop short at a frontier-line and that beyond that frontier minorities, equally deserving of respect, should be deprived even of the most elementary protection of their rights? If the League accepts this discrimination, and reserves its solicitude solely for minorities already protected by treaties, do you imagine that it will be able in this matter to preserve that moral force which, after all, constitutes the surest basis of its authority?

So long as the present situation persists, public opinion in my country will refuse to accept it, since, while it agrees that the minorities of another country should be protected, it resolutely demands the same justice and the same rights for its own national minorities. We believe that this unjust discrimination between protected minorities and minorities which are not protected and with which the League is not required to concern itself may compromise the moral foundations of the treaties for the protection of minorities. Public opinion in my country feels more and more that the exceptional obligations which we have undertaken above all enable others to interfere in our internal affairs, and provide professional agitators with an excellent platform for their campaigns against our countries. This will continue so long as the principle of minorities protection does not receive a general solution, the one which alone is noble and humanitarian in character and can satisfy the needs of international justice and equity.

We have consented, along with other countries in the same legal situation, to an even greater extension of the exceptional obligations contained in our treaties. We have done this willingly, being sincerely convinced that, in acting thus, we were furthering the acceptance of the principle of minorities protection as a general principle. Unhappily, our hopes appear to-day to be even further from realisation than at the time when we agreed to that extension of our obligations. Moreover, our experience of the application of this system has led us to believe that the chief result of our gesture has been to afford an opportunity for diverting the treaties for the protection of minorities from their proper purpose.

I have, of course, no intention of discussing in a Committee of the Assembly the operation of the system of minorities protection. That right belongs to the Council alone. If I have alluded to the matter, I have done so in order to show the Committee the difficult situation in which it will find itself to-morrow when dealing with the minorities problem if the discrimination between minorities continues and if the principle of generalisation, with the consequences involved, is not accepted.

While working for the achievement of this high ideal of the generalisation of minorities protection, to which the *Petite Entente* is firmly attached, my country, which will faithfully respect its existing obligations, reserves the right to make application to the competent body with a view to terminating the abuses to which the present procedure gives rise.

M. RUIZ-GUINAZÚ (Argentine Republic).—The minorities system established by certain treaties since 1919 embraces numerous groups of persons who differ in language, race and religion from those of the majority, and whose status is at law inferior to that of nationals of the country.

The object of this system is to guarantee the rights of these minorities by international control.

In my country, we have a very large number of aliens of different nationalities, but none is in a position of inferiority before the law. Our Constitution and laws are very liberal and

comprehensive in this respect. When I have said that, under the fundamental charter of the Republic, all citizens and nationals enjoy the same rights without distinction of race, language or religion, I need say no more.

Consequently, the delegation of the Argentine Republic has the honour to state, in order to make our point of view quite clear, that we cannot assent to the establishment of general agreements as to the international control of aliens.

M. PATIJN (Netherlands).—Last year Poland made a proposal of the same nature as that before us now, though in a somewhat different form. It was then proposed that we should set up a committee of enquiry, while this year it is proposed to convene a conference.

Last year, the Netherlands delegation supported in principle the Polish proposal. This year I am authorised to speak in the same sense. My delegation is well aware of the great difficulties and complexities involved in a general settlement of minorities' rights.

There is yet another danger which it may be useful to point out at once : a general regulation of minorities' rights would tend to diminish the rights which minorities enjoy under existing treaties. That is certainly not what we desire.

There is, perhaps, another difficulty arising out of the rights of minorities in countries outside Europe. The Polish delegate has just stated : " The discussion will be more fruitful if I disregard the highly complicated problem of conditions existing in continents other than Europe."

I believe that last year the Irish Free State delegate suggested that the discussion should be limited to Europe, and I think there is something to be said for such a limitation ; but it is, of course, clear that I do not mean to say that minorities' rights would not be recognised in the territories outside Europe. Many of my country's territories lie in the East and West Indies, and those who know the system of government are well aware that there is no question of refusing to recognise the rights of minorities. The situation, however, is a special one and the problem, which, even as it is, offers so many difficult aspects, will be much simplified if for the time being it is limited to Europe. The Polish delegate, however, has not amended his proposal in this sense, and in the resolution before the Committee I am unable to find any limitation of that kind. I have no objection to voting for the proposal as submitted, but it seems to me that it would be improved by this amendment.

There is another serious question which has already given rise to much anxiety—namely, the statement made by the Polish delegate at the beginning of his speech to the effect that " the Polish Government had no intention whatever of provoking a discussion in the Assembly on the co-operation of the Polish Government with the organs of the League in respect of the application by Poland of the minorities system ". If such was the Polish Government's intention, it would perhaps have been preferable if the statement had not been made, as I claim the right to refer to it now that it has been made.

The Polish delegate has said that these discussions are not within the competence of the Assembly or its Committees. Against that statement I desire to enter a very strong protest. A statement has been made with regard to the intention not to observe an obligation arising out of a treaty adopted by Poland. We have already heard the formal protests made in the Assembly by persons better qualified to speak than I—namely, the delegates of the United Kingdom, France and Italy.

While I desire, on behalf of my delegation, fully to accede to the proposal made by the Polish delegate, I must associate myself as fully with the protests uttered by the delegates of the three great Powers mentioned.

Cemal HÜSNÜ Bey (Turkey).—The attitude of the Turkish delegation on this question was clearly defined in the Turkish Foreign Minister's speech in the Assembly on September 14th.¹ I will only quote the following passage relating to the Turkish attitude :

" We believe there is a real and urgent need to extend the contractual provisions to all nations instead of restricting them to certain countries, and thus giving them the appearance of burdens calculated to excite susceptibilities."

Consequently, the Turkish delegation is in favour of the Polish proposal for convening a conference to study the question.

M. MOTTA (Switzerland).—The Swiss delegation favours in principle the Polish proposal. We have always taken our stand on the principle of the protection of minorities, and we have always desired the establishment of a universal law. The Polish proposal gives expression to those two great ideas, and it is thus perfectly natural that the Swiss delegation should accede to it.

Nevertheless, it would, I think, be rather surprising for the League to undertake to convene an international conference to discuss this great problem unless we were first convinced that such a conference would yield good results. It seems to us a mistake—and a dangerous one—from the point of view of the authority of the League, to convene conferences which, there is reason to fear, are, from the outset, doomed to failure. It does not require much political perspicacity to know that the conditions of success are not yet present. I have very often heard in this Committee the echo of conflicts of ideas and conceptions which do not seem likely to find a solution in the near future in any generally accepted synthesis.

¹ See records of the sixth plenary meeting of the Assembly.

Therefore, although the Swiss delegation is able to associate itself in principle with the Polish proposal, it must make a reservation regarding the idea of convening an international conference until the question has grown nearer maturity.

Shall we see a change in this matter later on? We have already witnessed, on so many occasions, the growth or transformation of certain ideas that it is not impossible that there may be development in connection with this question also. Thus, at the Disarmament Conference, general acceptance has been won for the idea of international control of the level of armaments. Some years ago that idea aroused opposition in many quarters. I am aware that those are two very different questions and that a comparison is not necessarily a sound argument. We can, however, go so far as to say that, if there has been a development of opinion in connection with one great question, it is not impossible that there may be a similar development in the case of another question, however profoundly different that question may be.

If that is so, there remains one matter to which several delegates and, in particular, the Netherlands delegate, have alluded. I refer to the question whether the Minorities Treaties should remain intact or not, whether it is lawful to denounce them and to say that one is no longer bound by them. On that question, the Swiss delegation holds as definite an opinion as the Netherlands delegation. It considers that it is not possible to withdraw from a treaty when that treaty seems no longer to coincide with the broad outlines of a particular policy. Treaties are sacred: *Pacta sunt servanda*. Countries like Switzerland, the Netherlands and others are not parties to the Treaties of Peace, but, in spite of that, they hold the view that no treaties which have been accepted and applied can suddenly cease to be operative because a particular State finds them burdensome. We therefore appeal to all the delegations to accept that elementary truth. The League would, we believe, lose prestige and suffer a diminution of its authority if our discussions could give rise to the idea that treaties were only applied as long as it suited this or that State to do so.

I have spoken with absolute frankness, and hope that no one will take offence at what I have said. On that fundamental question of the respect for treaties freely accepted, there can be no two opinions.

M. VOUGT (Sweden).—When the problem of the protection of racial, linguistic and religious minorities was discussed in the Committee last year, the Swedish delegate was in favour of the suggestion for a serious examination of the generalisation of minorities protection. The Swedish Government still holds to that opinion.

It considers that a detailed examination of the problem with a view to the gradual attainment of tangible results is desirable both on humanitarian and on political grounds. It is not necessary for me to discuss the humanitarian reasons. The political reasons are the same as those which gave rise to the contractual stipulations relating to the question, stipulations which are at present in force.

The statesmen who had to fix the new frontiers of Europe when peace was concluded based their action on the idea that, in the future, territorial disputes might be avoided and peace established, if the national minorities, which had been handed over to another State, were accorded guarantees of international protection. There is no doubt that that conception of the protection of minorities is justified, quite apart from the territorial readjustments made at the end of the world war.

In a remarkable speech delivered last year, M. Politis pointed out that international protection was necessary, not only for minorities and for individuals who regarded themselves as belonging to a minority, but also for safeguarding a minimum of human justice in general. He expatiated on the idea of the international confirmation of the rights of man. I agree that an international guarantee in respect of a certain minimum of human and civic liberties and rights constitutes an ideal which should not be overlooked. In the present circumstances, however, I consider it as wise and prudent to abide by the traditional notion of minorities when examining the problem.

I approve, on behalf of my Government, the suggestion for such a study of the question as I have just mentioned, but at the same time I wish to point out that our attitude on this matter is by no means governed by the maxim: "all or nothing". On the contrary, I think that the establishment, on the conclusion of the last world war, of a restricted system of international protection of minorities represented definite progress.

If the Assembly decides to examine that question, such examination should not necessarily be directed towards a universal application of the stipulations and of the present procedure with regard to the protection of minorities. In our delegation's opinion, considerable progress will have been made if, as a first step, we can achieve the establishment of a general principle authorising the League to consider and examine, as an international question, each case of the oppression of a minority group, which constitutes a challenge to mankind.

Mr. O. SKELTON (Canada).—The Canadian delegation recognises that the present system of guarantee of minority rights in certain countries by outside control is open to definite objection; but it must also be recognised that any alternative solution of the problem which was presented after the war by the existence of important minority groups in the area of the continent of Europe which had been thrown into the melting-pot as the result of war and revolution would have presented still greater difficulties, and that the solution which at present exists was accepted by the Governments of the States to whose jurisdiction the minorities in question were assigned as part of an agreed settlement.

I have listened throughout the discussion for the advancing of any argument which would warrant discarding the disadvantages of that solution while retaining the advantages, but so far in vain. It may well be hoped that, in time, the system of external control will no longer be found necessary—it is clearly not a permanent and eternal solution—and that the gradual lessening of the antagonisms which were natural and inevitable at the beginning of the establishment of the new States and the growing recognition by the majority and minority groups alike of the common interests they enjoy in the new States will create the conditions which make revision both desirable and possible.

It is difficult to see the consistency of the supporters of the present motion who argue, on the one hand, that it is working out very badly in their own countries and, on the other, that it would be to the advantage of all other countries to adopt the same system. We cannot agree that, in the words of the resolution, it would be “just and equitable” to make the existing system universal. Certainly this is not the case as regards overseas countries receiving recent immigration. There is no parallel between the position of minorities transferred bodily, and frequently without their own consent, to the jurisdiction of another State, and the position of individual citizens who have immigrated in recent years of their own free will to countries whose system of government they knew and accepted.

To establish a similar rule for such differing conditions would not be equity but inequity—not equality but inequality—and particularly in cases such as ours, where there has been no demand and no ground for adding external control to the protection already given by our own law and practice.

M. ASLANI (Albania).—The Albanian delegation associates itself with the proposal concerning the general application of the provisions regarding the protection of minorities. It is hardly necessary to point out that it is by no means equitable that some minorities should enjoy the rights awarded by the Minorities Treaties and that others should not. It has been often repeated that one of the striking characteristics of the League of Nations is its universality. This term should not apply merely to the number of countries included in the League, but also to the universal and equal application of the principles governing the treaties and their engagements, which are of the essence of the League.

The Albanian Government has fully endeavoured to acquit itself of the obligations deriving from the Minorities Treaties, and naturally would be very desirous that Albanian minorities living outside the frontiers should enjoy the same rights.

It is therefore obvious that the Albanian delegation is in favour of the proposal for the generalisation of the protection of minorities.

The continuation of the discussion was adjourned to a later meeting.

NINTH MEETING.

Held on Thursday, September 20th, 1934, at 4 p.m.

Chairman : M. DE MADARIAGA (Spain).

26. Intellectual Co-operation : General Discussion (continuation).

M. TSIEN Tai (China) associated himself with the tribute paid to the Intellectual Co-operation Organisation. China was anxious to renew the expression of her gratitude for all the support received from the Organisation.

He wished, at the same time, to thank M. Maurette, whose report contained suggestions of great interest, which the Chinese Government would undoubtedly take into account in reorganising public education in China.

He was glad to see from the report of the Rapporteur a reference to the fact that the collaboration of the Organisation with China was not confined to education, but extended—thanks to the activity of the Chinese National Committee—to the whole field of cultural relations with Europe. He could assure the Committee that such collaboration would have the fullest support of the Chinese Government.

M. DE ALBA (Mexico) had the greatest admiration for the methodical work and the zeal of the Institute, and paid a tribute to the organising capacity of the Director.

M. Maraini's report also contained a remarkable summary of recent activities of the Institute.

The Mexican National Committee, whose work was marked by the utmost devotion and disinterestedness, had collaborated during the last four years with the Institute in Paris as well as with the Mexican Ministry of Education. Mexico sympathised to the full with the Institute's work, and had appointed him (M. de Alba) to study its organisation and to give it all possible support.

He was glad to note the increasing interest displayed by the Institute in all aspects of intellectual liaison with the American peoples. The Ibero-American Section of the Institute was doing much to spread knowledge of Latin-American literature by its publication and "conversations".

He supported the draft resolution submitted by M. Levillier,¹ and emphasised, in this connection, how interesting was the Latin-American literature of the sixteenth century, which was its golden age. There was, however, in addition, important work to be done in connection with the early historians of the "Indies" and with the archæology of the Latin-American countries. The peoples of these countries would be delighted to learn that the literary and scientific work of the Institute was to be supplemented by systematic studies of primitive America before the age of Columbus.

M. NIETO-CABALLERO (Colombia) said that M. Bonnet and M. Maraini had each presented reports of the highest interest. The culture of the mind was the common treasure of humanity. Latin America, in spite of certain differences, which had something of the nature of family quarrels, was a united continent in which national feeling (however high it might rise) was never carried to the point of exclusiveness.

He also supported M. Levillier's draft resolution. In the noble and apt phrase of M. Casares, there was no longer any question in Latin America of the "black record" of Spain. Spain was regarded with affection for her glorious past, and also because she was now a sister Republic. There were close cultural and artistic relations with Spain.

He added that he had forwarded to the President of the Assembly, with a view to the latter bringing them to the notice of all delegates, the recommendations approved by the educational conference called to meet at Geneva in July by the International Bureau of Education. These recommendations had received the approval of the representatives of forty countries. He believed it was possible to proceed with greater boldness in the discussion of educational questions; and he suggested that one of the Institute's "conversations" might be devoted in the near future to the exclusive discussion of this subject. The campaign against the warlike spirit on the part of the younger generation ought to begin in the schools, and it did not appear impossible to come to an agreement in this matter in connection with primary as well as secondary education. The problem of education was of capital importance for the young American countries, and the Committee would have seen (if the Minutes of the last session of the Committee on Intellectual Co-operation had been distributed to the members) that M. Nieto-Caballero had there referred to a proposal which had no doubt been brought to the knowledge of the Secretary-General. He had something to say on this point.

The Latin-American countries had been visited in recent years by distinguished European personages, who had done work of the utmost importance in bringing together the thought of the two continents. It occurred to him that a mission of intellectual co-operation might well be organised to travel about Latin America, not merely in order to bring the twenty Latin-American nations a message of goodwill instinct with wise counsel, but also in order to make a preliminary scientific study of the character of the American continent. There was no doubt plenty of information available at Geneva to throw light on the best way of constituting such a mission; but he ventured to suggest that it should include a member of the general Secretariat and a member of the International Labour Office, and that the Intellectual Co-operation Organisation should be represented by three members, making in all a total of five persons. The question of the nationality of the individuals selected was a secondary matter; but it would seem desirable that the mission should include one South-American member and one Spanish representative of special distinction. It would also be desirable for the mission to be able to co-opt a member of the International Bureau of Education.

Such a mission would make it possible to establish preliminary contacts of a different character to those which had been made up to the present. It would lead to the study of a number of questions of common interest to both continents. It would constitute an occasion for new "conversations", new correspondence and the realisation of projects already under consideration in the matter of publications. All such work came within the scope of the activities to which the Director of the Institute had referred in his report.

He would add, speaking with friendly candour, that there was already a movement in America of some weight in favour of increasing detachment from what might be called the European atmosphere in regard to problems concerning the American continent. Were there reasons why Latin America should establish her own League of Nations, her own International Labour Office, her own Bureau of Education, her own Permanent Court of International Justice? Be that as it may, it was a fact that the League at present was only known in Latin America in its political aspects; its social and intellectual work, on the other hand, would compel the sympathies of all. He did not hesitate to say that the work done in connection with malaria alone was sufficient to justify the interest in the League of countries situated in regions where the scourge of malaria prevailed. The numerous publications of the Labour Office ought also to be widely circulated. It rested with the Institute of Intellectual Co-operation in the first instance to dispel the ignorance which prevailed in certain parts of the world as to the real work of the League.

M. BIANCHERI (Italy) said that the Italian Government followed with the liveliest interest all the efforts of the Committee on Intellectual Co-operation. The Committee's work in the international sphere constituted one of the most valuable and most fruitful activities of the

¹ See page 29.

League. The Italian National Committee had been anxious to co-operate with the International Committee in every respect, and proposed to continue to do so. This common effort was animated by the truest spirit of collaboration.

He associated himself with the tributes paid to the Director of the Institute, as also to the two Rapporteurs and to the Intellectual Co-operation Section of the Secretariat. He thanked the French delegate for his kind words in respect of the Educational Cinematography Congress and the work of the Rome Institute. The Italian Government entirely shared the view of the French delegation as to the high importance of the latter institution, and was anxious to repeat before the Committee that it had every intention of devoting all its efforts in the future to its development. It was a particularly valuable institution in connection with the education of the masses. The Italian Government had not hesitated, accordingly, to lend it all possible support. The same was the case with the recent studies undertaken by the Intellectual Co-operation Organisation, with the collaboration of the Secretariat's experts, with a view to the development of cultural and educative broadcasting.

Mlle. Vacaresco, in a graceful speech, had referred to the work of the Venice Conference, with special reference to its efficient organisation and to the spirit with which it was animated. He thanked her on behalf of the Italian delegation.

The same spirit of co-operation was responsible for the success of another institution which, though in form independent of intellectual co-operation, was in actual fact a most satisfactory embodiment of the pooling of artistic efforts of all nations. He referred to the Biennial Exhibition of Modern Art in Venice, where sixteen countries had pavilions, and all the countries invited jointly co-operated in the realisation in the field of art of a typical example of intellectual co-operation.

The results obtained, as emphasised by the Rapporteur of the Sixth Committee, promised well for the future. The Italian delegation had, accordingly, great satisfaction in approving the draft resolutions submitted by the Rapporteur.

Mr. A. SKELTON (United Kingdom) did not propose to take part in the general discussion. He would confine himself to one point, to which the United Kingdom Government attached great importance: the draft agreement with regard to broadcasting prepared by the Intellectual Co-operation Organisation and circulated in February last to the Governments for their observations.¹

His Majesty's Government had sent its observations to the Secretary-General and would follow the subsequent procedure with interest. The object of the agreement was a very important one—namely, to prevent disturbances in international relations through ill-judged broadcasting of inaccurate news or of opinions calculated to cause grave offence, ill-feeling or even insecurity in other countries. The United Kingdom delegation felt that every effort should be made to obtain a satisfactory outcome. The agreement, however, would have little effect unless it were adopted by a large number of countries and were enforced, not only in the letter, but in the spirit. That spirit was defined in the first article of the agreement, providing that no messages should be broadcast which were intended for the population of another country and were directed against its safety and good order.

Broadcasting was still in its infancy. Its possibilities were immense and numerous. Consequently, all possible steps should be taken to prevent its developing into an instrument of disruption and even of anarchy in international relations.

It would be tempting to discuss the general question of broadcasting in its many aspects, but to save the time of the Committee he would confine himself to the single point he had made and would urge that as many countries as possible should consider the draft agreement and support it. He therefore associated himself with the resolution on this subject submitted to the Committee.

M. DE ECKHARDT (Hungary) was anxious to refute two definite allegations made by the Czechoslovak delegate which the latter had stressed in his remarks of the day before yesterday, while ignoring the other charges in order to conform to the letter and spirit of the Assembly Rules of Procedure. He proposed on the same grounds not to follow M. Osuský in his enlargements of the theme under discussion, which were calculated to shift the ground of the question raised by the Hungarian delegation.

Nor did he intend to refer further to the personal comments M. Osuský had seen fit to make with regard to the former and present Hungarian Premiers. The comments in question were based on inadequate acquaintance with the facts and could be of no importance.

The first point he had to refute was the following: M. Osuský had referred on the previous day to certain school text-books published in Hungary which, according to him, were tendentious publications. It was sufficient in this connection to cite the Hungarian Ministerial Orders of 1925, 1932 and the current year, which laid down that text-books in current use must not contain any matter calculated to give offence to other nations. Hungary was perfectly prepared to submit each concrete case of the kind reported to the impartial organs of intellectual co-operation. He assumed that the delegations of the three countries on behalf of which M. Osuský had yesterday spoken were prepared to make a similar declaration.

M. Osuský's second allegation was to the effect that Hungary and the Hungarian delegation to the Disarmament Conference were anxious to wreck the work done in connection with moral

¹ See *Official Journal*, February 1934 (Part I), page 168.

disarmament. That charge was easily refuted. It was sufficient to refer to the report by M. Komarnicki on the work of the Moral Disarmament Committee in November last, in which it was stated that¹ "the Hungarian delegate's reservation does not concern the contents of the draft adopted, but the form to be given to the undertakings to which States would finally be called upon to subscribe". There was no question, therefore, of the work in connection with moral disarmament being held up by the attitude of the Hungarian delegation. The latter, in any case, was not the only delegation to formulate reservations in this respect.

Having said that much, he would ask the Committee to consider the substance of the question he had raised the day before yesterday—namely, the question of the free circulation of Hungarian publications which were purely scientific and technical in character. What was the issue? The situation was an impossible one; it had lasted only too long. The artificial obstacles erected between certain countries and Hungary to prevent the free circulation of publications which had nothing whatever to do with the Peace Treaties or with contemporary politics were in open conflict with the idea of good understanding between nations, and threatened, if they were not eliminated, to compromise the work of intellectual co-operation in the international sphere. That was the problem awaiting solution.

The Hungarian delegation was not concerned in this matter to champion the work of Anaxagoras, a Greek philosopher, or Lenau, a German poet, but to protect Hungarian books, the products of Hungarian science, against oppression of any kind.

The purpose of the Hungarian amendment was not to blame anyone but to improve the position by an appeal for conciliatory intervention. But the statements of M. Osuský and the manner in which he had made them in the evening of the day before yesterday were diametrically opposed to the Hungarian conception of this problem. The more striking the antithesis between these two standpoints, the more necessary must be conciliatory action. M. Osuský's attitude, which had little in common with the spirit of intellectual co-operation in the international sphere, was the best argument in favour of the Hungarian amendment.

The Hungarian delegation, for its part, could assure the Committee on Intellectual Co-operation, which had done so much good work in the past, of its complete confidence. He did not suppose that in the present controversy, even amongst those delegations which were opposed to the Hungarian point of view, there was any single delegation which was prepared to question the competence, impartiality and goodwill of the Committee on Intellectual Co-operation. That was why the Hungarian delegation was asking the Sixth Committee to invite the Committee on Intellectual Co-operation to lend its co-operation in any case in which its conciliatory action might be asked to ensure the free circulation of scientific and technical publications. It was not in any one-sided preoccupation with the interests of Hungary that the Hungarian delegation had proposed its amendment, but in the interest of all. It asked the minimum that could be asked for under existing circumstances.

M. OSUSKÝ (Czechoslovakia) asked the Hungarian delegate to inform the Committee in the first place of the dates on which the concrete cases he had submitted had taken place, and of the dates of the prohibitions to which he had referred. He also asked whether the Hungarian National Committee had brought its grievances before the International Committee, and what steps the latter had taken and with what result.

M. DE ECKHARDT (Hungary) replied that the question had been raised in concrete form for the first time by the Hungarian National Committee on June 8th, 1927. M. Albert de Berzeviczy, President of the Hungarian Academy of Science and of the Hungarian National Committee—the Academy of Science was largely responsible for the work of the National Committee—had addressed a note to M. Julien Luchaire, the then Director of the International Committee, asking for the effective help of the League through the intermediary of the International Committee.

On November 20th of the same year, M. Albert de Berzeviczy had renewed his request, at the same time asking the International Committee to deal as soon as possible with his first request. Though he pressed his point, he was compelled to be satisfied with a reply from M. Luchaire to the effect that the question had been submitted to a Commission of Experts of the Committee on Intellectual Co-operation. The Commission was to have met in 1928 to give its opinion in the matter; but, though more than five years had elapsed since then, no communication had been made to Hungary with regard to any resolution on the part of the Commission.

M. BONNET, Director of the Institute of Intellectual Co-operation, gave the Committee some information on the points raised by the Hungarian delegate and in reply to M. Osuský's request.

This question had already come before the League of Nations several times, having been introduced both in the Sixth Committee, by the Hungarian delegate, and directly in the Committee on Intellectual Co-operation. M. Bonnet had not all the documents of the case before him and could not, therefore, give the Committee absolutely accurate information, but that which he would give would nevertheless be sufficient in the present case.

As M. de Eckhardt had just pointed out, the question had already been raised before the Committee on Intellectual Co-operation in 1927 or 1928, quite apart from Count Apponyi's observations in the Sixth Committee. A further step had, however, quite recently been taken

See document Conf.D./Bureau 54 (Annex).

by the Hungarian National Committee. A request had been submitted to the Executive Committee of the Committee on Intellectual Co-operation in the last months of 1933. M. Bonnet would like to give somewhat more detailed explanations regarding this last stage of the matter. Definite action had, perhaps, not been taken upon the first application made by the Hungarian National Committee, but this time a procedure had been set in motion.

The Hungarian National Committee, like all other National Committees, was, in virtue of a resolution of the Assembly, a member of the Intellectual Co-operation Organisation. As such, it had the right to submit proposals and suggestions to the International Committee. M. Bonnet would like to take this opportunity of paying a tribute to the work of the Hungarian Committee, which was exceptionally efficient and gave the Institute very real support in every branch of its work and research. In the case in point, the Hungarian Committee had written a letter, perfectly courteous and moderate in tone, to the Institute of Intellectual Co-operation and, as he had said, M. Bonnet had transmitted this to the International Committee. The latter's Executive Committee had then authorised him to get into touch with the Yugoslav, Czechoslovak and Roumanian National Committees; and this he had done in January last.

After an interval, when these three Committees had investigated the matter, M. Bonnet had received replies just as courteous and conciliatory in tone as the application made by the Hungarian National Committee. These replies did not, perhaps, give full satisfaction—he could not yet speak on that point, as he had not received any further communication from Budapest.

The general purport of the above-mentioned three National Committees' replies was briefly that there were a certain number of regulations which must be observed on the frontiers with regard to the entry of foreign publications, and that special offices were entrusted with the enforcement of these regulations; further, that, within the limits laid down by these regulations, Hungarian publications were not forbidden on the territory of the States in question, and that, in any case, the three Committees would use their good offices to facilitate the entry of these publications and to adjust disputes if any had arisen or should arise in the future.

As already stated, M. Bonnet had therefore transmitted these three replies to the Hungarian National Committee; he had also communicated them to the Executive Committee on Intellectual Co-operation, and that was how matters stood at present.

He could assure the Hungarian delegate that, if a further communication from Budapest, through the Hungarian National Committee (for this was the ordinary channel), were received by the Institute, he would certainly submit it to the International Committee and address himself to the three National Committees concerned—in a word, he would take the appropriate action on the matter. In any case, it could already be said that the Hungarian application would not now be forgotten, if, indeed, it had been neglected in 1927.

The Director of the International Institute of Intellectual Co-operation then dealt with the second stage of the matter. The Hungarian delegate had proposed a resolution which, M. Bonnet might be permitted to say, was of a very general nature and, while it could be accepted by M. Bonnet personally, was not, nevertheless, perfectly balanced.

The first part of this resolution ran as follows :¹

“ The Assembly,

“ Noting once again the importance of the problem of the international circulation of books ;

“ And reiterating the hope that the obstacles in the way of the circulation of scientific and technical publications may be overcome as far as possible . . . ”

This was a very general preamble. The Committee on Intellectual Co-operation was well aware of the importance of this problem, and was dealing with it in all its aspects. And the preamble to this resolution seemed also to concern every aspect of the question. The most important of all, the one which, for the last year or two, had become more and more imperative, was the economic and Customs aspect of the matter. Hitherto, quotas and Customs barriers had been aimed at manufactured goods; now, Customs barriers were being erected in many parts of the world against books, and consequently, alas! against the spread of ideas. The Committee on Intellectual Co-operation viewed this tendency with much uneasiness. There had even been difficulties this year—difficulties connected purely with Customs and not at all with political considerations—over the entry into certain countries of the documents of the Institute of Intellectual Co-operation, which, M. Bonnet could assure his hearers, in no way competed with the periodicals of the countries in question. This meant that a problem had arisen similar to that faced by the Educational Cinematographic Institute in Rome with regard to the free circulation of educational films. The Intellectual Co-operation Organisation had to deal with the free circulation of books and to prevent economic restrictions from prejudicing the dissemination of ideas.

M. Bonnet believed that, in general, the Committee on Intellectual Co-operation would be very glad to receive some encouragement from the Sixth Committee and the Assembly to continue action on these lines. This would give it support in the negotiations and enquiries which it might have to undertake.

The second part of the draft resolution submitted by the Hungarian delegate ran as follows :

“ Requests the International Committee on Intellectual Co-operation to lend its assistance to this end in all cases in which it is asked to act as mediator.”

¹ See page 32.

Obviously, in this second part, the Hungarian delegate was considering more particularly the question with which he had dealt in his first speech the other day. The Committee on Intellectual Co-operation, however, might on occasion be moved not to wait to be asked to act as mediator but itself to take the initiative. On the other hand, it was at present studying the technical aspect of the question of the free circulation of books. It had not been asked for anything; there was no question of acting as mediator. It was doing work on its own initiative—difficult work, because economic interests were involved.

In other words, the second part of the resolution did not correspond to the first. There was also another small inaccuracy. It would be better to say "continue to lend its assistance" rather than "lend its assistance", because the International Committee's constitution and its relations with other bodies already authorised it to lend its assistance; and, as M. Bonnet had stated, it had done so during the past year.

He would not take the liberty of making suggestions to the Committee, for he left this to the delegates; but, in order to clarify the discussion, he would permit himself to say that the general premises, to which he had just referred, seemed to him quite acceptable. It would, however, be an advantage to alter the second part of the resolution in order to make its scope more general, by requesting the Committee "to continue [this was not a final draft] its successful efforts in favour of the circulation of books while considering this problem in all its aspects".

The resulting resolution would give support, the moral support of the Assembly, to the Committee on Intellectual Co-operation, and would, perhaps, be immediately acceptable to the Committee, since it contained no reference to the controversy which has arisen on this point. It was not for M. Bonnet to take the place of the delegations concerned, but the Committee would realise that it had not before it all the documents essential to a judgment of the case, and M. Bonnet, therefore, did not suppose that it intended to start examining it. He would, therefore, ask that confidence be placed in the Committee on Intellectual Co-operation to which the problem had already been referred, and that the Sixth Committee, if it desired to do so, should pronounce in favour of the free circulation of books and periodicals—a matter of the highest importance to intellectual co-operation.

M. Bonnet then thanked the Committee for the interest shown in questions of intellectual co-operation and assured it of his gratitude and of that of the Institute's staff for the far too flattering words which had been spoken.

He would also like to say that the new proposals, particularly those of M. Levillier and M. Casares, would, if the Committee accepted them, be duly examined during the year, and that he hoped the Intellectual Co-operation Organisation would be able to take action in regard to them. The same applied to M. Nieto-Caballero's proposal. This was not altogether new, since it had already been made by the Committee on Intellectual Co-operation in July. As the Committee was aware, it concerned a journey through Latin America, to be made by a delegation from the Institute of Intellectual Co-operation, the Secretariat and the International Labour Office. This proposal would be submitted to the Executive Committee in December, and had already been examined by the Secretariat departments.

