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LEAGUE OF NATIONS

**POWERS AND DUTIES ATTRIBUTED**

TO THE

**LEAGUE OF NATIONS**

BY

**INTERNATIONAL TREATIES**



Geneva, 1944.



[Communicated to the Council  
and the Members of the League]

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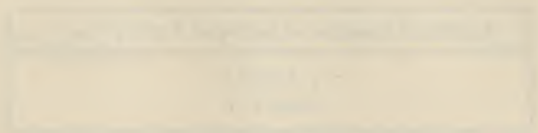
TO THE

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## INTRODUCTION

The League of Nations, as the term is used in the present memorandum, is the institution set up by the Covenant which forms Part I of the Treaty of Versailles and the other peace treaties of 1919-1920. The memorandum does not deal with the International Labour Organisation or the Permanent Court of International Justice or with the many respects in which the administration of both these institutions is dependent upon the existence of the League (I.L.O. constitution in Part XIII of the peace treaties, Statute of the Permanent Court). As so delimited, the League is in origin and essence a political institution, a machinery for the maintenance of peace. But it is at the same time the first universal machinery for international co-operation. By excluding the annexation by the victors of the German colonies and the territories detached from Turkey, and applying to them the system of administration under "mandates" whose execution is supervised by the League, Article 22 of the Covenant made a first approach to the establishment of an international trusteeship for politically undeveloped populations and regions and its operation had before the present war already brought one of them, Iraq, to the stage of emancipation as a fully independent State. Article 23 lays down a programme of co-operation in regard to conditions of labour, treatment of natives, traffic in women and children, traffic in drugs, supervision of the arms traffic, freedom of communications, equitable treatment of commerce of other League members and international measures for the prevention and control of disease. Under Article 24, existing and future bureaux and commissions for the regulation of matters of international concern are to pass under the direction of the League, and may be maintained out of its budget, and it is contemplated that the League Secretariat will assist them in any way that may prove desirable. Finally, the members of the League (Article 25) are to promote the activity of Red Cross organisations in the improvement of health, prevention of disease and mitigation of suffering throughout the world. The ambitious programme thus laid down was never treated as limitative. The League Assembly and Council were from the outset prepared to consider favourably any project for co-operation between members of the international community, whether or not they belonged to the League; and in 1939 the U.S. Secretary of

State, Mr. Hull, referring to only a part of its activity, felt able to declare that "The League . . . has been responsible for the development of mutual exchange and discussion of ideas and methods to a greater extent and in more fields of humanitarian and scientific endeavour than any other organisation in history<sup>1</sup>."

In 1926 a feeling that this attitude had been pushed to extremes led the United Kingdom Government to move in the Assembly for the appointment of a committee "to consider and report what questions are and what are not within the sphere of activity of the League within the meaning of the Preamble and of Articles 3 and 4 of the Covenant, especially with reference to the questions which are now being dealt with". In the resulting discussions this motion was changed to one directing "that each body forming part of the League, before taking into consideration any proposal submitted to it, should satisfy itself that the proposal is in accordance with the objects of the League as indicated in the Covenant and possesses real importance from the point of view of attainment of those objects", and, even in this attenuated form, the motion was adjourned *sine die*<sup>2</sup>. The "rapporteur", M. Joseph Barthélemy, said:—

" . . . If this proposal (*i.e.*, the United Kingdom's proposal) for the restrictive definition of the Covenant is designed to prevent the League from dealing with questions like children's baths or swimming pools for adults—to return to the two examples already quoted to you—the fable would be reversed and, instead of the mountain having brought forth a mouse, the mouse would bring forth a mountain. Or, to quote another fable, it would be like the bear which, in order to rid its master of a fly on his nose, proceeded to break his head . . . "

"We have, however, refused to consider any restrictive legal definition which might one day hamper the League in the performance of its duties, in the attainment of these great hopes which the world looks to it to fulfil."

The present memorandum has a strictly limited object. It seeks to call attention to the cases in which the disappearance of the League would leave functions which relate to or form part of the operation of international treaties and agreements without any organ competent to perform them. The authors of the peace treaties realised how useful the League could be as such an organ. They profited by its existence to refer to it for settlement numerous problems for which no immediate solution could be found, and to charge it with multifarious duties ranging from the appointment of an arbitrator to the holding of a plebiscite. Subsequent makers of international agreements followed their example. Functions thus

<sup>1</sup> See Arthur Sweetser, "The Non-Political Achievements of the League", *Foreign Affairs*, Vol. 19, p. 181.

<sup>2</sup> Assembly Minutes, 1926, Committee I pp. 18, 19-22, 22-25, 31 and annexes 3 and 5, Plenary Meetings pp. 47-48, 122-127, 413-416.



conferred on the League were not obligatory for it, even when created by instruments negotiated on its initiative, unless it had expressly or tacitly accepted them. Thus, formal resolutions of the Council were passed agreeing to the League guaranteeing the Free City of Danzig and the provisions of the minorities treaties, and clauses are to be found in League conventions by which the League accepts the duties which they give it. But the League's policy was to accept tasks so offered and the sum total of the services which it has thus rendered is considerable.

Nevertheless, the present memorandum may create a misleading impression unless two things are borne in mind in reading it.

The first is that the importance of the League's work in what we may call the field of international co-operation by treaty has not consisted in performing functions which could equally well have been given to a particular government or individual, or to committees or conferences representing the contracting parties. The creation of the League filled a gap in international organisation by providing for the first time a central institution through which the regulation, by binding international agreements, of any matter of international concern could be initiated, discussed and effected, and the performance of the resulting agreements be supervised and promoted. For the first of these purposes it made available, in the Assembly and Council, in the inter-locking structure of standing and *ad hoc* advisory committees which it created, and in the technical and diplomatic conferences which it convened, a machinery for investigation and negotiation, and for the mobilisation of expert knowledge and political authority such as had never before been attempted, much less rivalled. For the second purpose the same equipment was equally useful and novel. The execution of general international treaties and conventions, particularly those of a humanitarian or technical character, may become lax if its enforcement depends solely upon the parties, since for obvious reasons governments do not readily make complaints against friendly governments unless national interests are seriously affected. The removal, too, of obstacles to the operation of such instruments may be prevented by mere governmental inertia, if left to the initiative of the parties. The League created the possibility of systematic international review of the working of such conventions, not merely on the initiative of governments but above all as part of the normal work of its technical committees, and very greatly facilitated the removal of difficulties and the development of further action in the same field. It is not, for example, a matter of indifference that, behind the two autonomous committees which play a part in the

working of the international control of narcotic drugs discussed in section 6 of this memorandum, there should be the League's Advisory Committee on Traffic in Opium and other Dangerous Drugs and the Council and Assembly, *i.e.*, a machinery through which any question as to the observance and operation of the conventions can in normal times be raised and brought under international discussion. Nor does the absence from a convention of clauses giving functions to the League mean that in normal times its operation would not be closely followed by the competent technical organisation of the League and the possibility of improving or adding to its provisions be under constant consideration.

The second thing to be remembered is that the activity dealt with in the present memorandum has been only a part—and a diminishing part—of the total performance of the League. This is in particular true in the field of non-political activity. The fact that several pages are given to sections 6 (Conventions dealing with the traffic in narcotic drugs) and 10 (The protocols and general bonds of the so-called League Loans), whereas other subjects are disposed of in little more than a page, is due to the complexity of the functions described, and is no index of their importance as compared with the other work of technical organisations concerned, or that of the other organisations of the League.

Since the object in view is not to show how the League works, but only the gaps which would be caused by its disappearance, it has not seemed necessary to make the memorandum more complicated by stating in all cases what is the League organ by which particular functions are performed.

The memorandum deals only with instruments which have come into force. A note on functions which have not come into force but, theoretically at least, might still do so, will be found in the Appendix. It has been felt that no practical purpose would be served by including functions which for legal or other reasons have ceased to exist or have ceased to be capable of being performed and do not seem likely to be revived. Apart from the provisions creating the League and the International Labour Organisation, this is the case for most of the functions resulting from the Treaties of Versailles, St. Germain, Trianon and Neuilly. Many of them were subject to a time limit which has expired—Articles 22, 98, 280, 289, 312, 342, 378, 379 of the Treaty of Versailles and corresponding articles of the three other treaties; Articles 310, 320, 324, 327 of the Treaty of St. Germain; Articles 292, 293 of the Treaty of Trianon. Others have been completely performed: for example, the deter-

mination of the frontier between Turkey and Iraq under Article 3; the settlement of the Ottoman Debt under Articles 47 and 48 of the Peace Treaty of Lausanne; the Saar provisions of the Treaty of Versailles and the League's functions under the Greek-Bulgarian and Greek-Turkish reciprocal emigration conventions. Among other functions resulting from the peace settlement after the 1914-1918 war the memorandum selects for notice only those which appear to be of interest as having a chance of being maintained or revived after the present war. The same considerations have led to omission of the Locarno Treaty of Mutual Guarantee of 16 October, 1925, between Germany and Great Britain, France, Belgium, and Italy (Hudson, *International Legislation* III, p. 1689; 54 *Treaty Series*, p. 303); of the Statute of the Sanjak of Alexandretta which came into force on 29 November, 1937, (Hudson, VII, p. 721; L. of N. Doc. C. 282, M. 183, 1937) but was followed by the cession of the Sanjak by France to Turkey under an agreement of 23 June, 1939 (*Statesman's Yearbook*, 1942, pp. 913 and 1329); the Convention concerning the Territory of Memel and Annex dealing with the Port of Memel of 8 May, 1924, (Hudson II, p. 1265; 29 *Treaty Series* p. 85). One set of instruments concluded on the League's initiative and conferring functions upon it has ceased to be in force owing to denunciation by the parties; it is the Convention on the abolition of import and export restrictions of 8 November, 1927, and Supplementary Agreement of 11 July, 1928, (Hudson III, p. 2160; 97 *Treaty Series*, p. 391).