In closing, M. Bonnet stated that the work of intellectual co-operation was more and more directed towards the achievement of mutual understanding between the peoples and intellectual and international *rapprochement*. The Sixth Committee had shown clearly in the lofty discussions which had taken place during the last three days that this was its essential concern, and that it wished to see intellectual co-operation play its part in the League of Nations with a view to a true *rapprochement* based on real understanding.

M. Osuský (Czechoslovakia) reminded his hearers that it was not he who had opened this discussion in the Sixth Committee. They would agree with him that it was a serious—nay, a grave—matter for the responsible representative of a Government to accuse three other Governments before the delegates of fifty-four nations and before world opinion of not working for moral disarmament and of opposing the spread of ideas.

The Committee had heard the explanations given by M. Luchaire's successor. M. Bonnet had explained what had taken place—that the Hungarian National Committee had applied to the International Committee, that the International Committee had communicated on the subject with the Roumanian, Czechoslovak and Yugoslav National Committees, that these three Committees had replied that the replies had been communicated to the Hungarian National Committee, and that this last body had not yet stated whether it was satisfied or not. Yet it was at this stage that the representative of the Budapest Government chose publicly to accuse the three above-mentioned countries before the delegates of fifty-four nations.

The explanations given by M. Bonnet relieved M. Osuský of the necessity of pressing the point; he would therefore limit himself to an examination of the draft resolution.

This draft had a very innocent look. What did it mean, if M. Osuský interpreted it aright (for French was not his native language)? What were the obstacles of which it spoke in the second paragraph? They were the obstacles of which the Hungarian delegate had spoken in connection with the concrete cases raised by him. Could the Czechoslovak delegate ratify such a judgment on the concrete cases raised, and could the Sixth Committee judge the three countries concerned, charged as they were with raising obstacles in those concrete cases?

The Committee had heard the explanation given by the Director of the Institute of Intellectual Co-operation. M. Bonnet had said that no charge could be brought against the three States referred to. When they had been asked for an explanation they had given it. Could they be declared guilty of the actions of which the Hungarian delegate accused them?

The CHAIRMAN observed that the discussion which had just taken place proved one thing only—namely, that the Committee was faced with an old difficulty which he could not take it

upon himself to judge, an old difficulty which the four countries concerned were entitled to consider with the gravity corresponding to the importance it had for them ; but, in view of the goodwill displayed by all concerned, he was convinced that the matter would ultimately be settled. He therefore asked the four delegations concerned whether they would not agree, in order to allow the discussion on this matter to be closed, to entrust the Rapporteur and the Director of the Institute with the task of arriving at an arrangement which the Chairman had no desire to prejudice ; it might consist in a redrafting or a withdrawal of the draft resolution. Instead of continuing to thresh out this question in the Committee, which had already taken note of it and given it all the publicity and moral weight that the League could bestow, would it not be better to entrust it to a small number of persons in whom the greatest confidence could be placed ? The persons chosen might be the representative or representatives of the countries against whom the charges had been made, the representative of the country which had brought these charges, the Rapporteur and the Director of the Institute. The Chairman felt certain, knowing as he did the persons concerned, that, by the date of the meeting at which the report and final conclusions had to be approved, an agreement would have been reached.

M. OSUSKÝ (Czechoslovakia) said he could not agree to serve on the Committee which the Chairman had suggested, because he refused to acknowledge, even by implication, that the charges that had been made had any justification whatever.

M. DE ECKHARDT (Hungary) gladly accepted the Chairman's proposal.

He agreed fully with the Czechoslovak delegate that the charge that had been made was a grave one, but he thought it was also a fair one. That fair accusation was particularly grave because, although it had been made and repeated time after time for seven years, no result had been secured, no improvement had been brought about. In view of M. Osuský's refusal, the Hungarian delegation proposed to publish the huge collection of material that it possessed on the subject, and to send it to intellectual circles in all countries, so that they might be able to form a correct judgment on the question and on the necessity of removing the obstacles that were placed in the way of the free circulation of Hungarian scientific publications.

The correspondence to which M. Bonnet had referred in the Committee was quite recent, and related merely to a few specific cases to which the Hungarian Committee on Intellectual Co-operation had called attention ; and, even in those cases, the replies of the National Committees of the Little Entente countries had been unsatisfactory. Apart from that, the problem that he had raised that day and two days earlier was still completely unsolved. It was essential that so disquieting a question should at last be settled.

M. ANTONIADE (Roumania) deeply regretted that he could not accept the friendly suggestion made by the Chairman, that a sub-committee should be set up to enquire into the question. After the explanations that had been given by M. Bonnet, the Director of the Institute, he thought that any resolution would be superfluous. M. Bonnet had told the Committee what had taken place. The 1928 resolution covered the whole matter, and since then the Institute had always done its duty. That being so, a resolution acknowledging the fact was needless, because, ever since the Institute had come into being, successive Assemblies had always reiterated their entire confidence in it. The resolution was therefore superfluous, and, if it should nevertheless be moved, he felt that the arguments that had been advanced by his Czechoslovak colleague had clearly shown that it would become dangerous. For that reason he could not accept any resolution on the subject.

M. FOITICH (Yugoslavia) said he could not remain silent, lest his silence be interpreted as meaning that the Yugoslav delegation was not concerned with the debate. The Hungarian delegate's charges had been made collectively against all the three Little Entente countries. Consequently, he entirely subscribed to the replies given by M. Osuský and, on the subject of the draft resolution, to the observations that had just been made by M. Antoniadé.

Mr. OFFICER (Australia) hoped that the Hungarian delegate would either withdraw or radically amend his resolution, which he had doubtless drafted to meet a particular case, but which the Committee would realise affected them all. As far as the Australian delegation was concerned, whilst it could agree to some very general form of words emphasising the importance of the free circulation of books, it could never agree to accept a resolution containing paragraphs on the lines of those of the second and third paragraphs before the Committee, suggesting that quite generally there were obstacles to the circulation of books.

M. LEVILLIER (Argentine Republic) observed that he had followed the discussion closely, and was bound to admit that he did not consider that the evidence which had been given was sufficient to convince any delegate who was unfamiliar with the details of the question. The Chairman's proposal, in the form in which it had been made, or in any other form that suited the parties better, would be more likely to enable the Committee, after it had received statements from both parties, to form an opinion for the benefit, perhaps, of the next year's Assembly.

For the time being, he supported the Australian delegate's remarks. If it were said that the Assembly, emphasising once again the importance of the problem of the international circulation of books, requested the International Committee on Intellectual Co-operation to lend its valuable assistance whenever its conciliatory intervention might be requested, it would be tantamount to suggesting, in a general, philosophical and objective manner, that difficulties might arise and that they would have to be remedied. For that purpose the aid of the Institute of Intellectual Co-operation would be called for.

To avoid any unnecessary criticism, he would ask for the omission of the second paragraph of the draft resolution, and he hoped that that proposal would satisfy both the delegations of the Little Entente and the Hungarian delegation.

M. DE ECKHARDT (Hungary) said he was prepared to accept the Argentine delegate's proposal.

M. OSUSKÝ (Czechoslovakia) observed that, if the resolution were drafted on the lines suggested by M. Levillier, it would become pointless, for it merely contemplated a system that was already in operation. The International Committee on Intellectual Co-operation already lent its assistance in cases of that kind, as had been shown by examples.

The CHAIRMAN, amending his previous proposal, suggested that the Rapporteur and the Director of the International Institute of Intellectual Co-operation should discuss the matter with the Czechoslovak, Roumanian and Yugoslav delegations on the one hand, and with the Hungarian delegation on the other, in the hope of arriving at an agreed formula.

The Chairman's proposal was adopted.

M. DE REYNOLD, representative of the International Committee on Intellectual Co-operation, wished to say, being about to take leave of the Sixth Committee, that its meetings were highly encouraging to the Committee which he had the honour to represent. They showed that its work was understood and appreciated universally, even in the Antipodes.

The Intellectual Co-operation Organisation had now completed its circumnavigation of the globe, and was immensely benefited thereby, because one of the fundamental objects of its work was to serve the different States and peoples.

Having said so much, he would only touch upon two points in the discussion, and those were the points that concerned the universal character of the Committee on Intellectual Co-operation.

First, with regard to the "conversations", he had listened with the greatest pleasure to the kindly yet critical remarks of M. Levillier, and his pleasure had been all the greater in that those remarks were identical with what he himself had said in the Committee on Intellectual Co-operation. It was an encouragement to that Committee that such importance was attached to the "conversations", and that it was being urged to continue them. Yet more valuable, however, were the warnings against the natural tendency towards inflation. Henceforward, the Committee on Intellectual Co-operation would endeavour to preserve the intimate character of the "conversations", which gave them their peculiar charm and their essential importance. The "conversations" were one of the best ways of expressing in concrete form the Committee's aspiration towards universality, and that was true in four respects: the universal subjects with which they dealt; the variety of the thinkers who took part in them; the inspiring surroundings in which they had taken place and would continue to take place; and the wide publicity they received through the Committee's publications. The Committee would see to it that those publications were, as M. Levillier desired, as full and substantial as possible.

The second aspect of its universality was, perhaps, the most important, and it was the Argentine delegate's proposal that led him to emphasise it. Intellectual co-operation on a European scale was no longer adequate. There must be intellectual co-operation between continents, between the great civilisations, between the countries most remote from the centre. That was what was needed; that alone could impart to the work its true meaning and its proper scope. Moreover, such co-operation was as valuable to those distant countries, to those other parts of the globe, as to the Committee itself. It was a real mutual service.

One of his greatest pleasures as a member of the Committee on Intellectual Co-operation was that he had been able to help to put the Ibero-American Collection on a sound footing. He always enjoyed taking the chair at meetings which dealt with that subject. It was a continual revelation to him—the revelation of a civilisation that had produced masterpieces and was still producing them—an enrichment of his mind. He therefore begged the Latin-American representatives to continue to display their interest in the Collection, and to assist the Committee on Intellectual Co-operation with their advice, in order that, ultimately, the Collection might become what it was meant to be. After all, it was only a beginning; it was only the first link in a chain; it was one of those practical, limited steps which, taken cumulatively, amounted to a great work. The Collection must be enlarged. It was the beginning of what he would call a great friendship; and, if personal contacts were established, as M. Nieto-Caballero had proposed, that friendship would grow stronger and would take a more concrete form. It was for that reason that he felt he could at once accept M. Levillier's proposal on behalf of the Committee. If, as he hoped would be the case, the necessary funds were supplied, the Committee would attach the highest importance to the matter.

What was more, the example set by the Ibero-American Collection might be followed, more especially in relation to the Far East—in respect of the whole of Oriental and Asiatic civilisation. To achieve harmony between Oriental and European civilisations was another of the Committee's fundamental aims. He would ask the representatives of Eastern countries sitting in the Sixth Committee to believe that the Committee on Intellectual Co-operation had that aim firmly in its mind, and that, with their already very valuable aid, it would come nearer to achieving it every year.

Lastly, it was highly gratifying to the Committee to see the relations that had been established between its work and India, South Africa, New Zealand, Australia and Canada. Proof of that was to be found in the recent International Educational Congress which had been so well organised by South Africa; and there was further proof in the remarks that had been made in that Committee by the representative of New Zealand. Contact had been established. The contributions of those countries to the work of intellectual co-operation was already considerable, and would increase still further. Moreover, the Intellectual Co-operation Committee considered it a duty to render them all the services they might ask in the

field of intellectual co-operation. It was a consequence of their very remoteness that for them intellectual co-operation was, perhaps, of all the fields in which the League was active, that in which it could most practically and effectively co-operate with them. He therefore begged their representatives not to hesitate to let the Secretariat of the Intellectual Co-operation Committee or the Paris Institute know, whenever occasion arose, in what fields they would like intellectual co-operation to be established between them and the Committee, more especially in regard to exchanges.

Finally, referring to the debate that had arisen a little earlier, he would point out that, at the session of the Committee on Intellectual Co-operation in the previous year, the National Committees of the four States concerned had been represented, that the very delicate question which had just been raised had also been raised at that time, and that it had been discussed in an atmosphere of complete mutual understanding and calm. He therefore felt that, if there was anywhere where that question could gradually be brought to a solution to the satisfaction of all concerned, it was in the atmosphere of the Committee on Intellectual Co-operation.

M. CASARES (Spain) explained that, for his own proposal,¹ he had submitted a second text in amendment of the first, his object being to take account of suggestions that had been made to him by persons who had a very special knowledge of questions concerning intellectual property. They had advised him to amend the closing passage of the draft resolution so as to give greater latitude to the experts who would prepare the preliminary draft which was to serve as a basis for discussion at the next Brussels Conference. Hence the new wording, which was as follows :

“ The Assembly,

“ Having heard the particulars supplied to it in regard to the progress recently made in the matter of bringing into harmony the Berne and Havana Conventions on authors' rights :

“ Notes with satisfaction that, as a result of the Pan-American Conference at Montevideo, an American Committee has been set up to prepare a draft, co-ordinating the basic principles of the two Conventions ;

“ Having regard to the interest which the Assembly has taken in this problem since September 1929 ;

“ It asks that the Intellectual Co-operation Organisation should study, before the Brussels Revision Conference, the terms of a preliminary draft Convention combining the above-mentioned Conventions.”

Secondly, in order not to place recollections of war and conquest in the foreground, he would propose that the reference to “ conquests ” at the end of the first paragraph of M. Levillier's draft resolution¹ be omitted, and that that passage be given the following wording, which had just been decided on by M. Levillier himself :

“ A similar collection dealing with the great American discoveries and the American history of the sixteenth century.”

M. MARAINI (Italy), Rapporteur, was glad to note that no general criticism had been levelled against the actual lines on which the Organisation was working, or against the programme of which he had spoken to the Committee two days previously, taken as a whole.

He would like, first, to thank M. de Reynold for the information and the high-minded ideas he had contributed.

He then replied in chronological order to the various speakers who had taken part in the discussion.

M. Levillier had made a specific proposal for an extensive study of the origin of the Latin-American civilisation by a select group of Americanists. He was willing to accept that proposal in the form of the draft resolution that had been submitted.² It would thus be added to the other proposals that had already been submitted with the Rapporteur's report.

M. Bourquin's remarks did not require the Committee to take any decision. He had expressed his personal interest and faith in the scientific study of international relations.

Among the various points dealt with by M. Cassin, M. de Reynold would like to refer to that concerning the social aspect of the work of the Intellectual Co-operation Organisation. He felt that that work ought to reach the masses, and not merely the educated classes.

Mlle. Vacaresco had placed all her poetic talent at the service of the essentially human work of intellectual co-operation. Listening to her, all the delegates had felt in themselves a revival of the hope that their work would not be in vain, and that, come what might, they would have the approval of the greatest minds.

He had no doubt that the Director of the Institute would give M. Motta's argument all the attention it deserved. He might mention that the co-operation which M. Motta desired, between the International Bureau of Education and the Institute of Intellectual Co-operation, had existed on various occasions in the past.

Regarding the question raised by M. de Eckhardt, the necessary explanations had been given by the Director of the Institute of Intellectual Co-operation.

M. Bonnet had also replied to M. Osuský.

M. Maraini could not but associate himself entirely with the fervent and inspired words of M. Costa du Rels on the need of re-establishing an understanding between artists and the

¹ See page 33.

² See page 29.

public through the medium of beauty. He would also like to thank M. Costa du Rels for the tribute he had paid to the Italian Committee on Intellectual Co-operation and the Italian Government for what they had done at Venice.

M. Casares had referred to intellectual property. His remarks were entirely justified ; he had laid particular stress on the necessity of bringing the Berne and Havana Conventions into line. The Committee had before it a draft resolution in which those suggestions and proposals were embodied.¹

The Committee was indebted to M. Dirk van Broekhuizen for a speech in which he had admirably expressed the whole essence of intellectual co-operation—the need of mutual understanding between peoples ; and it could be imagined how grateful the Committee was for those words.

It likewise appreciated the remarks of M. Parra-Pérez, who had always used his authority in support of the continued development of the National Committees on Intellectual Co-operation.

M. Beteta's speech had been a description of the origins of the Maya civilisation and its great importance in the study of Latin-American civilisation. It was for that reason that M. Beteta had supported M. Levillier's proposal.

Sir James Parr had been the mouthpiece, in the Committee, of the people most remote from Europe, and had urged that, while intellectual co-operation was a necessity for all, it was especially so for an isolated country like New Zealand. What he desired most of all, therefore, was exchanges of teachers and students, in order to establish cultural relations which could overleap the distances between different continents and civilisations.

M. Komarnicki's aspirations on the subject of moral disarmament were identical with those of the Committee on Intellectual Co-operation. The Assembly was undoubtedly anxious that the draft text on moral disarmament which had been drawn up should be adopted, since, as the Polish delegate had said, it was sufficient to afford a foundation for the whole work of intellectual co-operation.

The Chinese delegate's speech had been a great encouragement to the Intellectual Co-operation Organisation. It showed that the help that had been given to the Chinese Government in that great work was appreciated in the spirit which the Committee on Intellectual Co-operation had intended. The Committee's aim had been to furnish the authorities with the best technical opinions, leaving it to their wisdom to choose between them.

M. de Alba had produced a series of solid and convincing arguments in support of M. Levillier's proposal. He had also succeeded in defining in a few words the immense importance of Latin America to intellectual co-operation.

Similar support had been received from M. Nieto-Caballero, who had also taken the opportunity to affirm the moral and spiritual unity of Latin America. He had likewise seconded M. Motta's proposal, and had suggested a mission of intellectual co-operation to South America.

M. Biancheri had laid stress upon the part taken by Italy in the continual development of intellectual co-operation. He had, in particular, referred to the work of the Italian Committee, the Educational Cinematographic Institute, and the Biennial International Exhibition at Venice, which, with its sixteen pavilions, represented a realisation of the aims of intellectual co-operation in the field of contemporary art.

Mr. A. Skelton, delegate of the United Kingdom, had supported with great authority the draft on the subject of "Broadcasting and Peace". He might be sure that the services concerned would attach the highest importance to the amendments proposed by the United Kingdom Government. M. Maraini had pleasure in adding that the replies received from a large number of Governments were favourable to the draft.

In conclusion, he would like to make two general remarks. In the first place, he would call attention to the number of members of the Sixth Committee who had spoken during this discussion. He would also emphasise the importance of what they had said. He welcomed this, because he saw in it a proof of the interest taken by the Sixth Committee in the work of the Intellectual Co-operation Organisation. The discussion had assumed ampler proportions than in previous years.

His second observation concerned the truly universal character of the work of the Intellectual Co-operation Organisation. That universality, which M. de Reynold had already proclaimed, had been affirmed both by the numerous representatives of the Latin-American continent, by the delegates of British Dominions, and even by those of Far-Eastern countries. The significance of that was perfectly plain : in the first place, it showed what confidence the Intellectual Co-operation Organisation had succeeded in inspiring in the most diverse parts of the world, thanks to the inherent strength of any institution founded upon thought and ideas and not upon material interests ; secondly, it showed that the League possessed in the Organisation an instrument, a tool, admirably forged, which could overcome the obstacles of space and those of human diversity and rally all the nations to the cause of peace.

¹ See page 34.

TENTH MEETING.

Held on Friday, September 21st, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

27. Protection of Minorities : Proposal of the Polish Government for the Conclusion of a General Convention (continuation).

M. ANTONOFF (Bulgaria).—I have followed with keen interest the debate which has taken place on the Polish delegation's proposal,¹ and I must say at once that I have been profoundly disturbed thereby.

It is, of course, possible to uphold the principle of an extension of minority obligations. But if these obligations were extended to every country in every continent, would not the final result be to stifle all protection of minorities, especially if the first step was to denounce the minority conventions? That is the question I am asking myself, and that everyone is asking in Bulgaria.

We may well be alarmed at such a prospect, and an endeavour must be made to obviate the danger of fatal confusion. Hence Bulgaria, without opposing the convocation of an international conference for the settlement of the minorities question, could only support it on the express condition that it should be understood that the guarantees which our minorities derive from the treaties at present in force should be strictly maintained.

Having made this clear, I wish to emphasise that these guarantees, the realisation of which we are still awaiting, are far from representing, in the Bulgarian Government's eyes, a weapon placed in the hands of the minorities against the majorities. In its opinion, there is no question of a struggle of the minorities against the majorities, and my Yugoslav colleague was quite right in asking that minorities protection should not serve as a pretext for subversive action aimed at compromising the existence of the State holding the majority. But I must utter a warning here against the theory of the fusion of the minorities into the majorities which was put forward by the Haitian delegate and which, however natural it may be in advanced countries, would entail the risk in our Eastern areas, and particularly in the Balkans, of encouraging the worst violence in the service of a policy of denationalisation of minority populations.

Such, too, seems to me to be the significance of minority protection and of the eminently peace-making rôle assigned therein to the League of Nations—a rôle, not of opposition, but rather of conciliation and collaboration between majorities and minorities.

The Bulgarian Government goes further and, eschewing any ulterior motives in its minority claims, it sees in the protection of the Bulgarian minorities in the States where they exist the surest and most effective means of bringing about a sincere and loyal *rapprochement* between Bulgaria and her neighbours and of consolidating peace in the Balkans.

Mr. OFFICER (Australia).—I would not intervene in this discussion did it not seem desirable that the Committee should know the attitude of all delegations before the debate is closed.

I will state very briefly the Australian attitude. Australia regards the minority problem as essentially European, and we are far from Europe. But Australian blood and treasure helped to secure the settlement of which the minority provisions form a part. Australia has never looked on the problem as an everlasting one, or the provisions as unalterable. It is very ready to agree that, if there are defects, appropriate steps should be taken to secure, by agreement of the parties concerned, the necessary amendment. It cannot agree that they can be altered or repudiated by a unilateral Act.

On the proposal for a conference and a Convention, its views are the same as those so clearly expressed yesterday by the Canadian delegate. It does not believe that the remedy for the defects in the present system is to make the system general. If that system is unsatisfactory when applied to a few, why would it become satisfactory when applied to all? Australia was therefore opposed to the proposal for a general Convention.

Mr. EDEN (United Kingdom).—The proposal which the Polish delegate put before us in this Committee yesterday is one for the extension to all Members of the League of a system of international protection for minorities under the guarantee of the League of Nations. If I may say so with respect, it is a little strange to find the Polish delegate the earnest advocate of such a scheme. A few days ago, if I understood his speech aright, the Polish Minister for Foreign Affairs was making it clear to us in the Assembly that he felt no affection for the system set up by the Minorities Treaties as it operates in his own country. He said quite definitely that² "the application of the system in its existing form has proved wholly disappointing". It was perhaps a little paradoxical that Colonel Beck should have accompanied his disappointment at the application of the system in his own country with a demand for the

¹ See Minutes of the eighth meeting.

² See records of the fourth plenary meeting of the Assembly.

extension of some similar system to the whole world. I make no complaint whatever that the Polish delegate should have brought this proposal before the Sixth Committee. On the contrary, it is all to the good. The problem is admittedly one of complexity and it calls for clear thought and frank examination.

The problem dealt with in the Minorities Treaties—and it is at once a definite and limited problem—was well stated by M. Briand.¹ “It had been felt necessary,” he said, “on the creation or enlargement of certain nations, to provide for the protection of minorities and to afford them certain guarantees. It had, at the same time, been realised that it was essential for these minorities, while retaining their distinctive characteristics and their traditions, to merge themselves in the nations to which they were assigned, and that they should not appear as elements of separatism and revolt.” While there is, therefore, the primary right of the minorities to be protected, there is also, as the Assembly has expressly recognised, the duty incumbent on minorities to co-operate as loyal fellow-citizens with the nations to which they belong. “The purpose of the treaties”, said Sir Austen Chamberlain in 1929, “was to make conditions in the minority countries such that the minorities could be and were loyal members of the nations to which they belonged.”

I now come to an important item in our consideration—namely, the limited character of the problem. That limited character was emphasised by the report of the now famous Committee on Minorities which was submitted to and adopted by the Council of the League at Madrid in 1929. The report is quite definite on this point, and I would like to read a brief quotation to the Committee. This is how the report reads :²

“It must at once be placed on record that it was no part of the purpose of the authors of the treaties to set out principles of government which should be of universal obligation. They never considered or professed to consider the general principle of religious toleration as applicable to all States of the world, nor did they lay down any general principles of universal application for the government of alien peoples who might be included within the territory or the colonial dominions of all States. Anything of the kind would have been quite outside the scope and powers of the Peace Conference ; if anything of this kind had been done, it could only have been in connection with the drafting of the Covenant of the League of Nations, and, as we have seen, it was there deliberately rejected. What the Conference had to deal with ” (and this is the point to which I would draw the attention of the Committee) “was a number of problems which were purely local, which arose only in certain specified districts of Europe, but which at the same time, in view of the political conditions of the moment, were serious, urgent and could not be neglected.”

There, then, was the specific problem with which the authors of the Minorities Treaties had to deal. Members of this Committee will recollect that that problem resulted from the fact that, under the territorial changes effected by the Peace Treaties, the countries that obtained large accessions of territory received as their nationals very large blocks of people who were racially connected, not with the State under whose sovereignty they passed, but with the neighbouring States, whose relations with the country concerned were by no means always friendly and who had even, in many cases, recently been involved in war with it.

The object of the minorities system was therefore, broadly speaking, twofold : first, to promote European tranquillity by securing, as far as possible, that these minorities should have equality of treatment ; secondly, to provide that questions arising out of the alleged discrimination against a minority should be dealt with, not as a dispute between the country whose subjects the members of the minority were and the country with which they were racially connected, but, on the contrary, as a matter to be dealt with in, so to speak, an impersonal manner by the new international organisation which was being set up in the League of Nations. I think it must be clear to all the Committee that, whatever else our conclusions in this debate may be, a special responsibility does rest upon us in respect of those minorities transferred as the outcome of the Treaties of Peace.

Now I would submit that there is no similar world problem which would justify the extension to the world at large of a practice created to meet a particular problem, if only for the plain reason that no similar transference of population from one State to another is either in progress or contemplated. If the machinery created for this particular purpose is to be applied to countries where minorities exist but where no like international problem exists, is there not a real danger that the very existence of the machinery will in its turn provoke the problem where it does not exist and would not have existed otherwise ? The intention of the framers of these minority provisions was to set up a system which should continue as long as the problem with which it had to deal existed. I do not think it was ever supposed that this problem would exist for ever ; in fact, all the Minorities Treaties, as we know, contain a provision under which they can be modified with the consent of the majority of the Council of the League of Nations. The object of these Minorities Treaties was not to perpetuate a problem, but to solve it. The ideal situation is no doubt one in which there is no control, because there is no need for any control ; but is it to be understood that the claim is that such a state of affairs has yet been arrived at in the territories of the Treaty Powers ?

¹ See document C.8.M.5.1931.I, page 123.

² See *Official Journal*, July 1929, page 1137.

It may be that the present system is open to some criticism. Amendments to improve its working might well be examined. The United Kingdom delegate proposed certain amendments to this Committee last year. But, broadly speaking, I agree with the statement of the Canadian delegate yesterday : it has yet to be shown that universalisation would give better results.

There is no need at this stage to deal unduly with the practical difficulties of universalisation. None the less, they are very real. There are certain countries in the world where the admixture of races, religions and languages is so multifarious that it would surpass the wit of man to classify them into majorities and minorities ; but it does not necessarily follow—and this, I submit to the Committee, is the point—that, because in certain countries there exists an admixture of races and religions to which I have referred, there also exists in those countries the minority problem. That does not follow. It would be difficult indeed within the area of the United Kingdom itself to say which was the majority and which the minority. I suppose that, numerically, the English are more numerous than the Scots, but I pity the Englishman who dared to suggest to a Scot that he was one of a slighted or a neglected minority. That, of course, is not what constitutes the problem with which we are concerned here. What constitutes that problem is not the existence of different races or religions within one country, but the fact that a minority in one country is adjacent to a majority of its own race, language or religion in a neighbouring country from whose territory it has recently been transferred.

The definition I have just given covers all the instances of the Minorities Treaties save one : it does not cover one special problem—that of the Jews. As it was well known at the time that acute racial feeling had in the past arisen in connection with the Jews in certain particular countries, such minorities were accordingly and quite correctly covered by the Treaties. But this only applied to certain areas, for, in the majority of the countries of the world, the so-called Jewish problem is, of course, unknown.

So much, then, for the international problem of minorities, but I would not like the Committee to be under any illusion as to our general attitude in this matter. I am not seeking, of course, in any way to question for one moment the fact that, even in those parts of the world where there is no international problem in the sense in which I have sought to define it to-day, each Government bears immediate responsibility for persons of all races, languages and religions in the territories it administers. Of course it does. Indeed, there are few greater responsibilities. We all of us share them, and by the manner in which we discharge them we are likely to be judged in our own generation and in history. Indeed, the treatment meted out to every section and creed among its citizens is one of the criteria by which every Government must expect to be judged. It is an element in civilisation, an element of which no State should be forgetful. It is one of the standards upon which a State's good name is based, and has State any more valued possession than its good name for the just and impartial treatment of every section of its citizens, of whatever race, colour or creed ?

“ Good name in man and woman, dear my Lord,
Is the immediate jewel of their souls.”

As with man and woman, so with States. It cannot be, indeed we would not have it, otherwise.

I would just add one word about the proposal in the resolution put forward by the Polish Government that the League should call a conference to consider this problem of minorities. I find myself, in this matter, very much in agreement with the remarks made by the Swiss delegate yesterday. I have no objection to such a proposal in principle ; but, if such a conference is to be of any avail, negotiation must first have shown at least a fair prospect of agreement. To call a conference when the divergence of view is known to be wide and deep—when the prospects of agreement are clearly remote—would not be wise. To do so would be to court failure and thus damage the League itself, which has suffered enough already from conferences which have not realised the high hopes that the world has placed upon them.

In conclusion, I must repeat that the Minorities Treaties were created to deal with the specific problem existing in a given area for, we hope, a limited time. The question whether or not they are fulfilling the purpose for which they are intended is one which may need examination. It is clearly not one that can be resolved by any attempt to extend this procedure to other parts of the world where the problem does not exist in the same form and where the cause of peace will not be furthered by the attempt to create or foster it.

Baron ALOISI (Italy).—The discussion which has taken place in this Committee has shown the difficulties in the way of carrying into effect the Polish proposal that the League of Nations should convene an international conference to draw up a general Convention on the protection of minorities. It has been said in the course of the debate that the proposed generalisation might for the moment be confined to Europe. May I say that this restriction already constitutes a departure from the logic of this idea of equality of rights between States on which the proposal for the generalisation of international obligations regarding the protection of minorities is so plausibly based ? If it is asked that these obligations should be generalised in the name of the equality of States, it is quite obvious that the proposed Convention can only be universal. I must add that this tendency to the generalisation of minority obligations

seems to me to be an excessively abstract deduction from a general principle. It is impossible, without disregarding the historical realities and relativities of all legal manifestations of law, to leave out of account the circumstances in which the Minorities Treaties originated and the links which existed at the time between them and the territorial settlements arising out of the Peace Conference.

I am, of course, aware that the proposal for a general Convention is not based exclusively on the theoretical principle of the equality of rights, but also on considerations connected with the defects and drawbacks which the application of the treaties and declarations in question are claimed to have revealed. However well founded such considerations may be, I find it difficult to see, from the logical point of view, how they could lead to a proposal for the generalisation of the international regime for the protection of minorities.

This raises other problems for which the treaties in force made provision by fixing in advance the procedure by which they were to be examined.

In the first place, the existing treaties contain a clause providing for their modification with the assent of the Council of the League of Nations. They stipulate that the signatory Powers should not refuse their assent to any modification agreed to in due form by a majority of the Council.

In the second place, the defects and drawbacks with which the present system is reproached relate, in particular, to the procedures by which the application of the existing treaties is supervised. These procedures are only referred to in the treaties in a general way; their details are determined by resolutions adopted by the Council in virtue of the powers of supervision entrusted to it by the Minorities Treaties. These rules of procedure are not more sacrosanct than the clauses of the treaties themselves. They are subject to the law of experience. The Council in its wisdom would not refuse to adapt these rules of procedure to the exigencies revealed by experience.

This brings me to the conclusion of these few remarks. For all these problems there exists a body qualified to examine them with the co-operation of the States concerned—namely, the Council of the League of Nations, which can be relied on to accomplish this task in a spirit of wide comprehension with due consideration for all the interests involved.

M. MASSIGLI (France).—First, may I say how glad I am to note that this important discussion is taking place in an atmosphere of calm? This, I think, is mainly due to Count Raczynski's preliminary explanations.

Two questions have been raised before the Assembly. One of these is a matter for the Council. The Council alone will examine it in its entirety. We now know what the Polish Government's feelings are on the subject, and what her intentions are. I say "intentions" because, as far as we are concerned, the problem has not yet passed beyond that stage. Furthermore, we now know the juridical opinion of other States.

There is, however, another and quite different question which we are being asked to consider—namely, the generalisation of the protection of minorities. That problem is not a new one. Its discussion has almost become part of the Assembly ritual. This is, I believe, the fourth time that the Sixth Committee has heard some delegation argue that the protection of minorities should be generalised. Yet why—and here I fully agree with the delegates of Canada and of the United Kingdom—when we are being urged to do so, is such stress being laid on its disadvantages and drawbacks?