It has seemed desirable to distinguish between what may be called "secretarial or ministerial" functions which relate to the instrument itself, *e.g.* its custody etc., and functions which form part of its operation, since functions of the first kind are essentially the same, whatever be the instrument out of which they arise, whereas the latter kind are usually specific to the particular instrument.

It has not seemed necessary to enumerate the instruments which confer secretarial or ministerial functions of the kinds described in section I below. A certain number of League conventions which only confer such functions on the League are accordingly not mentioned in the memorandum.<sup>1</sup> Every effort has been made to include every function of importance, but the nature of the sources makes

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<sup>1</sup> The titles and dates of all the League conventions, together with the states between which they were in force on 1 September, 1938, will be found in the text or footnotes of the League of Nations Official Journal, Special Supplement 182 (Annex I to the Report on the Work of the League for the year 1937/1938).

it impossible to be certain that no clause under which the League may still have functions to perform has been overlooked.

Whenever possible, references have been given to Hudson's International Legislation and the League of Nations Treaty Series, where most of the texts in question can conveniently be studied.

I wish to offer my appreciation and gratitude to Mr. Hugh McKinnon Wood who edited the material for this document. He served the League of Nations for twenty years with very great distinction and devotion as a member—and for some time as Director—of the Legal Section of the Secretariat.

SEAN LESTER  
Acting Secretary-General

League of Nations  
Geneva.  
July 1944

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## I. SECRETARIAL OR MINISTERIAL FUNCTIONS.

(1) With very few exceptions, all the League international conventions (*i.e.* those concluded at conferences convened by the League) provide for the deposit of the instrument with the Secretariat of the League and make the Secretariat responsible for its custody, for providing certified copies, for receiving ratifications, accessions, notifications regarding its applicability to over-seas possessions and mandated territories, and denunciations.

In some cases the contracting parties are required to communicate information or documents to each other through the intermediary of the Secretariat. An example is article 7 of the Slavery Convention of 25 September, 1926 (Hudson III, p. 2010; 60 Treaty Series p. 253). Other instances are given below. This arrangement has the subsidiary purpose of making the material available to the League as well as to the other contracting parties.

(2) Most of the League conventions have been open to signature or accession by all the League members, other States represented at the conference and States to which the Council communicated a copy for this purpose. The power thus given to the Council was always exercised so as to open the conventions to all States whose participation could be of interest to them and the other parties, but it retains a certain permanent value as a means of admitting to the conventions any new States which may come into existence and any existing States which were not originally considered as suitable parties.

## II. FUNCTIONS FORMING PART OF THE OPERATION OF THE INTERNATIONAL TREATY, CONVENTION OR OTHER INSTRUMENT.

Some of these are functions which are the same in each instrument and can be grouped under general headings. Others can best be discussed in relation to the particular instruments under which they arise.

### 1. *Appointment of arbitrators.*

The appointment of arbitrators, usually after the parties have failed to agree upon an appointment, is a function which has often

been conferred upon the Council. Numerous examples are to be found in the Peace Treaties of 1919-1920, but the provisions in question if not already obsolete, are unlikely to be maintained after the present war.

Article 92 of the Treaty of Lausanne (1924) confers on the Council a power to appoint members of Mixed Arbitral Tribunals, but it is not known whether any occasion could still arise for its exercise.

A number of the treaties, multilateral and bilateral, for the pacific settlement of disputes which were concluded between 1919 and 1939 entrust or make it possible to entrust the nomination of members of conciliation commissions to the Council or to its President. The most important is the General Act of 26 September 1928, Article 6 (Hudson IV p. 2529, 93 T.S. p. 343). Other examples will be found in the League of Nations Treaty Series under the registered numbers 2210, 2231, 2303, 2467, 2509, 2512, 2556, 2559, 2640, 2677, 2684, 2737, 2755, 2974, 3081, 3478, 4211, 4245, 4425.

The function of appointing arbitrators also belongs to the Council under the arbitration clauses of the following instruments which are annexed to League convention of the same date:

Statute on the international régime of railways, 9 December, 1923, article 36. (Hudson, II, p. 1138; 47 Treaty Series, p. 70).

Statute on the international régime of maritime ports, 9 December, 1923, article 22. (Hudson, II, p. 1162; 58 Treaty Series, p. 300).

The General Bonds of the two Bulgarian League loans and the Estonian League loan empower the Council to appoint an arbitrator or arbitrators to decide any question concerning the meaning of the bond or to decide such question itself. Such an arbitration, between the government and the trustees, was successfully conducted in 1937, under clause 19 of the bond of the Bulgarian 1928 loan, by a single arbitrator appointed by the Council.

A Czechoslovak loan raised in 1921 provided for appointment of arbitrators by the Council to decide questions arising between the bondholders and the borrowing country.

Article 4 of the Convention respecting the Thracian frontier of 24 July, 1923, which forms part of the peace settlement with Turkey (28 Treaty Series, p. 141) and which provides for the de-

militarisation of a zone on each side of the frontier separating Turkey from Bulgaria and from Greece, requires these three Powers to bring before the Council any complaints they may have regarding the observance of its provisions.

2. *Settlement of the terms of submission to arbitration.*

In the two above mentioned instruments relating to railways (art. 36) and maritime ports (art. 22) the Council, in default of agreement between the parties, has power to settle itself the terms of the submission to arbitration (special agreement-compromis).

3. *Advisory opinions, conciliation.*

Provision for obtaining an advisory opinion from a League technical committee, before sending disputes as to the interpretation or application of the instrument to arbitration or judicial settlement, is made by the abovementioned instruments concerning railways (art. 35) and maritime ports (art. 21) and by the following other League instruments and conventions:

Statute on freedom of transit, 20 April, 1921, article 13. (Hudson, I, p. 631; 7 Treaty Series p. 12).<sup>1</sup>

Statute on the régime of navigable waterways of international concern, 20 April, 1921, article 22<sup>1</sup> (Hudson, I, p. 645; 7 Treaty Series p. 36).

Convention on the development of hydraulic power affecting more than one state, 13 December, 1923 (Hudson II, p. 1182; 36 Treaty Series p. 75).

Convention on the transmission in transit of electric power, 9 December, 1923, article 12. (Hudson, II, p. 1173; 58 Treaty Series p. 315).

Convention on the simplification of customs formalities, 3 November, 1923, article 22. (Hudson, II, p. 1094; 30 Treaty Series p. 371).

Convention on traffic in opium and drugs, 19 February, 1925, article 32. (Hudson III, p. 1589; 81 Treaty Series p. 317).

Convention concerning economic statistics, 14 December, 1928, article 10. (Hudson IV, p. 2575; 110 Treaty Series p. 171).

<sup>1</sup> Annexed to a convention of the same date.

The Convention concerning the use of broadcasting in the cause of peace, 23 September, 1936, article 7 (Hudson VII, p. 409; 186 Treaty Series p. 301), provides for the parties resorting to the "good offices" of the League Committee on Intellectual Co-operation before proceeding to arbitration or judicial settlement of disputes regarding the application or interpretation of the convention. It is contemplated that the Committee shall appoint special committees to deal with each case (See the rules made by the Committee in Hudson, VII, p. 417).

Two bilateral conventions not concluded under the League's auspices refer disputes as to their interpretation or application to the "mediation" of the "Health Section of the League of Nations".

They are:

Sanitary convention between Latvia and Poland, 7 July, 1922, article 40. (37 L. of N. Treaty Series, p. 318).

Sanitary convention between Poland and Roumania, 20 December, 1922, article 28. (18 L. of N. Treaty Series, p. 104).

4. *International bureaux placed under the League's direction.*

Two conventions concluded in 1919, which established such bureaux, expressly provided for their being placed under the direction of the League as required by article 24 of the Covenant. This was done for the Central International Office for the regulation of the liquor traffic in Africa (Convention on the liquor traffic in Africa, 10 September, 1919, article 7.—Hudson I, p. 352; 8 Treaty Series p. 11) and for the International Commission for Aerial Navigation (Convention on the regulation of aerial navigation, 13 October, 1919, article 34.—Hudson I, p. 359; 11 Treaty Series, p. 173). These bureaux were placed under the League's direction by Council resolutions of 11 January 1921 and 18 April, 1923. The practice was not followed in subsequent conventions creating international bureaux. At the request of the bureaux themselves, the Council took under the League's direction the International Hydrographic Bureau which was established by an informal agreement between governments in 1919-1921 (Council resolution of 2 October, 1921—Statutes, article 1, in Hudson, I, p. 663); the International Exhibitions Bureau (Council resolution of 20 May, 1931—Convention concerning International Exhibitions, 22 November, 1928, article 10, in Hudson, IV, p. 2553; 111 Treaty Series, p. 343); and



the International Bureau for Information and Inquiries relating to Foreigners.

Such direction, as it has been interpreted by the League, does not involve the performance of any specific functions in relation to the bureau or imply any share in its management (See the report adopted by the Assembly on 20 September, 1928, and the Council report therein referred to—L. of N. Official Journal for 1928, p. 987 and Special Supplement 64, p. 455).

5. *Assistance to conciliation commissions.*

On 22 September, 1922, the Assembly adopted a resolution recommending states to conclude conventions providing for the submission of their disputes in the first instance to conciliation commissions, and putting forward a set of model rules for the establishment and working of standing commissions for this purpose. Article 3 of these rules provides for the commissions requesting the Secretary-General to render them assistance in their work. A number of conventions, or chapters in conventions for the settlement of disputes, were subsequently concluded on the model of the Assembly's rules. An example is the conciliation and arbitration convention concluded on 17 June, 1925, between Estonia, Finland, Latvia and Poland (Hudson III, p. 1571; 38 Treaty Series, p. 358). Little, if any, use has been made of such conciliation commissions, and the provision for obtaining the Secretary-General's assistance has remained a dead letter.

No such provision appears in the chapter on conciliation contained in the League General Act for the pacific settlement of international disputes of 26 September, 1928 (Hudson IV, p. 2529). Article 6 of this instrument provides that parties to a dispute may in certain circumstances ask the Acting President of the League Council to appoint members of a conciliation commission.

6. *Conventions dealing with the traffic in narcotic drugs.*

These Conventions are:

The Hague international opium convention, 23 January, 1912. (L. of N. doc. O.C. 1 (1), American Journal of International Law, Vol. 6, 1912, Supplement p. 177).

Agreement relating to the suppression of the manufacture of, internal trade in, and use of, prepared opium, 11 February, 1925. (Hudson, III, p. 1580; 51 Treaty Series, p. 337).

Convention on traffic in opium and drugs, 19 February, 1925. (Hudson, III, p. 1589; 81 Treaty Series, p. 317).

Convention for limiting the manufacture and regulating the distribution of narcotic drugs, 13 July, 1931. (Hudson V, p. 1048; 139 Treaty Series, p. 301).

Agreement concerning the suppression of opium smoking, 27 November, 1931. (Hudson, V, p. 1149; 177 Treaty Series, p. 373).

Convention for the suppression of the illicit traffic in dangerous drugs, 26 June, 1936<sup>1</sup> (Hudson, VII, p. 359; 198 Treaty Series, p. 299).

The first of these conventions is pre-League. The others are the direct result of the efforts made by the League, with the co-operation of the United States and other non-member states, to bring production and traffic in narcotics under international control. Taken together, they constitute a remarkable system of international co-operation for this purpose.<sup>2</sup> A preliminary draft of an additional convention for the limitation of the production of raw opium had been submitted by the League to the governments in 1939 before the present war began.

The chief functions performed by the League in the operation of the system relate to the exercise of international supervision over the performance of their obligations by the governments. It plays an essential part in the maintenance and working of the two organs of control—the Permanent Central Board and the Supervisory Body—set up by the conventions of 19 February, 1925, and 13 July, 1931, for purposes specified in these instruments, and it exercises a general supervision over the operation of all six conventions, and over the treatment of the narcotics problem by all countries, in accordance with paragraph (b) of article 22 of the Covenant, through its own Advisory Committee on Traffic in Opium and other Dangerous Drugs, and its Secretariat, Council and Assembly.

(i) *The Permanent Central Board under the 1925 Convention.*

This body is appointed by the Council with the participation of the United States and Germany. At the request of the 1925

<sup>1</sup> This convention came into force on 26 October, 1939 (20 L. of N. Official Journal, p. 339 footnote).

<sup>2</sup> The system and the League's connection with its various parts are complicated. A comprehensive account of it will be found in "Principles of International Control of Narcotic Drugs" by B. A. Renborg, Chief of the League Secretariat Drugs Control Service (39 American Journal of International Law, July, 1943, p. 436).

conference the League included its expenses among those of the Secretariat; and its staff is administratively part of the Secretariat; but it is an independent body which carries out its duties on its own responsibility. The provisions of the 1925 convention regulating these matters are as follows:

*“Article 19:* A Permanent Central Board shall be appointed within three months of the coming into force of the present convention.

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

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

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

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

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

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

The Central Board shall elect its own President and shall settle its rules of procedure.

At meetings of the Board, four members shall form a quorum.

The decisions of the Board relative to articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board.”

*“Article 20:* The Council of the League of Nations shall, in consultation with the Board, make the necessary arrangements for the organisation and working of the Board, with the object of assuring the full technical independence of the Board in carrying out its duties under the present convention, while providing for the control of the staff in administrative matters by the Secretary General. The Secretary General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council.”

Articles 21, 22 and 23 require the contracting countries to furnish the Board annually with estimates of the amount of imports of the

substances covered by the convention which they will require for legitimate internal use, and with prescribed statistical material about production, consumption and stocks, some of which the Board is to communicate to all the Contracting Parties. The use to be made of all this information by the Board appears from articles 24 to 27.

“*Article 24:* 1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present convention are accumulating in any country, or that there is a danger of that country becoming a centre of the illicit traffic, the Board shall have the right to ask, through the Secretary General of the League, for explanations from the country in question.

2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of the governments of all the Contracting Parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the government of the country concerned of the recommendation made by it.

3. The country concerned shall be entitled to bring the matter before the Council of the League.

4. The government of any exporting country which is not prepared to act on the recommendation of the Central Board shall also be entitled to bring the matter before the Council of the League.

If it does so, it shall immediately inform the Board that it is not prepared to act on the recommendation, explaining, if possible, why it is not prepared to do so.

5. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the governments of all the Contracting Parties.

6. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

7. Any country shall be entitled to be represented at a meeting of the Central Board at which a question directly interesting it is considered.”

“*Article 25:* It shall be the friendly right of any of the Contracting Parties to draw the attention of the Board to any matter which

appears to it to require investigation, provided that this article shall not be construed as in any way extending the powers of the Board.”

“*Article 26:* In the case of a country which is not a party to the present convention, the Central Board may take the same measures as are specified in article 24, if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic; in that case the Board shall take the action indicated in the said article as regards notification to the country concerned.

Paragraphs 3, 4 and 7 of article 24 shall apply.”

“*Article 27:* The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the Contracting Parties.

The Central Board shall take all necessary measures to ensure that the estimates, statistics, information and explanations which it receives under articles 21, 22, 23, 24, 25, or 26 of the present convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any Contracting Party.”

(ii) *The Permanent Central Board and the Supervisory Body under the Convention of 1931.*

The annual estimates of import requirements provided for by the 1925 convention “are not to be regarded as binding on the government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties” (art. 21). The 1931 convention introduces annual estimates of total national requirements which the countries may not exceed (arts. 6-9). It sets up a new authority, the Supervisory Body, to scrutinise and endeavour to secure accuracy in these estimates, and to furnish every government with an annual statement of the estimates for all countries, whether parties to the convention or not. It empowers the Permanent Central Board to enforce respect for the estimates by forbidding export to countries which do not respect them.

The Supervisory Body is not wholly appointed by the League, but one of its four members is appointed by the League Advisory Committee on Opium and other Dangerous Drugs and another by the League Health Committee. The other two are appointed by the Permanent Central Board and by the Office international d’Hy-

giène publique. The League has included its expenses in those of the Secretariat, and the Body's own secretariat is, under the convention, to be provided by the Secretary General.

The relevant provisions are as follows:

Articles 2, 3, 4 and 5 para. 1 provide that the governments of the Contracting Parties shall make estimates, and, if necessary, supplementary estimates, for their respective countries and territories, that the Permanent Central Board shall request estimates for countries and territories to which the convention does not apply, that the estimates shall be in the form prescribed by the Board, and that they shall "be based solely on the medical and scientific requirements" of each country or territory. Where no estimate is furnished for a country or territory, the Supervisory Body (art. 2) has the duty of itself making the estimate. The Central Board is to submit the estimates to the Supervisory Body, whose establishment and operation is dealt with in the remaining provisions of article 5 as follows:

"6. The estimates will be examined by a Supervisory Body. The Advisory Committee on Opium and other Dangerous Drugs of the League of Nations, the Permanent Central Board, the Health Committee of the League of Nations and the Office international d'Hygiène publique shall each have the right to appoint one member of this Body. The secretariat of the Supervisory Body shall be provided by the Secretary General of the League of Nations, who will ensure close co-operation with the Permanent Central Board.

The Supervisory Body may require any further information or details, excepts as regards requirements for government purposes, which it may consider necessary, in respect of any country or territory on behalf of which an estimate has been furnished, in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the government concerned, amend any estimate in accordance with any information or details so obtained. It is understood that in the case of any of the drugs which are or may be included in Group II a summary statement shall be sufficient.

"7. After examination by the Supervisory Body as provided by paragraph 6 above of the estimates furnished, and after the determination by that Body as provided in article 2 of the estimates for each country or territory on behalf of which no estimates have been furnished, the Supervisory Body shall forward, not later than November 1st in each year, through the intermediary of the

Secretary General, to all the members of the League of Nations and non-member states referred to in article 27,<sup>1</sup> a statement containing the estimates for each country or territory, and, so far as the Supervisory Body may consider necessary, an account of any explanations given or required in accordance with paragraph 6 above, and any observations which the Supervisory Body may desire to make in respect of any estimate or explanation, or request for an explanation.

“8. Any supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with without delay by the Supervisory Body in accordance with the procedure specified in paragraphs 6 and 7 above.”

The provisions restricting manufacture and imports by reference to the estimates follow in articles 6 and 9 and in article 12.

The new powers of control given to the Permanent Central Board are contained in article 14. The import authorisations to which the article refers are authorisations given under the system set up by Chapter 5 of the 1925 convention. This (broadly speaking) requires that each import of substances to which the convention applies shall be covered by an import authorisation and that the exporting country shall allow the export only under an export authorisation given on production of a certificate of authorisation of importation given by the importing country's authorities.