As the discussion is not a new one, I do not claim to advance any new arguments or considerations which have not already been brought forward on several occasions. I propose, therefore, merely to explain briefly the attitude of the French Government.

France's attitude and doctrine on the subject are straightforward and clear. Her policy is based entirely on Renan's famous definition of a nation, "*Qu'est-ce qu'une nation? C'est le souvenir des grandes choses faites ensemble et la volonté d'en accomplir de nouvelles.*"

Strong in her national unity, built up through the ages and enjoying free expression of her will through her democratic institutions, France cannot agree that any minority problem should be raised as regards herself. Subject to this premise and declaration, I have these few observations to offer.

Let us suppose that by some miracle—of which I see no precursory sign—we all agreed to convene a conference for the generalisation of the protection of minorities. Does anyone really imagine, even for a moment—and here I agree with M. Motta and Mr. Eden—that at the present time, in the present state of Europe, such a conference could do aught than create indescribable confusion—or worse? Such a conference would cast the very foundations of Europe into the melting-pot. I will say no more. Let us bear in mind the legend of the sorcerer's apprentice.

I thus come to the substance of the discussion. The Polish proposal is based on a general principle of law and equity—the impossibility of reconciling the present system for the protection of minorities, limited as it is to certain States, with the governing principles of the League: its universality, and the quality of all its States Members.

These concepts are, of course, open to discussion. But if they are to be discussed, it must be admitted, as the delegate of the United Kingdom and Baron Aloisi have pointed out, that the protection of minorities would have to be envisaged on universal lines. Hardly, however, had the proposal for generalisation been made than the delegate of Poland told us that, in applying the system, even in the matter of convening a conference, only Europe should be taken into consideration.

What does this imply? Surely, that there would be no question of making the system universal, or of obviating the alleged inequality between States. The only result would be to transfer elsewhere the frontier between States subject to minority clauses and States not so subject.

What does this prove? It proves, I think, that, while there are general principles underlying the protection of minorities, there are also, when we come to the question of application, special situations, situations that differ from continent to continent, situations that differ even within the same continent, from country to country—as many situations, in fact, as there are countries.

May I venture to quote M. Beneš? I am not the first and I shall not be the last to do so. Last year, when speaking on this same subject, M. Beneš pronounced these words, which I regard as profoundly true:

“The problem is a singularly complex, social and political phenomenon; its nature is different in every country; it hangs upon the historic development of both the majority and minority peoples concerned, upon their general culture and political, social and economic conditions.”

There are no general cases; there are only specific cases. That is becoming daily more obvious in this continent of Europe, where, above and beyond the superficial uniformisation brought about by the development of material civilisation, the differentiation of national characters is becoming ever more marked.

It is because the authors of the treaties sincerely believed this that they adopted an empirical attitude. Purely empirical considerations lie at the origin of the treaties of 1919 and 1920. Minority clauses were inserted for certain States and not for others. Why? There was really—and I say this most emphatically—no desire to establish a form of hierarchy between peoples, between States. That was not the intention.

It was simply a matter of experience. It was noted that the structure of certain States had been profoundly altered by post-war territorial transfers. The desire was to avoid certain difficulties which seemed likely to arise, in a particularly acute form, in States which had to recreate their national entity with very diverse materials.

At some time or other all States have had to deal with similar problems. States which have been fortunate enough to enjoy continuous evolution have settled them gradually in the course of their history. I know that my Polish colleague disregards the historical argument and places his faith solely in logic. May a Frenchman for once uphold, as against logic, the rights and lessons of history? The absence of gradually evolved customary rules has to be met by treaties. The provisions of these treaties, obviously inelastic and admittedly imperfect, are not intended to be eternal, but to prepare for the time when, on the territorial basis established by peace, the relations between all citizens of the same State shall have been sufficiently guaranteed by custom and law as to make those provisions unnecessary.

In other words, the provisions of the Peace Treaties are certainly not destined to remain for ever in their present form. It will be for the Powers which have signed these treaties and for the Council to whom these Powers have delegated part of their rights to consider, in each individual case, taking into account the conditions to which M. Beneš referred in the passage I have quoted, whether the time has come to render these provisions more supple, to modify them, or to relax the procedure of international supervision, under which guarantee they were placed.

On this point, I am glad to note that I agree with the conclusions just now drawn by the Italian delegate; the question is one for the Council, and for the Council alone. I do not desire therefore to insist. I should not even have mentioned this aspect of the problem were it not that I had the impression—if I may be allowed to say so—of thus meeting one of the preoccupations of the promoters of the generalisation of the protection of minorities.

M. HYMANS (Belgium).—I should not have taken part in this discussion if yesterday a speaker had not alluded to an opinion I expressed in the Council a few years previously on the subject now under consideration. Reference was also made to an opinion which I expressed in a Committee of one of our previous Assemblies. Accordingly, I feel bound to say one or two words on the subject.

At the time in question, I said that I did not favour the generalisation of minorities clauses. I feel bound to state that my views have not altered. The minority clauses were established by treaty with regard to certain States, owing to the conditions of their structure and the determination of their frontiers. The generalisation of these clauses might possibly create in certain countries in which no minority problems exist certain dangers of dissension and disorder. Moreover, I am very doubtful whether an international conference could achieve any positive results. One thing is certain, however—the failure of such a conference would be harmful to the prestige and moral authority of the League.

M. DE AGUILAR (Spain).—As the first delegate of Spain is Chairman of this Committee and also the Council's Rapporteur on minority questions, I will not examine the substance of the problem. The Spanish delegation desires, however, to associate itself with the statements made to the Assembly and during this Committee's discussions by certain representatives of other States regarding the sanctity of treaties. In other words, when an alteration is proposed, the special provision in all Minorities Treaties to the effect that these treaties can only be modified with the consent of the majority of the Council must be respected.

Mr. DE VALERA (Irish Free State).—I think that the applause which greeted the speech of the representative of the United Kingdom indicates that much of what he said has the

approval of almost the entire Committee. There is one part, I think, with which everybody will agree : that the problem with which we are dealing is one of extreme complexity ; that it requires clear thinking and the frankest examination. It is with regard to the last point—" the frankest examination "—that I propose to address the Committee.

In matters such as this, all we can hope to do here is to indicate from our different points of view how complex the problem is. There is, however, without doubt, necessity for some solution. As people who are more or less looking at Europe from outside, it seems to us in Ireland that there is no greater source of war than that which arises from the existence of these unsolved problems. President Wilson used to protest against the cynical " handing-over of peoples from sovereignty to sovereignty as though they were chattels ", and when we were looking at the Treaties that were being worked out at Versailles, some of us at any rate could not help thinking that that protest had been completely lost sight of when the war was over.

The problem of a minority arises in perhaps its most acute form when, within the ancestral home of one people, there is included a minority from a neighbouring people which has come in as the result of invasion or conquest and, though contiguous to the parent invading nation, is cut off when the invaded territory is restored. Undoubtedly, there is here a source of danger of war which the League of Nations, as an instrument for the preservation of peace, should consider as one of its most urgent duties to eliminate. At the end of the Great War, there were handed over to certain States minorities of this kind which were bound to be a perennial source of danger and a perpetual liability to the States concerned.

The protection of minorities that have been handed over with territory in this way is undoubtedly a sacred duty of the League of Nations. If any scheme of generalisation which we might adopt were to leave such minorities unprotected, we should certainly not be fulfilling our duty. At the same time, there is a definite point in the proposal made by the Polish delegate. In my opinion, a certain amount of protection is needed everywhere. We could arrive at that by an examination of needs of protection in several countries and by seeking what I might call their greatest common measure.

In another connection I have, for example, spoken of the necessity for preventing persecution of religious belief. I suggest we could begin by a convention to universalise those sacred rights of *the individual* which should not be taken from him under any pretext by any majority whatever. If the matter were approached in this way, establishing a committee to examine the question carefully, I am convinced we could obtain agreement on a universal measure of protection for minorities against unfair discrimination by majorities anywhere. This would enable us to remove the appearance that the special protection of minorities required from certain States as a result of the Versailles and other Treaties is altogether *sui generis*—nothing of a similar kind being demanded elsewhere.

On these lines we would arrive at standard inviolable rights of individuals and so of minorities in all countries. This would not give rise to the dangers of which we are all apprehensive—namely, that any general convention dealing with minority rights might be made the excuse for artificial agitation and create new acute problems where none now exist.

There is no doubt that, over and above this universal minimum to which I have been referring, there are special needs in the case of minorities affected by the Peace Treaties and guaranteed by the League of Nations. In these cases, protection beyond what could be made universal is necessary. I think the United Kingdom delegate pointed out exactly the type of minority we have to consider when he said that the problem exists where " a minority in one country is adjacent to a majority of its own race, language or religion in a neighbouring country from whose territory it has recently been transferred ".

Although I do not know in detail the exact nature of the minority problems in Europe, I have some acquaintance with a similar problem in my country exactly answering the definition just given. There, under the pretext of solving a minority problem, which could very easily have been solved otherwise, two minority problems, so to speak, were created. An artificial area was cut off and all along its boundary there are majorities adjacent to the main part who belong to it in race, religion, language and everything else.

The ideal solution of the minority problems we are dealing with would be to transfer where possible the minority back to its original home, but if that cannot be done the practical solution would be to give to the minority, if it is homogeneous and inhabiting a continuous area, the greatest amount of local autonomy that can be given consistent with the maintenance of the unity of the State.

I should like to suggest that a frank examination of this matter be undertaken forthwith. It should not be allowed to stand over until a State such as Poland, which feels that it is suffering under a grievance, is tempted to seek a remedy by precipitating a crisis. We should in advance, and without waiting for any such crisis, see the difficulties and examine the situation thoroughly. This cannot be done by an international conference of the type suggested. There are present here people who know as much about the difficulties and the

nature of the problem as those who would be sent to a conference in six months' or a year's time. For that reason I would suggest that a committee be set up forthwith to examine the matter. The position should be thoroughly investigated and a report prepared under two heads, the first as to the rights of the individuals which could be guaranteed universally; the second dealing with those particular minority problems that have arisen out of the war.

M. BENAVIDES (Uruguay).—I only wish to say a few words to indicate our delegation's views on the question submitted by the Polish delegation. Uruguay cannot possibly take into consideration any proposal for the generalisation of the protection of minorities. The proposal would be devoid of meaning in our country, which, like the other countries of America, has been formed and has developed through the immigration of men of almost all races, who, under our liberal laws, are able to live as in their own countries—that is to say, to speak their language and practise their religion, as Church and State are separate in Uruguay. It would therefore be impossible for Uruguay to accede to the Polish proposal as submitted.

We do, however, entirely comprehend the internal and international difficulties which must be experienced by Poland, together with other countries placed in a similar situation owing to the fact that they have also signed Minorities Treaties. Accordingly, we are entirely prepared at any time to offer our modest aid in studying the question—if it is decided that the question should be studied—within the framework of the League, in order to improve the present legal situation.

M. FRANGULIS (Haiti).—The discussion shows that opinions regarding the proposal for generalisation made by the Polish delegate are very diverse. After hearing the statements of the delegates of the great Powers, we note that most of the States represented here regard the principle of generalisation as a curious form of treatment, in that it would aim at generalising a local affection.

Moreover, as many States which have accepted minority obligations seem to be disinclined to continue to bear alone a burden which seems to them to be a sort of servitude on their sovereignty, I think it may be desirable to make a few amendments to the draft resolution I had the honour to submit yesterday.¹ The amended text I suggest is the following :

“ The fifteenth Assembly requests the Council to be good enough to consider what reforms should be introduced in the system established by the treaties for the protection of minorities.”

It is for the Council and for the Council alone, under paragraph 3, Article 12, of the Minorities Treaties, to make, after careful reflection, such changes as it may deem to be desirable in the present state of affairs.

As the delegate of Hungary intends to submit a statement on other points connected with this question, I would request the Bureau and the Chairman to be good enough to put this proposal to the vote after the Hungarian delegation has made its statement and after other speakers have been heard.

The CHAIRMAN.—The statement of the delegate of Haiti is to the effect that his draft resolution should be withdrawn in connection with the discussion on the Polish proposal and should be submitted in a new form after the forthcoming discussion concerning the Hungarian proposal. The essential difference between these two proposals is this. Whereas up to the present we have been considering a change in the principle governing the minorities system, we shall now be examining the possibility of making changes—and the reasons for making such changes—in the current application of the existing treaties. We might rapidly liquidate the first point if the Polish delegate facilitated our task by agreeing to withdraw his proposal in order to allow time to complete its work.

Count RACZYŃSKI (Poland).—I think that this discussion has been of some utility. The States which have taken part have been informed of the views of other States. The Polish delegation has been glad to note that many countries understand our position and the arguments we have advanced. So far as we are concerned, these arguments are still valid.

I think that, in the statement I had the honour to make at the beginning of this discussion, I have already been able to refute many arguments invoked against our thesis. I could, of course, quite well continue to advance other arguments and refute those which have been brought against our proposal.

Whereas, on the one hand, certain delegates, speaking on behalf of their States—and those not minor Powers—have made it more or less clear that their attitude differs from ours, we have been able, on the other hand, to note that, if we submitted our proposal to a formal vote, it would probably receive the support of many countries, particularly if we were willing to draw a distinction between conditions in Europe and conditions elsewhere. It is true, perhaps, that, in submitting European conditions to a special enquiry, we should be restricting the field of generalisation. But, on the other hand, the problem would become less complex ; often,

¹ See page 44.

in the search for perfection, the seeker discards what is merely good. We might perhaps succeed in proving by a vote that our proposal is supported and understood by a very great number of States. Unfortunately, this would not be enough, and the vote itself would prove that our proposal could not obtain real results. On the contrary, as unanimity is necessary, no progress would have been achieved.

Therefore, though maintaining our point of view with all our strength and energy, I think I can agree with the Chairman's request, noting that our proposal has not secured the results for which we hoped. I will not, therefore, insist on the Chairman putting it to the vote. We are already aware what the result would be. The Polish delegation has no desire to make a useless demonstration. It sincerely believes in the principle it has put forward ; but, under the circumstances, I will comply with the Chairman's suggestion and refrain from asking for a vote.

The CHAIRMAN.—I beg to congratulate and to thank the Polish delegation for its moderation and spirit of conciliation, which enables us to terminate this discussion so satisfactorily. I am sure that the Rapporteur will draw the proper conclusions from this debate and will set forth in his report the arguments both in favour of and against the Polish proposal.

28. Protection of Minorities : General Discussion.

M. DE ECKHARDT (Hungary).—The discussion of that part of the report on the work of the League of Nations which deals with the question of minorities has, at Hungary's request, been referred to the Sixth Committee. I therefore consider it my duty to state the reasons for my Government's request.

The question whether the Assembly is competent in the matter of minorities has often been raised in this Committee. This competence is clearly defined in the Covenant, Article 3 of which says :

“ The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.”

The protection of minorities not only comes within the sphere of action of the League of Nations, but undoubtedly takes an important place therein, particularly as the maintenance of peace, and hence the future of Europe, largely depends on the satisfactory position of the European minorities. The Assembly's right to make a careful study of the problem of minorities is therefore doubly confirmed by Article 3 of the Covenant.

But this right conferred on the League of Nations is also a duty. As guarantor of the Minorities Treaties concluded after the war, which placed these minorities under its protection, the League of Nations adopted, in 1920, the report of a distinguished statesman, the late M. Tittoni, which clearly defines the exact meaning of the term “ guarantee of the League of Nations ”. According to this report, the League must satisfy itself that the provisions regarding the protection of minorities are constantly applied. The function which the Council has assumed in the course of years in the matter of minorities has been to examine and judge on a legal basis cases of concrete complaints. But it is evident that the League's activities in the sphere of minorities cannot be confined to the work of detail done by the Council, however valuable that may be, and that, as was stated before the Council in 1929, “ it is necessary to take steps to enable the League of Nations to keep itself informed of the general evolution of the problem of minorities, to observe and follow this problem closely and thus to satisfy itself of the fate of the minorities. Only in this way can a true guarantee by the League of Nations be realised and only in this way can the concrete cases brought before it be judged at their true value.” It is therefore necessary for the Assembly to examine the general position as regards the protection of minorities, to study the efficacy of this protection, to decide what course should be followed and to remove the difficulties which stand in the way of its satisfactory application. Such are the considerations which underlie the Hungarian proposal. In submitting to you this proposal, we also desire to ensure the continuity of a tradition for which credit originally belongs to the Union of South Africa and to Latvia.

While every country has a general right to draw the League's attention to the effective protection of minorities, for Hungary this is a special right conferred on her by the fact that over 30 per cent of the Hungarian people, separated by the Treaty of Trianon from the country that for centuries has been their fatherland, were reduced fifteen years ago to the situation of a minority under foreign rule. In fact, under Articles 44 and 47 of the Treaty of Trianon, the Successor States recognised and confirmed “ in relation to Hungary their obligation to accept the embodiment in a treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by those Powers to protect the interests of inhabitants of the Successor States who differ from the majority of the population in race, language or religion ”. This stipulation of the Treaty of Trianon formally gives Hungary a right of supervision over the lot of the Hungarian minorities in the Successor States.

Moreover, when Hungary was called upon to sign the Treaty of Trianon, she only brought herself to do so in consideration of the formal and solemn promise contained in the covering letter annexed to the text of the Treaty and signed on behalf of the Principal Allied and Associated Powers by M. Millerand, President of the Peace Conference. The text of this promise is as follows :

“ As regards the enclaves of Magyar population which will pass under another sovereignty, the treaties for the protection of minorities already signed provide them with a full safeguard.”

I must therefore ask the Assembly, on behalf of Hungary, for an effective protection of minorities. I shall not propose any new procedure for the reorganisation of this protection, since I consider that this question is one for the great Powers which signed the Minorities Treaties, and we cannot suppose that they desire to abolish or even to weaken the system of the protection of minorities based on moral principles.

For these reasons I do not wish to express an opinion on the Polish contention concerning the generalisation of obligations for the protection of minorities. I only wish to state our conviction that, whether or not these obligations are generalised in the future, no decision that is taken can abolish or even weaken, as regards the Hungarian minorities, the stipulations of the treaties in force. In Hungary's case, the protection promised to the Hungarian minority, and the international supervision of this protection, constituted the condition of the transfer of considerable territories to the Successor States; hence respect for this essential condition is closely bound up with other questions of very considerable importance.

My task here as delegate of Hungary simply consists in speaking to you of the more effective application of the already existing stipulations of the Minorities Treaties.

My first duty is to express my gratitude to the organs of the League which deal with the protection of minorities and to thank them for continuing, in increasingly difficult circumstances, to display the utmost goodwill and the most generous zeal in the service of a lofty ideal. The situation which I must briefly describe to you is nevertheless extremely grave. In saying this I have no desire to lay the responsibility at the door of the competent organs of the League of Nations. But it is none the less true that, in the times in which we are living, the "vulpine intellect" so severely criticised and so energetically combated by the great British historian Carlyle is again beginning to gain the upper hand.

In his opening speech to the Assembly, the President of the Council, His Excellency M. Beneš, carefully reviewed the "debit items" in the League's balance-sheet for the past year. I regret that he should have omitted to mention the greatest debit item, the decadence of the protection of minorities, and that he did not draw the Assembly's attention from the Presidential chair to the disquieting situation which has resulted. The most serious symptom of this situation seems to me to be the tendency, which has been very evident in recent times, to neglect and infringe to an ever greater extent the stipulations of the Minorities Treaties, described as sacred by Mr. de Valera. These treaties cannot, however, be allowed to remain a dead letter. The protection of minorities must be a living reality and, for these minorities themselves, it is much more important even than the formal recognition of the treaties which instituted it.

There are countries which are not bound by any treaty, but in which a perfect equality of rights nevertheless exists. Switzerland, which stands so high in our esteem and which offers us such generous hospitality, has for centuries been a model in this respect. Another example is Luxemburg, a still smaller country in size, but a great one in moral standing, whose population enjoys absolute liberty and a full and harmonious life, with a trilingual system which might well be taken as a model by many countries which have always been or have become larger.

Other countries, again, have solemnly accepted the supervision of the protection of minorities in order to obtain large accessions of territory; but, instead of protecting their minorities, they systematically oppress them and thus render the League's guarantee illusory. This attitude constitutes a serious threat to good relations between neighbouring countries and to the peace of Europe. The very foundation of the League of Nations—namely, respect for the obligations that have been assumed, including those regarding the protection of minorities—may be shaken. Instead of the principles of humanity and morality which should reign in an advanced civilisation like our own, the primitive principle of the right of the strongest is allowed to triumph. The strongest in relation to the minority is always the national majority, which, if it wishes, can unscrupulously impose upon the minority its most selfish interests.

If the problem is examined, it will be seen that it is chiefly in Central Europe that the protection of minorities is undergoing rapid and progressive decadence. As it is in Roumania, where more than half of the annexed Hungarian population lives, that the situation of the minorities has become particularly difficult and even untenable, I propose to describe to you the real facts as they have been for several years past, and to compare these facts with the stipulations of the Treaty of Paris. In that country, to which the Treaty of Trianon granted more former Hungarian territory than it left to Hungary, you will see for yourselves how each article of the treaty concluded with a view to ensuring protection of minorities has been violated point by point. The protection of minorities has been transformed into the persecution of minorities. The Treaty of Paris no longer exists and discriminatory treatment pushed to the extreme has reached a maximum. Each article of the Treaty of Paris has been infringed; the Treaty has become a "scrap of paper". I shall show you what the real situation is in the light of the eleven articles of the treaty, in order that you may be able to realise for yourselves the gravity of the position and that you may be able to draw just conclusions with a view to that more effective protection of minorities which is so necessary.

And yet, in signing the Treaty of Paris for the protection of minorities, Roumania undertook to observe its provisions. To do this she ought, according to the formal stipulations contained in Article I, to have inserted in the fundamental laws of the State the provisions of the Minorities Treaty and to have rendered them obligatory for all her nationals and for all the organs of the State. Not only has she not done so, but she has enacted laws contrary to the Minorities Treaty, such as the law on Roumanian nationality, the constitutional law and the administrative law placing the minority churches in a state of inferiority towards the Roumanian National Church, several clauses of the laws on private education and on elementary

education which evade the obligations regarding the teaching of children in their own language ; lastly, we have the " cultural zone " created by the law on elementary education which aims at the Roumanianisation of territories of Hungarian language.

Article 2, paragraph 1, stipulates the protection of life and liberty which, according to the universally recognised legal principle, implies that of the right of property. But the pillage and outrages committed in December 1928 and May 1933 against the lives and properties of Hungarians in Roumania, the confiscation of private property like that of the Roman Catholic diocese of Transylvania and, quite recently, that of the Piarists and of the Friars Minor on the pretext that it was State property, and the occupation by the Roumanian Government without any compensation of over 200 school buildings belonging to the confessions of the Hungarian minority all constitute breaches of this article.

Paragraph 2 of the same Article 2 stipulates freedom of worship. This freedom, however, is infringed by the Roumanian law on the general regime of public worship, which pronounces against the minority churches provisions suggested by a spirit of petty tyranny, establishes an excessive right of supervision and interference, renders the settlement of internal ecclesiastical affairs subject to the Government approval, and places all kinds of obstacles in the way of the recognition of civil personality. The Unitarian Convention had been summoned to meet this month at Duca. All the participants had already assembled and the first meeting was just about to open when an order arrived from the Minister of the Interior prohibiting the meeting, which was subsequently dissolved by the gendarmerie. According to Roumanian law, however, the administrative meetings of the churches are not subject to previous authorisation.

Article 3 to 7 of the Treaty of Paris grant Roumanian nationality *ipso facto* to all persons domiciled in Roumania at the time that treaty came into force. The Roumanian law on nationality (Article 56), however, only grants the status of Roumanian national to those resident in Roumanian territory on November 18th, 1918. In addition, it lays down such complicated formalities that even persons who ought automatically to acquire Roumanian nationality are incapable of fulfilling them. As a result of these inequitable requirements, there are tens of thousands of persons of Hungarian language who are entitled to Roumanian nationality but are refused it. As an example, it may be mentioned that, out of 88,000 inhabitants at Oradea, 32,000 have not been entered on the register of Roumanian nationals.

This uncertainty very often compromises the material subsistence of those concerned. They cannot obtain passports or the papers necessary for marrying. If they are public officials, they lose their posts and are often threatened with expulsion. Cases might be mentioned in which persons belonging to a minority and of doubtful nationality have been turned back on innumerable occasions on both sides of the frontier.

Last year (1933), the Roumanian Government put into force a system which leaves even more room for arbitrary action and abuses. By unilateral action it is withdrawing Roumanian nationality from persons already legally entered on the register of nationals who were born in Transylvania, who are living there with their families and who possess houses and other immovable property there, and is obliging them to cross the frontier. To our knowledge, victims of this treatment have brought their complaints even before the Council of the League.

Article 8 of the Treaty of Paris recognises equality of civil and political rights ; but, in fact, equality exists in Roumania only in theory. As regards civil rights, indeed, the Roumanian Government very often restricts the right of association or of assembly in the case of minority citizens. For example, it has even refused to grant legal personality to the Hungarian League of Nations Union of Roumania. As regards political rights, it is opposed to the free operation of the majority principle, which would be favourable to the Hungarians, in all towns, communes or departments where there is a Hungarian majority. Even in the Szekler area, where the Hungarians form a compact block of half a million inhabitants, there is not a single Hungarian mayor. In the municipal, communal and departmental councils, measures of constraint are taken to ensure a Roumanian majority. With very rare exceptions, public employment is not open to persons belonging to the Hungarian minority, nor do they enjoy the protection which the State owes to all its subjects. For example, when a final judgment has been given in favour of a Hungarian party, it is often not enforced because the administrative authorities refuse their assistance for its enforcement.

Article 8 of the treaty also prohibits any restriction on the free use of any language in commerce or in private intercourse, and yet in some towns signboards in Hungarian are liable to a higher tax than those in Roumanian. Roumanian alone may be employed for trade-marks, and the censorship forbids newspapers to use Hungarian place-names. Since 1933, even Hungarian athletic societies have had to give themselves a Roumanian name and to conduct their correspondence in Roumanian. There is a law imposing a tax of 10 per cent on the gross receipts from tickets for theatres giving performances in Roumanian, whereas for performances in other languages the tax is 26 per cent. Lastly, and once again despite the formal provisions of the treaty, the Roumanian courts of law do not accept any application worded in Hungarian.

I now come to Articles 9 and 10, which deal with schools and other minority institutions.

Until 1868, all the schools in Hungary were maintained by the churches. This age-long right of the churches had been confirmed by the old Treaties of Vienna and Linz, and some years later, in 1648, it was placed under international guarantee by the Peace of Westphalia. Accordingly, in view of the transfer of large areas of Hungarian territory to Roumania, the

Minorities Treaty seeks to secure the established position of denominational schools which have been in existence for centuries.

Article 9, in particular, assures the minorities of the same treatment and security as the other Roumanian nationals. Its primary object is to guarantee the freedom of education and to enable the minorities, not merely—as is natural enough—to gain instruction and knowledge, but to do so in their own language. The Roumanian State has undertaken to set up minority schools wherever there is a considerable proportion of Roumanian nationals of other than Roumanian speech. Moreover, the treaty gives the minorities themselves the right to establish and direct, at their own expense, schools in which instruction shall be given in their own language.

But the Roumanian State has not merely failed to perform its undertaking to establish minority schools, but is opening elementary schools in which instruction is given in the Roumanian language in the Szekler area, where practically the whole of the population is Hungarian. Compulsory entries, analysis of surnames, educational fines—anything will do to force children to transfer from the minority schools to the Roumanian-speaking State schools; nothing is neglected that may help to denationalise, to Roumanianise, the people.

To illustrate the extent to which the Roumanian Government is failing to discharge its obligations, we need only mention that, in forty-nine towns in Transylvania, where the proportion of Hungarians is 63 per cent and where there were 68,000 children of school age in the year 1932-33, only 16,000 children—24 per cent—were able to attend the Hungarian denominational schools, because the number of children who might be admitted had been limited to that figure by the State. Indeed, the great majority of those children were deprived of any education whatever. There are some towns, such as Huedin (Bánffy-Hunyad), where there is not a single Hungarian-speaking denominational school, although 90 per cent of the population speak Hungarian.

Moreover, the communes inhabited by minorities have to defray the cost of building and upkeep of Roumanian-speaking State schools which are entirely superfluous in those communes. Hence the minorities pay twice their share of the educational expenses.

The minorities are also unable to exercise the right—guaranteed though it is by the Treaty of Paris—to establish and maintain at their own expense schools giving instruction in their own language. The Roumanian Government grants or withholds, as it thinks fit, permission to open a minority school, and, although no such distinction is known to the Minorities Treaty, the Roumanian law on private education prohibits the minorities from establishing denominational Hungarian-speaking higher schools or training colleges for elementary-school teachers.

Again, where minority schools are still in existence, the law does not recognise them as public institutions; in other words, they cannot issue certificates equivalent to those issued by the State schools. In exceptional cases, the Minister may confer the status of public institutions on these schools; but he frequently withdraws that status without giving any reason. Among other cases, this was done to the Hungarian secondary school of the Friars Minor at Arad in August 1934.

Admission to the denominational schools is frequently made dependent, not on the children's native language—the only criterion mentioned even in the Roumanian law on private education—but on the alleged racial origin, judged by religion, or on an analysis of the surname. Thus, what is called the "objective" method—that is to say, in actual fact, State intervention—displaces national consciousness and parental free will.

It is only in quite exceptional cases that the Roumanian Government authorises the opening of infant schools, but it organises a large number of such schools in which instruction is given in Roumanian and which are set up at the expense of the various communes in the Hungarian-Szekler departments. The school-mistresses which it sends there are, as a general rule, ignorant of Hungarian and can, therefore, be of no use to the small children entrusted to their care. In thirty communes of the Comitatus of Ciuc, the Hungarian inhabitants of which represent 90 per cent of the total population, there are sixty-three infant schools in which instruction is given in the Roumanian language and not one single State infant or elementary school giving instruction in Hungarian.

One particularly serious grievance has its origin in Article 159 of the Law on Primary Education, under which a so-called cultural zone designed to bring about the Roumanianisation of the Hungarians—as is stated quite openly—has been set up in nine predominantly Hungarian departments, in three of which the population is exclusively Hungarian. In that zone, school-teachers sent from the former Kingdom of Roumania, and without the slightest knowledge of Hungarian, are granted special privileges by the State.

The provisions of the "Serviciul local de Invatamant Cluj", dated August 20th, 1934, are particularly revolting—I can use no other word. That instrument provides that all religious instruction is to be given exclusively in the official language of the State to enable the supervisory authorities to carry out their duties. This provision prevents the minority pupils from learning the rudiments of their religion, and even their prayers, in their mother tongue.

The Roumanian State budget very creditably provides a subsidy of several million lei for Roumanian schools outside Roumania; but the Roumanian State evades its international obligation to assist minority schools in its own territories.

The Roumanian Law of July 1st, 1930, introduced a school tax of 14 per cent; but the Hungarian schools receive nothing out of its proceeds, although, in the Hungarian-Szekler territory, the tax is almost exclusively paid by Hungarians.

Article 9 of the Treaty of Paris for the protection of minorities guarantees to the minorities the right to establish, manage and control, at their own expense, charitable and

social institutions. These international legal provisions are likewise infringed by the Roumanian Government.

And to conclude, let me quote Article 11 of the Minorities Treaty, which reads as follows :

“ Roumania agrees to accord to the communities of the Saxons and Szecklers in Transylvania local autonomy in regard to scholastic and religious matters, subject to the control of the Roumanian State.”

Fifteen years have now elapsed since the signature of the treaty, and the Roumanian Government has hitherto done nothing to bring such autonomy into effect.

I have given you an account of the position of the Hungarian minorities in Roumania as an example which will enable you to realise the general condition of the minorities in that part of Europe. It is all the more regrettable to note how far the situation has deteriorated and disputes increased in recent years, because the general position in the Danube Basin is, in any case, far from satisfactory, and because it is essential in that part of Europe above all others to obviate new difficulties. The dismemberment of the economic unit formed by the Danube Basin, and the creation of a number of small self-contained units, has had serious consequences which have been still further accentuated by the discrimination between victors and vanquished arising out of the Treaties of Peace.

To this economic and political dislocation must be added the constantly increasing grievances of the minorities. The lamentations of peasants faced with ruin, of the churches and religious orders illegally despoiled of their property, of thousands of schoolchildren deprived of their schools, and of officials dismissed from their posts, are heard with increasing frequency, even beyond the frontiers, filling us with alarm and wringing our hearts.

This is not the first time that the position in the Danube Basin, which is the outcome of serious blunders, has claimed the attention of the League of Nations. His Excellency the Roumanian Minister for Foreign Affairs, who enjoys such a distinguished place in the councils of the League, has proposed, as a remedy, that the Customs frontiers should gradually be abolished and present obstacles between the various countries eliminated—in other words, that, as he himself said, the frontiers “ should be spiritualised ”. Allow me then to show you the first step towards the solution which M. Titulesco has proposed to us—a step which it is essential to take if it is seriously desired to embark on the course he has outlined. If the Roumanian Minister for Foreign Affairs is really anxious to eliminate the obstacles which stand in the way of the co-operation between Danubian States, his Government must begin by eliminating the differences which laws, decrees and administrative measures are constantly establishing between the citizens of Roumania herself.

If the Roumanian Foreign Minister wishes to “ spiritualise ” the political frontiers, it will be necessary to begin by “ spiritualising ” the internal barriers, of the existence of which he cannot but be aware, between the citizens of different nationalities within his own country. Respect for undertakings already given, and conduct in keeping with such undertakings, would be infinitely more valuable than the constant reiteration of even the loftiest principles. What Hungary asks of her neighbour is the loyal application of the Minorities Treaties, but that, in the very nature of things, depends upon Roumania alone, and it is she alone who is in a position to take the first step.

For Europe, the last two decades have been a period of war and crises. The conflicts of the battlefields are over, but in one form or another the crisis is still with us and the world is unable to recover its equilibrium. In more than one respect the present position recalls the period of the Thirty Years' War, when religious struggles threatened to plunge the whole of Europe into ruin. So far from appeasing differences, the strife and bloodshed, the terrible sacrifices of that period only served to render them more acute. It was not until thirty years had elapsed that the Peace of Westphalia put an end to the hostilities. That settlement which brought about a genuine peace was, as everyone is aware, the result, not of violence, but of a better and deeper understanding of things. Since that time, religious wars have ceased, not because one of the parties succeeded in imposing its wishes on the other, but, on the contrary, because neither of them attempted to convert its opponents by force. A new international conscience came into being asserting religious freedom, and, instead of striving one against the other, the opposing parties united in defence of that noble principle. It is for that reason that the epoch of religious wars is finally closed.

The first decades of the twentieth century have witnessed the emergence in Europe of national differences similar to the religious differences of the seventeenth century. In spite of the world war, these national differences still subsist ; but they are no more capable of settlement by arms than the religious differences which preceded them. It is not by force that Europe will find peace, but through the advent of a calmer and more constructive outlook, of higher moral principles, of a new world conscience. The League of Nations, in whose precincts I have the honour to address you in the name of Hungary, is in itself a creation of that higher and more generous world conscience, and no manner of reaction can now prevent the complete triumph of the principles on which the system of the League of Nations is founded.

As yet, indeed, the world conscience of which I have spoken is not sufficiently effective ; it is too timid because its working is impeded by the all too numerous obstacles which distorted and exacerbated nationalism is placing in its way on every side. That is why it cannot too often be repeated that, intelligently understood, the national idea can never lead to oppression. A civilised nation can never become a prison to its own minorities. A civilised nation is a factor in world organisation and its mission is to enrich the human community by the contribution of its own intrinsic values and individual qualities. So far from finding a sufficient outlet in the oppression of other peoples or national minorities, an enlightened nationalism which really respects itself will not begrudge them the respect due to the worth and individuality

of all nations. Such constructive nationalism pursues its ends, not through the oppression of others, but through the full and ample development of its own creative forces.

The national policy of Hungary is based upon those principles, and it is those principles which we desire to represent before the League of Nations. But, at the same time, Hungary has the right, and even the duty, to ask that they should also be applied to every Hungarian in whatever country he may be living.

In conjuring up this picture of a somewhat gloomy situation, it is not my intention to create new disputes, but rather to help in remedying the evil and in establishing its causes. Hungary claims nothing that she would not grant to others of her own accord. We ask for nothing new, nothing exceptional. We merely demand the execution of existing undertakings. We claim no new rights, we merely ask for the application to all of that moral law which is binding upon every individual and every nation of goodwill.

We have done our duty by showing what the situation really is. In conclusion, and with the fullest confidence that our plea will be heard, we ask the peoples of the world to put an end to these evils and to forestall the dangers to which they might lead. This intolerable situation has brought the Hungarian Government to realise that its primary duty, both to its own people and to mankind at large, is to do everything in its power to ensure the effective protection of the Hungarian minorities as laid down in international treaties. It is therefore determined to continue in its reliance upon the methods of international law, and to that end to avail itself without delay of all the possibilities open to it under the Covenant and the Treaty of Trianon.

(The continuation of the discussion was adjourned to the next meeting.)

ELEVENTH MEETING

Held on Friday, September 21st, 1934, at 4 p.m.

Chairman : M. DE MADARIAGA (Spain).

29. Slavery : General Discussion.

Mr. A. SKELTON (United Kingdom) noted that, in past years, the Sixth Committee had considered the subject of slavery in its various aspects. In raising the subject this year, the United Kingdom delegation had one particular point in mind : to call attention to the forthcoming session of the Advisory Committee of Experts on Slavery, created by the Assembly in 1932.

As the Sixth Committee was aware, this Advisory Committee had now drawn up its rules of procedure,¹ which had received the assent of the Council. The first of the sessions, which the Committee was to hold every two years, would take place next year. A hope having been expressed elsewhere that this session should take place as early as possible in the year, he proposed that the Sixth Committee should formally endorse this suggestion.

If the Committee were to hold a really useful session, it was essential that it should receive, in good time, the information on slavery upon which it would have to work. As such information could only, in accordance with the procedure laid down by the Assembly, be furnished by Governments, he desired, on behalf of the United Kingdom Government, earnestly to appeal to Governments to give that collaboration without which the Committee would find it difficult to execute the duties entrusted to it by the Assembly.

Furthermore, it would be well if the Secretary-General could be authorised to send out reminders to Governments whenever necessary.

The progressive abolition of slavery throughout the world was an aim which the United Kingdom, in common with many other Governments, had always had deeply at heart. By its resolution of 1932, the Assembly, clearly recognising the important rôle of the League of Nations in this problem, provided (admittedly in a rudimentary form) the necessary mechanism for co-ordination of effort under the auspices of the League. There could be no doubt that that was a great step forward. It was now for the League to ensure that this mechanism should achieve its object.

Mr. Skelton proposed the following resolution :

“ The Assembly :

“ Notes the Rules of Procedure drawn up by the Advisory Committee of Experts on Slavery and approved by the Council on January 19th, 1934 ;

¹ See *Official Journal*, February 1934 (Part I), page 222.

“Renews its appeal to the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention to send, without delay, to the League information on all forms of slavery in their own countries, or in other parts of the world, in order that the Advisory Committee can meet early in 1935 ;

“Authorises the Secretary-General each year, should it appear to be necessary, to request Governments to supply further information on slavery within the limits of the provisions of the Assembly resolution of 1932 ; this action will be taken in agreement with the Chairman of the Advisory Committee ;

“Requests the Secretary-General to bring the present resolution to the notice of the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention.”

Count DE PENHA GARCIA (Portugal) supported the United Kingdom proposal. He reminded the Committee that the differences of opinion which had arisen in the Sixth Committee in preceding years between the delegations of Portugal and the United Kingdom were not differences of a moral or social nature, but concerned legal questions relating largely to certain of the fundamental principles of the Convention. A compromise had been arrived at in 1932 ; this had been accepted by many countries, and the Assembly had appointed a provisional Committee. Rules to govern the working of this Committee had had to be framed because questions of sovereignty were involved. The fundamental charter of this Committee was, therefore, so to speak, based on an Assembly resolution.

The Committee had drawn up its Rules of Procedure, which had been approved by the Council, and it was now about to begin to operate. The Portuguese delegation, in agreement with that of the United Kingdom, considered that the Committee should be given all the necessary means of accomplishing useful work. As had been pointed out, this Committee was called upon to act within the scope of the recommendations framed by the Assembly ; Count de Penha Garcia therefore associated himself wholeheartedly with the proposal made by the United Kingdom delegation.

30. Slavery : Appointment of a Rapporteur.

Mr. SKELTON (United Kingdom) *was appointed Rapporteur for this question.*

31. Mandates : General Discussion.

M. MASENG (Norway) stated that it was desirable that the question of mandates should appear on the Assembly's agenda every year. The institution of mandates was, in fact, an expression of one of the finest ideas embodied in the Covenant—namely, trusteeship, under the supervision of the international community, for peoples not yet able to stand by themselves. The exercise of this supervision was the duty of the competent organs of the League of Nations, in virtue of the Covenant itself, and, therefore, was one of the most important of the League's activities. The results hitherto obtained in this sphere were of the greatest value.

The members of the Sixth Committee had noted the reports of the Mandates Commission concerning the two sessions it had held since the last Assembly ; at these the administration of all the territories under mandate, except South West Africa, had been examined. It had not, however, been possible for the Council to examine the report of the last session of the Commission, and this should, therefore, not be taken into consideration.

Part of the Commission's report on the work of its twenty-fourth session was devoted to the administration of Syria and the Lebanon. The Commission had thoroughly studied the administration and political development of the territories of Syria and the Lebanon under French mandate, but had decided not to express a final opinion on this point ; it had nevertheless made certain observations on the principle of the equality of all citizens before the law, a principle guaranteed by the Syrian constitution. No doubt the Mandates Commission would follow the development of these important territories with close attention, and the Committee could be confident that the Commission would continue to study the various questions raised by this evolution with the fullest sympathy and comprehension.

The Mandates Commission, actuated as ever by the desire to maintain intact the principles on which the institution of mandates was based, had studied the question of economic equality in the Cameroons (British mandate) and the Cameroons and Togoland (French mandate). With regard to the administrative situation in the Cameroons (British mandate), the Commission had stressed the need for a guarantee of the territorial integrity of the mandated area.

Another question which had engaged the Mandates Commission's attention was the stationary position, or even decrease in the number, of the native population of certain islands under Japanese mandate ; it was to be hoped that the mandatory Power would succeed in remedying this position.

Lastly, reference should be made to one of the questions of a more limited scope with which the League of Nations had had to deal—namely, the western portion of the frontier between Syria and Palestine. The two mandatory Powers concerned had applied to the Council with a view to obtaining its approval for an agreement concerning the delimitation of this frontier. The Council declared itself prepared to examine such an agreement with a view to approving it, and had asked for the Mandates Commission's opinion in connection with this approval, since it desired to have the Commission's advice, from the point of view of the execution of the mandates, on the frontier-line fixed by the agreement.

The Norwegian delegate wished to close with a tribute to the work done by the Mandates Commission, and particularly to the impartiality and competence with which this Committee had always approached the different questions brought before it, questions which were often difficult and delicate. The work done by the Commission was an honour to the League of Nations.

M. BIANCHERI (Italy) stated that the Italian delegation wished once more to stress the importance which Italy attached to the institution of mandates, by reason both of the responsibility incumbent on her as a State Member of the League of Nations and of her position as a colonial Power. She followed, and would continue to follow, with close attention the activity of the organs of the League in this sphere, with a view to securing the strictest observance of the fundamental principles of Article 22 of the Covenant, and particularly the moral and material welfare of the natives and the economic equality of the Members of the League of Nations.

M. KULSKI (Poland) stated that, as there were a great many citizens of the Jewish race in Poland, it was quite natural that Poland should take special interest in the problem of the Jewish National Home in Palestine.

Since the last discussion in the Assembly, the essential elements of the Jewish problem had remained unchanged; to sum them up, the urgent need for the establishment of immigration centres for the Jews still existed, and Palestine was the only country in a position to receive large numbers of Jewish immigrants.

The need for providing the Jews with the means of building up for themselves a new life with possibilities for the future affected above all the large Jewish population of Central and Eastern Europe. It was, therefore, of the greatest importance that there should be a place to which this Jewish population could send its surplus.

In the mandate, the Powers had recognised the historical link between Palestine and the Jewish people, and, by lending their aid to the reconstruction of the Jewish National Home, they had assumed a moral obligation towards those Jews who sought shelter in their old homeland.

The report of the mandatory Power and the observations of the Mandates Commission bore witness to the favourable economic conditions which Palestine was enjoying thanks to its remarkable development, due in its turn to the energy shown by the Jewish colonists.

Moreover, there had been a lack of labour in Palestine for some time, and apparently the number of immigration certificates issued by the United Kingdom Government to Jewish workers did not meet all the country's needs. It was therefore to be hoped that the mandatory Power would do its best to facilitate, as far as possible, the establishment of Jews in Palestine by adapting the admission procedure for Jewish immigrants to the new conditions—namely, the considerable increase in Palestine's economic capacity.

Sir James PARR (New Zealand) said that New Zealand had a mandate for Samoa, a Polynesian island some 14,000 miles distant from Geneva. As for some five years he had represented the mandatory Power before the Mandates Commission, and would do so again this year, he could say from experience that there were serious difficulties inherent in the mandates system. That was not altogether surprising, as it was a new system of government, without precedent in the history of the world. In particular, serious difficulties had been encountered in applying the system to illiterate and backward peoples.

He felt bound to say, on behalf of the mandatory Power, that New Zealand had had a most difficult task in dealing with an ignorant population of native islanders, child-like in their simplicity, honest, yet presenting the most fertile ground, perhaps, in the world for the agitator. The task had been an unenviable one; but he desired to bear testimony to the patience and indefatigability of the Mandates Commission in elucidating the actual facts. The spirit of co-operation and partnership—because that was the ideal relation between the mandatory Power and the Mandates Commission—had been such as to leave his Government with no possible ground for complaint. The Mandates Commission had from time to time, in his own experience, given excellent advice and counsel.

The New Zealand Government desired through him, lately a member of that Government, to state its opinion that the success of the mandatory system depended upon the patient collaboration and mutual trust of the mandatory Power and the Mandates Commission. Whatever the successes or failures of the League might have been in other matters, at least it could be said with truth that the Mandates Commission had been successful in administering the entirely novel system of government known as the mandates system.

M. SCHAYESTEH (Persia) referred to the Polish delegate's proposal—namely, that the mandatory Power be asked to facilitate the immigration and establishment of Jews in Palestine. He regarded it as his duty to point out that the mandatory Power should be asked to see that the facilities granted to Jews for establishment in Palestine in no way prejudiced the position of the Arab population, which had been settled in that country for centuries and regarded it as its home. One race should not be favoured to another's detriment.

Mr. LOUW (Union of South Africa) wished to associate himself with the observations of the delegates of Norway and New Zealand with regard to the work of the Permanent Mandates

Commission. Like Sir James Parr, he had had the experience of appearing before the Mandates Commission, and knew, too, how awkward and difficult were the questions sometimes raised. At the same time, he could testify to the patience shown when he had not been able to answer those questions immediately.

Sir James Parr had alluded to the difficulties of administration. Those difficulties were particularly present in the case of a territory like South West Africa, of enormous extent, in part not easily accessible, and with a native population to a large extent uncivilised. The extremely difficult situations which had to be coped with in administering that territory should be borne in mind.

One matter which appeared in the report of the Mandates Commission, and which was also referred to by the delegate of Norway, was the fact that the report of the South African administration had not been received when the Mandates Commission last met to consider the reports of the various mandatory Powers.

The South African Government, in a letter to the Mandates Commission, had explained that, owing to extensive floods in South West Africa, it had not been found possible to prepare the report in time for transmission to the session of the Mandates Commission. For the information of the members of the Committee, he should state that the floods were of an absolutely unprecedented nature. South West Africa had been entirely cut off from the Union of South Africa by telegraph for a week, and by road and rail for a considerably longer period. A train had been stranded for about sixteen days and it had been necessary to send food to the passengers by aeroplane. The capital of the territory, Windhoek, had been entirely isolated for about five days.

When considering the report, the Mandates Commission not only enquired as to happenings in the developed parts of the country, but put the most searching questions concerning its most outlying portions. The Committee must realise that, if the populated and developed parts of the country were inaccessible during the floods, contact with the outlying parts of that vast territory was simply out of the question. In order to comply with the wishes of the Mandates Commission and to be able to reply to its questions regarding the administration of the native areas, the Administration had to obtain reports from the magistrates in those outlying districts; and the floods had made this quite impossible.

That had been fully explained in his Government's letter to the Mandates Commission, but he could not help feeling, on reading the report of the discussion, that there seemed to be a slight element of suspicion concerning the delay. His Government had said that it hoped to send the report by October or perhaps later, and one member of the Commission said he regarded those words as "somewhat disquieting". "Disquieting" had a definite meaning in public affairs, a suggestion of suspicion. Another member of the Commission had said that he "could not understand how the floods could have interfered with the sending of the report".

Accordingly, he had given these details in case the "disquietude" expressed by one member of the Mandates Commission might have communicated itself to members of the Committee. He could assure the Committee that there were no grounds for disquietude.

He associated himself with Sir James Parr's remarks regarding mutual trust. The relations of his Government with the Mandates Commission had always been of the very best and, for its part, the South African Government had endeavoured always to comply with all the wishes of the Commission. He therefore wished it to be clearly understood that the delay in submitting the report was due to an act of God, and a very big act of God!

JA'FAR PASHA EL ASKARI (Iraq) desired, as many delegates of mandatory Powers had spoken, to say a few words as the representative of a country which had—between 1920 and 1932, with the co-operation of the United Kingdom—successfully passed through the mandatory regime and had attained full independence. The people of Iraq were happy and were working zealously to prove their worthiness.

He sincerely hoped that Mandate "A" countries like Syria and Palestine would soon achieve the same result. Syria, and even Palestine, had many qualifications which entitled them to the same privileges and rights as Iraq. Syria was almost a semi-European country; she had a highly trained and educated professional class; even the peasants had a certain degree of education of which they were proud. Syria and Palestine had produced many great men and even prophets.

With regard to the Polish delegate's remarks concerning the immigration of Jews to Palestine, he felt bound to point out that such immigration should be carefully controlled. The Jews—the cousins of the Arabs—were a very noble and proud race, having a common ancestor with the Arabs—Abraham. It would not be fair to deprive the Arabs of their possessions in order to enable Jews to take their place. The immigration of Jews should not be allowed to cause any prejudice or injury to the Arabs. The Arabs in Palestine were poor, but were proud of the fact that they were living in their own country. They ought not

to be deprived of their land and forced out into the desert. He was, however, convinced that the United Kingdom Government would bear this consideration in mind and act accordingly.

M. Osuský (Czechoslovakia) was very glad to note the interest evinced by the Sixth Committee in the question of mandates. That question was indeed worthy of the interest of all the Members of the League, as the activities in that field were among those which proved the usefulness of the League and its qualifications for dealing with the organisation of international life.

It was, indeed, a system which called for the highest qualities, as it involved dealing with native populations; that required social, psychological and historical knowledge and familiarity with ethnical and economic questions. Moreover, much political wisdom was required to enable the mandatory Power to fulfil its task, which was to administer the country in the interests both of the country itself and of the comity of nations.

It was not very easy, with the best will in the world, to keep the balance even and to enable the mandatory Power to use its rights, while being careful that the exercise of those rights should be in the general interest and in the particular interest of the countries in question.

It was also necessary to keep in mind the purpose for which the League was to administer these territories or have them administered. It could be proud of having achieved very considerable success with that experiment, which was as new as that of the League itself. Proof of that would be found in the remarks just made by the representative of Iraq, a country which had, but a short time ago, been a mandated territory. The League of Nations had cause to be proud, as it had done a great deal to contribute to the independence of that country. It was a striking proof that the League of Nations was fulfilling a great international mission in the interests of the organisation of peace.

It must not be thought that all problems could be solved at one stroke, but the remarks just made by the representative of Iraq were the direct result of one of those activities of the League.

Mr. A. SKELTON (United Kingdom) first desired to associate himself with those who had paid testimony to the work of the Mandates Commission. As representative of a mandatory Power he could say that relations with the Commission had always been most happy, and that the assistance of the Commission had been of the utmost value. His friends from New Zealand and South Africa had referred to its searching questions. That was the common experience of all who had to do with government. Searching questions from a body such as the Mandates Commission were all to the good.

On the subject of Palestine, the speeches of the delegates of Poland and of Persia had put in a single sentence, as it were, the problem that must arise in Palestine. The problem in Palestine was to ensure the strictest impartiality in dealing with the two populations. That strict impartiality had always been the basis of the mandatory Power's policy. But, at the same time, that Power was very fully conscious of its particular duties towards Jewish immigration. The delegate of Poland had asked whether the immigration permits were keeping pace with the labour situation. On that point he referred the Committee to a passage in the Minutes of the last session of the Mandates Commission, in which it was said :

“ The principle laid down by the mandatory Power that the number of immigration permits issued each year should be fixed with due regard to the possibilities of absorption of the country has been recognised to be sound by the Permanent Mandates Commission. The mandatory Administration must be left free to judge of these possibilities and cannot be denied the right, which it intends to reserve for itself, to take into account for this purpose not only existing conditions but also future prospects.”

That was surely a wise principle, and the mandatory Power was very glad that it had the unqualified approval of the Mandates Commission. That principle was being and would be entirely respected. He could assure the Polish delegate that his observation would be taken into the most full and careful consideration.

More than one speaker had raised the question of the mandate principle as a whole. Its success had certainly been remarkable. It did, however, certainly call for that political wisdom to which the delegate of Czechoslovakia had referred. The United Kingdom Government would abate no effort to make the mandates system a success, applying thereto all the political experience it possessed. Mr. Skelton was sure that no mandatory Power would grudge the labour and the responsibility involved; he could, however, assure the Sixth Committee, speaking on behalf of one mandatory Power, that the interest shown in the question was a real source of strength and assistance.

Mr. CREMINS (Irish Free State) drew attention to the paragraph in the section on mandates on page 48 of the report of the Secretary-General (document A.6.1934), which indicated that the attention of the Mandates Commission had been directed to the position of women in certain African territories under mandate, which, according to various sources, was unsatisfactory. The missionary societies had drawn attention to many grievances, and there was an impression that the Administration concerned was apathetic in dealing with the situation. The accredited representative was stated to have affirmed that the problem was engaging the attention of the Administration, and the Mandates Commission had noted that

it was the settled policy of the mandatory Power to improve the condition of women in the territory.

Mr. Cremins trusted that this matter would not be overlooked.

The CHAIRMAN associated himself very cordially with everything that had been said with regard to the Mandates Commission. The work done in connection with mandates did the greatest credit to the League; it was a field of activity in which, in spite of the difficulties inherent in the work—difficulties which had been stressed by the Norwegian delegate—the efforts of the League were proving to be more and more valuable.

32. **Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees : Adoption of the Draft Report and Resolutions.**

M. RAPHAËL (Greece), Rapporteur, said that it had seemed to him indispensable to stress in the report certain of the more important activities of the Nansen Office during the year which had just elapsed. The complexity and diversity of those activities were known to everyone, and he, as Rapporteur, had realised, during the general discussion, that the Committee was unanimous in paying a tribute to the work of the Nansen Office.

As regarded the Russian women refugees in Shanghai, he pointed out that that question had been examined in the first place by the Fifth Committee, and that a mixed Sub-Committee, comprising members of the Fifth and Sixth Committees, had then been instructed to endeavour to find a solution of the problem. It was on the conclusions of that Sub-Committee that he had based the relevant paragraph in his own report.

Mlle. FORCHHAMMER (Denmark) first referred to the question of women in China and other Far-Eastern countries. Some had hoped that it would have been possible to provide immediate help; but, as the findings of the Sub-Committee set up by the Fifth and Sixth Committees were unanimous, the League would have to abide by those findings, while hoping that the solution would not be too long delayed.

Referring to the fourth paragraph of the resolutions, which read: "Seeing that the Refugee Convention of October 28th, 1933, recognises an international status for the refugee which, *inter alia*, contemplates that measures against foreigners should not, owing to their special situation, be applied rigorously to refugees", she agreed with the Rapporteur that the League should urge Governments, with a view to speeding up the liquidation of the refugees problem, to accede as soon as possible to that Convention.

Mlle. Forchhammer desired also to refer to the following paragraphs:

"Considering the opinion expressed by responsible Armenian refugee organisations that a settlement of the Armenian refugees in the Republic of Erivan offers one of the best solutions of the Armenian refugees' problem:

"Requests the Office to continue its negotiations to that end."

She was glad to note that the Rapporteur had been able to insert in his report an expression of the desire that the Armenian settlement in Erivan should be continued.

M. PAPADAKIS (Greece) said that the report embodied recommendations—which had been made at a previous meeting of the Committee and had just been renewed by the Danish delegate—in favour of the settlement of the Armenian refugees in the Erivan Republic in the near future. Greece would be the first to welcome such a settlement, as she was perhaps the country which had most Armenian refugees in her territory, and, indeed, the largest number of refugees generally. In that connection, he would, on behalf of his country, point out that her conversations with the Government of the Soviet Union in 1927, and then in 1932, had already made possible the transfer from Greece to Armenia of some 6,000 to 7,000 refugees under the best possible conditions. The Hellenic Government would endeavour to continue those conversations, and the goodwill shown hitherto by the Soviet Government justified the hope that further useful work would be achieved.

Mr. OFFICER (Australia) congratulated the Rapporteur on his report. He suggested that the paragraph beginning: "The services which the Office could render . . ." and which related to the question of funds was sufficient, provided that there was added at the beginning of the following paragraph a sentence to the effect that the Committee noted the difficulty with regard to finance and supported the two proposals made as to how this might be met. If the Committee agreed to his proposal, the last two paragraphs of the draft report might be suppressed.¹

M. RAPHAËL (Greece), Rapporteur, agreed to modify his report in that sense.

The amendment proposed by Mr. Officer was adopted.

¹ The two paragraphs in question read as follows:

"The Committee noted that the results achieved by the Office, although considerable and important, were circumscribed by the exiguous funds at its disposal, and urged Governments on whom the refugees were direct or indirect charges to follow the example of certain countries, and capitalise those charges in the form of credits for the Office which would enable it to provide permanent and constructive solutions of their refugee problems.

"Finally, the Committee noted with satisfaction the decision of the French Government to generalise the application of the Nansen stamp, and recommended Governments which had not already done so to adopt a similar course and thus increase, to an important degree, the revenue of the Office derived from that source."

Cemal HÜSNÜ Bey (Turkey) referred to the following passage in the text of the proposed resolution :

“ Recognising the increasing difficulty of placing refugees in employment in European countries, and even of maintaining in employment those who already have work . . . ”

In his opinion, they would have to adapt themselves to the conditions existing in the different countries and consequently to take account of the laws in force there. He therefore proposed to add the words : “ in so far as the laws of the countries permit ”.

M. RAPHAËL (Greece), Rapporteur, thought it was clear that the countries could not be asked to do anything contrary to the laws in force. The Turkish delegate's remark would be incorporated in the Minutes, but it seemed to be unnecessary to change the text of the resolution itself.

Cemal HÜSNÜ Bey (Turkey) said he was satisfied.

The draft report and resolution were adopted (Annex 2).

The CHAIRMAN said that the Assembly had provided for a new procedure to make it possible under certain conditions to adopt reports without discussion in the plenary Assembly. For that purpose, it was necessary for the Committee to state unanimously that it did not consider a fresh discussion in the plenary meeting to be necessary. He proposed that the Committee should take such a decision in the present case.

The Chairman's proposal was adopted.

33. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees : Appointment of a Rapporteur to the Assembly.

M. RAPHAËL (Greece) *was unanimously appointed Rapporteur to the Assembly for the question of refugees.*

TWELFTH MEETING.

Held on Saturday, September 22nd, 1934, at 10 a.m.

Chairman : M. DE MADARIAGA (Spain).

34. Protection of Minorities : General Discussion (continuation).

M. ANTONIADE (Roumania).—The customary discussion which takes place every year in the Sixth Committee on that part of the Secretary-General's report relating to the protection of minorities has been held once again this session, as was to be expected. But the delegation which has seen fit to take over the succession of another not present at this Assembly has also taken the view that the change of protagonists should involve a change of method in discussion.

As we are all aware, the Assembly, under Article 3 of the Covenant, may deal with the minorities question, as it may deal with any matter within the sphere of action of the League or affecting the peace of the world.

In discussing the minorities question, however, all previous Assemblies have approached the subject from its general aspect, and the consideration underlying all the proposals we have heard has been to seek for a better organisation of the protection of minorities. Any attempt to raise other than general problems has been carefully avoided, and no concrete cases or particular grievances based on specific facts have ever been presented. That could not have been done, indeed, because such matters do not lie within the competence of this Committee.

I was therefore extremely astonished yesterday to hear the Hungarian delegate break with this tradition and, stating that he would not make any proposal as to the organisation of minority protection, proceed to draw as black a picture as possible of the situation of the Hungarian minority in Roumania. He told us that he did so in virtue of the right of supervision which he considers the treaties have conferred upon him.

I might pause here and tell him that this right of supervision he arrogates to himself is purely imaginary and that such a right belongs to the Council only. I might also tell him that, in submitting this long series of concrete cases of alleged violations of the treaties, he has taken the wrong road and is addressing a tribunal that cannot hear or pass judgment on the specific cases he invokes.

Anyone with the slightest experience of the organisation for the supervision of minority protection knows that, according to Article 12 of the Minorities Treaty, any member of the Council of the League of Nations has the right to bring to the attention of the Council any infraction or any danger of infraction of any of the obligations in respect of minorities, and that the supervision of the execution of those obligations is in the hands of the Council. Everyone knows, too, that it is always the Council to which the other way that has been opened—you know in what circumstances—ultimately leads—namely, that of a petition reporting any fact liable to infringe the obligations in respect of minorities.

I might therefore counter the picture painted by the Hungarian delegate by a plea in bar, politely requesting him, if he wants his grievances righted, to have them brought before the competent tribunal by the prescribed methods. If I reply to these allegations, however, it is only in deference to this Committee and in order to remove any doubt from my colleague's minds as to the verisimilitude of the picture which the Hungarian delegate has thought fit to present to them. I will add, however, that this is the last time the Roumanian delegation will allow itself to be drawn into such a discussion.

If my opponent is to be believed, there is no crime which Roumania has not committed against the Minorities Treaty by which she is bound. There is no accidental violation of one or other of the treaty's provisions; there is systematic and general violation, from the first article to the last, 100 per cent violation, violation *en bloc* and in detail.

If the situation were so grave and desperate as M. de Eckhardt alleges it to be, if Roumania's crimes against the Hungarian minority were so atrocious, unremitting and systematic, I suppose the fact would eventually have come to light—since the machinery for the protection of minorities is in operation—even before the arrival of M. de Eckhardt at Geneva and the sensational account he has given.

M. de Eckhardt recognises—and in that I fully agree with him—that the organs of the League have always done their duty as regards the protection of minorities. I can inform him, without committing an indiscretion, that the successive Directors of the Minorities Section of the Secretariat have repeatedly and at various times paid visits to Roumania to study the question and obtain information, and have been able to ascertain the situation of the minorities there. They are men who see things through their own eyes and who cannot be hoodwinked. If they had found the situation so contrary to the treaties and the condition of the minorities, Hungarian or other, so wretched, they would have been the first to take alarm and would not have failed to inform the proper quarters of what they had learned. I have reason to believe that the impressions they received of the treatment of minorities in Roumania were not unfavourable.

Since the system of supervision has been in operation, the method of an informative petition to the Council has always been open to all protected minorities. Yet what complaints and petitions from Hungarian minorities do I find? I will not trouble you long with statistics of Hungarian petitions. In 1925, I find a single petition, from certain expropriated settlers in Transylvania and the Banat. The matter was quickly settled through an *ex gratia* offer by the Roumanian Government to the Council of compensation amounting to 700,000 gold francs. The offer was accepted by the Council and payment was made without delay.

In 1926 there were no petitions. In 1927 there was only one petition, and the Minorities Committee classified it as coming under the optants question, which had been referred to another body. In 1928 there were no petitions. In 1929 there was the question of the Ciuc property. After the case of the settlers it was the second and last which has ever been brought before the Council; and it was so brought on account of the complexity of the legal problems which it raised, and which the Minorities Committee could not undertake to solve. This famous case was settled by a compromise which the Roumanian Government, in a conciliatory spirit, proposed to the Council and which the Council accepted.

In 1930 there were two petitions—one relating to the expropriation of what are called the Szekler joint domains of Cartza and Ineu, which was settled by a compromise between the parties concerned and the Roumanian State; the other was a petition from the Hungarian parliamentary representatives of Transylvania relating to the conditions governing the admission of pupils to Hungarian-speaking minority schools. This petition was filed in September 1931 by the Minorities Committee, after the Roumanian Government had given an explanation, which was accepted.

In 1931 there were four petitions: (1) a petition from officials and pensioners of the Administration of the Ciuc property, which was settled, in connection with the principal claim, by the same compromise; (2) a petition from the Magyar Party regarding school textbooks, which it was alleged engendered sentiments hostile to the Hungarian minority; this was found by the Minorities Committee in 1932 to be groundless; (3) another petition from the same Magyar Party against the creation of alleged cultural zones in Transylvania with restrictions upon teachers belonging to the minority; filed in September 1931; (4) a supplementary petition on the same subject; the same decision was reached, the petition being filed in November 1931.

In 1932 there was only one petition, from a person named Kaiser, who claimed a pension for war disablement. This petition was filed in December 1932.

In 1933 there were four petitions, two of which related to deprivation of nationality, a third to alleged violence on the occasion of a demonstration, and the fourth to the suspension of a newspaper. Three were filed and only one is still under consideration.

In 1934, up to the present, there have been five petitions, on subjects of trifling importance. These are at present under examination by the Minorities Committees.