“Article 14. 1. Any government which has issued an authorisation for the export of any of the drugs which are or may be included in Group I to any country or territory to which neither this convention nor the Geneva convention (*i.e.* the 1925 convention) applies shall immediately notify the Permanent Central Board of the issue of the authorisation; provided that, if the request for export amounts to 5 kilogrammes or more, the authorisation shall not be issued until the government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country or territory to be exceeded. If the Permanent Central Board sends a notification that such an excess would be caused, the government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board or from the notifications made to the

<sup>1</sup> *i.e.*, the States represented at the 1931 conference and those invited by the Council to become parties to the convention.



Board in pursuance of the preceding paragraph that the quantity exported or authorised to be exported to any country or territory exceeds the total of the estimates for that country or territory as defined in article 5, with the addition of the amounts shown to have been exported, the Board shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country except:

- (i) In the event of a supplementary estimate being furnished for that country in respect both of any quantity over-imported and of the additional quantity required; or
- (ii) In exceptional cases where the export in the opinion of the government of the exporting country is essential in the interests of humanity or for the treatment of the sick.

3. The Permanent Central Board shall each year prepare a statement showing, in respect of each country or territory for the preceding year:

- (a) The estimates in respect of each drug;
- (b) The amount of each drug consumed;
- (c) The amount of each drug manufactured;
- (d) The amount of each drug converted;
- (e) The amount of each drug imported;
- (f) The amount of each drug exported;
- (g) The amount of each drug used for the compounding of prescriptions, exports of which do not require authorisations.

If such statement indicates that any High Contracting Party has or may have failed to carry out his obligations under this Convention, the Board shall have the right to ask for explanations, through the Secretary General of the League of Nations, from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of article 24 of the Geneva convention shall apply in any such case.

The Board shall, as soon as possible thereafter, publish the statement above mentioned together with an account, unless it thinks it unnecessary, of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of such explanation or request for an explanation.

The Permanent Central Board shall take all necessary measures to ensure that the statistics and other information which it receives under this convention shall not be made public in such a manner



as to facilitate the operations of speculators or to injure the legitimate commerce of any High Contracting Party.”

The League Health Committee also has functions under both the 1925 and 1931 conventions.

(iii) *The League Health Committee and the Convention of 1925.*

“*Article 8.* In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d’Hygiène publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in the present Chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present convention will not be applicable to the preparation concerned.”

“*Article 10.* In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d’Hygiène publique in Paris, finding that any narcotic drug to which the present convention does not apply is liable to similar abuse and productive of similar ill effects as the substances to which this Chapter of the convention applies, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present convention shall be applied to such drug.

The Council of the League shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendations shall notify the Secretary General of the League, who will inform the other Contracting Parties.

The provisions of the present convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above.”

(iv) *The League Health Committee and the Convention of 1931.*

“*Article 11. 1.* No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca-leaf, not in use on this day’s date for medical or scientific purposes, shall take place in any country

or territory unless and until it has been ascertained to the satisfaction of the government concerned that the product in question is of medical or scientific value.

In this case (unless the government determines that the product is not capable of producing addiction or of conversion into a product capable of producing addiction) the quantities permitted to be manufactured, pending the decision hereinafter referred to, shall not exceed the total of the domestic requirements of the country or territory for medical and scientific needs and the quantity required for export orders, and the provisions of this convention shall apply.

2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary General of the League of Nations, who shall advise the other High Contracting Parties and the Health Committee of the League.

3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique, decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in Sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in Sub-Group (b) of Group I or in Group II).

4. In the event of the Health Committee deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under Sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the government concerned, one by the Opium Advisory Committee of the League, and the third by the two members so selected.

5. Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary General of the League of Nations, who will communicate it to all the members of the League of Nations and to the non-member states mentioned in article 27.<sup>1</sup>

6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into a drug producing addiction, the High Contracting Parties will, upon receipt of the communication from the Secretary General, apply

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<sup>1</sup> See footnote on p. 21.

to the drug the appropriate régime laid down in the present convention according as to whether it falls under Group I or under Group II.

7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience, on an application addressed by any High Contracting Party to the Secretary General."

(v) *Other League functions connected with the operation of the Conventions of 19 February, 1925, and 13 July, 1931.*

Under article 30 of the first of these conventions, the contracting countries must communicate to each other their existing laws and regulations on matters dealt within the convention and all laws and regulations made to give effect to it. The second convention (article 21) requires such communication for laws and regulations which are made to give effect to the convention, and also requires communication of an annual report on the working of the convention in the territories of the contracting countries, which must be "in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and other dangerous drugs". The documents have to be distributed through the Secretary General and are, of course, used by the Advisory Committee in its work of general supervision.

Article 23 of the second convention requires the parties to communicate to each other through the Secretary General, as soon as possible "particulars of each case of illicit traffic discovered by them which may be of importance either because of the quantities involved or because of the light thrown on the sources from which drugs are obtained for the illicit traffic or the methods employed by illicit traffickers".

"The particulars shall indicate as far as possible:

- (a) The kind and quantity of the drugs involved;
- (b) The origin of the drugs, their marks and labels;
- (c) The points at which the drugs were diverted into the illicit traffic;
- (d) The place from which the drugs were despatched, and the name of shipping or forwarding agents or consignors; the methods of consignment and the name and address of consignees, if known;
- (e) The action taken by the government in regard to the persons involved, particularly those possessing authorisations or licences and the penalties imposed;

- (f) The methods and routes used by smugglers and names of ships, if any, in which the drugs have been shipped;
- (g) Any other information which would assist in the suppression of illicit traffic."

This information also is available to the Advisory Committee.

- (vi) *League functions connected with the operation of the other conventions dealing with narcotics.*

Under the Assembly resolution of 15 December, 1920, which set up the Advisory Committee on Opium and other Dangerous Drugs, the League, with the concurrence of the Netherlands Government, took over as part of its task of supervising the drug traffic two functions conferred on that government by the Hague convention of 1912. These are the function of convening conferences to settle disputes regarding the entry into force of the laws and measures which the convention requires the parties to enact or take (article 24), and the function of acting as intermediary for the distribution by the parties to one another of their laws and regulations and of prescribed statistical information concerning the traffic in the substances to which the convention applies.

The "agreement" of 11 February, 1925, which is limited to states having possessions in the Far East and applies only to those possessions, requires the parties to furnish to the Secretary General for publication all the information they can obtain regarding the number of opium smokers in those possessions (article 10). No functions belong to the League in respect of the operation of the "agreement" of 27 November, 1931, which carries further the "agreement" of 1925.

Finally, the convention of 26 June, 1936, whose object is to secure adequate punishment of offences connected with the production of and traffic in the substances dealt with by the Hague convention and those of 19 February, 1925, and 13 July, 1931, requires the parties to communicate to each other through the Secretary General the laws and regulations made for the purpose of carrying out its provisions and annual reports on the working of the convention in their territories.

- 7. *Convention concerning economic statistics, 14 December, 1928.* (Hudson IV, p. 2575; 110 Treaty Series p. 171).

This convention, whose object is to assure "the official preparation and publication of various classes of economic statistics and

the general adoption of uniform methods in the preparation of certain statistical returns”, sets up a body, known as the “Committee of Statistical Experts”, which functions in the same manner as the technical committees created by the League but is appointed by the Council sitting with representatives of non-member states. This committee is the organ from which an advisory opinion on disputes as to the interpretation or application of the convention can be obtained (article 10). The other provision of the convention concerning the committee and its functions is:

“*Article 8.* 1. A Committee of Technical Experts shall be appointed at a meeting of the Council of the League of Nations and one delegate from each state, not a member of the League of Nations, represented at the Conference of Geneva, on behalf of which ratifications or accessions have been deposited.

2. In addition to the particular functions which are entrusted to it under the provisions of the present convention and the instruments which are annexed thereto, the Committee of Experts referred to in the preceding paragraph of this article may make any suggestions which appear to it useful, for the purpose of improving or amplifying the principles and arrangements laid down in the convention concerning the classes of statistics dealt with therein. It may also make suggestions in regard to other classes of statistics of a similar character in respect of which it appears desirable and practicable to secure international uniformity. It shall examine all suggestions to the same end which may be submitted to it by the governments of the High Contracting Parties.”

The committee has thus the general function of assisting the parties to perfect the operation of the convention.

The Annexes to the convention, which contain the statistical programme aimed at by the convention, make the committee the authority to settle certain technical details of the programme (See Annex I, Part I, para. VI, third sub-para., determination of the minimum list of statistical territories which countries must specify in their external trade statistics; Annex I, Part II, paras. 7 and 8, reporting on the merits and demerits of certain methods of classification with a view to a supplementary agreement on the subject; Annex III, Part I, para. 2, (b), and Part II, D, I, paras. (i) (d) and (ii) (f), questions regarding certain mineral and metallurgical statistics).

Finally, Annex I, Part I, para. VI, second sub-paragraph, empowers the Secretary General to take at any time, at the request

of any contracting party, the necessary measures to bring the second part of the Annex, which contains the full list of statistical territories to be shown in trade returns, into conformity with any changes which may have occurred.

8. *International circulation of educational films.*

The Convention for facilitating the international circulation of films of an educational character, of 11 October, 1933 (Hudson, VI, p. 456; 155 Treaty Series p. 331), whose object is to promote the exhibition of such films in foreign countries by obtaining for them customs and other fiscal exemptions, originally depended for its operation on the International Educational Cinematographic Institute, which inspected and awarded certificates to films for which exemption was claimed and performed other functions under the convention. This institute, which had been founded by Italy as a contribution to the League's work in intellectual co-operation, was managed by a Council of Administration appointed by the League Council. The Italian Government abolished it in 1938 and thus brought the operation of the convention to a standstill.