If the situation of the Hungarian minority were really as tragic as the Hungarian delegate has described, if that minority were really suffering the horrors and the vexations of which he spoke, is it conceivable that the despair felt by 1,300,000 inhabitants should have found no other outlet for ten years than the presentation of some twenty petitions to the Council (on an average two a year), and those, too, relating to subjects which for the most part are of no serious importance? Why this restraint, this sullen silence amidst dire suffering? Does it spell mistrust of the Council's justice, or is it due to difficulties of procedure? Yet even under the worst reign of terror a letter can quickly reach Geneva. Only very few have been sent, however, even though factories for the concoction of such petitions exist in various places. Why? I leave it to any man of good faith to give the reply.

In his long account of the violation of treaties of which Roumania has been guilty, the Hungarian delegate emphasised the fact that various Roumanian laws—including the Constitution of the Kingdom—are not in conformity with the obligations of the Minorities Treaty.

As I have disputed the right of supervision which he assumed in regard to minorities, he will not be astonished if I also dispute most decidedly and formally his right to supervise the internal legislation of my country. It would be easy for me to show my colleagues of the delegations represented here—and I see among them eminent jurists—that these violations are purely imaginary. But if I did so, our Chairman would certainly be entitled to interrupt me and request me to keep such proof for the eventuality—in my opinion an extremely improbable one—of the question whether our laws are or are not in conformity with the treaties signed by Roumania being brought before the Council of the League or the Hague Court by those authorised by the treaties to do so. Moreover, a number of these laws to which exception has been taken, and particularly the educational laws, have been examined by the Minorities Committee in connection with the complaints of the Magyar Party of Transylvania. All the petitions relating to laws on education have been filed, as have also other requests which the Hungarian delegate is now taking up again on his own account. Does the Hungarian delegate perhaps intend to appeal from the decisions of the Council to the Assembly or its political Committee?

But, apart from the question of the laws of Roumania, according to the Hungarian delegate there has been nothing but discrimination, inequality, constraint and vexation in the treatment of the Hungarian minority in Roumania—a very hell, in fact. How is it, then, that we have only just learnt this after the machinery for minority protection has been in operation for years? Only a few months ago, in another request from the Hungarian Government to the Council relating to frontier incidents between Hungary and Yugoslavia, the Roumanian Government was given a certificate of good conduct, reference being made to the good relations on both sides of the Roumano-Hungarian frontier, extensive and open as it is, and the total absence of disputes or vexatious treatment. But, though the Roumanians are all right on frontiers, it seems that they are frightful tyrants in the interior of their country. They confiscate the property of Hungarians, they subject them to heavier taxation than other nationals, they deprive them of nationality rights at their own sweet will, they grant them neither freedom of education nor freedom of religious worship nor freedom to use their mother tongue, nor freedom of thought or of opinion. Roumania does not tolerate minority schools, does not help them, does not contribute to their upkeep.

But now let us glance at the facts. Let us see, for example, how Roumania prevents freedom of religious worship. The law to which M. de Eckhardt takes exception—but which, when it was in preparation, received the approval of most of the parliamentary representatives of minorities—grants legal status to all minority churches. The Roumanian State contributes in its budget to the emoluments of the personnel of minority religious bodies. I venture to give you some figures. In 1924, the Roumanian State expended on such personnel 40,820,000 lei; in 1925, more than 44,000,000; in 1926, more than 57,000,000; in 1927, as much as 103,000,000; in 1928, 150,000,000; in 1929, 160,000,000 and, in 1930, 180,000,000. I must point out, too, that, as the predominant religion in the former kingdom and in Bessarabia is the Greek orthodox rite, most of the minority churches are to be found in Transylvania, where there are as many as seven long-established religious bodies.

Now let us take education. M. de Eckhardt, of course, does not like our educational laws. I cannot help that, but the Minorities Committee did not find them contrary to the treaties, and that is enough for me. Let us look at a few figures. Before 1918 there were, in Transylvania, 2,392 Roumanian schools, kept up, of course, by Roumanians from their own contributions; 2,588 Magyar schools, of which 1,497 were State schools, and 287 German schools; 52 Hungarian, 5 Roumanian and 9 German high schools; 22 Hungarian and 1 Roumanian commercial schools; 24 Hungarian and 6 Roumanian teachers' training colleges. There was no teaching in Roumanian in any State school. After Transylvania was attached to Roumania, we find, in 1923, 1,020 Roumanian State schools as against 562 Hungarian schools and 106 schools of various nationalities. The same proportion has been kept in opening other schools—public schools, high schools, commercial schools, etc. In 1930, we find 1,419 schools at which teaching is given in Hungarian, 483 State elementary schools, 879 religious elementary schools, 6 State secondary schools, 52 religious secondary schools. The Roumanian State has maintained 260 elementary schools and 223 elementary-school sections, all with Hungarian as the teaching language. In 1929-30 the Roumanian State spent 103,660,282 lei on the upkeep of minority elementary schools and 18,000,000 on secondary schools. As you will see, the Roumanian State has shown itself neither miserly nor oppressive. It has done its duty towards the Hungarian minority and has everywhere promoted the opening of Hungarian schools or has opened them itself. And as its reward it receives the censure of M. de Eckhardt.

Let us now see how Roumania suppresses the expression of opinion and thought in the Hungarian language. In Transylvania, according to the Cabinet's statistics, 320 publications—newspapers and periodicals—appear in Hungarian, of which 250 began to appear after 1918. In a single town, Oradea-Mare, there are thirty-five periodical publications, including eight daily newspapers. Of these publications, thirty-two were started after 1918. In Transylvania there are eight permanent Hungarian theatres. Before the war there was no Roumanian theatre in Transylvania.

I will not weary you any longer with figures or with a detailed discussion of all the allegations made by the Hungarian delegate. As I have said, he presents as fresh grievances a number of facts which have already been brought to the notice of the Council and which the Council did not consider further after examining the petitions presented. It is of no interest

to you to know whether it is true or not that Transylvanian newspapers are forbidden to call places by their Hungarian names (incidentally, there are a large number of newspapers which bear the name of their town in Hungarian), whether athletic societies are or are not compelled to take permanent names and to carry on their correspondence in Roumanian, whether signboards worded in Hungarian pay higher duty than those in Roumanian and so forth. You have more important questions to consider and settle—questions, too, which are really within your province.

In drawing his picture, the Hungarian delegate affirmed that he had no intention to start disputes; his aim was rather to help to remedy the evil. He called upon Roumania to respect the treaties. We have not waited for M. de Eckhardt's friendly injunctions to do so. Roumania, with her allies of the Little Entente, has made it an article of faith to respect treaties in regard to minorities as in all other matters. We can only see how the provisions for the protection of minorities may be twisted and used for other purposes than those provided for by the treaties, and how constant and barren agitation can be carried on very cheaply. If the Hungarian delegate thinks that pacification and concord, that are so necessary in a league of nations, can be attained by means such as he has just employed, I take the liberty to tell him frankly that he has not found the best way to do so.

M. FOITICH (Yugoslavia).—After the substantial explanations given by my Roumanian colleague in reply to the Hungarian delegate's speech, I might have confined myself to informing the Committee that I agree entirely with my Roumanian colleague's remarks. As, however, the Hungarian delegate has raised points of a general character, though he has not this time specifically mentioned my country—presumably he is reserving himself for another occasion—I am compelled to go over old ground of controversy once more.

The Hungarian delegate in his speech vigorously asserted the right of the Assembly to take cognisance even of concrete cases; and in support of this view he quoted Article 3 of the Covenant. I will tell him at once that on this point we are entirely in agreement. We have never argued that the Assembly had no right to deal with the minorities problem. Where we differ from him is in our contention that the Assembly as such is only entitled to deal with the problem as a whole—that is to say, in its general aspects, concrete cases being explicitly reserved by the treaties to the Council of the League and the Permanent Court of International Justice. The Hungarian delegate quoted Article 3 of the Covenant; but I should like to refer him, so far as Yugoslavia is concerned, to Article 11 of the Minorities Treaty. He also quoted a passage from the report of the Committee of Three in which he finds confirmation of his argument, while I find in it confirmation of our argument! Here is the quotation from the report:

“ It is necessary to take steps to enable the League of Nations to keep itself informed of the general evolution of the problem of minorities, to observe and follow this problem closely and thus to satisfy itself of the fate of the minorities. Only in this way can a true guarantee by the League of Nations be realised and only in this way can the concrete cases brought before it be judged at their true value.”

Before whom? Before the competent organ for minority questions—namely, the Council of the League and, under certain contingencies, the Permanent Court of International Justice.

There is, however, one point in the Hungarian delegate's speech to which I should like to make special reference. For the first time, I think, the Hungarian delegate is expanding his arguments; he claims a right of supervision in connection with the execution of the Minorities Treaties. In support of this view he quotes Articles 44 and 47 of the Treaty of Trianon, under which the Successor States recognised and confirmed “ in relation to Hungary ” their “ obligation to accept the embodiment in a treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by those Powers to protect the interests of inhabitants of ” the Successor States “ who differ from the majority of the population in race, language or religion ”; and he concluded: “ This stipulation formally gives Hungary a right of supervision over the lot of the Hungarian minorities in the Successor States ”.

If this view were adopted, it would amount to an entire reversal of the system on which the protection of minorities is based. What is the wording of Articles 44 and 47? It is this: “. . . accept the embodiment in a treaty with the Principal Allied and Associated Powers of such provisions as may be deemed necessary by those Powers to protect ” in the Successor States. Our obligation under Articles 44 and 47 was met by the conclusion of this treaty with the Principal Powers. Our obligation to Hungary was also met by the conclusion of this treaty. From that moment there was no direct minority problem between Hungary and us; there was only a problem between us and the Council of the League of Nations.

Allow me in this connection to refer to the speech made to the Committee yesterday by the United Kingdom delegate, Mr. Eden, from which I take the following passage:

“ The object of the minorities system was therefore, broadly speaking, twofold: first, to promote European tranquillity by securing, as far as possible, that these minorities should have equality of treatment; secondly, to provide that questions arising out of the alleged discrimination against a minority should be dealt with, not as a dispute between the country whose subjects the members of the minority were and the country with which they were racially connected, but, on the contrary, as a matter to be dealt with in, so to speak, an impersonal manner by the new international organisation which was being set up in the League of Nations.”

I would especially draw the Hungarian delegate's attention to Mr. Eden's second point with regard to what he called “ an impersonal manner ”, with which I entirely agree. I

believe this is the only way that injustices can be redressed. The personal manner in which the Hungarian delegate has treated the problem in the Committee cannot serve the true object.

One other point. I should like to say something as to the motives of these vigorous observations on the part of the Hungarian delegate. He said that he wanted to draw the attention of the Assembly and of all the delegations to the Assembly to the tragic fate of the Hungarian minorities, and that he was particularly concerned with the maintenance of good relations between Hungary and her neighbours. I wonder whether his method is really the best method. A procedure has been established for the redress of such injustices as may exist. This procedure is clearly available to Hungary herself. But one has the impression that, having once been drawn up at Madrid by parties whose good faith was unquestioned, and who were genuinely anxious to give the organs of the Secretariat adequate powers to fulfil the mission they have under the Minorities Treaties, the procedure has become the preserve of professional agitators. I take the case of Yugoslavia and the petitions of the Hungarian minority in that country, and I find that approximately one out of every fifteen petitions carries the signatures of minorities actually living in Yugoslavia. It may or may not be news to the Hungarian delegate when I say that the majority of these petitions emanate from a special office in Budapest, the Director of which has the alluring title of "Secretary of the Hungarian League of Nations and Revisionist Union". This office has supplied no fewer than ten petitions in the course of last year alone. I do not propose to give the Director publicity by citing his name; but the Committee will admit that we are entitled to ask whether the real object of these petitions is to draw the attention of the competent Yugoslav authorities to particular cases or particular injustices which may have been committed in respect of the Hungarian minority.

I think we are entitled to say that the main motive animating the submission of minority questions to the League is propaganda and the campaign against our country.

There is another circumstance which confirms our conviction to this effect. The Committee will be aware that, in the course of the present session, an atmosphere of agitation has been created around this problem. All the members of the Committee will have received by mail compliments on the part of the Hungarian delegation or anonymous literature embodying precisely the same arguments that were yesterday put forward by the Hungarian delegate. Is that really the best way of approaching this problem? Cannot the Hungarian delegate see that he is on a false track when he operates on these lines?

M. BENEŠ (Czechoslovakia).—I had not intended this year, contrary to my established practice, to intervene in the minorities debate. However, the question was raised this time in a manner different from that in which it was raised in previous years, and I was prepared to be satisfied with the communication of the Permanent Council of the Little Entente, declaring that our three States maintained the standpoint they had taken up in this Committee for a number of years past. But, as the debate developed, the original proposals, such as those of Count Raczyński and M. Frangulis, were withdrawn or altered, or new proposals were put forward. When, finally, a speech attacking a friendly country was delivered, I felt constrained to speak in order to prevent a reversion to the errors we have already been at pains to avoid in this Committee on various occasions. We have avoided them by going to the bottom of the matter, and bearing in mind, all of us, the limits of the competence of the Assembly and Council respectively as laid down in the Covenant and in the Minorities Treaties.

The discussion on the Polish proposal has brought out—that is one of its great merits—the fact that the Minorities Treaties cannot be altered without the assent of the Council, and that neither the Assembly nor the Sixth Committee are qualified to pronounce for or against their alteration. If they were to do so, they would come up against the substance of the treaties in question. Any Government has the right to apply to the Council in this matter on its own responsibility; but the Committee and the Assembly cannot touch the substance of the treaties without exceeding their competence.

I cannot therefore vote for any resolution or recommendation submitted in this Committee on this subject. For years past we have been at pains to draft the Sixth Committee's report in such a way as merely to give the Assembly an accurate picture of our discussions, without going beyond that point.

I am here to tell the Committee that I propose to adhere to this standpoint, as in previous years, for the reason that it is the only legal standpoint and consequently should be respected.

The question of the generalisation of the protection of minorities is quite another matter, which has nothing to do with the first question. It is a political issue which can well be considered and made the subject of a decision in this Committee, because the Assembly is entitled to legislate, to decide or to pronounce on the obligations to be assumed by all its Members without distinction. If the Assembly comes to a decision, the decision must be applicable to all, and not only to some, Members.

I am not breaking the Rules of Procedure by reverting to this question at this moment after the debate on the Polish proposal has been closed, because the Chairman, in agreement with the Committee, reserved the vote on this question to the end of the present debate. As I do not wish to speak twice, I will make my point at once in order to show the reasons for my vote, if the matter comes to a vote.

I will venture at this point to interpolate an important observation. The reason why I have been in favour, on several occasions in recent years, of generalisation is that generalisation is a natural consequence of what has taken place within this Committee. Various delegations have attacked existing Minorities Treaties and asked for their extension. They have forgotten that neither the Committee nor the Assembly has any competence in the matter, and that it rests with the Council alone to give its assent to any amendment of those treaties. In

noting this position, I have been led to point out that it was open to the Assembly to extend or restrict these treaties in one contingency alone, namely, if all countries were prepared to accept such treaties so amended and so to universalise the legislation on minorities for all Members of the League. I repeat, the Assembly can only legislate for all its Members and not for some only.

Accordingly, on the basis of the legal doctrine recognised by the League of Nations, I noted the possibility of a generalisation of minority obligations as a principle to which (as M. Fotitch pointed out) the countries of the Little Entente are in theory attached.

This question is now cleared up; and the position is plain for all the world to see, more so now than ever before, thanks to the Polish proposal and the discussion which followed it. I am glad of that. It represents a satisfactory contribution to the study of the question of minorities within the framework of the League.

If, therefore, a proposal should be made by this Committee for the appointment of a committee of enquiry, or if the Committee were to invite the Council to deal with the matter, it is self-evident that it cannot touch any part of the Minorities Treaties at present existing between particular countries. The Committee must deal with the minorities problem solely as a problem applicable equally to all Members of the League.

I hope I may be excused if I labour this point. The Czechoslovak delegation has nothing to ask in this connection. My country scrupulously applies the treaties it has signed, and will continue to do so. But for the last five or six years this principle has been the subject of discussions and struggles of such a decisive character, even within the Committee itself, that it would really be a pure waste of time to recommence these discussions. I venture to touch on these matters because, if I am rightly informed, the vote on the resolutions relating to this problem is reserved—as I just said—to the end of the present debate. That is the first question on which I am anxious to make my point of view and that of many of my friends clear.

Another point of my present statement relates to the speech made yesterday in the Committee by the Hungarian delegate. The greater part of his speech—as has already been pointed out—goes beyond the competence of the Committee. As, however, he has seen fit to raise this question here and to deliver a long speech on concrete facts which are solely within the competence of the Council—though I hope they will not be raised before the Council—all those to whom his speech was addressed cannot do otherwise than reply and defend themselves against attack. Allow me, in succession to my Roumanian and Yugoslav colleagues, to append a short commentary.

The Committee may be astonished that I should reply, when the Hungarian delegate has not even referred to my country by name. It is true he has not done so; but one never knows. My turn may come yet. It is only to be expected. He will forgive me, therefore, if I do not follow his own example.

I propose to speak fairly, courteously and with moderation, but at the same time frankly and sincerely.

The Hungarian delegate in some sense brought me into the matter when he said that, in my opening speech to the fifteenth Assembly, I made no mention, amongst what I called the debit items in the League account, of that item which, in his opinion, represents the most serious debit of all—namely, the weakening in the protection of minorities.

I have always been at great pains to be objective. Last night I carefully examined the matter to see whether the Hungarian delegate's view was a true view. I made a full analysis of the minority problem, and I reached something like the following conclusions:

In the first place, the categorical assertion with regard to the present position in respect of the protection of minorities is, in my opinion, inaccurate in the form in which it was brought forward by the Hungarian delegate. Above all, it seems to me greatly exaggerated. It is only partially true. It is possible to speak of a certain discredit attaching to the protection of minorities as a whole; but, nevertheless, very considerable results have already been achieved. In this connection, I am prepared resolutely and without ambiguity to take up the defence of the League, of the Council, of the Secretariat—in a word, of the institution to which we belong. The League, the Council, the Secretariat, have all done their duty fully at all times, and have achieved such results as it was possible for them to achieve.

At the same time, there is no doubt that a certain discredit does now attach to the different forms of the defence of minorities, which unhappily often throw a regrettable light on this activity of the League, compromising a good cause and involving the League in the obloquy attaching to these practices. What is the origin of this discredit?

Mr. Eden—and I mention this as M. Fotitch has already done—yesterday admirably defined the intentions of the authors of the Minorities Treaties when he stated that their object was to deal with these delicate questions in the Council, in an environment remote from the passions of the countries and nations concerned, through an impartial tribunal, in order to appease those passions and avoid the poisonous influence of vain strife, and, lastly, to settle the disputes in an atmosphere of goodwill and thus maintain good relations between neighbouring countries.

Instead of that, we have for many years witnessed campaigns and systematic public agitations in which the life of the minorities in certain countries is described as absolutely unbearable. Minority problems have been made to serve a purpose the reverse of that originally intended, which was to guarantee to the minorities that necessary minimum of rights granted to them under the treaties.

The object of these campaigns was to make of this problem the instrument of a definite policy directed against the consolidation of the country in question, a policy aiming at involving certain States in constant difficulties with a view to maintaining separatist and revisionist

movements. This will be no news to you. You are all aware of it. In some cases there is even no attempt to hide the position. I merely note it.

The countries concerned naturally defend themselves, and all this is harmful to the minorities. It is harmful to the idea aimed at by the treaties. In short, it discredits the whole ideology of the protection of minorities.

The particular brand of degeneration implicit in such political practices is, it appears to me, particularly compromising for all those who adopt them.

A highly tendentious, in some cases a clumsy, minority movement is being fostered in the countries in question and in certain centres of international life. This movement is paid for and exploited by persons who make it their trade and who are generally chosen with little discernment and with little regard for political morality or morality in general. This propaganda aims solely at inciting feelings of unrest, injustice and exasperation by means of inexact generalisations and vague and gratuitous statements made at public meetings, in easily accessible newspapers, paid for and founded for the purpose, at international congresses, etc. I have never yet seen a case where objective justice has been done to any country by a statement of what it had actually done for minorities or by a declaration that it was showing goodwill and endeavouring to give reasonable effect to the Minorities Treaties. The aim is to create dissension, and very often anarchy. All that is very far from the ideal aimed at by the creators of the Minorities Treaties.

If we analyse the question objectively, these are the main reasons for the discredit into which the protection of minorities has fallen.

M. de Eckhardt gave a third and very important reason—namely, the non-application of the Minorities Treaties by certain States. He is quite right. This is one of the very serious arguments which are rightly adduced to prove the discredit into which the protection of minorities has fallen, and I have no hesitation in saying so. I wish to be objective.

This question must therefore be examined carefully, without exaggeration, without passion, and without pursuing aims which have nothing in common with a real solicitude for the lot of the protected minorities, wherever they may be found. Care must be taken to apply all the treaties instead of attempting to apply some and violate others. The competent organ for these questions is the Council of the League. My Government is always prepared in advance to accept its decisions on this subject.

From this point of view, continuing, as my Hungarian colleague requests us to do, to analyse the discredit that has fallen on the protection of minorities, I have come across a special form of this third cause. It is the case where a country constantly complains, sometimes vehemently and noisily, of the oppression of minorities and of the non-execution of sacred treaties, while it does not itself execute those sacred treaties, does not attempt to respect the sacred right of the minorities in its own territory, and, in general, practises a more intolerant and more unjust minority policy than the country it is constantly arraigning before the world. In my opinion, methods like these finally destroy all confidence in the present minority policy. They discredit our high ideal and all our idealistic declarations, our appeals to justice. They rob us all of the confidence of international public opinion in this matter.

Before reverting to this subject, permit me to digress. In his speech yesterday, our Hungarian colleague said, *inter alia* :

“ The most serious symptom of this situation seems to me to be the tendency which has been very evident in recent times to neglect and infringe, to an ever greater extent, the stipulations of the Minorities Treaties, described as sacred by Mr. de Valera. These treaties cannot, however, be allowed to remain a dead letter . . .

“ Other countries, again, have solemnly accepted the supervision of the protection of minorities in order to obtain large accessions of territory ; but, instead of protecting their minorities, they systematically oppress them and thus render the League’s guarantee illusory. This attitude constitutes a serious threat to good relations between neighbouring countries and to the peace of Europe. The very foundation of the League of Nations—namely, respect for the obligations that have been assumed, including those regarding the protection of minorities—may be shaken. Instead of the principles of humanity and morality which should reign in an advanced civilisation like our own, the primitive principle of the right of the strongest is allowed to triumph.”

I do not know if my colleague was referring to my country, but that is a secondary matter, because, ever since the three countries of the Little Entente have formed an international political community, a reference to one must be taken as applying to all three. I must, therefore, defend myself.

I am known, both here and elsewhere, for the part I took in minority questions as far back as the Peace Conference, and for the rôle I have played since then in all the discussions here at Geneva, in the various debates in the Czechoslovak Parliament, in the international assizes, etc. Count Raczynski stated yesterday in this Committee—and you all agreed—that I was no Chauvinist.

I follow attentively all publications, books and reviews, all international congresses on minorities, and I can say, with satisfaction and with a pride which you will all regard as legitimate, that it is generally admitted throughout the world that our minorities system is a liberal one, that the Czechoslovak Government endeavours to be very reasonable in its policy in this connection, that our public life is based on respect for the liberty and dignity of man, and that, if our system is studied, it will be seen to resemble the Swiss system in many points.

Of course, not everything is perfect with us any more than elsewhere, but we do our best. Our intentions are good and we can point to very good results in connection with the application of the Minorities Treaties. I could not only produce statistics, facts, figures relating to schools, officials, courts of law, etc., but could also quote hundreds of foreign testimonies and impartial experts in the matter. In short, we scrupulously apply the Minorities Treaty.

But I should like to mention another important fact. In the fifteen years during which the minorities protection system has existed in our country, the Czechoslovak Government has never been called upon to justify itself before the Council. There have, it is true, been petitions, though not very many. The policy of the Czechoslovak Government has proceeded on the following lines: (a) When a petition was well founded, we raised no questions of prestige and engaged in no useless or prolonged discussions. The Government simply put matters in order as soon as the case was brought to its notice and, indeed, before international supervision could be exercised. (b) When the petition was not justified and was merely a matter of calumnies or vulgar propaganda and abuse of the system of protection for definite political aims—as has hitherto been the case in the great majority of petitions submitted against us—we gave the Minorities Committee a definite, clear, frank and accurate reply and, up to the present, that Committee has always pronounced judgment in our favour.

I am using no empty phrases. Here is a striking illustration which is only one of many similar cases. I quote it because it is a very important one and is characteristic of our minorities policy. Last year, the distinguished delegate of Hungary, in a speech similar to that he made yesterday, brought an unfounded charge against Czechoslovakia in connection with the Ruthene territory, south of the Carpathians. That is a territory which was allocated to us, on condition that, when the time came, we gave it a special measure of local autonomy. When we obtained this territory, it was, owing to the nationalist policy of the old regime, in a deplorable condition from every point of view. To have immediately given this territory autonomy would have been disastrous for the territory itself. During the last fifteen years, the fact that we have postponed granting autonomy—and through no fault of our own—has been made the subject of repeated accusations inspired by a tendentious political propaganda. Finally, a petition of the kind I mentioned just now was sent to the Secretariat. In 1932, the Minorities Committee composed of the representatives of France, the United Kingdom and Mexico, carefully examined the question, and the following was the Committee's finding on our policy, our attitude and our behaviour. (It will be found in League document C.5.1934.I, page 33. I have given my consent to the Council for the whole of the file to be published. It contains a large number of papers which reproduce both the indictment and the reply.) In their letter, the three representatives of the three Powers I have named said, *inter alia* :¹

“ At a meeting which it held on October 11th, 1933, the Committee examined the voluminous documentary material submitted to it, and was gratified to note the frankness, precision and clearness of the Czechoslovak Government's observations in all the points raised in the petition; in particular, in connection with the use of the language, the administration of the schools, the various stages of education, etc.

“ The problem of the grant to the Ruthene territory south of the Carpathians of the autonomy for which Articles 10 and following of the Minorities Treaty with Czechoslovakia provide, which has already been raised in a number of petitions and is once more put forward in the present petition, could not fail to engage the Committee's attention. The Committee has been happy to note in this connection from the observations of the Czechoslovak Government that the political education undertaken with a view to preparing the population of the territory in question for autonomy is continuing under favourable conditions and has even made considerable progress. According to the Czechoslovak Government's observations, the main obstacle to the granting of autonomy at the present time would appear to be the general economic crisis and the difficulty, under existing conditions, of the Ruthene territory's bearing the cost of an autonomous administration out of its own resources. While recognising the strength of this obstacle, which is of a temporary character, the Committee feels it can rely on the Czechoslovak Government to pursue until its final successful issue the policy which it has adopted with a view to the execution in full of the provisions of the Minorities Treaty of which it is a signatory.

“ Pending that consummation, which, given more favourable circumstances, it ventures to hope will not be long delayed, the Committee notes from the constitutional and legislative provisions quoted at length by the Czechoslovak Government that the rights of the population of the Ruthene territory south of the Carpathians are guaranteed and reserved by internal legislation.”

As I have said, I gave my assent to the Council for the whole publication to be transmitted to all the Members of the League.

I have quoted this document to show you our attitude and the way in which we regard our duties. I say all this to show, in all objectivity, that the general accusations made to the effect that the Minorities Treaties are not applied or are ineffectual are not really and truly unbiased, and that this produces a feeling that reflects unfairly upon the League. We have always carried out our engagements. We have done more for our minorities than we were bound to do under the treaties. It is true that politically strong minorities ask for more than

¹ See *Official Journal*, March 1934, page 335.

is laid down in the Minorities Treaties, and that is a question of internal policy. It is perfectly natural and is a perfectly normal trend in political life. Minorities are usually, of their very nature, dissatisfied. I know of no contented minority, except in the one case when it governs, and that sometimes happens. Nevertheless, we do not deny that local abuses may and do occur in our country ; but I am trying to describe our general policy, and on that point I am absolutely categorical. We desire nothing at the moment with regard to the Minorities Treaties ; we respect them and shall continue to do so. So far, we have brought no accusation against anyone ; we have made no complaint against other countries. That does not mean that there have not come to our knowledge really serious cases which ought to be brought before the Council, but we have always desired to avoid useless controversies and to show our goodwill and moderation. We have, in particular, always expected those who complain to begin by performing their duty, so as to make their case a really strong one.

To prove this, I will contrast Hungary's attitude towards the Slovaks on her territory with Czechoslovakia's towards the Magyars in Slovakia. I will take only one aspect of the question—the minority schools in the two countries. I have no intention of making any charges. I will merely submit the facts, as, in my opinion, the best service we can render to the minorities is to demonstrate the real condition of affairs.

In Hungary, the so-called minority schools are divided into three classes :

- Class A : schools where the Slovak language is the language of instruction ;
- Class B : schools in which certain subjects are taught in Magyar and others in Slovak ;
- Class C : schools in which the Slovak language is only taught as a subject, while all other subjects are taught exclusively in Magyar.

According to the most recent Hungarian statistics I have been able to obtain, there is no school in Hungary in Class A—that is to say, no purely Slovak school. There are three schools in Class B and forty-nine in Class C. Thus, for the whole Slovak minority in Hungary—according to the census taken ten years ago this minority numbered 141,000 persons, and according to the last census taken ten years afterwards only 104,000—there are only three schools in which certain subjects only are taught in Slovak. According to the Hungarian statistics, there were altogether, in all the State schools of Hungary, 19,000 Slovak children, 12,000 of whom attended exclusively and 100 per cent Magyar schools. Of the remaining 7,000 children, 94 per cent attended Magyar schools where they could hardly learn Slovak and only 6 per cent could attend the Slovak-Magyar schools.

This position of the Slovak minority in Hungary is still worse in other branches of education. The minority has no infant school, no higher elementary school, no adult education, no commercial, agricultural or occupational school ; needless to say, no training colleges and not even courses in Slovak for candidates for the teaching profession.

What, on the other hand, is the position of the Hungarian minority in Czechoslovakia ? According to our last census, this minority numbered 692,000, and for this minority we have 844 purely Magyar primary schools, 16 upper primary schools, 8 high schools, 21 schools of agriculture, 5 commercial schools, 6 higher commercial schools and 41 higher vocational schools ; or, in all, 941 educational establishments in which the instruction is given in the Magyar tongue. In short, in Czechoslovakia there is one school for about every 800 or 900 Hungarian persons.

I will not carry this comparison further. I will simply leave it to you to calculate the number of persons of Slovak nationality for whom there is a Slovak or a Magyar-Slovak school in Hungary.

I could continue in another field—for instance, that of politics. In Czechoslovakia we have universal suffrage, women's suffrage, freedom of association, etc., and there are thirteen Hungarian deputies and eight Hungarian senators in our Parliament. The Slovaks in Hungary have none at all.

I could speak to you of the Press, but I do not think I need do that. I simply wanted to give you the facts, and not general arguments to prove the case which I am putting forward and which I have always upheld in regard to minority policy in each and every State.

I now turn to the situation of the German minority in Hungary. Allow me to be its advocate too.

I will give you a few figures : In 1920 there were 551,711 Germans in Hungary as against 478,530 in 1930 ; this means that the German minority has fallen off by 73,181, or 13 per cent, which is, one need hardly say, surprising.

In Hungary there are three classes of minority schools—A, B and C. These are the same classes as those I mentioned a moment ago. According to the Hungarian statistics, there were 43 class A schools and 407 class B and class C schools in Hungary in 1930. That is to say, the Germans in Hungary have only 43 schools in which instruction is given in German ; in the other schools instruction is given in Hungarian, and German is a class subject only. The German minority has no higher primary schools and no secondary schools.

In May, M. Homan, Minister of Education, said that there were 40 German schools of class A, 191 of class B and 265 of class C in Hungary. In an important speech on this state of affairs which he made in May 1933, the German Deputy Bleyer said that the instruction was given in German in only 31 per cent of the German minority schools ; 70 per cent of the

children attending primary schools have hardly any opportunity of learning to read and write in German, and 90 per cent of the children attending the secondary schools cannot even write a simple letter in German.

The Germans complain, above all, that they have no schools of their own, and call for an increase in class A schools. Dr. Graz has submitted the claims of the Germans in Hungary to the Government on behalf of the German minority. In reply he was told that it was impossible to satisfy these demands and increase the number of class A schools.

I would add—and it is entirely to the honour of my Hungarian colleague—that, early in 1933, when Hungarian minority policy was being discussed in the Hungarian Parliament and Press, M. de Eckhardt, as a Hungarian Deputy, took part in the discussion. He pointed out that the minorities in Hungary should be given everything which the Hungarians demanded for their minorities in neighbouring States. He criticised Hungary's minority policy and called for its revision. I would like to pay a tribute here to the spirit of justice which he showed.

I shall now indicate the position as regards German schools in Slovakia. In 1930 there were 147,000 Germans in Slovakia. This minority had 119 purely German schools, as against 43 schools in Hungary for half a million Germans.

I would add—and I could give still further details—that there were only twenty Magyar-German schools in Slovakia before the war and not a single purely German school. That means that, since Czechoslovakia recovered Slovakia, she has created a minority policy where none existed and has brought it to the pitch corresponding, in our opinion, to the demands of the Minorities Treaties.

These are my few striking examples of contradictory minority policy, and this is my conclusion. Anyone who complains of the violation of treaties by others should himself respect them first; then his position is strong. That was what I took as my fourth and most weighty reason for the discredit into which minority protection has fallen. Having thus been called upon by the Hungarian delegate to supplement my opening speech to the fifteenth Assembly, I have been obliged to make this general analysis of the minorities problem, of the policy of minority protection and of the application of that policy by the League of Nations. I repeat that I am not so very pessimistic; I believe that considerable success has already been obtained in a large number of countries.

This review of the subject is, I think, just as impartial as that which I have made from the Assembly platform on other debit items in the League's balance-sheet.

To sum up, then, there are four major reasons for the present dissatisfaction with the enforcement of the Minorities Treaties:

- (1) They are used as a weapon for a policy of disruption.
- (2) Tendentious propaganda is encouraged and subsidised by altogether improper means and by persons who make this their trade and those of doubtful morality. This prejudices the first cause of the minorities and hinders understanding between the two States concerned.
- (3) The treaties are not always applied as they should be. In this connection, however, the Council is competent and it is necessary to appear before the Council and ask it to apply them. The Assembly is not competent.
- (4) He who complains of the violation of the Minorities Treaties and yet enforces a far worse minority system himself is doubly blameworthy. This is, in my opinion, the gravest case of all.

Such is my analysis of the whole problem, and I firmly believe it to be correct.

This said, I wonder whether at the very next opportunity—particularly if any study of the question is contemplated and if it is decided to make protection general by adopting an international Convention—I ought not to propose, as an efficient means of protecting minorities, a definite provision to the following effect: When one country complains of the attitude of another country with regard to minorities, the supervisory body should automatically examine the position of the minorities in the State which makes the complaint. In this way the policy of the two States could be judged simultaneously. This would put an end to a very difficult position, which most seriously compromises true international morality in minority questions.

My second proposal is this: The minority policy of each State must be determined, not by the criterion whether it makes or does not make complaints, and not by the quality of its defence, but in accordance with identical objective criteria. Even in this sphere equality and proportion are essential. For instance, the type of national school required for a specified number of persons belonging to a national minority (for instance, per thousand or more, according to the circumstances and to the country) would have to be exactly laid down. The two States parties to the dispute would both have to apply this standard. This is only an example, but the adoption of proposals of this sort would certainly prove useful in ensuring the effective protection of minorities.

At the end of his speech, the Hungarian delegate said:

“In conjuring up this picture of a somewhat gloomy situation, it is not my intention to create new disputes, but rather to help in remedying the evil and in establishing its causes. Hungary claims nothing that she would not grant to others of her own accord. We ask for nothing new, nothing exceptional. We merely demand the execution of existing undertakings.”

I have made my remarks in exactly the same spirit and so we are agreed.

I must ask you to excuse this long statement, but each must make what contribution he can to the study of the problem. I would consider myself at fault if, knowing the facts, I

did not bring them to your knowledge and if I did not point out impartially to you the causes of the discredit thrown upon the problem as I see it. It is, moreover, in a spirit of friendship and goodwill that I do so.

During the Assembly, exchanges are usually very frank. A few days ago we saw how true this is. M. de Eckhardt thought good to go to some length in his attacks. Nevertheless, I neither accuse nor attack; I simply state the facts impartially without asking anything of anyone. I put my case honestly and in good faith. If I were to make any statement which was not accurate, I would recognise the fact with pleasure as soon as it was proved. We owe one another truth and honesty in a question as delicate as this. The motto of our State tells us that, even in policy, truth will prevail: *veritas vincit*.

It is this motto which inspires all my work at Geneva, and in this spirit I submit my country's policy to you. It is this policy which has brought us the success we have hitherto achieved and which will guide us in our future acts.

Our Hungarian colleague finished his speech by saying that :¹

“ This intolerable situation has brought the Hungarian Government to realise that its primary duty, both to its own people and to mankind at large, is to do everything in its power to ensure the effective protection of the Hungarian minorities as laid down in international treaties.”

I sincerely hope that he will make these efforts above all where he can make them most easily—that is to say, in Hungary—and that within a very short period from to-day the national minorities in Hungary will have all the rights which the Minorities Treaties oblige Hungary to give them. I shall do exactly the same thing in my own country, as indeed I have long been doing. As for the Slovak minority in Hungary, I should be very glad if it were in precisely the same position as the Hungarian minority in Czechoslovakia. I am convinced that agreement in this matter can best be reached by genuine reciprocity from every point of view, and it is on the basis of such reciprocity, equality and proportionality that I would like to agree to-morrow with Hungary, and in general with all other States.

I am convinced that we shall achieve this some day, and I would like that day to arrive as soon as possible in the interests of Hungary, of Czechoslovakia, of the League of Nations and of peace.

The CHAIRMAN.—Let me point out to M. Beneš that the question of the Polish proposal is definitely closed and that it will not be put to a vote. I would not like any doubt to remain as to the juridical position of the Polish proposal.

M. MASSIGLI (France).—I do not think that the discussion can close without some remarks from the representative of one of the permanent Members of the Council. On this ground, and on this ground alone, I would like to make a few very short observations.

First of all, I must give expression to my astonishment and regret that this discussion, despite the very high level which it has reached, should have occurred at all, for it is not in place here. I do not think that anyone will dispute that point. This is not a general discussion; and it is not a discussion of doctrine and method in regard to principles, however important these principles may be. It is an attempt to bring a suit before a court which is without jurisdiction. The Assembly is no place for such suits.

I will not give my views on the allegations, nor state whether I regard them as well founded or the reverse. I will simply say that they should have been brought before another authority, and that that authority should have been called in by the normal means.

If the case arose again, the French delegation would be obliged to ask itself whether a preliminary question should not be raised.

I would like also to express my sincere regret at the form this discussion has taken. A debate of this sort cannot arrive at any practical conclusion here, and there was therefore every reason, if it was to be of any value at all, to keep it within certain limits. If these limits are exceeded, I can see well enough the propaganda that can be made, and I can see well enough the laurels to be won on the fields of internal policy; but I cannot see the results to be obtained in the international field—good results, I mean, for we can all see the harmful results; they are self-evident.

I do not believe that the statements made here yesterday can contribute to the political pacification which is indispensable to a solution of the extremely urgent problems of Danubian Europe—problems which, more than those of any other region, demand the collaboration of all men of good heart.

Baron ALOISI (Italy).—In my speech yesterday on the Polish proposal I came to the conclusion that questions relating to the Minorities Treaties should be examined by the Council. The discussions which followed on the subject of the application of the existing treaties have only confirmed my view. The request to be made to the Council should obviously cover all the questions in any way connected, in one way or another, with the existing treaties and their application.

I am certain that the Council will give its fullest attention to the various aspects of these problems, considering them in the light of the particular conditions of the minorities in each of the countries bound by existing treaties, with a view either to preparing any amendments which may be justified or improving the procedure for their full enforcement.

(The continuation of the discussion was adjourned to the next meeting.)

¹ See page 70.

THIRTEENTH MEETING.

Held on Monday, September 24th, 1934, at 10 a.m.

Chairman : M. HOLSTI (Finland) (Vice-Chairman).

35. Slavery : Adoption of the Draft Report and Resolution.

Mr. A. SKELTON (United Kingdom), Rapporteur, submitted his report and draft resolution.
The report and draft resolution were adopted (Annex 3).

36. Slavery : Appointment of a Rapporteur to the Assembly.

The CHAIRMAN proposed that the Committee should appoint Mr. A. Skelton (United Kingdom) as Rapporteur to the Assembly for the question of slavery.
The Chairman's proposal was adopted.

37. Mandates : Adoption of the Draft Report and Resolution.

M. DE SCAVENIUS (Denmark), Rapporteur, submitted his report and draft resolution.
The report and draft resolution were adopted (Annex 4).

38. Mandates : Appointment of a Rapporteur to the Assembly.

The CHAIRMAN proposed that the Committee should appoint M. de Scavenius (Denmark) Rapporteur to the Assembly for the question of mandates.
The Chairman's proposal was adopted.

39. Intellectual Co-operation : Adoption of the Draft Report and Resolutions.

M. MARAINI (Italy), Rapporteur, submitted his report and draft resolutions.

M. DE ECKHARDT (Hungary) regretted that the draft resolution submitted by his delegation¹ had not been accepted unanimously. He did not ask that the proposal should be put to the vote, but reserved the right, on behalf of his delegation, to revert to this question whenever necessary.

M. OSUSKÝ (Czechoslovakia) thought it might not be amiss to remind the Committee that intellectual life was governed by certain generally accepted laws, one of which was that the remedy should be proportionate to the ill. This was, in fact, an indispensable condition. If disproportionate means were employed, not only would the ill not be eliminated, but fresh ills might be created and those illusions conjured up which were an even greater obstacle to collaboration than genuine grievances. He was glad to note that, in the present case, a balance had been struck between the alleged evil and the means proposed to remedy it. The Committee might congratulate itself on this result.

The report and draft resolutions were adopted (Annex 5).

40. Intellectual Co-operation : Appointment of a Rapporteur to the Assembly.

The CHAIRMAN proposed that the Committee should appoint M. Maraini (Italy) Rapporteur to the Assembly for intellectual co-operation questions.

The Chairman's proposal was adopted.

41. Application of the Assembly Resolution of October 11th, 1933, concerning the Simplification of the Procedure of the Assembly to the following Reports :
(a) Slavery ; (b) Mandates ; (c) Intellectual Co-operation.

With reference to the Assembly resolution of October 11th, 1933, *the Committee decided to apply to the three reports and draft resolutions it had just adopted the procedure under which discussion in plenary session was dispensed with, and requested its Chairman to communicate this decision to the President of the Assembly.*

¹ See page 32.

42. **Protection of Minorities : General Discussion (continuation).**

M. DE ECKHARDT (Hungary).—In my speech on Friday,¹ I aimed at drawing the Committee's attention to the very serious problem of the Danube Basin, and the inadequacy and rapidly growing neglect of the protection of Hungarian minorities. At the same time I asked that these wrongs should be righted, not merely in order to put an end to the sufferings of the Hungarian minorities, but also because I am convinced that this is the first—and indispensable—step towards the restoration of concord and co-operation between the peoples of the sorely tried Danube Basin. The solution of the problem is not as difficult as may seem at first sight, because all that is really required is the loyal application of existing Minority Treaties. There can be no doubt as to what the result would be if obligations were respected and the requisite goodwill were manifest.

Several speakers have been good enough to reply to my statement. In the first place, I must thank Baron Aloisi, delegate of Italy, for his sympathetic comprehension of our just demands. He has invited the Council to devote its attention to the various aspects of these problems and the individual position of minorities in each of the countries bound by the existing treaties, for the purpose of strengthening the procedure destined to ensure the full and entire application of these treaties.

I also thank Mr. Eden, delegate of the United Kingdom, for the explanations he gave on Friday, by which, in a statesmanlike spirit, he clearly demonstrated the great importance of the minorities problem. His speech proves once more that the great British nation is the disinterested champion of all just causes. Mr. Eden's attitude has greatly helped to strengthen the will to peace we all share, because he has given fresh hope to the disinherited, to the unjustly suffering minorities. He has certainly helped them to be patient and to await with discipline and dignity an improvement in their lot. In the name of millions of the oppressed, I thank Mr. Eden for his statement. As for M. Massigli's observations, their tone makes it unnecessary for me to reply.

The delegates of the three countries neighbouring on Hungary have also submitted their observations. Though I do not propose to criticise these observations in detail, I would venture to submit one or two short comments in order to be able to draw the necessary conclusions. M. Antoniadé and M. Fotitch have argued that my speech in this Committee was a statement of specific complaints and they say that I did not "approach the subject from a general angle". I do not think that their reproaches are justified.

The systematic violation of all the provisions of an important treaty, placed under the guarantee of the League of Nations, is not a series of specific cases or individual complaints ; it creates so serious a situation that its discussion does, in fact, amount to a general discussion of the whole minorities problem.

To those who contest the Assembly's power to engage in a general discussion I would merely, with reference to what I said at the beginning of my speech the other day, reply by quoting the following opinion expressed by Viscount Cecil of Chelwood during the discussions of the Sixth Committee in 1932 :

" . . . the Assembly could deal with any matter within the sphere of action of the League or affecting the peace of the world. The same terms had been used to define the Council's and the Assembly's spheres of activity. During the framing of the Covenant, the conclusion had been reached that both bodies should be endowed with the same competence. To judge by the Covenant, there could be no question that this matter comes within the Assembly's purview and that the Assembly must consider it if one of its members asks it to do so."

It was on the strength of this interpretation of Article 3, paragraph 3, of the Covenant that I raised the general problem of minorities in this Committee. If I dwelt at some length on the situation of Hungarian minorities in one of the limitrophe countries, I did so by way of illustrating my argument, in order that you might be able to form a correct opinion of the substance of the problem.

As regards Hungary's right to concern herself with the execution of minority obligations, which the delegates of Roumania and Yugoslavia endeavour to contest, I must repeat that this right exists. It derives from the provisions of Articles 44 and 47 of the Treaty of Trianon, which I quoted the other day and which were inserted as a very feeble compensation for the heavy sacrifices imposed on Hungary by the transfer to foreign sovereignty of millions of souls, including 3 million persons who, by their race and language, were pure Hungarians. In what does this right consist ? We do not claim that it authorises us to take a direct part in the supervision of the protection of Hungarian minorities. On this point also I agree with the United Kingdom delegate. The treaties do, however, admit that Hungary has a special interest in being able, within the League of Nations, to watch the way in which the protection, entrusted to the League of Nations, is being exercised.

The delegate of Roumania has observed that the Hungarian minorities in Roumania have almost invariably refrained from submitting petitions. I would go even further. The Hungarian Government has never submitted a petition or, up to the present, applied to the League of Nations. Does such silence amount to a sort of tacit admission that all is well ? Not in the least. On the contrary, we have hitherto refrained from addressing ourselves to the League because we feared that any such action on our part, however legitimate, would merely result in increasing the sufferings of our racial brethren.

¹ See page 65.

This attitude of excessive loyalty has not been understood either beyond our frontiers or here by the delegate of Roumania. I confess that I do not quite understand M. Antoniadé's reasoning; on the one hand, he has been obliged himself to recognise the almost complete absence of formal complaints, and, on the other, has described as continuous and sterile agitation the manner in which the provisions for the protection of minorities are used. I must enter a most formal protest against this false interpretation of our rightful desires. It is the increasingly defective application, particularly in recent times, of the Minorities Treaties which led us on Friday to make to you the statement we are obliged to repeat to-day—namely, that the Hungarian Government, faced with an intolerable situation, considers it to be its primary duty "to do every thing in its power to ensure the effective protection of the Hungarian minorities as laid down in international treaties". In future we will not speak to you again on this subject unless it becomes absolutely necessary to do so, but I can assure you that we will always do our duty in spite of all attacks.

It is not merely the righteous cause of the Hungarian minorities, but also the sacred cause of peace that calls for an honest and sincere settlement of this problem. I entirely agree with those who state that political pacification is indispensable, if the very urgent problems of Danubian Europe are ever to be solved. The conclusions I reached in my statement the other day concerning the minorities question were based on entirely the same consideration. Can anyone for a moment believe in the possibility of solving the Danubian problem in the present atmosphere—I might almost say climate—which hangs over the unfortunate Danubian valley? What first step towards clearing up this atmosphere could be better than a satisfactory settlement of the situation of minorities? And the first step towards that settlement must necessarily be the integral application of the Minorities Treaties.

The discussion which has taken place in this Committee has not been useless. Both points of view have been explained. The debate has shown the positions held; certain accusations have been levelled at Hungary, against which I am obliged to protest. At the same time, this discussion has proved the seriousness of the minorities problem.

The only conclusion which could possibly be reached from this discussion is the absolute urgency of discovering some means of remedying the existing situation. Of course, our respective opinions differ widely; but I will not dwell on this point, because I think that certain useful suggestions can be deduced from the discussion and developed in the interests of all concerned. The one and only point on which I insist is that any action we undertake shall be constructive action.

This action is suggested, I think, in the statement of M. Beneš, delegate of Czechoslovakia, who has expressed a desire to reach an equitable settlement, from every point of view, with regard to the treatment of minorities in the countries concerned. I ask for nothing better; that is, in fact, all I ask. It is on the basis of such "reciprocity, equality and proportion" that the Czechoslovak Minister for Foreign Affairs would be willing—and, I may say, would be able—to come to an agreement with Hungary. I accept this proposal. I should be very glad if such an arrangement could be reached between Hungary and Czechoslovakia and with the two other countries which, as M. Beneš has said, form, with Czechoslovakia, one international political community.

The delegate of Czechoslovakia has assured us that he has made this suggestion in all sincerity of purpose. He has emphasised the fact that the attitude of each to each should, in such a delicate question, be based on loyalty and frankness. It is in such a spirit that we ourselves desire to deal with the whole problem.

For all these reasons we cannot be satisfied with merely noting that there exists goodwill, which seems to be mutual. In order, therefore, to serve the supreme cause of peace, we willingly accept M. Beneš's suggestion. The procedure might be the following: all parties would apply to the Council requesting that body to set up an appropriate commission of enquiry with a view to studying on the spot in the respective countries the situation of minorities and to report to the Council. The Council would then, on the basis of the documentary material and conclusions of the commission of enquiry, take such action as it deemed necessary or expedient with a view to arriving at a settlement, satisfactory to all parties, of the question of minorities in Danubian Europe.

M. ANTONIADE (Roumania).—I shall only reply very briefly to the delegate of Hungary's speech in order to avoid prolonging this discussion, which has already lasted too long and which, in the opinion of my delegation and of several others, has been turning on a matter quite outside the Committee's competence.

I have noted with pleasure that M. de Eckhardt has not this time submitted the considerations which formed the substance of his first speech, and that he has refrained from making a counter-statement on definite points which lie outside the Committee's competence. But I note with regret that he still speaks of a systematic violation of the Minorities Treaties by one of the countries of the Little Entente.

I would respectfully point out to him once more that he has not furnished proof of such violation, and that, even were he in a position to do so, this is not the place where the question can be raised.

With regard to the general competence of the Committee, the delegate of Hungary has taken his stand on a former statement of Viscount Cecil. We quite agree with Viscount Cecil's interpretation of the jurisdiction of this Committee. Furthermore, the question has already been discussed at great length here, and there is no need to revert to the debates regarding the provisions of Article 3.

As regards the "right of concern", we adhere integrally to what M. Fotitch and I myself said at the previous meeting. As no new argument has been advanced, I need not press the matter.

The delegate of Hungary thought he could detect a contradiction between the fact that I have stated that the number of petitions has been very small and the fact that I have referred to agitation outside true minorities questions, the aim of which is not solely to ensure the well-being of minorities.

I maintain—and will prove—that these statements are not contradictory. It is perfectly true to say that about twenty minority petitions have been addressed to the Council and that most of these refer only to matters of slight importance. From this we draw the conclusion that minorities had no reason to complain of exactions which the delegate of Hungary has described in the most sombre terms. On the other hand, we have noted that there is agitation, and that agitation can easily be explained. The minorities are content, and if they have not made any complaints, that has not been due to their Christian resignation. There are, however, agitators who are not direct members of the minority and who endeavour to play on the fact that there exist both minorities and treaties. The origin of such agitation is not to be found among the minorities themselves, but among other elements who have an interest in undermining the foundations of the States that have contracted obligations with regard to minorities.

At the end of his speech the delegate of Hungary has discovered the proper course, which is to submit all his complaints to the Council. He has said that he will apply to the Council for the total or partial settlement of this question. I note, therefore, that he also acknowledges that the Council is the only competent body in this matter. If he applies to the Council, the matter can be discussed; but for the present I would merely note that this case has been wrongly raised before the present Committee, which has absolutely no jurisdiction to deal with it.

M. BENEŠ (Czechoslovakia).—I do not wish to prolong this discussion, which has been very interesting and sufficiently full to allow every delegation to form its own opinion.

I would first thank M. de Eckhardt for the conciliatory tone he adopted at the end of his speech, although he launched some rather vigorous attacks at the outset. For my part, I wish to attack no one. I will simply offer a few comments on certain points of M. de Eckhardt's statement.

From a legal point of view, two questions arise, one connected with the right of concern and the other with the Committee's competence.

M. Antoniade has already replied on this subject. This Committee should not begin to discuss words. What is meant by a "right of concern"? Does it mean a right of supervision over a neighbouring State? I note that the right of each State to concern itself with the working of the minorities system is very clearly defined in the Minorities Treaties and in the texts which determine the Council's jurisdiction. Any interpretation of these words would therefore be dangerous, because it would have a different signification according to the party which formulated it.

In his speech, the delegate of the United Kingdom has defined this right of concern very aptly. We should therefore remain strictly on the juridical ground and respect the Council's competence. By so doing, we shall avoid all polemics with regard to the meaning of the words "right of concern". It is natural that M. Fotitch and M. Antoniade should be opposed to all discussion of this subject.

As regards the question of the Council's competence, we should also remain strictly on juridical ground. We have long held in this Committee that we can discuss political questions concerning minorities, not in virtue of the Minorities Treaties, but under Article 3 of the Covenant. In view, however, of the Council's powers and of the fact that we should not encroach upon that body's competence, it has always been understood in the Sixth Committee that points coming within the competence of the Council would not be discussed here. This principle has always been respected in all Assembly resolutions concerning minorities questions. I myself continue to defend this tradition, which is juridically correct and politically sound.

Once more, let us be quite clear on the legal signification of the question of competence.

M. de Eckhardt has told us that Hungary has hitherto refrained from submitting the question to the Council. That is precisely the point on which we think that Hungary has been in the wrong. We do not agree that various associations and individuals should be allowed, by propaganda or agitation in the Press or elsewhere, to poison neighbourly relations. On the contrary, we should much prefer that any party concerned should apply to the competent organ and explain its views before that body so that the question may be settled. That is precisely the Council's function. M. de Eckhardt says that his country has always been obliged to complain of the invariably defective application of the Minorities Treaties. I therefore say that Hungary is wrong in not addressing herself to the Council, particularly, as I said on Saturday, I regret that the League of Nations and its Council should be attacked.

M. de Eckhardt also invoked Mr. Eden's speech, thanking him, on behalf of millions of oppressed individuals, for having urged the application of the treaties. I also in my speech urged that these treaties should be applied. I feel bound to point out to M. de Eckhardt that, in his reply, though strongly insisting on the application of the treaties, he said no word regarding the numerous minorities in Hungary.

Nevertheless, I will refer to the end of that speech and pay a tribute to his goodwill and his desire to see these various questions settled between States. I say once again that we are absolutely prepared to examine all these questions. M. de Eckhardt said that he was particularly anxious to reach an agreement with Czechoslovakia. I note that desire with

satisfaction and congratulate the Hungarian delegate thereon. I would add that its realisation should be an extremely easy matter. As the Committee is aware, I ask nothing more for the Slovak minority in Hungary than what we have accorded to the Hungarian minorities in Czechoslovakia. There should therefore be no difficulty in reaching an agreement on this point.

I am in duty bound to say that M. de Eckhardt has shown his goodwill, not only in his speech here, but, in particular, in the Hungarian Parliament on May 19th, 1934, when, in the course of a debate, he and other deputies asked the Minister of the Interior to grant to minorities the same freedom as was allowed in Czechoslovakia to the Deputy Szüllő (a Hungarian Nationalist Deputy in the Czech Parliament who specialises in minorities questions and attacks Czechoslovakia at various international congresses). You see it is my habit to keep an eye on what is happening on both sides of the frontier.

I desire at all costs to reach an agreement on these questions and am doing my best to make this possible. M. de Eckhardt has had the very great courage to raise all these questions in his own country. I have referred to what has occurred there in order that the picture may be entirely accurate and objective. In spite of our reservations at the beginning concerning the necessity for allowing this discussion to take place, and the competence of this Committee to consider specific cases, I agree with M. de Eckhardt that the discussion has been extremely useful. That was why I did not take any steps to cut it short, but have allowed the question to be thrashed out. Both sides have stated their view of the situation, of the principles involved, of the facts of the case and—what is far more important—have shown goodwill and a spirit of conciliation. But if this discussion were ever to show signs of recrudescence, the Chairman should, I think, in order to avoid a useless strain on mutual relations, not allow the introduction here of questions which are not within the competence of the Committee. If I have come to the platform once more, it is to take note of M. de Eckhardt's final words and echo them with the same degree of goodwill. I congratulate him and thank him for his statement to-day.

M. DE ECKHARDT (Hungary).—I desire quite briefly to reply to the observations that have just been made. First, I would refer to a certain regret expressed by M. Beneš that the Hungarian Government has never applied to the Council of the League to give expression to its different complaints. It may be that there is some truth in this reproach, but I really believe that a much larger share of responsibility lies with those who break the stipulations of the Minorities Treaties than with those who do not think it essential to complain before the Council.

At the same time, I wish to express the intention of the Hungarian Government from now on to fulfil the duty which M. Antoniadé and M. Beneš have requested it to undertake, and would ask them to assist us before the Council, in the same loyal spirit as that in which they have expressed themselves here, to deal with the matter in such a way as will lead to a definite settlement of the problem in order to render it unnecessary for us to bring it again before the Council.

I should like to refer to a remark by M. Beneš, due, possibly, to the fact that he misunderstood me. He referred to my statement that Hungary especially wishes an agreement with Czechoslovakia. Certainly, we do wish to arrive at a fair and loyal settlement of our complaint against Czechoslovakia, but we also desire a settlement with all the other neighbouring States where these difficulties exist.

I regret that M. Beneš did not refer to the conclusions of my speech to-day. He merely noted with thanks the loyal attitude, which, on behalf of my Government, I have endeavoured to adopt here. He made no mention of the further steps that might usefully be taken to reach a real and complete arrangement, a fair and acceptable settlement for all parties concerned.

I have had the honour to propose here—on a suggestion made by M. Beneš—that the parties interested (I mean the four States that have any kind of interest in the protection of minorities in the Danube valley) should ask the Council to set up a commission of enquiry which would not only deal with the complaints brought forward by Hungary, but which would be competent to deal equally with any complaints that might arise in regard to the treatment of minorities in Hungary. I believe that this proposal by M. Beneš would not only be the most effective but the shortest way of dealing with the matter, and one which would lead to least friction. It would, I think, also promote a better understanding in the Danube valley if it found in our neighbouring States the echo which I think it deserves.

M. BENEŠ (Czechoslovakia).—I wish to reply in a few words to M. de Eckhardt's last remarks in order to make it quite clear that I am not in the least at a loss to make a definite and clear statement with regard to his proposal.

In the first place, I do not agree with M. de Eckhardt when he says that the responsibility of a State which has violated Minorities Treaties is greater than that of a State which has not complained. In the matter of the treaties, we have all the same rights and the same duties. Consequently, I say again : any aggrieved party ought to apply to the Council.

With regard to the proposal for the appointment of a commission of enquiry, I will say quite frankly that I do not think this is the right place to put forward such a suggestion. It is for the Council to determine what means are most suitable for causing the treaties to be observed and applied. I have therefore no objection to M. de Eckhardt's proposal provided it be laid before the Council.

Nevertheless, I would point out that, before deciding on any international enquiry, the tradition, practice, methods and, above all, the rules established by the League of Nations should be respected. When a problem arises, application is made to the Council, which first asks the two parties to endeavour to reach a loyal and rational agreement between themselves.

A case of this kind quite recently occurred between Hungary and Yugoslavia with regard to certain frontier incidents. Hungary referred this question to the Council, which strongly urged both parties to come to an immediate arrangement between themselves. The parties entered into negotiations and, to the satisfaction of all, were able to reach an agreement. We congratulate them sincerely. Consequently, before asking for the appointment of a commission of enquiry, I should prefer that the usual tradition be followed. For my part, I am not afraid of any enquiry, but I do feel that the existing methods of the League of Nations should be respected. It should not be forgotten that the appointment of an international commission of enquiry implies interference with the domestic sovereignty of the States concerned. That is an important point. A proposal of this kind should not be made simply for tactical or propaganda reasons. The facts and specific causes should be verified in detail, after which the best method of achieving the object in view could be considered. This is my definite reply to M. de Eckhardt. In short, I am not opposed to his proposal, but venture to suggest to him the procedure which ought to be followed.

With regard to the Hungarian delegate's last observation, I am very glad to hear that Hungary desires to reach an agreement, not only with Czechoslovakia, but with all the countries of the Danube valley. I can assure M. de Eckhardt that it will be a very easy matter to reach an agreement between Hungary and Czechoslovakia. I have for long been asking that such an agreement should be reached. I have made numerous statements on this subject. Quite recently, I addressed to the Hungarian Government a formal request which was met with a blank refusal. M. de Eckhardt's statement indicates that his Government will henceforth adopt a different policy and different tactics. I am very glad of this and am sure that an agreement will finally be reached.

M. FOTITCH (Yugoslavia).—I have no desire to envenom this debate, in view of the Hungarian delegate's conciliatory remarks; but, on the other hand, I do not wish it to conclude with a misunderstanding. M. de Eckhardt has told us that Hungary will apply to the Council of the League. That, however, must not be taken to imply that we recognise any right of concern claimed by Hungary under Articles 44 and 47 of the Treaty of Trianon. I explained my views on this subject the day before yesterday¹ and I maintain those views without addition or alteration. I have stated that the Madrid procedure is open to Hungary. That procedure was conceived on a very liberal basis as regards the qualifications of petitioners, since petitions may originate from sources less worthy than those of petitions presented by a Government. But our opinion is absolutely formal. When once a petition has been submitted, it must follow the course of the procedure adopted by the Council with our agreement, so that, from that point onward, there can be no further question as between the parties concerned before the Council, but simply a minorities question between the Council and the State regarding which the petition has been submitted. The policy of the Council has already been defined in this matter—in 1927, I think, when a Government invoked Article XI in order to submit a petition question. The Council did not accept that Government's argument and caused the petition to be dealt with according to the normal procedure.

With regard to the more general question raised by M. de Eckhardt concerning methods, I can only endorse M. Beneš's views. If the settlement is to be really helpful and complete, it must be concluded, not with regard to some specific point, but with regard to all the questions affecting the relations between Hungary and her neighbours.

M. ANTONIADE (Roumania).—I entirely agree with M. Fotitch's remarks. We have no advice to offer M. de Eckhardt regarding any requests he may think fit to submit to the Council. There exists a procedure adopted at Madrid with the consent of all the States bound by minorities obligations. That should suffice. Hungary need merely conform scrupulously to the established procedure.

If the possible arrangements between the Governments concerned are to refer to all sorts of questions, they might also implicitly cover all minorities questions.

The CHAIRMAN.—The general discussion is closed. We still have to consider the amended resolution submitted by the delegate of Haiti.² But, in a spirit of conciliation, for which I thank him, M. Frangulis does not insist on a vote and agrees to allow our Rapporteur to include the necessary reference in his report.

M. BENEŠ (Czechoslovakia).—We are prepared to accept this suggestion. We are sure that the Rapporteur will faithfully summarise the discussions that have taken place in this Committee.

FOURTEENTH MEETING.

Held on Monday, September 24th, 1934, at 5 p.m.

Chairman : M. HOLSTI (Finland) (Vice-Chairman).

43. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : General Discussion (continuation).

(See *Official Journal*, Special Supplement, No. 124.)

¹ See page 79.

² See page 64.

FIFTEENTH MEETING.

Held on Tuesday, September 25th, 1934, at 6 p.m.

Chairman : M. HOLSTI (Finland) (Vice-Chairman).

44. Application of the Kingdom of Afghanistan to be admitted to the League of Nations : Appointment of a Sub-Committee.

The CHAIRMAN.—The request by the Kingdom of Afghanistan for admission to the League of Nations has been referred to us for consideration by the Assembly at its meeting to-day.¹ The Secretary-General has received the following telegram, dated September 24th, from the Afghan Legation in London :

“ According my Government telegraphic instructions I submit you following :

“ In accordance with the terms of Article I of the Covenant of the League of Nations, I have the honour to request that the Afghan Government may be admitted as a Member of the League of Nations, and that this request may be placed on the agenda of the present meeting of the Assembly of the League.

“ The Government of Afghanistan is prepared to accept the conditions laid down in Article I of the Covenant and to carry out all obligations involved in membership of the League.—ALI MOHAMMAD, *Afghan Minister.*”

In accordance with precedents, I propose that you appoint a sub-committee to submit a report to us on this question at the next meeting.

This sub-committee might be composed of the delegates of the following States : United Kingdom, Chile, China, France, India, Iraq, Italy, Persia, the Union of Soviet Socialist Republics, and Turkey.

The Chairman's proposals were adopted.

SIXTEENTH MEETING.

Held on Wednesday, September 26th, 1934, at 11 a.m.

Chairman : M. DE MADARIAGA (Spain).

45. Application of the Kingdom of Afghanistan to be admitted to the League of Nations : Report of the Sub-Committee.

Tevfik RÜSTÜ Bey (Turkey), Chairman and Rapporteur of the Sub-Committee, took great pleasure and satisfaction in presenting the Sub-Committee's report.