In the autumn of the same year an agreement known as the Procès-Verbal of 11 October 1938 was negotiated, with the approval of the Assembly, for the purpose of transferring the Institute's functions under the convention to the League's Committee on International Co-operation (See text of the Procès-Verbal, L. of N. Official Journal, Special Supplement 183, pp. 113-114 and Assembly resolution of 26 September 1938, *ibidem* p. 128). The Procès-Verbal came into force on 28 August, 1939 (20 L. of N. O. J. 1939, p. 340, footnote).

9. *Convention on the simplification of customs formalities, 3 November, 1923 (Hudson, II, p. 1094; 30 Treaty Series p. 371).*

Communication to the League of Nations is one of the methods adopted in this convention for securing complete and early publicity for certain kinds of information regarding action which the parties agree to take. The parties are to furnish "every three years and whenever requested by the Council of the League" summaries indicating the steps which they have taken to effect the simplification of customs and other similar formalities. The relevant articles are articles 6, 9 and 10.

10. *The protocols and general bonds of the so-called League Loans.*

In the period 1922-1932 the League worked out a series of plans for financial reconstruction which involved raising foreign loans

and helped the Governments concerned to raise these loans on fair terms. In each case the Council, to which the requests for assistance were addressed, instructed the Financial Committee to examine the request and to give its opinion. The plans drawn up by the Committee, in consultation with the borrowing government, covered the financial and other measures and reforms to be carried out, the machinery to be established to ensure the proper application of the proceeds of the loan and to assure the due performance of the service of the loan. In certain cases, it was provided that the conditions of the loan, the method of issue, the terms of the service, and the expenses of issue, of negotiation and of delivery should be approved by a representative of the Financial Committee. Each loan was secured by a charge on productive assets and the direct application of the revenues from these "pledged assets" to the loan service was enforced by causing them to be payable to and applicable to the service by persons appointed by the League Council, or, in the case of Greece, an existing international commission. Except in the two Danzig cases, the entire scheme was embodied in a protocol approved by the Council and signed and ratified by the borrower. The general bonds of the loans<sup>1</sup> are instruments forming part of the security of the loans and setting out the provisions applicable to all their parts. In the two Danzig cases there is no protocol or other written agreement with the League, and the functions and powers exercised by the League are to be found in the bonds.

With the above loans must be grouped that raised under the "Austrian Protocol" of 15 July, 1932, since the League had the same type of functions in connection with it although the protocol was not an agreement with the League but one between Austria and certain other League members.

The scope and degree of League responsibility in connection with the loans and the reconstruction schemes for which the loans were raised varied widely from one case to another. But, in general, the principal powers and functions which the League continued to exercise after each loan was floated were:

- (i) in connection with the machinery for ensuring that the prescribed measures were taken and the loan devoted exclusively to the approved purposes;
- (ii) in connection with the machinery for ensuring that the

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<sup>1</sup> The Greek loans have no general bonds.

- revenues of the assets pledged for the service of the loan were so applied and the service fully met;
- (iii) to interpret the protocol and, in the case of the Estonian and Bulgarian loans, the General Bonds; and, in the case of the Estonian, 1928 Bulgarian and, it is believed, 1926 Bulgarian loans, to interpret the borrowers' contracts with the issuing bankers;
  - (iv) to decide when the League's immediate association with the reconstruction programme (through its Commissioners, etc.) should terminate and (in the case of Austria and Hungary) to renew that association if the financial situation were such as to demand it;
  - (v) to maintain contact with the borrowers, following the development of their financial and general economic situation and making recommendations where appropriate, arranging for investigation of technical difficulties arising in connection with the execution of the reconstruction or settlement schemes and using its influence to obtain a fair adjustment where maintenance of the full service of the loan became difficult or impossible.

Several of these powers and functions continued to be exercised by the League up to the outbreak of the present war; but others had either been relinquished or reduced in scope or importance before 1939. Thus the Council's right to interpret the protocols had lost much of its significance, owing to the execution of most of the obligations which those protocols imposed. For the same reason, the function of ensuring that the agreed measures were taken and the loan properly applied in the borrowing countries had been practically terminated except in Bulgaria, where a *Commissioner for Refugees* and an *Adviser to the National Bank* were still maintained.

It is clearly necessary that the contractual functions vested in the League—in particular, the power of appointing trustees to manage the loan service and, in certain cases, to control revenues assigned to it—should be maintained. International action would moreover, seem indispensable to settle the terms of resumption of the service and administration of the assigned revenues.<sup>1</sup>

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<sup>1</sup> In the course of the nineteen-thirties, Greece, Bulgaria, Hungary, the Free City of Danzig and the Municipality of Danzig proved unable to observe strictly the terms of the protocols and general bonds, the operation of which were substantially modified by unilateral government action or by agreement with the bondholders.



The general position as regards each of the loans may be briefly outlined as follows:

Austria: *Protocols II and III<sup>1</sup> of 4 October, 1922*. (Hudson II, p. 884; 12 Treaty Series p. 291).

Although the loan raised under these instruments was redeemed in 1934, the League still has one sole remaining function, that of appointing the loan trustees. This is due to the fact that certain holders of the bonds of the United States issue, which was payable in dollars, refused payment in depreciated dollars and sought to obtain payment in gold by litigation against the trustees. The latter accordingly did not close their accounts but continued to hold part of the reserve fund of the loan in the Bank of England to meet the claims, if they should be proved to be valid.

Austria: *Protocol of 15 July, 1932*. (Hudson VI, p. 84; 135 Treaty Series p. 285).

This was an agreement between Austria of the one part and Belgium, Great Britain, France, Italy and the Netherlands of the other part, embodying a scheme which had been worked out by the League's Financial Committee in response to a second request for assistance presented by Austria in September 1931. The states of the second part each guaranteed or contributed a specified portion of the loan. Powers in connection with the utilisation of the loan and with the execution of the stipulated reforms were conferred on a Representative of the League of Nations and an Adviser to the National Bank of Austria to be appointed by the League. These posts were abolished by the Council as from 1 November, 1936 (League of Nations Official Journal, 1936, p. 1171), but in accordance with the agreement reached with the Austrian Government at that date, (1) The Secretary-General appointed an officer to carry out the duties foreseen in Article 10 of Annex 3 of the Protocol of 1932 (following the financial and economic developments in Austria) and (2) the Council retained the right, provided the funds borrowed either by virtue of the protocol or through the Loan of 1923 were not entirely repaid, to reappoint a representative of the League of Nations or the Bank Adviser, or both, at its discretion. Provision was to be made by the protocol and the general bond to cause the "system of pledged assets" by which the existing Austrian League loan was secured to apply to the new loan, in the form in which it was in force in 1932, subject to established priori-

<sup>1</sup> Protocol I is purely political and relates to the maintenance of the independence of Austria.

ties. This was a system of control by the loan trustees of the same type as in the case of the loans mentioned below.

The Council has power to interpret the protocol.

*Austrian Government Guaranteed Conversion Loan, 1934/59.*

The repayment of the first of the above-mentioned loans was effected by raising a conversion loan. The only function falling to the League in connection with this operation is that of appointing Trustees, a function which is provided for in Article XXXI of the general bond and was formally accepted by the Council on 25 November, 1934. (15 L. of N. Official Journal, 1934, pp. 1434-1435).

*Greece: Greek refugees settlement loan, Protocol of 29 September, 1923.*

(Hudson, II, p. 1067; 20 Treaty Series p. 29).

*Greek stabilisation loan, Protocol of 15 September, 1927.* (Hudson, III, p. 2142; 70 Treaty Series p. 9).

The management of the service of the two loans raised under these instruments and the control of the assigned revenues is entrusted to the International Financial Commission, a body set up in 1898 to control the collection of, and to administer, revenues assigned to the service of Greek Government loans, and which after the 1914/18 war consisted of representatives of Great Britain, France and Italy. There are thus no League trustees. The second protocol, however, gives the Greek Government an appeal to the League Council against decisions taken by the Financial Commission in exercise of its power to require the assignment of additional assets and also gives to the Commission an appeal to the Council against failure of the Greek government to assign sufficient additional assets when called upon to do so (article 2, para. 3).

The Council has power to interpret the protocols.

*Hungary: Protocol of 14 March, 1924.* (Hudson, II, p. 1250; 25 Treaty Series p. 427).

Supervision of the execution of the plan of reform was vested by this protocol in a Commissioner-General appointed by the League, who was endowed with wide powers of financial and budgetary control, subject to appeal by the government to the League. The office was abolished by the Council as from 30 June, 1926. There was also an adviser to the Bank of issue. Article 7 of the protocol entitles the Council to re-establish this system of control if "the financial situation of Hungary has become such that the equilibrium of the budget, as defined under article 2, or the continued value

of the revenues or assets assigned for the service of the loan are endangered". It was not found appropriate to take this course when Hungary defaulted on her loan service,<sup>1</sup> and it seems hardly possible that, were there no League, power to do so could be vested in some other quarter, since the system is one whose operation depends on the existence of the League.

The service of the loan is under the Protocol to be managed by trustees appointed by the League. While the post of Commissioner-General existed, this official controlled the revenues from the pledged assets. On its abolition, this function passed to the trustees. While the system was working normally, the revenues from the assets were paid to the trustees, who took from them the amounts they were entitled to take for the service, including the maintenance of a reserve and the making good of defaults by the government, and paid the balance to the government.