There was no need for him to speak in detail on the findings which the Sub-Committee had reached during its examination. The conclusion of the report, which had been adopted unanimously, was that Afghanistan fulfilled all the conditions required by the Covenant for the admission of new Members.

If, therefore, the admission of Afghanistan were approved, a country which was resolutely taking the path of international co-operation would be afforded the possibility of making a valuable contribution to the work of peace. On the other hand, the entry of Afghanistan into the family of nations would bring the League closer to its ideal of universality, while at the same time giving that country the advantage of being supported in the praiseworthy efforts it was exerting in all the fields of the League's activity.

He wished to take the opportunity of mentioning again, as testimony of Afghanistan's love of peace, the good faith and goodwill she had displayed in response to the sentiments of friendship and peace expressed by her great neighbour Persia, when she had entrusted to Turkey the arbitration of the dispute between the two countries.

He need not dwell further on the advantages of Afghanistan's admission into the League. As delegate of Turkey, he hoped that the Assembly might assent to this request.

Sir Denys BRAY (India) associated himself with the sentiments so admirably expressed by the delegate of Turkey. It was very appropriate that India should be among the first to welcome the application of Afghanistan. India rejoiced that the League had passed another milestone on its road towards universality. India valued the accession of a country which

¹ See records of the tenth plenary meeting of the Assembly.

had already tried her prentice hand at League work at the Disarmament Conference ; a country which had shown itself instinct with the true spirit of the League by entrusting a boundary dispute—and what international dispute could be more intractable ?—with Persia for arbitration by Turkey. India, again, as an Asiatic and partly Islamic country, welcomed with particular warmth the accession of another Asiatic country and Islamic country to the League. The ties between the two countries were close and intricate, transcending those general interests which bound all Members together in greater or less degree. India and Afghanistan were close neighbours ; for hundreds and hundreds of miles they possessed a common frontier, on either side of which lived peoples of common race, social customs, language and religion. Across this frontier flowed tides of intercourse, trade and communications, in some regions gently and imperceptibly ; in others, at certain seasons of the year, with such force and volume as to defy passports and other trammels of international communications. In such close contact had Providence ordained that the two countries should find their fate. But, above all, the ties between India and Afghanistan were those of friendship and neighbourly co-operation. India was well assured that, on the entry of Afghanistan into the League, friendship would not dissipate in the larger sphere, but would deepen. Neighbourly co-operation would find fresh and ampler scope in the League's many activities.

M. SEPAHBODI (Persia) was glad, on behalf of his delegation, to give his warm support to Afghanistan's request for admission to the League. The Persian delegation was of opinion that the co-operation of Afghanistan, which marked a further step towards the universality of the League, would be appreciated by all its colleagues. Persia, which, three years ago, had been the only Near-Eastern country in the League, noted to-day with great satisfaction that, by the admission of Afghanistan, all her neighbours henceforward formed part of the international community.

He might venture to point out that the co-operation, now happily realised, of Persia's neighbours with the Geneva organisation would be an important factor for the safeguarding of peace in the Near East and at the same time a valuable contribution to the peace of the world.

M. LITVINOFF (Union of Soviet Socialist Republics) said that the Soviet Union had, immediately upon its entry into the League, learned with the deepest satisfaction of the desire of another and neighbouring State to join the League. Afghanistan was one of the first countries with which the Soviet Government had established normal relations. Since then, good neighbourly relations had been developed uninterruptedly. Afghanistan had never failed to respond readily to all the Soviet Government's proposals for the conservation of peace.

He was happy to think that the Soviet Government and the Government of Afghanistan would be working together in the League now, and he hoped next year and for many years to come. An increase in the League membership connoted an increase in the League's stability, and an increase in its responsibilities also. He was sure that the League would acquit itself of those increased responsibilities as well as—or even better than—in the past.

Mr. A. SKELTON (United Kingdom) assured the Committee of the deep and real pleasure felt by the Government of the United Kingdom at Afghanistan's forthcoming entry into the League. His Majesty's Government had long desired that event. It was a further sign of the tendency towards universality that a country in the centre of Asia should thus come forward. The feelings of his Government had, however, been fully expressed by the delegate of India and the other speakers. The day was an auspicious one for the League.

JA'FAR PASHA EL ASKARI (Iraq) said that the Iraqi delegation warmly supported Afghanistan's application. It was a twofold pleasure for Iraq as an Eastern nation to see another Eastern nation join the West within the League. That, he thought, was proof of a change in world mentality. A better understanding reigned than in the time of the Arabian Nights. The East had now adopted many things from the West, but had adapted them to its requirements. There was every reason to hope that fruitful co-operation between East and West would continue and develop.

M. Quo Tai-chi (China) said that China experienced particular pleasure in welcoming Afghanistan into the League. There had been long-standing historical associations between China and Afghanistan, and at the present time strong religious and commercial ties, mutual interests and neighbourly relations existed between the great Mohammedan population of the north-western provinces and the neighbouring Afghanistan. With the admission of Afghanistan to the League, the relations between the two countries would be further strengthened by their joint efforts within the framework of the League. Moreover, the addition of another Asiatic State could not fail to increase that collaboration between Asia and the League which all desired. It marked a further step towards universality.

M. AUBERT (France) associated the French delegation with the general satisfaction expressed at the admission of a State belonging to the Asiatic continent, which had hitherto been less represented in the League than the other continents. It was a further stage towards the universality which all desired.

On behalf of his delegation, he was also glad that a country which had for a long time remained isolated was now following a policy of international co-operation. Lastly, he did not forget that his country had for many years entertained very active cultural relations with Afghanistan. France, therefore, could but feel satisfaction at this event as serving the interests of knowledge.

M. BOVA SCOPPA (Italy) said that it was with a feeling of sincere joy that the Italian delegation associated itself with the previous speakers and expressed its wholehearted sympathy with Afghanistan. He emphasised the feeling of deep satisfaction with which the Italian Government supported the candidature of Afghanistan for membership of the League.

The CHAIRMAN, speaking on behalf of the Spanish delegation, said that his country associated itself most sincerely with the welcome accorded to this Eastern nation. The delegate of Iraq had pointed out that considerable progress had recently been made in the knowledge of the East. M. de Madariaga need hardly remind the Committee that Spain was both a Western and an Eastern country, and that perhaps gave him, as a Spaniard, a special right to welcome with the greatest cordiality this new Eastern nation into the League.

The Committee would agree with him in thanking the Sub-Committee, and in particular its distinguished Chairman, for the report which he had submitted. The Chairman did not think it necessary to take a vote by roll-call in order to ascertain the feelings of the Committee, which, unless he was mistaken, would appear to be unanimous in its approval of the draft report.

If there was no objection, and if no one wished to speak, he would take the report as adopted, but would request the addition of the following sentence :

“ The Sixth Committee has taken note of the report of the Sub-Committee which was instructed to consider the application of the Kingdom of Afghanistan. The Sixth Committee approves the report and unanimously recommends that the Assembly should admit the Kingdom of Afghanistan to the League of Nations.”

The report of the Sub-Committee was adopted, together with the above addition (Annex 6).

46. Application of the Kingdom of Afghanistan to be admitted to the League of Nations : Appointment of a Rapporteur to the Assembly.

The CHAIRMAN proposed that the Chairman and Rapporteur of the Sub-Committee, the delegate of Turkey, be appointed Rapporteur of the Sixth Committee to the Assembly for this question.

The proposal of the Chairman was adopted.

47. Prohibition, under the Provisions of the Covenant, of the Supply of Arms and War Material to Belligerents.

The CHAIRMAN said that the opinion given to the Sixth Committee by the First Committee on the legal questions which had been raised in connection with the measures taken to prevent the supply of arms and war material to Bolivia and Paraguay distinguished between the issues which arose in that particular case and the more general question of “ prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents ”.

As regarded the latter question, the First Committee’s opinion (Part II) contained the following suggestion :¹

“ The question of principle which was to be examined from the standpoint of pure law, and, in particular, from that of interpretation of the Covenant—viz., the question of prohibiting, *under the provisions of the Covenant of the League of Nations*, the supply of arms and war material to belligerents—was shown by the discussion in the First Committee to be one which, presented in these wide terms, raised problems of a very diverse and very complicated nature which the First Committee would not be able to solve in the space of a few days. If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a committee for the purpose, which would present its conclusions to the Council and to the Assembly.”

The Chairman thought that this suggestion of the First Committee was one which the Sixth Committee would wish to adopt. If that were the case, and if the Sixth Committee felt that, as had been done on previous occasions, the Committee could be composed of experts nominated by certain Members of the League selected by the Council, not necessarily from among the States represented on the Council, the Sixth Committee could submit directly to the Assembly the proposal to set up the Committee, since the only expense involved would be the comparatively small cost of printing and distributing the Committee’s report. He understood that the Secretariat could meet that expense without its being necessary for a special credit to be voted by the Fourth Committee and the Assembly.

If, on the other hand, the Committee were to consist of experts selected directly by the Council, whose expenses would be paid by the League, it would first be necessary for the Sixth Committee to ask the Fourth Committee to approve a special credit, under the rules which

¹ See *Official Journal*, Special Supplement No. 124, page 168.

applied to proposals for expenditure not covered by the budget which were made after the period allowed for such proposals under the Financial Regulations had expired.

In case the Sixth Committee should pronounce in favour of the first course, the resolution which it would propose for adoption by the Assembly might be drafted as follows :

“ The Assembly decides to request the Council to appoint a committee to study, from the standpoint of pure law and, in particular, from that of interpretation of the Covenant, the question of prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents and to present its conclusions to the Council and to the Assembly.”

If the Sixth Committee agreed with his proposal, a report and draft resolution might be prepared for submission to the Assembly. The matter could be considered at a later meeting.

This was not a question of the Chaco, but of the general problem as to the manner in which the embargo could be applied when two Members of the League were in a state of war.

SEVENTEENTH MEETING.

Held on Wednesday, September 26th, 1934, at 6 p.m.

Chairman : M. DE MADARIAGA (Spain).

48. Protection of Minorities : Adoption of the Draft Report.

M. BECH (Luxemburg), Rapporteur, submitted his report concerning the protection of minorities.

The report was adopted (Annex 7).

49. Protection of Minorities : Appointment of a Rapporteur to the Assembly.

The CHAIRMAN congratulated M. Bech on his excellent report, and proposed that he be appointed Rapporteur to the Assembly.

The proposal of the Chairman was adopted.

50. Prohibition, under the Provisions of the Covenant, of the Supply of Arms and War Material to Belligerents : Adoption of the Draft Report and Resolution.

The CHAIRMAN submitted the draft report and resolution on this question.

The report and draft resolution were adopted (Annex 8).

51. Prohibition, under the Provisions of the Covenant, of the Supply of Arms and War Material to Belligerents : Appointment of a Rapporteur to the Assembly.

On the proposal of Mr. A. SKELTON (United Kingdom), M. DE MADARIAGA, Chairman of the Committee, *was appointed Rapporteur to the Assembly for this question.*

52. Application of the Assembly Resolution of October 11th, 1933, concerning the Simplification of the Procedure of the Assembly to the following Reports : (a) Protection of Minorities ; (b) Prohibition, under the Provisions of the Covenant, of the Supply of Arms and War Material to Belligerents.

The Committee decided that the reports and draft resolutions which it had just adopted would be presented to the Assembly in accordance with the simplified form of procedure.

53. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Adoption of the Draft Resolution proposed by the Bureau.

(See Official Journal, Special Supplement No. 124.)

54. Dispute between Bolivia and Paraguay : Appeal of the Bolivian Government under Article 15 of the Covenant : Appointment of a Rapporteur to the Assembly.

(See Official Journal, Special Supplement No. 124.)

55. Close of the Session.

After the usual expressions of thanks, the CHAIRMAN declared the session closed.

ANNEXES.

ANNEX 1.

A.34.1934.

ENTRY OF THE UNION OF SOVIET SOCIALIST REPUBLICS INTO THE LEAGUE OF NATIONS.

I. INVITATION ADDRESSED BY CERTAIN MEMBERS OF THE LEAGUE TO THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS.

Geneva, September 15th, 1934.

The delegations of the States hereinafter enumerated :

Abyssinia, Albania, Australia, Austria, United Kingdom of Great Britain and Northern Ireland, Bulgaria, Canada, Chile, China, Czechoslovakia, Estonia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, South Africa, Spain, Turkey, Uruguay, and Yugoslavia,

have the honour to send herewith to the President of the Assembly copy of a telegram which they have just despatched to the People's Commissariat for Foreign Affairs at Moscow.

They would ask the President to be good enough to communicate this document to the Assembly.

Geneva, September 15th, 1934.

People's Commissariat for Foreign Affairs, Moscow.

The undersigned, delegates to the fifteenth Assembly of the League of Nations from the States hereinafter enumerated :

Abyssinia, Albania, Australia, Austria, United Kingdom, Bulgaria, Canada, Chile, China, Czechoslovakia, Estonia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, South Africa, Spain, Turkey, Uruguay and Yugoslavia,

Bearing in mind that the mission of maintaining and organising peace, which is the fundamental task of the League of Nations, demands the co-operation of all the countries of the world :

Invite the Union of Soviet Socialist Republics to join the League of Nations and give the League its valuable collaboration.

This telegram is being communicated to the President of the Assembly of the League of Nations. — Teclé-HAWARIATE, Lec KURTI, S. M. BRUCE, E. BERGER, Anthony EDEN, C. BATOLOFF, R. B. BENNETT, Manuel RIVAS-VICUÑA, Quo Tai-Chi, Eduard BENEŠ, J. SELJAMAA, Louis BARTHOU, D. MAXIMOS, C. MAYARD, G. TÁNCZOS, Denys BRAY, NOURY SAID, ALOISI, W. MUNTERS, S. LOZORAITIS, F. CASTILLO NAJERA, C. J. PARR, B. KAZEM, BECK, N. TITULESCO, Eric H. LOUW, S. DE MADARIAGA, Tevfik RÜSTÜ, A. GUANI, Bogoliub YEVITCH.

II. LETTER FROM THE FIRST DELEGATE OF SWEDEN TO THE PRESIDENT OF THE COUNCIL.

Geneva, September 15th, 1934.

In agreement with the heads of the Danish, Finnish and Norwegian delegations, I have the honour to inform Your Excellency that the Governments of Denmark, Finland, Norway and Sweden have to-day confirmed to the Soviet Government, through the ordinary channel, their decision to vote in favour of the admission of the Union of Soviet Socialist Republics to the League of Nations.

I should add that the delegations in question would have been authorised to associate themselves with an invitation to that effect had such an invitation been issued by the Assembly itself.

(Signed) Richard SANDLER,
First Delegate of Sweden.

III. LETTER FROM THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST
REPUBLICS TO THE PRESIDENT OF THE ASSEMBLY.

September 15th, 1934.

The Soviet Government has received a telegram signed by a great many Members of the League of Nations — namely, South Africa, Albania, Australia, Austria, United Kingdom, Bulgaria, Canada, Chile, China, Spain, Estonia, Abyssinia, France, Greece, Haiti, Hungary, India, Iraq, Italy, Latvia, Lithuania, Mexico, New Zealand, Persia, Poland, Roumania, Czechoslovakia, Turkey, Uruguay and Yugoslavia, in which, pointing out both that the mission of the League of Nations is the organisation of peace, and that this necessitates the general co-operation therein of all nations, they invite the Union of Soviet Socialist Republics to join the League of Nations and add its co-operation. Simultaneously, the Soviet Government has been officially informed by the Governments of Denmark, Finland, Norway and Sweden of their favourable attitude to the entry of the Union of Soviet Socialist Republics into the League.

The Soviet Government, which has made the organisation and consolidation of peace the main task of its foreign policy, and has never been deaf to proposals for international co-operation in the interests of peace, considering that, coming as it does from an overwhelming majority of Members of the League, this invitation represents the real will to peace of the League of Nations, and their recognition of the necessity of co-operation with the Union of Soviet Socialist Republics, is willing to respond to it, and become a Member of the League, occupying therein the place due to itself, and undertaking to observe all the international obligations and decisions binding upon Members in conformity with Article 1 of the Covenant.

The Soviet Government is especially glad to be coming into the League at a moment when the question of the amendment of the Covenant in order to bring it into harmony with the Briand-Kellogg Pact, and to banish completely international warfare, is being considered by it.

Since Articles 12 and 13 of the Covenant leave it open to States to submit disputes to arbitration or judicial settlement, the Soviet Government considers it necessary to make it clear that, in its opinion, such methods should not be applicable to conflicts regarding questions arising before its entry into the League.

I venture to express the hope that this declaration will be accepted by all Members of the League in that spirit of sincere desire for international co-operation and for ensuring peace to all nations in which it is made.

(Signed) Maxim LITVINOFF,
People's Commissar for Foreign Affairs.

ANNEX 2.

A.37.1934.

RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN
AND TURKISH REFUGEES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. RAPHAËL (Greece).

The Sixth Committee had under consideration the report of the Governing Body of the Nansen International Office for Refugees on the work accomplished by the Office during the year ending June 30th, 1934 (see document A.12.1934).

The Committee had the privilege of hearing a summary of that report by His Excellency M. Antoniadé (Roumania), who represented the Governing Body in the absence (on account of illness) of Professor Georges Werner, the President of the Governing Body.

The Report pointed out that, as foreshadowed in the Office's report presented at the last session of the Assembly, the accentuation of the economic crisis had made its effects only too painfully felt on the situation of the refugees during the past year. From all sides, accounts arrived of the consequent growing distress among the refugees, which had, unfortunately, been aggravated in many countries by measures prohibiting the employment of foreigners. Those measures sometimes entailed repatriation of foreign nationals, but, in the case of the refugees, the unfortunate expedient of expulsion was often resorted to, which brought about a tragic situation for the refugee, and difficulties in the country into which he was thus forced to enter in an altogether irregular manner.

The Office, in its report, estimated that there were no fewer than 800,000 Russian refugees: 170,000 Armenian refugees and 14,000 Assyrian, Assyro-Chaldean and Turkish refugees. Practically every one of those refugees represented a problem of some kind for the Office, and an idea may be formed of the magnitude of the acute portion of the material side of the problem when it is recalled that, in some countries, as many as 50 per cent of the refugees are unemployed and that 25 per cent are unable to work owing to invalidity or infancy. The strain thrown upon their employed relatives is well-nigh intolerable.

In addition to the general mass refugee problem, the Office has been faced during the past year with some special problems of an acute nature, such as that of some hundreds of Molokanes who arrived in Asia Minor and suffered great distress from the rigours of a hard winter and that of the three hundred Catholic, Lutheran, Mennonite and Pfingstbrüder refugees whose situation was so precarious in Harbin that special efforts had to be made to secure their settlement in Brazil.

The manifold remedies adopted by the Office to extricate the refugees from their difficult situation fall broadly under two headings: first, the application of inter-Governmental arrangements to secure an international status for the refugees and, secondly, material assistance to specific groups and individuals.

An important step in the direction of the first objective was made during the past year by the adoption of a Convention, which supplemented and consolidated the work done by the League in the past and particularly the series of inter-Governmental arrangements.

The Commission noted with great satisfaction that Bulgaria has just transmitted the first ratification of this Convention.

The assistance afforded under the second heading is of an extremely diversified character, and ranges from the large-scale settlement of the Armenian refugees in Syria, where in all more than 26,000 refugees have been evacuated from the camps and settled in agricultural colonies or urban quarters, to the setting up of over 700 individual refugees in small trades on an average advance of 200 Swiss francs per head. Nearly 17,000 refugees have been assisted by means of advances or grants to refugee organisations, and over 90,000 refugees in all have received assistance in some form or another from the Office.

In view of the growing difficulty of finding employment for the refugees in Europe and of retaining them in the employment already obtained, the Office has, in conformity with the request of the last Assembly, devoted particular attention to the possibilities of oversea settlement. It was in pursuance of that policy that the Office was able to submit to the League a considered plan for the settlement in Brazil of the Assyrians from Iraq. Unfortunately, that plan could not be put into execution owing to new immigration laws introduced in Brazil. Nevertheless, the experience acquired by the Office in this connection may enable it to render useful services to certain other Governments who have sought its co-operation for the solution of refugee problems in their countries.

The services which the Office could render in such circumstances, as well as to the refugees as a whole, are very largely conditioned by the exiguous funds at its disposal, and it might be desirable for other Governments to follow the example of those already mentioned and capitalise their refugee liabilities by financing the settlement operations of the Office. Another manner in which funds could be provided for the work of the Office would be if Governments would follow the example of the French Government and generalise the application in their countries of the Nansen Stamp system.

* * *

The Committee endorsed the suggestions outlined in the preceding paragraph. It considered, moreover, that one of the best means of accelerating a solution of the mass problem of the refugees was by the general application of the Convention for the Establishment of an International Status for the Refugees. In this connection, the Committee expressed once more its concern at the increasing tendency of Governments to expel refugees from their countries for minor offences and urged that this practice should be discontinued.

As regards the material situation of the refugees, various remedies were examined. It was considered, for example, that an important step could be made towards the liquidation of the Armenian refugee problem by a prosecution of the scheme for the settlement of the Armenian refugees in the Erivan Republic. Furthermore, in view of the growing difficulty of placing refugees in work in Europe and even of retaining in employment those who already have work, the Committee emphasised the importance of the efforts made by the Office for the exploration of settlement possibilities in oversea countries.

Several delegates drew attention to the fact of the report concerning the tragic situation of a large number of Russian refugee women in China who had been forced by economic circumstances, into the white slave traffic. As the question primarily concerned the Fifth Committee, it was referred to a Sub-Committee of the Fifth and Sixth Committees for a joint report. This Sub-Committee recommended that the proposed Conference of Central Authorities in the East to be convened in order to study the commercial aspects of prostitution in the East should be invited to deal also with this question of the Russian refugee women in China. The Sub-Committee is of opinion that further enquiries should

be made on the spot with the object of ascertaining what measures it would be expedient to take, and it considers that the Council should instruct the Secretariat to get into touch for this purpose with various authorities, official and unofficial, and to communicate the results to the Advisory Commission for the Protection and Welfare of Children and Young People.

The Sixth Committee recommends the adoption by the Assembly of the following draft resolutions:¹

“ The Assembly,

“ Having considered the report of the Nansen International Office for Refugees on its work during the past year :

“ Expresses its high appreciation of the important results achieved by the Office for the refugees and for the countries offering them hospitality, in spite of the economic crisis and of the exiguous funds at the disposal of the Office ;

“ Seeing that the Refugee Convention of October 28th, 1933, recognises an international status for the refugees which, *inter alia*, contemplates that measures against foreigners should not, owing to their special situation, be applied rigorously to refugees :

“ Urges Governments, with a view to an acceleration of the liquidation of the refugee problem, to accede as soon as possible to that Convention ;

“ Considering the opinion expressed by responsible Armenian refugee organisations that the settlement of the Armenian refugees in the Republic of Eriwan offers one of the best solutions of the Armenian refugee problem :

“ Requests the Office to continue its negotiations to that end ;

“ Notes with anxiety the growing practice of certain Governments to expel refugees from their territories, even for minor offences, and the serious consequences thus created for neighbouring States ;

“ Invites Governments to undertake not to expel refugees from their territories until they have obtained visas to enter an adjacent country ;

“ Recognising the increasing difficulty of placing refugees in employment in European countries, and even of maintaining in employment those who already have work :

“ Requests the Office to continue and develop its efforts to secure the settlement of refugees in oversea countries ; and

“ Urges the Governments of those countries to communicate to the Office any settlement opportunities or prospects existing in their territories ;

“ Appreciating the difficulty experienced by Governments in continuing to support the direct and indirect charges imposed on them by the presence of large numbers of unemployed refugees in their territories :

“ Recommends the Governments of those countries to consider the advantage of capitalising such charges by placing credits at the disposal of the Office to enable it to settle unemployed refugees in countries willing to receive them ;

“ Notes that the Office could extend its activities to a larger number of refugees if adequate funds were available ;

“ Urges Governments to increase the revenue of the Office by a general application of the Nansen Stamp System ; and

“ Requests the Council to take the necessary steps to ensure that the Secretary-General may be acquainted with the effect interested Governments are able to give to the above recommendations. ”

ANNEX 3.

A.43.1934.VI.

SLAVERY.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Mr. A. Noel SKELTON (United Kingdom).

The Advisory Committee of Experts on Slavery, set up under the Assembly resolution of October 12th, 1932, was appointed by the Council of the League on October 12th, 1933. The Committee met in January 1934, and drew up its Rules of Procedure in strict conformity with the definite indications contained in the Assembly resolution of October 12th, 1932. In accordance with the Council resolution of January 19th, 1934, the rules have been communicated by the Secretary-General to the Governments of the Members of the League and to the non-members parties to the 1926 Slavery Convention.

¹ Resolutions adopted by the Assembly on September 26th, 1934.

The 1933 Assembly decided that the Advisory Committee of Experts on Slavery should hold its first biennial session in 1935, in order to study the material forwarded by Governments. The Sixth Committee is of the opinion that this session should be held early in 1935. It is, however, of the utmost importance, in order that the Committee of Experts may carry out effectively its essential task, that it be furnished by Governments with the necessary material in good time before its session. The Sixth Committee therefore considers that a new appeal should be made to Governments to communicate to the League information on slavery without delay.

Furthermore, it appeared that the Secretary-General should be authorised, within the limits laid down by the Assembly resolution of October 12th, 1932, to collect in the future, if necessary, further information from the Governments.

The Committee has decided to propose that the Assembly adopt the following draft resolution :¹

“ The Assembly :

“ Notes the Rules of Procedure drawn up by the Advisory Committee of Experts on Slavery and approved by the Council on January 19th, 1934 ;

“ Renews its appeal to the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention to send, without delay, to the League information on all forms of slavery in their own countries, or in other parts of the world, in order that the Advisory Committee can meet early in 1935 ;

“ Authorises the Secretary-General each year, should it appear to be necessary, to request Governments to supply further information on slavery within the limits of the provisions of the Assembly resolution of 1932 ; this action will be taken in agreement with the Chairman of the Advisory Committee ;

“ Requests the Secretary-General to bring the present resolution to the notice of the Governments of the Members of the League and non-members parties to the 1926 Slavery Convention.”

ANNEX 4.

A.42.1934.VI.

MANDATES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. Erik DE SCAVENIUS (Denmark).

The annual reports of the mandatory Powers, the reports and records of the Permanent Mandates Commission and the other documents relating to the execution of the provisions of Article 22 of the Covenant during the period since the fourteenth ordinary session of the Assembly were submitted to the Sixth Committee in accordance with the usual practice.

Several speakers once more emphasised the importance of the mandates system. Warm congratulations were offered to the Permanent Mandates Commission on the zeal with which it performs its task. Reference was made in particular to the close co-operation which exists between the Commission and the mandatory Powers. The gratifying results of this co-operation were emphasised by a number of speakers who did not hesitate to say that the League of Nations had every reason to be proud of the efficient working of the machinery set up by Article 22 of the Covenant.

The delegates of three mandatory Powers, while associating themselves with the praise bestowed on the Permanent Mandates Commission, recalled the fact that their Governments encountered innumerable difficulties in carrying out their mandates.

The South-African delegate stated in particular the reasons for which the last annual report on the administration of South West Africa had been somewhat delayed ; he pointed out that floods without precedent in the annals of the territory had held up administrative work for many weeks.

The problem of the Jewish National Home in Palestine, which has already been frequently referred to in the Sixth Committee, was mentioned by several speakers. The Polish delegate expressed the hope that the surplus Jewish population of Central and Eastern Europe would be allowed to settle in Palestine, and that, for this purpose, Zionist immigration should be intensified in view of the particularly favourable economic position

¹ Resolution adopted by the Assembly on September 26th, 1934.

of the territory, which was largely attributable to the activity of the Jewish element of the population. The Persian and Iraqi delegates hoped that Zionist immigration would not take place to the detriment of the acquired rights of the native Arab population. The delegate of the United Kingdom, the mandatory Power for Palestine, said that his Government was equally solicitous of the interests of both elements, Jewish and Arab, of the Palestine population. He referred to the provisions of the mandate and the interpretative authority of the Mandates Commission, which had recently confirmed that Jewish immigration should depend on the economic power of absorption of the territory under mandate.

Some of the speeches again emphasised the importance to be attached to the observance of the fundamental principles of Article 22 of the Covenant, such as the moral and material welfare of the natives and the economic equality stipulated in favour of the Members of the League of Nations.

Furthermore, the Sixth Committee's attention was drawn to the position of women in certain mandated territories of West Africa. It was noted that the Permanent Mandates Commission and the mandatory Powers concerned were giving their attention to the matter.

The Sixth Committee has the honour to recommend to the Assembly the adoption of the following draft resolution :¹

“ The Assembly,

“ Having noted the activities of the mandatory Powers, of the Permanent Mandates Commission and of the Council as regards the execution of Article 22 of the Covenant :

“ Once more expresses its confidence in them, and hopes that they will pursue in the same spirit of close co-operation the work of progress constituted by the mandates system.”

ANNEX 5.

A.41.1934.XII.

WORK OF THE INTELLECTUAL CO-OPERATION ORGANISATION.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. A. MARAINI (Italy).

The work of the fifteenth Assembly of the League in connection with intellectual co-operation is twofold. We are called upon first to appraise the work done by the Intellectual Co-operation Organisation during the last year, and, secondly, to approve the programme of work for the year 1934-35 as drawn up by the Committee on Intellectual Co-operation in the course of its last session, held at Geneva, July 16th to 21st, 1934.

The Assembly desires, in the first place, to associate itself with the tribute paid by the Committee on Intellectual Co-operation and the Council of the League to the memory of two distinguished members of the Committee, Mme. Curie-Sklodowska and President Painlevé, whom the League has had the misfortune to lose in the course of the year. The Rapporteur of the Committee on Intellectual Co-operation, M. de Reynold, and the French representative on the Council, in paying high tribute to the deceased, were interpreting faithfully the feelings of all members of the Assembly. Science in general, and the League of Nations and the Intellectual Co-operation Organisation in particular, have suffered an irreparable loss. The memory of the services which Mme. Curie and M. Painlevé have rendered to the cause of peace will remain deeply engraved on all our hearts.

WORK DONE.

In order to preserve the spirit of continuity, which M. de Reynold regards as one of the characteristic features of intellectual co-operation work, the sixth Committee divided the questions on the programme of the Organisation into three main categories — viz., the intellectual work, the work in connection with the League of Nations, and the work in connection with the different countries. The sole object of this classification, which need not be unduly stressed, was to mark clearly the threefold ideal of intellectual co-operation.

The intellectual work proper has chiefly comprised, since 1931, what has come to be called “ correspondence ” and “ conversations ”. The work in connection with the League includes, amongst other things, the study of the principal modern methods of publicity with a view to spreading the spirit of peace and collaboration — the cinema, the wireless

¹ Resolution adopted by the Assembly on September 26th, 1934.

and the Press. The study of international relations may also be included in this category. The work in connection with the different countries includes a whole network of co-ordinated labour which covers the following different fields — the vast sphere of education, including, of course, instruction in the aims of the League, the co-ordination of libraries and archives, the fine arts, and scientific museums.

The Sixth Committee took these three categories one by one.

As regards the first, I would point out that a third volume of correspondence has been published this year constituting a sequel to the volume "Why War?" by Professor Einstein and Dr. Freud, as also to the publication entitled "A League of Minds". The title of the new volume is *L'Esprit, l'Ethique et la Guerre*. The authors are men of worldwide reputation in history, psychology and literature — namely, M. Bojer, the Norwegian novelist; Dr. Huizinga, Rector of the University of Leyden; the French novelist, André Maurois; the English novelist, Aldous Huxley; and the Austrian psychologist, Wälder. The subject is of the utmost interest and is so wide that it is not exhausted by this volume, which, nevertheless, serves to throw a searching light on this question from more than one original angle.

"Conversations" have been held at Paris in October 1933 and at Venice in July last. Both in respect of the importance of the problems discussed and the numbers and capacity of those taking part in them, these "conversations" maintained the standard set at Frankfort in 1932 and at Madrid in 1933. The discussion in Paris, organised in concert with the Committee of European Co-operation, took as its theme "The Future of the European Mind". It was published by the Institute. With M. Paul Valéry in the chair, an attempt was made to find traces in the past and present of what may be called the European consciousness. History, philosophy, literature, science and art were successfully explored in this connection.

The "conversations" at Venice, of which M. Biancheri, the delegate of Italy, has spoken, took place at the end of July in connection with the nineteenth International Exhibition of Modern Art (the Biennale). It was only natural, therefore, that the subjects should be related to art. They dealt, in the first place, with the problem of realism in contemporary art, and in the second place with the relations between art and the State. The discussions were on a very high level. They will be published by the Institute, and will certainly not fail to lead to further study and, it is to be hoped, definite results; for example, in connection with art teaching.