There is an appeal from the trustees to the Council against decisions taken in exercise of the power given by article 10 of refusing to allow any charge upon, or measure calculated to diminish the value of, the pledged assets and revenues, and of demanding the pledging of additional assets to bring the revenue up to the prescribed percentage of the annual service.

The Council has power to interpret the protocol.

Estonia: *Protocol of 10 December, 1926.* (Hudson III, p. 2070; 62 Treaty Series p. 277).

Under this instrument a trustee is appointed by the Council of the League and was both to control the expending of the loan, a function which has now ceased, and to control the assigned revenues and apply them to the service on the system already described above in connection with the Hungarian loan. There is an appeal to the Council against decisions of the trustee requiring the Estonian government not to take measures which he considers would diminish the assigned revenues, and against decisions by which the trustee requires assignment of new revenues to bring those already assigned up to the prescribed percentage of the annual service. So long as any bonds of the loan are outstanding, the League Financial Committee, under the general bond, has the right to veto any change in the statutes of the National Bank which might be conducive to depreciation of the currency.

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<sup>1</sup> A representative of the Financial Committee in Hungary and an adviser to the National Bank were, however, appointed in 1931 in connection with the Hungarian Government's second appeal for assistance. Both posts were discontinued in 1937.

There is the usual provision for interpretation of the protocol by the Council. The general bond, in addition to stipulating that the trustee be appointed by the Council, contains a clause, mentioned above at page 12, under which all questions arising under it are to be settled by the Council or an arbitrator or arbitrators appointed by that body.

Bulgaria: *Protocol of 8 September, 1926*. (Hudson, III, p. 2000; 58 Treaty Series p. 245).

*Protocol of 10 March, 1928*. (Hudson, IV, p. 2442; 74 Treaty Series p. 165).

The purpose of the loan raised under the first of these instruments was the settlement of refugees. It provides for a Commissioner appointed by the League who is to control the expenditure of the loan for this purpose and generally supervise the settlement operations, reporting periodically to the League. An appeal lies to the League against abuse of his authority by the Commissioner. So long as the post remains in existence, the Commissioner is to receive the assigned revenues and provide therefrom to the trustees the sums necessary for the service. The service is otherwise managed by the trustees and on abolition of the post of Commissioner they take over the control of the assigned revenues. There is an appeal, under the 1928 protocol, against decisions of the trustees forbidding new charges on the assigned revenues and decisions forbidding measures which would unduly diminish the assigned revenues. The League Financial Committee, so long as any bonds of the loan are outstanding, has the right to veto any changes in the statutes of the National Bank which might be conducive to depreciation of the currency.

The second protocol provided money for financial stabilisation and for improvement of the means of communication in Bulgaria. The portion of the loan destined for stabilisation was payable to the National Bank, and expendable only under the control of the Commissioner for Refugees. The Commissioner was also to control the expenditure of the portion destined for improving communications and to supervise this operation. A technical adviser appointed by the Council was to exercise certain powers in the management of the National Bank. The service of the loan is provided for on the same system as under the first protocol and there are the same kinds of appeal from the trustees to the League.

The Commissioner and the Bank Adviser left Bulgaria in 1940 but their offices have not been abolished.

Both protocols contain the usual provision for interpretation

and for appointment of trustees by the Council. Both general bonds contain a clause, mentioned above at page 12, under which all questions arising under the general bond are to be settled by the Council or an arbitrator or arbitrators appointed by it.

Danzig: *Loan of the Municipality of Danzig.*

*Loan of the Free City of Danzig.*

The two Danzig loans were arranged by the Financial Committee acting under instructions from the Council.

The issue of the municipal loan "under the auspices of the League" was finally sanctioned by a Council resolution of 14 March, 1925, which at the same time approved the provisions concerning the League contained in an agreement signed with the issuing bank. The clauses in which these provisions will be found are reproduced in the Financial Committee's report (L. of N. Official Journal, 1925, pp. 613-621). The council was given two functions. The first was to appoint a trustee who was to hold mortgages under Danzig law upon the municipal assets which were assigned as security and from whose revenues the sums necessary for the service were to be paid, and who was to manage the service. Secondly, while the execution of the approved expenditure was to be controlled by the trustee, the Council alone could authorize changes in the plan.

The Council resolution finally authorising the Free City loan, which was adopted on 10 March, 1927 (L. of N. Official Journal, 1927, p. 386), confined itself to approving the general conditions of issue proposed by the Financial Committee. From the committee's report it appears that the loan contract was to provide "for a system of control designed to ensure that the proceeds of the loan are used in accordance with the above mentioned programme of expenditure, and similar to that which has been instituted in connection with the Danzig municipal loan, *viz.*: control by one or more trustees appointed by the League of Nations. . . The loan contract could further provide for a system of control to be exercised by the trustee over the securities assigned to the loan service". The realization of the committee's proposals was secured by having the contract approved by the committee's chairman.

11. *The protection of minorities.*

The League's functions in connection with the protection of minorities in German and Polish Upper Silesia, under the special régime applied to those areas at the moment of the partition,

ceased with the end of the 15 years for which the régime was established.

Turkey and Iraq are the only states, whose minorities are legally under League protection,<sup>1</sup> which have not been annexed or occupied by the Axis or become belligerents on the side of the Axis and at war with some of the parties to the minorities treaties. There are good reasons for holding that the obligations regarding the treatment of minorities which were created by the peace treaties, minorities treaties and minorities declarations from 1919 onwards are not obligations which are abrogated by war between the parties to the instruments which created them, or by annexation of the territory in which they operate; but it is impossible to foresee how much of the system will be regarded as surviving or will be re-established after the present war. Accordingly all the instruments conferring minority protection functions on the League will be mentioned with the exception of that concerning Upper Silesia. They are:

*Poland:* Treaty of 28 June, 1919, between the British Empire, France, Italy, Japan, and Poland, article 12. (Hudson, I, p. 283; not reproduced in Treaty Series).

*Austria:* Treaty of St. Germain, 10 September, 1919, article 69.<sup>2</sup>

*Yugoslavia:* Treaty of 10 September, 1919, between the British Empire, France, Italy and Japan, and the Kingdom of the Serbs, Croats and Slovenes, article 14. (Hudson, I, p. 312; not reproduced in Treaty Series).

*Czechoslovakia:* Treaty of 10 September, 1919, between the British Empire, France, Italy and Japan, and Czechoslovakia, Article 14. (Hudson, I, p. 298; not reproduced in Treaty Series).

*Bulgaria:* Treaty of Neuilly, 27 November, 1919, article 57.<sup>2</sup>

*Hungary:* Treaty of Trianon, 4 June, 1920, article 60.<sup>2</sup>

*Greece:* Treaty of 10 August, 1920, between the British Empire, France, Italy and Japan, and Greece, article 16. (Hudson I, p. 489; 28 Treaty Series, p. 243).

*Albania:* Declaration made before the Council of the League, 12 May, 1922, article 7. (Hudson I, p. 733; 9 Treaty Series, p. 173).

<sup>1</sup> The protection which the Mandates System affords to minorities does not fall within this memorandum.

<sup>2</sup> Not reproduced in L. of N. Treaty Series.

*Lithuania*: Declaration made before the Council of the League, 12 May, 1922, article 9. (Hudson II, p. 868; 22 Treaty Series, p. 393).

*Turkey*: Treaty of Lausanne, 24 July, 1923, article 44.<sup>1</sup>

*Roumania*: Treaty of 9 December, 1919, between the British Empire, France, Italy and Japan, and Roumania, article 12. (Hudson, I, p. 426; 5 Treaty Series, p. 335).

*Iraq*: Declaration of 30 May, 1932. (Hudson VI, p. 39; L. of N. Document A. 17. 1932. VII).

The functions belonging to the League under the above instruments are all of the kind represented by article 12 of the treaty with Poland, which reads as follows:—

*Article 12*: "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,<sup>2</sup> 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.

"Poland agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"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 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."

<sup>1</sup> 28 Treaty Series, page 12.

<sup>2</sup> The United States failed to ratify the minorities treaties.

The provisions of the Lithuanian minorities declaration and the Council's procedure for dealing with petitions were made applicable within the territory of the autonomous area of Memel by articles 11 and 17 of the convention which created this area (Convention of 8 May, 1924, between the British Empire, France, Italy and Japan, and Lithuania). (Hudson II, p. 1265; 29 Treaty Series, p. 85).

For the *Aaland Islands*, Finland, in an agreement made with Sweden and with the Council as to the guarantees to be assured to the population of the islands, and inserted in the Law of Autonomy of the Islands, accepted the following provision on 27 June, 1921:

*Article 7:* "The Council of the League of Nations shall watch over the application of these guarantees. Finland shall forward to the Council of the League of Nations, with its observations, any petitions or claims of the Landsfing of Aaland in connection with the application of the guarantees in question, and the Council shall, in any case where the question is of a judicial character, consult the Permanent Court of International Justice." (L. of N. Official Journal, 1921, pp. 699 and 701-702).

## 12. *Protection of the Free City of Danzig.*

The functions of the League in connection with the Free City are dealt with in two articles of the Treaty of Versailles.

*Article 102:* "The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in article 100, as a Free City. It will be placed under the protection of the League of Nations."

*Article 103:* "A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

"The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this treaty or any arrangements or agreements made thereunder.

"The High Commissioner shall reside at Danzig."

Since the constitution of the Free City was to be under the guarantee of the League, the Council insisted upon the insertion of the



provision that it could not be amended without the Council's consent.

Article 104 of the Treaty of Versailles provides that the relations between Poland and Danzig shall be defined by a treaty to be negotiated by the Principal Allied and Associated Powers between Poland and the Free City. This instrument develops further the League's functions:

Convention between Poland and the Free City of Danzig, 9 November, 1920. (6 Treaty Series, p. 189):

*Article 6:* The foreign relations of Danzig are conducted by Poland, but this article provides that Danzig shall be consulted on treaty provisions which concern her, and empowers the High Commissioner to veto provisions which in the opinion of the League Council are inconsistent with the convention or the Free City's status.

*Article 7:* Under this article, the Free City may only raise foreign loans after previous consultation with Poland and, if Poland objects, the High Commissioner is to act as arbitrator under article 39. The High Commissioner must satisfy himself that the loan is consistent with the convention and the Free City's status.

*Article 19:* In case of disagreement between Poland and Danzig, the League Council appoints the neutral president of the Danzig Harbour Board, which is a joint Danzig-Polish authority.

*Article 39:* "Any difficulties arising between Poland and the Free City in regard to the present convention or to any other subsequent agreements, arrangements or conventions, or to any matter affecting the relations between Poland and the Free City, shall be submitted by one or the other party to the decision of the High Commissioner, who shall, if he deems it necessary, refer the matter to the Council of the League of Nations.

"The two parties retain the right of appeal to the Council of the League of Nations."

### 13. *Non-fortification and neutralisation of the Aaland Islands.*

The convention establishing this status for the islands is *prima facie* of the kind which survives war between the parties, and article 8 provides that it shall remain in force "in spite of any changes that may take place in the present *status quo* in the Baltic Sea". The preamble recites that the contracting states are carrying

out a recommendation of the Council of the League of Nations to the effect that "a convention should be concluded between the interested Powers with a view to the non-fortification and neutralisation of the Aaland Islands, in order that these islands may never become a cause of danger from the military point of view", and that they "have resolved for this purpose to supplement, without prejudice thereto, the obligations assumed by Russia in the convention of 30 March, 1856, regarding the Aaland Islands, annexed to the Treaty of Paris of the same date". The convention confers functions on the League as follows:

Convention of 20 October, 1921, between Germany, Denmark, Estonia, Finland, France, Great Britain, Italy, Latvia, Poland and Sweden (Hudson, I, p. 744; 9 Treaty Series, p. 211):

*Article 6:* "In time of war, the zone described in article 2 shall be considered as a neutral zone and shall not, directly or indirectly, be used for any purpose connected with military operations.

"Nevertheless, in the event of a war affecting the Baltic Sea, Finland shall have the right, in order to assure respect for the neutrality of the Aaland Islands, temporarily to lay mines in the territorial waters of these islands and for this purpose to take such measures of a maritime nature as are strictly necessary.

"In such case Finland shall at once refer the matter to the Council of the League of Nations."

*Article 7:* "I. In order to render effective the guarantee provided in the preamble of the present convention, the High Contracting Parties shall communicate, either individually or jointly, with the Council of the League of Nations, so that it may decide upon the measures to be taken either to assure the maintenance of the provisions of this convention or to repress any violation thereof.

"The High Contracting Parties undertake to assist in the measures which the Council of the League of Nations may decide upon for this purpose.

"When in fulfilment of this understanding, the Council shall have to make a decision under the above conditions, it will summon the Powers which are parties to the present convention, whether members of the League or not, to attend. The vote of the representative of the Power accused of having violated the provisions of this convention shall not be necessary to constitute the unanimity required for the Council's decision.

"If unanimity cannot be obtained, each of the High Contracting Parties shall be authorized to take any measures which the Council

by a two-thirds majority recommends, the vote of the representative of the Power accused of having violated the provisions of this convention not being counted.

“II. In the event of the neutrality of the zone being imperilled by a sudden attack either against the Aaland Islands or across them against the Finnish mainland, Finland shall take the necessary measures in the zone to check and repulse the aggressor until such time as the High Contracting Parties shall, in conformity with the present convention, be in a position to intervene to enforce respect for the neutrality of the Islands. Finland shall report the matter immediately to the Council.”

14. *The régime of the Straits.*

Under the Convention on the Régime of the Straits (Hudson, II, p. 1028; 28 Treaty Series, p. 115), signed at Lausanne on 24 July, 1923, as part of the peace settlement with Turkey, a number of functions were conferred on the League. This convention has been replaced by the following instrument which also utilises the League:

Convention regarding the régime of the Straits, 20 July, 1936 (Hudson VII, p. 386; 173 Treaty Series, p. 213):

*Article 18:* This article, which limits the aggregate tonnage in vessels of war which non-Black Sea Powers may have in that sea in time of peace, requires the Black Sea Powers to inform Turkey twice a year of the strength of their fleets in that sea and provides for Turkey passing the information to the Secretary General of the League as well as to the other contracting parties.

*Article 20:* “In time of war, Turkey being belligerent, the provisions of articles 10 to 18 shall not be applicable; the passage of war-ships shall be left entirely to the discretion of the Turkish Government.”

*Article 21:* “Should Turkey consider herself to be threatened with imminent danger of war she shall have the right to apply the provisions of article 20 of the present convention. Vessels which have passed through the Straits before Turkey has made use of the powers conferred upon her by the preceding paragraph, and which thus find themselves separated from their bases, may return thereto. It is, however, understood that Turkey may deny this right to vessels of war belonging to the state whose attitude has given rise to the application of the present article.

“Should the Turkish Government make use of the powers con-

ferred by the first paragraph of the present article, a notification to that effect shall be addressed to the High Contracting Parties and to the Secretary-General of the League of Nations.

“If the Council of the League of Nations decide by a majority of two-thirds that the measures thus taken by Turkey are not justified, and if such should also be the opinion of the majority of the High Contracting Parties, the Turkish Government undertakes to discontinue the measures which may have been taken under article 6 of the present convention.”<sup>1</sup>

15. *Permanent administrative régimes established by the “Ports, Waterways and Railways” articles of the Treaties of Versailles, St. Germain, Trianon and Neuilly.*

In each of these treaties, the Part (Part XII) which deals with ports, waterways and railways contains a provision empowering the League of Nations to recommend at any time the revision of such of its articles “as relate to a permanent administrative régime” (Versailles art. 377, St. Germain art. 329, Trianon art. 312, Neuilly art. 246). The reference appears to be to the provisions relating to international commissions set up, or intended to be set up, to deal with navigation on rivers declared or recognised by the Treaties to be “international rivers”.

16. *Pilgrimages to Jerusalem and the Hedjaz.*

Article 117 of the Treaty of Lausanne requires that Turkey and the other Powers interested in these pilgrimages shall set up a Sanitary Co-ordination Commission to ensure uniformity in the execution of the sanitary measures which they are to take. Article 118 connects the Commission with the League’s health work as follows:

*Article 118:* “Reports on the work of the Pilgrimage Coordination Commission shall be addressed to the Health Committee of the League of Nations and the International Office of Public Health, and also to the government of each country which is interested in pilgrimages and makes a request therefor. The Commission will give its opinion on every question put to it by the League of Nations, by the International Office of Public Health, or by the interested governments.”

The receipt of such reports was doubtless intended to bring the

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<sup>1</sup> Under article 6 Turkey may, if she considers herself threatened by imminent danger, oblige the merchant ships to enter the Straits by day and indicate the route by which they must effect their transit.

effectiveness of the sanitary measures which were taken within the range of discussion by the League, and thus provide a possibility of international supervision in return for the abolition of the Superior Council of Health at Constantinople, which made Turkey responsible for the "sanitary organisation of her coasts and frontiers" (art. 114).

*Traffic in transit between Turkey and Greece over certain sections of the Oriental Railway.*

Article 107 of the Treaty of Lausanne exempts this traffic from duties, tolls and passport and customs examination, and provides that a Commissioner, appointed by the Council of the League, with the assistance of a Turkish and a Greek representative, shall supervise the execution of this provision. The Commissioner is to submit to the Council any questions which he is unable to settle, and the two governments are to carry out the Council's decisions. After five years the two governments were to be entitled to apply to the Council for the abolition of the Commissioner. It is not known whether this course was taken.

*17. Importation of arms into Ethiopia: Ethiopian declaration of 27 September 1923.*

The position of this declaration is analogous to that of the minority treaties and declarations. It was signed at the demand of the Assembly on the occasion of Ethiopia's admission to the League in September, 1923. It states that Ethiopia adheres to the obligations of art. II para. 1 of the convention of St. Germain of 10 September, 1919 (amending the General Act of Berlin of 26 February, 1885, and the General Act and Declaration of Brussels of 2 July, 1890), and that she recognises the established system of importation of arms and ammunition, including in particular the stipulations of art. VI of the St. Germain convention. It concludes by providing:

"3. Ethiopia declares herself ready now and hereafter to furnish the Council of the League of Nations with any information which it may require, and to take into consideration any recommendations which the Council may make with regard to the fulfilment of these obligations in which she recognises that the League of Nations is concerned."

The text of the declaration is given in the Sixth Commission's report on the admission of Ethiopia to the League (L. of N. Official Journal, Special Supplement 13, p. 376).