Before passing from this question of intellectual work, I should like to make a brief reference to the problem of authors' rights, on which M. Casares, delegate of Spain, has also spoken. Two important events have taken place during the year in this connection. In accordance with the views of the Committee on Intellectual Co-operation, the last Pan-American Conference at Montevideo discussed the question of bringing the Berne and Havana Conventions into harmony with one another. The Conference decided to refer the question to a Committee of Jurists. It may be hoped that it will be found possible to adopt a single system governing uniformly the problem of authors' rights throughout the world. That recommendation is made in one of the resolutions set forth below, which was submitted by M. Casares.

In June, a Diplomatic Conference was held in London for the revision of the Paris Convention on Industrial Property. The Committee will be glad to learn that the Conference amended the Convention, giving full consideration to the suggestions made by the Intellectual Co-operation Organisation. This success is very gratifying. It should encourage us to continue our work along its present lines, and to make the most careful preparations for the revision of the Berne Convention which it is proposed to undertake at Brussels in 1935.

I pass to the second category of work — namely, the work in connection with the League of Nations or (to use the well-established expression) the study of international relations. This is a field where all is new — subject, method, form and substance. It is a field of experiment and research. If we endeavour to define the end in view and the means taken for the attainment of that end, we may perhaps express the central idea of this work by saying that it consists of the study, with the aid of such light as history, law, sociology and philosophy may afford, of different political problems which are engaging the attention of the modern world. We sometimes feel the need to get out of a moving crowd in order to see where it is going and how we stand in relation to it. In the same way, the annual conferences for the study of international relations examine in a calm atmosphere certain of the most burning questions arising in connection with the international organisation of the world. This is not a movement of purely scientific curiosity. The function of the Conference is not that of a spectator. It aims at making an effective contribution on the part of scientific circles to the effort of the present age to lay the foundations of international relations on a more ordered, more coherent and more rational basis. This point was eloquently brought out by M. Bourquin, delegate of Belgium.

In application of this general principle, important conferences were held at Milan and in London in 1932 and 1933. They dealt with the problem of the intervention of the State in economic life. In London in 1933 a new theme was chosen — namely, the collective organisation of security. I need not here, in Geneva, in the League of Nations itself — at a time when the Disarmament Conference has not yet concluded its labours — emphasise the special current significance of this theme. It was the subject only of a preliminary exchange of views in Paris in May. The substance of the question will be discussed at a more general conference to be held in 1935.

The twelfth Assembly instructed the Intellectual Co-operation Organisation to study the whole body of international problems arising in connection with the use of wireless. Experts met at the Institute in Paris with M. Arnold Raestad, former Foreign Minister of Norway, in the chair, and drew up a preliminary draft Convention, the great practical bearing of which was emphasised by Mr. Skelton, delegate of the United Kingdom. This draft is now before the Governments for examination. A large number have already replied. The Institute proposes to summon this Expert Committee again in order to put the original text into final form in the light of the replies from the different countries. A draft thus amended will then, it is hoped, be submitted to the Governments for signature, either at a special conference or at the next Assembly. In this connection Mlle. Vacaresco raised the question whether it would not be possible for the Governments to pay into a relief fund for artistes part of the proceeds of the fees payable by wireless licence holders.

In connection with the instruction of youth in the aims and activities of the League, the Committee on Intellectual Co-operation adapted its programme to present circumstances and approved the scheme of work submitted by the new Advisory Committee. The Advisory Committee is composed of persons with special knowledge of modern educational methods, the organisation of public instruction and big international movements. The Committee on Intellectual Co-operation reasserted, in particular, the principle that the aims, organisation and activities of the League should remain, in accordance with the Assembly's intentions, a subject of education and that the efforts already made in this sense should be continued. At the same time, it pointed out that education of this kind would gain in effectiveness if conceived on very much wider lines, and considered every display of genuine international spirit as a step forward towards the same goal. The teaching of history, geography and all other subjects which possess an international aspect should be conceived in the same spirit. The study of international relations might also contribute to the attainment of the Assembly's aims and increase knowledge of the League of Nations.

The Committee on Intellectual Co-operation confined its action to a few practical measures and decided to continue the enquiry on international relations with a view to making a survey of the work done in this field by the different countries. Further, it entrusted the Educational Information Centre — working in conjunction with the International Labour Office, the International Bureau of Education and the National Committees on intellectual co-operation — with the work of studying the measures to be taken on behalf of adult education and more especially those connected with the utilisation of young persons' spare time.

The work in connection with the different countries includes a large number of individual activities, first and foremost among which must be mentioned the relations between Departments of Education, whether the relations between the primary and secondary educational authorities or the annual conference of higher educational authorities. The interesting and important work now being done cannot be studied in detail here, but I would mention in particular the achievement of the Intellectual Co-operation Organisation, which has succeeded in two or three years in securing the establishment of national centres for educational information in thirty-two countries. The duty of these centres is to carry on co-ordination work on a national scale and to keep the existing educational archives up to date. They are thus naturally in a position to establish relations with similar bodies in other countries, to put their national experience at the latter's disposal, and at the same time to receive corresponding information from them and usefully disseminate it in their own countries.

Moreover, the organisation of universities and higher education and the perfecting of research are the subject of first-hand comparative studies now being undertaken by the authorities responsible for higher education in various countries. This preparatory work will lead in a few months, after discussion and examination by the competent Committee, to the publication of original material, and it will undoubtedly be possible to draw practical conclusions of the greatest interest.

The Assembly is aware, too, that the Chinese Government has asked the Intellectual Co-operation Organisation to collaborate in the great reconstruction work which it is pursuing. Further steps have been taken to comply with this request, particularly in the matter of the vocational guidance of Chinese students, which is to-day a question of capital importance in China as in every other country. This collaboration even goes beyond the sphere of education and, thanks to the work of the Chinese Committee on Intellectual Co-operation, covers the whole field of cultural relations with Europe. The speech by M. Tsien-Tai in the Sixth Committee afforded fresh evidence of his Government's spirit of co-operation.

In the matter of archives, libraries and science museums, the work of intellectual co-operation takes the form of enquiries, meetings of experts and publications. Among the subjects covered by the latter I would merely mention those which have recently appeared or are in preparation: people's libraries and workers' spare time, the professional training of librarians, popular libraries. A monthly review deals with relations between science museums, and an international guide to archives will deal with State archives.

The co-ordination of fine arts museums is undoubtedly one of the most successful pieces of work undertaken by the Organisation. Let me refer to three of the many achievements of the International Museums Office: (1) The Convention for the repatriation

of works of art illicitly removed from the national artistic heritage (this agreement is now before Governments for examination); (2) the establishment of an international committee on historic monuments; (3) the General Museographical Conference organised by the International Museums Office, thanks to the generous aid of the Spanish Government. This Conference will take place in Madrid next month. It will complete a series of studies, the first of which was held in Rome in 1930 and dealt with the preservation of paintings, while the second, held in Athens in 1931, dealt with the preservation of artistic and historic monuments. Mention should also be made of the International Centre of Institutes of Archaeology and the History of Art, and the research carried out in the vast field of popular art.

After this rapid survey of the most striking facts which have marked the course of the past year, let me roughly sketch the programme for the coming year as laid down in the remarkable report submitted by the Director of the Paris Institute and in numerous resolutions adopted by the Committee on Intellectual Co-operation. The Sixth Committee unanimously suggests to the Assembly that the proposed programme be approved, for it follows logically from previous work. I will merely draw the Assembly's attention to new questions or questions which require a formal decision on its part.

The "correspondence" and "conversations" which the Committee on Intellectual Co-operation is of opinion should be continued aroused the keen interest of the Sixth Committee. Few speakers failed to refer to them. The Committee on Intellectual Co-operation will certainly bear in mind in the future the various opinions expressed, particularly by M. Levillier, on the organisation of the "conversations" and the publications giving an account of them. The subjects studied will, it may be presumed, be the formation of an intellectual elite, and the origins of Western civilisation. Future "correspondence" will deal with contact between Western and Eastern civilisations and the means of bringing them closer to one another in certain respects in order that they should contribute their share to the achievement of the aims of intellectual co-operation.

A vast new field has been opened up to intellectual co-operation as a result of the initiative taken in 1933 and 1934 by Professor James T. Shotwell and M. Edouard Herriot, Chairman of the Governing Body of the International Institute of Intellectual Co-operation — *i.e.*, that of social and political science. It is proposed (1) to draw up a list of the institutions and organisations which engage, in the different countries and internationally, either in research or teaching in the field of social and political science; (2) to initiate research into the principles and methods of the various subjects into which the sciences may be divided; (3) to undertake a series of studies of certain specific problems. The first of these studies will concern certain aspects of the effects of mechanisation on modern life and, in particular, on international organisation.

The Permanent International Studies Conference will sit in 1935. Its agenda has been drawn up and will include the problem of the collective organisation of security. The Conference's method of work has also been established. We can only express our best wishes for the success of this undertaking and the hope that the work carried out with strict scientific impartiality by the Intellectual Co-operation Organisation will be a useful contribution to the practical efforts now being made by the whole League of Nations.

In the field of education, which was also dealt with by the Sixth Committee and particularly by the representatives of the Union of South Africa and New Zealand, I should like to mention the first Conference of National Educational Information Centres which the Committee on Intellectual Co-operation intends to convene next year. It is clear that this is an undertaking of capital importance.

Another interesting proposal, also in the educational sphere, is that which concerns the revision of school text-books. The Committee on Intellectual Co-operation contemplates supplementing the improvement schemes now in existence by the preparation of a standard draft bilateral agreement for the abolition of differences in the interpretation of certain historical events in the text-books now in use.

In the field of the exact and natural sciences, the Committee on Intellectual Co-operation asks us to make a definite decision. We are asked, in fact, to recognise explicitly, in a special resolution, the importance to science in general of the publication of annual tables of constants and numerical data, and the value of the International Chemistry Union's proposal to call, under the auspices of the French Government, a conference which would consider the present situation with regard to that publication.

The problem of the circulation of books has for long occupied the attention, not only of the International Committee on Intellectual Co-operation, but of the Assembly itself; nowadays, when, unfortunately, numerous barriers of different kinds have been erected between the peoples, it is important that the spread of ideas should not be hampered by the same restrictive rules as those applied to world trade. On one particular point, a controversy arose which occupied the attention of the Sixth Committee for some time. The Hungarian delegate asked the Committee on Intellectual Co-operation to "give its valuable aid in every case in which its conciliatory action may be solicited". This proposal, however, the grounds for which were contested by three other delegations, could not be considered in substance. The same problem has, indeed, also been brought before the Intellectual Co-operation Organisation, which, in examining it, applied its regular methods of procedure and, as in the past, counts greatly upon the constant support of the national committees of the countries concerned.

The Assembly will doubtless be glad to learn that the interest displayed in the Intellectual Co-operation movement is constantly growing. Countries which are most remote from Geneva, and which accordingly feel most acutely the inconveniences of distance, have championed a policy of genuine mutual understanding and knowledge. The representative of one of them, M. Nieto Caballero, referred to a proposal made to the Committee on Intellectual Co-operation in July regarding a visit to Latin America by qualified representatives of the intellectual world, under the auspices of the League.

M. Levillier, delegate of the Argentine Republic, put forward a new proposal to the effect that the Intellectual Co-operation Organisation should be entrusted with the extremely interesting task of publishing, by means of international co-operation among specialists, a collection of original works on the nation civilisations of America and a similar collection on the great discoveries and the history of America in the sixteenth century.

The Intellectual Co-operation Organisation has never attempted to take the place of national authorities or institutions. Its work is simply one of co-ordination — that is to say that its whole activity is based on work within the different countries. In the first rank of this work come the activities of the National Committees on intellectual co-operation. Two years ago, the International Committee established a system of invitations which enables it to associate in its work, each year, a certain number of representatives of National Committees. This year, the Committee proposes further to extend the network of existing National Committees, to call on them to set up direct relations among themselves, and, lastly, to study the question of a general conference, for the last was held as long ago as 1929.

The Assembly will no doubt wish to join in the thanks which the Committee on Intellectual Co-operation has addressed to the Paris Institute, to its Chairman, M. Edouard Herriot, and to its distinguished Director; to the Intellectual Co-operation Section of the Secretariat of the League of Nations and to the International Educational Cinematographic Institute in Rome and its Chairman, M. Rocco.

We believe, finally, that the Chairman of the Committee on Intellectual Co-operation and its Rapporteur are quite right in stating, in the report submitted to you, that “no work for international organisation in the world, for an international order and, consequently, for peace will be durable, or even possible, if not accompanied by a corresponding effort in the intellectual sphere”.

It is gratifying to find that our Intellectual Co-operation Organisation is making this very effort in conformity with its appointed mission.

THE WORK OF THE INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC INSTITUTE.

As in preceding years, the International Committee on Intellectual Co-operation took note of a report from the Director of the International Educational Cinematographic Institute; it also heard the verbal explanations given by M. Oprescu, Rapporteur of the Governing Body of that Institute, on the work done during the year 1933-34.

The Assembly pays a tribute to the results obtained, and particularly stresses the importance of the conclusion of the Convention for facilitating the International Circulation of Films of an Educational Character, and of the preparation and holding of the International Congress on Educational and Instructional Films.

This Congress was a very great success, not only in the number and quality of the persons present, but also in the value of the decisions taken. A new programme of work is the result. This provides for close collaboration between the different executive bodies dependent on the Committee on Intellectual Co-operation. A rôle of the first importance falls, as may be imagined, to the International Educational Cinematographic Institute.

The Committee on Intellectual Co-operation congratulated the Chairman of the Institute's Governing Body, its Director and the organisers of the Congress; it expressed its pleasure at the success of the efforts made, as giving a guarantee of future achievements.

* * *

The Sixth Committee has the honour to recommend for the Assembly's adoption the following resolutions:¹

“(1) The Assembly:

“Approves the programme of work of the Intellectual Co-operation Organisation for the year 1934-35, as set out in the resolutions of the International Committee and the general report of the Director of the Institute (document C.339.M.156.1934. XII);

“It is happy to recognise that the work done during the past year by the various bodies constituting the Intellectual Co-operation Organisation has been entirely in keeping with the intentions of the last Assembly and with the higher interests of the League of Nations and culture in general.

“It notes with satisfaction that, in spite of difficult circumstances, it has been possible to maintain the resources made available by the League of Nations; it nevertheless considers it impossible to meet the numerous requirements of the present time and enable this work to attain in all its aspects to the full development which its continuous progress makes it possible to expect, unless the material needs of the Organisation are more fully understood both by the League as a whole and by the various Member States. While conveying its renewed thanks to those States which

¹ Resolutions adopted by the Assembly on September 26th, 1934.

are already showing their interest in the Institute of Intellectual Co-operation by the payment of contributions, it expresses the hope that, in future, their number will still further increase.

“(2) *Moral Disarmament.*

“The Assembly notes the work done by the Committee on Moral Disarmament of the Conference for the Reduction and Limitation of Armaments. Without prejudice to the further activities of that Committee, it expresses the hope that the texts drawn up by the International Committee on Intellectual Co-operation will be recommended in due course to the attention of the various States.

“(3) *National Committees.*

“The Assembly requests the Secretary-General of the League of Nations once more to draw the attention of the Governments to the importance of the tasks entrusted to the National Committees, for it is important that the various States should do everything in their power to assist the Committees in the regular fulfilment of their mission.

“(4) *Annual Tables of Constants.*

“The Assembly recognises the great value to science in general of the publication of the annual tables of constants and numerical data, as also the importance of the proposal put forward by the International Chemistry Union for the summoning, under the auspices of the French Government, of a conference to consider the present position of that publication.

“(5) The Assembly conveys its warmest thanks to Spain, France and Italy for the services which those countries have rendered to intellectual co-operation by facilitating the summoning of such important conferences as the seventh Permanent International Studies Conference, held in Paris, the Venice “Conversation” of July 1934 and the General Museographical Conference to be held in Madrid next October.

“(6) The Assembly draws the attention of Governments to the importance of a prompt and sympathetic examination of the two draft Conventions prepared by the Intellectual Co-operation Organisation and at present submitted to the States for their consideration; the first of these agreements relates to the legal protection of national artistic possessions and the second to broadcasting and international relations. The Assembly requests the Institute of Intellectual Co-operation to summon further meetings of the Committees of Experts by which the first drafts were prepared, as soon as enough replies have been received. Those Committees will amend the original texts in the light of the replies from the States. The drafts thus amended will be communicated to the Governments and submitted to the Council of the League, which will decide whether they are to be considered by special conferences, or whether they can be discussed and signed during the next Assembly.

“(7) *Intellectual Rights.*

“The Assembly,

“Having heard the particulars supplied to it in regard to the progress recently made in the matter of bringing into harmony the Berne and Havana Conventions on authors' rights :

“Notes with satisfaction that, as a result of the Pan-American Conference at Montevideo, an American Committee has been set up to prepare a draft, co-ordinating the basic principles of the two Conventions.

“Having regard to the interest which the Assembly has taken in this problem since September 1928 :

“It asks that the Intellectual Co-operation Organisation should study, before the Brussels Revision Conference, the terms of a preliminary draft convention combining the above-mentioned Conventions.

“(8) *Origins of American Civilisation.*

“The Assembly :

“Approves of the very interesting suggestion made by M. Levillier, delegate of the Argentine, that the Institute of Intellectual Co-operation of the League should publish, by international scientific collaboration, a collection of original works on the native civilisations of America and a similar collection dealing with the great American discoveries and history of the sixteenth century ;

“And requests the Director of the Institute of Intellectual Co-operation, after consulting the Publications Committee of the Ibero-American Collection, to bring that suggestion forward at the next session of the Executive Committee of the Intellectual Co-operation Organisation, with a view to the appointment, as proposed by the Argentine delegate, of a small Committee of Americanists for the purpose of drawing up a scientific and financial plan for the proposed work, such plan to be submitted to the next Assembly for its approval.

“ (9) *League of Nations Teaching.*

“ The Assembly is gratified to note the impulse given by the new Advisory Committee for the League of Nations Teaching to the efforts that are being made with a view to the instruction of the younger generation in the aims and work of the League of Nations, and approves the method recommended, which would embody that teaching in a number of measures intended to awaken an international spirit and to promote mutual knowledge of different civilisations.

“ (10) *Educational Cinematography.*

“ The Assembly is gratified by the considerable work accomplished by the International Educational Cinematographic Institute during the past year, and in particular by the holding of the International Congress of Educational and Instructional Cinematography in Rome in April 1934.

“ It is glad to see in the results of the Congress, not merely the successful conclusion of work already systematically carried on among educationists and producers, but also the starting-point of a whole series of new activities.

“ It desires to emphasise the fact that among the effects of the Rome Congress has been that of stressing the increasingly large part played by the International Educational Cinematographic Institute in the technical field.

“ It notes that a large number of signatures have been secured for the Convention for facilitating the International Circulation of Films of an Educational Character, and expresses the hope that the requisite number of ratifications will be obtained to enable that international instrument to come into force at an early date.”

ANNEX 6.

A.54.1934.VII.

ADMISSION OF THE KINGDOM OF AFGHANISTAN
INTO THE LEAGUE OF NATIONS.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

The Sixth Committee has taken note of the report of the Sub-Committee which was instructed to consider the application of the Kingdom of Afghanistan. The Sixth Committee approves the report and unanimously recommends that the Assembly should admit the Kingdom of Afghanistan to the League of Nations.

In accordance with the ordinary procedure followed in the admission of new Members, the Sub-Committee has based its work on the questionnaire employed for the purpose in the past, and has given the following answers to the different articles of the questionnaire.

I. *Is the application of the Kingdom of Afghanistan for admission to the League of Nations in order ?*

The Sub-Committee replies in the affirmative. The application was made by telegram addressed to the Secretary-General by the Afghan Minister in London, dated September 24th, 1934. The authenticity of this document is not contested.

II. *Is the Kingdom of Afghanistan recognised de jure or de facto and by what States ?*

The Sub-Committee finds that the majority of European and Asiatic countries have diplomatic representatives at Kabul.

III. *Does the country possess a stable Government and fixed frontiers ? What is its area and population ?*

The Afghan Government is regularly established, and the frontiers of the country are regularly delimited. Its area is some 760,000 square kilometres, and its population some 10 millions.

IV. *Is the country fully self-governing ?*

The Kingdom of Afghanistan is an independent sovereign State.

V. *Does the Afghan Government give a guarantee to observe its international obligations ?*

The application of Afghanistan for admission to the League of Nations states that it undertakes to fulfil all obligations devolving on it in its capacity as a Member of the League.

In the matter of paragraph 2 of Article 1 of the Covenant with reference to the acceptance by the Afghan Government of such regulations as may be prescribed by the League in regard to its military, naval and air forces, the Sub-Committee finds that, in view of the fact that Afghanistan is participating in the Conference for the Reduction and Limitation of Armaments, the object of which is none other than the establishment by treaty of a system regulating, among other things, the scale of armaments of the participant countries, there is no occasion to raise this particular issue with the Permanent Advisory Commission on Military, Naval and Air Questions.

ANNEX 7.

A.57.1934.I.

PROTECTION OF MINORITIES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. BECH (Luxemburg).

I.

The problem of the generalisation of the system for the protection of minorities has once again been discussed by the Sixth Committee.

It was placed on its agenda in consequence of the Assembly's action in referring to the Sixth Committee a draft resolution deposited by the permanent delegate of Poland on April 10th, 1934, which was in the following terms :

“ The Assembly of the League of Nations,

“ Considering that the minorities treaties at present in force and the declarations on the international protection of minorities made before the Council by certain States are only binding upon some of the Members of the League of Nations, whereas other Members of the League remain free from any legal undertaking in this respect ;

“ Being of opinion that such a state of affairs affords an international guarantee to certain minorities only, and leaves the others, which can in no circumstances appeal to the League of Nations, without international protection ;

“ Considering that such a distinction between protected and non-protected minorities is in contradiction with the sentiment of equity and justice ;

“ Having regard to the fact that racial, linguistic and religious minorities which are not covered by the present system for the protection of minorities and which have the same moral right to the protection of the League of Nations as the protected minorities are to be found in almost all European and extra-European countries :

“ Declares that the present situation in regard to the international protection of minorities is not in harmony with the fundamental principles of international morality, and is of opinion that it should be remedied by the conclusion of a general convention on the protection of minorities, such convention to provide for the same undertakings on the part of all Members of the League of Nations and to ensure international protection for all racial, linguistic and religious minorities ;

“ Decides to summon for that purpose an international conference consisting of all the Members of the League of Nations, in order to draw up a general convention on the international protection of minorities ; and

“ Requests the Council to take the necessary steps to summon that conference in the near future, and in any case within six months from the close of the proceedings of the present session of the Assembly.”

This proposal is a textual reproduction of a draft resolution submitted to the fourteenth Assembly by the same delegation. The only difference lies in its conclusion, which asks this year's Assembly to pronounce upon the immediate recognition of the necessity for a general convention on the protection of minorities and upon the summoning of an international conference, whereas the 1933 proposal merely involved the constitution of a committee of enquiry.

Although more thorough than those of previous years, the discussion, which was marked by perfect courtesy throughout, did not bring to light any new arguments as regards the substance of the problem. It nevertheless served a very useful purpose in that it revealed the opinion of numerous delegations on the system of protection at present in force, together with their views regarding the desirability and possibility of generalising that system. The amplitude of the discussion is to be attributed to the importance of the interests involved and also, in my opinion, to the particularly pressing terms in which the Polish Government thought fit, on this occasion, to put forward a claim which, in its eyes, is a corollary of the principle on which the League of Nations is based — that is to say, the legal equality of all its Members. Count Raczyński, the Polish delegate, has in substance informed you that the countries which are bound by treaties embodying minority obligations are not alone in possessing racial, linguistic or religious minorities. If the system of protection for minorities as instituted by the treaties is a good one, it should be extended. To refuse to do this would be equivalent to making this system the expression, as it were, of the legal inequality of States — an inequality bearing no relationship to their state of development and their importance in international life. Such is the main argument of the advocates of the institution of a general, uniform charter, which would henceforward guarantee to all minorities the protection which at present is enjoyed by certain of them only.

The Polish delegate recognises the importance of the arguments relating to the danger of generalisation from the point of view of national unity or the sovereignty of States. These arguments, however, apply even more forcibly to the existing treaties in so far as they represent exceptional treatment for the countries concerned.

The Polish delegate disputed the value of historical arguments designed to justify the present system by obsolete circumstances having nothing in common with the present international situation.

It is, moreover, important to note that, at the very outset of his remarks, the Polish delegate made it clear that he did not wish to bring up in the discussion before the Sixth Committee — which was not competent in the matter — the declaration made in the Assembly by the Polish Minister for Foreign Affairs as to the co-operation of his country with the organs of the League of Nations in regard to the application of the minorities system in Poland. While maintaining the principle of generalisation of the international protection of minorities in respect of all Members of the League of Nations, he confined his remarks to analysing the conditions of such generalisation in Europe, and deliberately left on one side the more complicated problem of the conditions peculiar to the other continents.

* * *

In the course of the discussion, certain delegates announced their unqualified agreement or their sympathy in principle with the proposal, as limited in the manner described above.

Other delegates declared themselves opposed to the idea of generalisation and to the preparatory measures designed to bring it about.

According to the opponents of generalisation, the present system of protection of minorities must be regarded as being bound up with the treaties, and do not in any way embody principles of Government having the character of universal obligations. The clauses relating to minorities have their foundation and their *raison d'être* in special circumstances obtaining at the time when the treaties were concluded.

In this connection, the United Kingdom delegate recalled and commented on the following passage from the report submitted to the Council in Madrid in 1929 :

“ It must at once be placed on record that it was no part of the purpose of the authors of the treaties to set out principles of government which should be of universal obligation. They never considered or professed to consider the general principle of religious toleration as applicable to all States of the world, nor did they lay down any general principles of universal application for the government of alien peoples who might be included within the territory of the colonial dominions of all States. Anything of the kind would have been quite outside the scope and powers of the Peace Conference; if anything of this kind had been done, it could only have been in connection with the drafting of the Covenant of the League of Nations, and, as we have seen, it was there deliberately rejected. What the Conference had to deal with was a number of problems which were purely local, which arose only in certain specified districts of Europe, but which at the same time, in view of the political conditions of the moment, were serious, urgent and could not be neglected.”

The opponents of generalisation further argue that any attempt to impose the present system of protection of minorities upon countries the territories of which are not inhabited by peoples of different race, language or religion, or which in the course of their history have successfully settled the mutual relations of such peoples, would in effect create an artificial problem in the countries concerned.

As the discussions had shown that the countries at present bound by minorities treaties had cause to complain of the defects of the system in force, it appeared paradoxical to a great number of delegations that it was these very countries which were proposing that such protection be generalised.

Other delegations made a point of stating that the existence of minority clauses by which certain countries only were bound did not imply any idea of a hierarchy amongst the States Members of the League of Nations.

Certain delegations expressed the fear that if minority obligations were too widely extended the final result would be to prevent any protection of minorities.

Moreover, the treaties concluded to ensure the protection of minorities must not be regarded as eternal and unchangeable, since they provided for a procedure of modification. In virtue of these treaties, the Council of the League of Nations, and the Council alone, is competent to make the necessary modifications.

Nevertheless, as long as no modifications were introduced by the procedure provided for this purpose, the treaties would have to be observed.

Several delegates representing countries outside Europe stated that the generalisation of the protection of minorities could in no case be accepted by their countries, the conditions prevailing in other continents being totally different from those existing in Europe. The fact that even the advocates of generalisation had stated that they desired to leave oversea countries out of account appeared to several delegates to be contrary to the argument of the equality of States which had been put forward in support of the case for generalisation.

Many delegates who were in favour of the actual principle of generalisation wished to make reservations regarding the advisability of summoning an international conference, and expressed serious doubts as to the success of such a conference, the failure of which would be detrimental to the prestige and moral authority of the League of Nations. Among others, the delegate of the Irish Free State considered that a solution of this problem, which he considered to be extremely complicated, could not be found by an international conference, but should be entrusted to a committee of enquiry.

The delegate of Haiti, believing that the problem should be considered as a whole from the standpoint of the jurisdictional guarantee of the rights possessed by men as such, whether they belonged to a minority or a majority, and that a solution should be sought on this basis, submitted the following motion :

“ The fifteenth Assembly requests the Council to summon a conference to consider the reforms to be introduced into the system set up by the treaties with regard to the protection of minorities and to submit its findings to the Council.”

This proposal was modified in the course of the debates by its author, who gave it the following form :

“ The fifteenth Assembly requests the Council to study the reform to be introduced into the system set up by the treaties with regard to the protection of minorities.”

This fresh proposal was attached by the Chairman of the Sixth Committee to the Hungarian proposal, which is dealt with in the second part of this report.

The Chairman of the Committee appealed to the Polish delegation not to insist on its proposal being put to the vote. In reply, the Polish delegate stated that the speeches of certain delegates had shown him that there were some States, including European countries, which refused to consider the generalisation of the international protection of minorities. In his opinion this attitude rendered a vote in the Committee completely superfluous, since a vote could only have shown the impossibility of taking a decision regarding generalisation, such a decision requiring unanimity in the Assembly. In these circumstances, the Polish delegate did not insist on a formal vote by the Committee, which would have had no practical value.

II.

At its meeting of September 12th last, the Assembly referred to the Sixth Committee the Hungarian proposal on the discussion of the part of the Secretary-General's report dealing with the protection of minorities.

The discussion of this question gave rise, as in previous years, to a debate on the competence of the Assembly and of its Sixth Committee in the sphere of minorities.

The Hungarian delegate, in asserting the competence of the Assembly and the Sixth Committee, based himself on the general competence conferred on the Assembly by Article 3 of the Covenant. While later speakers recognised that the Assembly was competent to deal with questions of principle applicable to the problem of minorities, they maintained that only the Council, which was entrusted by the treaties with the supervision of their application, was competent to deal with individual claims or concrete cases of the application of minorities treaties.

I do not propose to describe the debate that occurred in the Sixth Committee as a result of the discussions on the special position of different minorities in the Danube Basin to which the Hungarian delegate's speech gave rise.

In connection with the complaints made by the Hungarian representative, several speakers, some of whom have also given expression to their complaints against Hungary, pointed out that the proper course for his country to pursue was to apply to the Council in conformity with the rules of procedure in force. The debate closed on a conciliatory note.

At the end of the discussion, the Chairman informed the Committee that M. Frangulis did not press for a vote on his draft resolution. He had, however, requested that it should be mentioned in the report.

ANNEX 8.

A.56.1934.VII.

PROHIBITION, UNDER THE PROVISIONS
OF THE COVENANT, OF THE SUPPLY OF ARMS
AND WAR MATERIAL TO BELLIGERENTS.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : His Excellency M. DE MADARIAGA (Spain).

The opinion given to the Sixth Committee by the First Committee on the legal questions which have been raised in connection with the measures taken to prevent the supply of arms and war material to Bolivia and Paraguay distinguishes between the issues which arise in that particular case and the more general question of "prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents".

As regards the latter question, the First Committee's opinion (Part II) contains the following suggestion :

"The question of principle, which was to be examined from the standpoint of pure law, and in particular from that of interpretation of the Covenant — viz., the question of prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents — was shown by the discussion in the First Committee to be one which, presented in these wide terms, raised problems of a very diverse and very complicated nature which the First Committee would not be able to solve in the space of a few days. If the Sixth Committee considers it desirable that the study of these problems should be pursued, it might propose that the Assembly should ask the Council to appoint a Committee for the purpose, which would present its conclusions to the Council and to the Assembly."

The Sixth Committee agrees with this suggestion and proposes that the Assembly should give effect to it by adopting the resolution set out below. It considers that this proposal will not necessitate the voting of a special credit, since, as has been done on previous occasions, the Committee may be composed of experts nominated by certain Members of the League selected by the Council, not necessarily from among the States represented on the Council.

DRAFT RESOLUTION.¹

"The Assembly decides to request the Council to appoint a committee to study, from the standpoint of pure law and in particular from that of interpretation of the Covenant, the question of prohibiting, under the provisions of the Covenant of the League of Nations, the supply of arms and war material to belligerents and to present its conclusions to the Council and to the Assembly."

¹ Resolution adopted by the Assembly on September 27th, 1934.

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RECORDS

OF THE

**Fifteenth Ordinary Session
of the Assembly (1934)**

**PLENARY MEETINGS
AND COMMITTEES**

GENEVA, 1935.

REFERENCES

P = Plenary Meetings.
C = Committee.

EXAMPLES

P : 84 = Records of the Plenary Meetings, page 84.
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page 50.

ABBREVIATIONS

Addit. = Additional.
Art. = Article.
Ass. = Assembly.
Cl. = Council.
Comm. = Commission.
Cttee. = Committee.
Conf. = Conference.
Conv. = Convention.
Del. = Delegation.
Govt. = Government.
I.L.O. = International Labour Office.
Intell. = Intellectual.
Int. = International.
Kgd. = Kingdom.
Memo. = Memorandum
Org. = Organisation.
Para. = Paragraph.
Perm. = Permanent.
Resol. = Resolution.
Sec.-Gen. = Secretary-General.
Suppl. = Supplementary.
Temp. = Temporary.
U.S.A. = United States of America.
U.S.S.R. = Union of Soviet Socialist Republics.

Note. — A numerical list of all documents published or mentioned in the Records of the fifteenth Assembly is appended to this index (see page 44).

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