18. *Legal protection of refugees.*

On the death of Dr. Nansen, his functions as High Commissioner for Refugees were divided between a new institution set up by the League, the Nansen International Office for Refugees, and the League (Assembly Resolution of 30 September 1930). The function assigned to the League was the "legal protection" of refugees. One result was that certain quasi-consular functions, previously exercised for the benefit of refugees in a small number of countries by representatives of the High Commissioner in virtue of the recommendations embodied in a document known as the Arrangement concerning the legal status of Russian and Armenian Refugees of 30 June, 1928, and of the provisions of a formal international agreement, the Agreement concerning the functions of the Representatives of the League of Nations High Commissioner for Refugees of the same date, to which only France and Belgium became parties (Hudson, IV, p. 2486 and p. 2492; 89 Treaty Series, p. 63, and 93 Treaty Series, p. 378), were henceforth exercised in the name of the League under credentials issued annually by the Secretary-General. If it were again to become capable of being exercised, this duty would be part of the duties of the new office of High Commissioner created by the Assembly resolution of 30 September, 1938, which liquidated the Nansen Office and a recently created high commissionership for refugees coming from Germany and transferred their functions to the new Commissioner. (See L. of N. Official Journal, Special Supplement 183, p. 137).

19. *Public Health.*

The International Sanitary Convention of 21 June, 1926, (Hudson IV; 78 Treaty Series, p. 229) contains an article (art. 7) recognising the utility of the information circulated by the Epidemiological Intelligence Service of the Health Organisation of the League of Nations, and empowering the Office international d'Hygiène publique to make arrangements with the Health Organisation in connection with this work. Two agreements were accordingly concluded on 25 April, 1927 (Report on the Work of the Tenth—Extraordinary—Session of the Health Committee, League of Nations Document C 225, 1927, III, p. 2). Under the first, the governments may utilise an epidemiological intelligence regional bureau as the channel for transmitting to the Office international the notifications and communications required from them under the Convention, and the Office itself is to issue, as and when necessary, communiques to the governments which will be published

in the weekly and other periodical bulletins of the Epidemiological Service. The second agreement organises the operation as a regional bureau of the Eastern (Singapore) Bureau of the Epidemiological Intelligence Service. This bureau was originally established and its functions determined as the result of the recommendations of an international Conference held at Singapore in February 1925 (League of Nations Document C. H. 280, 1925).

20. *Revision of the instrument.*

Under the following League conventions, the parties agree to the League's convening a conference for the amendment of the convention, if this is demanded by a prescribed number of parties. In normal circumstances, this would mean that the League would be responsible both for the making of arrangements for the conference and for the preparation of its subject matter.

Convention on the suppression of the circulation of and traffic in obscene publications, 12 September, 1923, article 16, (Hudson, II, p. 1051; 27 Treaty Series, p. 213).

Convention on the simplification of customs formalities, 3 November, 1923, article 30, (Hudson, II, p. 1094; 30 Treaty Series, p. 371).

Agreement relating to the exportation of hides and skins 11 July, 1928, article 2, (Hudson, IV, p. 2495; 95 Treaty Series, p. 357).

Agreement relating to the exportation of bones, 11 July, 1928, article 10, (Hudson, IV, p. 2506; 95 Treaty Series, p. 373).

Convention concerning certain questions relating to the conflict of nationality laws, 12 April, 1930, article 27, (Hudson, V, p. 359; 179 Treaty Series, p. 89).

Protocol relating to military obligations in certain cases of double nationality, 12 April, 1930, article 13, (Hudson, V, p. 374; 178 Treaty Series, p. 227).

Protocol relating to a certain case of statelessness, 12 April, 1930, article 11, (Hudson, V, p. 381; 179 Treaty Series, p. 115).

Convention providing a uniform law for bills of exchange and promissory notes, 7 June, 1930, article 9, (Hudson, V, p. 516; 143 Treaty Series, p. 257).

Convention for the settlement of certain conflicts of laws in connection with bills of exchange and promissory notes, 7 June, 1930, article 18, (Hudson, V, p. 550; 143 Treaty Series, p. 317).

Convention concerning stamp laws in connection with bills of exchange and promissory notes, 7 July, 1930, article 8, (Hudson V, p. 560; 143 Treaty Series p. 337).

Convention providing a uniform law for cheques, 19 March, 1931, article 9, (Hudson, V, p. 889; 143 Treaty Series p. 355).

Convention for the settlement of certain conflicts of laws in connection with cheques, 19 March 1931, article 17, (Hudson, V, p. 915; 143 Treaty Series p. 409).

Convention on the stamp laws in connection with cheques, 19 March, 1931, article 8, (Hudson, V, p. 925; 143 Treaty Series p. 7).

Convention on the unification of road signals, 30 March, 1931, article 14, (Hudson, V, p. 937; 150 Treaty Series p. 247).

Convention on the taxation of foreign motor vehicles, 30 March, 1931, article 16, (Hudson, V, p. 950; 138 Treaty Series p. 149).

Convention for the regulation of whaling, 24 September, 1931, article 18, (Hudson, V, p. 1081; 155 Treaty Series p. 349).

Convention for the campaign against contagious diseases of animals, 20 February, 1935, (Hudson, VII, p. 1; 186 Treaty Series p. 173).

Convention concerning the transit of animals, meat and other products of animal origin, 20 February, 1935, (Hudson, VII, p. 13; 193 Treaty Series p. 37).

Convention concerning the export and import of animal products, 20 February, 1935, (Hudson, VII, p. 27; 193 Treaty Series p. 59).

Convention concerning the use of broadcasting in the cause of peace, 23 September, 1936, article 15, (Hudson, VII, p. 409; 186 Treaty Series p. 301).

The above-mentioned provisions are not identical, but the differences between them are immaterial for present purposes.

In addition to the provision for revision of the convention at a conference, the above-mentioned convention on road signals provides (art. 13) a simplified method of altering the annex containing the details of the system of signals. The parties may send proposals for changes to the Secretary-General, who circulates them to the other parties. If accepted by all the parties, they are incorporated in the annex.

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## APPENDIX

### LEAGUE FUNCTIONS UNDER CONVENTIONS WHICH HAVE NOT COME INTO FORCE.

Certain of the conventions negotiated through the machinery of the League failed to obtain the ratifications necessary to bring them into force, and are accordingly disregarded in the memorandum. An account of them should, however, be given since it is theoretically possible for some of them to come into force after the war.

#### *I. Political conventions.*

Protocol on the pacific settlement of international disputes, 2 October, 1924. (Hudson, II, p. 1378; L. of N. Doc. C. 606.M.211. 1924. IX).

Convention on Financial Assistance, 2 October, 1930. (Hudson, V, p. 751; L. of N. Doc. C. 611 (1). M. 237 (1). 1930. IX).

Convention to improve the means of preventing war, 20 September, 1931. (Hudson, V, p. 1090; L. of N. Doc. C. 658 (1). M. 269 (1). 1931. IX).

These instruments cannot come into force without the League, since their purpose is to confer additional powers upon it.

Convention for the supervision of the international trade in arms and ammunition and in implements of war, 17 June, 1925. (Hudson, III, p. 1634; L. of N. Doc. A. 16. 1925. IX).

The League has no functions in connection with this instrument, or the related Declaration regarding the Territory of Ifni.

#### *II. Technical conventions.*

Special protocol concerning statelessness, 12 April, 1930. (Hudson, V, p. 387; L. of N. Doc. C. 27. M. 16. 1931. V).

Article 12 provides for the Council convening a conference for the amendment of the protocol, if a certain number of the parties so request.

Convention for the unification of certain rules concerning collisions in inland navigation, 9 December, 1930. (Hudson, V, p. 815; L. of N. Doc. Conf. U. D. F. 57 (1)).

Convention on the registration of inland navigation vessels, rights *in rem* over such vessels, and other cognate questions, 9 December, 1930. (Hudson, V, p. 822; L. of N. Doc. Conf. U.D.F. 58 (1)).

Convention on administrative measures for attesting the rights of inland navigation vessels to a flag, 9 December, 1930. (Hudson, V, p. 848; L. of N. Doc. Conf. U.D.F. 59 (1)).

The only function in the operation of this group of conventions which is given to the League is that of serving as intermediary for the reciprocal communication by the High Contracting Parties to one another of the laws and regulations made for the execution of the second convention, and of lists of the registration authorities and the names and initial letters of registration offices.

Convention for the creation of an agricultural mortgage credit company, 21 May, 1931. (Hudson, V, p. 959; L. of N. Doc. C. 434 (1). M. 181 (1). 1931. II. A).

Under this convention and the annexed charter and statutes of the company the League Council is so intimately connected, by both temporary and permanent functions, with the foundation and operation of the company that in the absence of the League the scheme could hardly be revived without being redrafted.

For these functions see:

Convention—Articles 1, para. 3; 3, paras. 1 and 2; 12; 15, para. b; 16; 17.

Charter.—Article II.

Statutes.—Articles 23, 66.

On May 22, 1931, the League Council appointed the Organising Committee which was to launch the company (Convention, art. 1, para. 3); but circumstances proved unfavourable to the scheme, and the conference which, under article 16 of the convention, was to be convened by the Council, if the convention was not in force by 31 December 1931, was never convened.

Convention for the prevention and punishment of terrorism, 16 November, 1937. (Hudson, VII, p. 862; L. of N. Doc. C. 546 (1). M. 383 (1). 1937. V).

Convention for the creation of an international criminal court, 16 November, 1937. (Hudson, VII, p. 878; L. of N. Doc. C. 547 (1). M. 384 (1). 1937. V).

The League's functions under these conventions are limited to what are called in the memorandum "secretarial or ministerial functions"; it has no part in their operation.

Agreement for a uniform system of maritime buoyage, 13 May, 1936. (Hudson VII, p. 308; L. of N. Doc. C.261 (1). M. 154 (1). 1936. VIII).

When a contracting government has completed the arrangements to be taken under the agreement, it must notify the Secretary-General, who will send a copy of the notification to the other parties.

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