

THE LEAGUE
FROM YEAR TO YEAR
(1935)

INFORMATION SECTION
LEAGUE OF NATIONS
GENEVA

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INTRODUCTION

The League's activity in 1935 was marked by two events of capital importance : the Saar plebiscite and the Italo-Ethiopian dispute.

In the Saar, the popular vote and the transfer of the Territory to Germany took place with order and tranquillity. But, despite the Council's efforts, the Italo-Ethiopian dispute developed in October into open war. For the first time, it has been necessary to apply Article 16 of the Covenant.

Besides these grave problems, the League's work has covered very various fields.

Politically, it has facilitated the termination of the Chaco war and the settlement in Syria of the Assyrians who desire to leave Iraq.

Its technical organs have undertaken important investigations into Clearing Agreements, Agricultural Protectionism, and Nutrition in Relation to Public Health.

In opening the Assembly's ordinary session, the President of the Council, referring to the League's duties, was able to state :

" Being essentially an organisation for collaboration between Governments, its progress depends upon the effective desire of Governments to use its machinery and upon their readiness to make adjustments in national policy of those matters in which international co-operation is required. If progress sometimes seems slow, the conditions in which the League has to perform its work must be borne in mind.

" Despite every difficulty, it is continuing its heavy task. It has now been in existence for over fifteen years. Already it may be said that the League of Nations is the highest political authority in the world, and the only body capable of maintaining good relations between nations. If we place our faith in the League, and if we all sincerely co-operate in its efforts, it will triumph."

I. — POLITICAL AND ADMINISTRATIVE.

Various political questions have come before the League.

As the result of the plebiscite of January 13th in the Saar, which was carried out under the supervision of the League, the Council, in accordance with the voting, decided that the whole territory should be united to Germany. The ceremony of transferring the Government took place at Saarbruck on March 1st, in the presence of three members of the Council.

The settlement recommended by the Assembly in November 1934 as regards the dispute between Bolivia and Paraguay was accepted by Bolivia but rejected by Paraguay, who gave notice of her withdrawal from the League. But, through the kind offices of the Argentine, Chile, Brazil, Peru, the United States of America and Uruguay, negotiations were entered upon in Buenos Aires and led in June to a cessation of hostilities, and on July 1st a Peace Conference was opened.

The Rio de Janeiro Agreement of 1934, which had put an end to the dispute between Colombia and Peru, was ratified in September 1935.

The German Government having re-introduced compulsory military service in the Reich, the Council, on April 17th, condemned any unilateral repudiation of international obligations. A Committee met in June and July and considered the measures of economic and financial pressure which would help in maintaining peace.

The main part of the Council's time has been devoted to the Italo-Ethiopian dispute.

The Ethiopian Government appealed to the Council in January, following an incident that had occurred at Walwal at the end of 1934.

The parties agreed to settle the dispute by arbitration, and a difference of opinion between the arbitrators in regard to their competence was settled by the Council.

On September 3rd, the arbitrators declared that neither of the two Governments was responsible for the Walwal

incident; but on September 4th the Italian Government proclaimed that Ethiopia had systematically violated her treaty engagements.

A Council Committee prepared a plan for a peaceful settlement; this plan was accepted by Ethiopia but rejected by Italy and, on October 3rd, Italian troops entered Ethiopian territory.

The Members of the Council other than Italy then declared that "the Italian Government had resorted to war in disregard of its covenants under Article 12 of the Covenant of the League". In the Assembly, fifty States took the same view. A Committee set up to co-ordinate the measures to be taken under Article 16 of the Covenant decided to prohibit the export to Italy and its possessions of arms, ammunition and implements of war, and of a certain number of raw materials, and also the prohibition of any loan to Italy and the prohibition of the import of all goods from Italy.

These various proposals were accepted by about fifty States and came into force on November 18th.

As regards disarmament, proposals for the regulation of the trade in and private and State manufacture of arms and implements of war were drawn up.

There was no general discussion in the Assembly this year on the problem of the protection of minorities, but particular questions have on several occasions been before the Council or its Committees.

After an investigation in the country itself, it was decided to settle in Syria 25,000 Assyrians who wished to leave Iraq.

The Council received petitions from various sections of the population of Danzig, complaining that the Senate of the Free City had infringed the Constitution on several points.

II. TECHNICAL.

The main subjects dealt with by the Intellectual Co-operation Organisation were : International Relations, the Social Sciences, Intellectual Agreements, "Conversations"

and "Open Letters", League of Nations Teaching, Co-operation with China in Education, the Revision of School Text-books, Educational Study Tours, Broadcasting and Peace, Educational Cinematography, Intellectual Rights and the International Organisation of Museums.

The Economic and Financial Organisation examined three important problems : clearing agreements, agricultural protectionism and the state of economic relations.

It appears that, while the internal economic situation shows considerable improvement in several States, the recovery has often been local and artificial and the machinery of international exchanges has become more and more disorganised.

All Governments have recognised the necessity of intensifying commercial exchanges and of directing their trade policy on more liberal lines, provided that others do the same. Also, as regards currencies, the need of bringing about stable conditions *de facto*.

Thanks to the Economic Committee, three veterinary Conventions were signed by certain European Governments. The Financial Committee's work concerned, in particular, the financial situation of Austria, Bulgaria and Hungary.

The Communications and Transit Organisation has been concerned with a practical study of signalling on roads and other communications, with statistics of road accidents, frontier traffic on railways, Customs exemption for liquid fuel used in air traffic and the pollution of the sea by oil.

On this subject, the conclusion in the near future of an international Convention is suggested.

The Health Organisation has been considering the problem of Nutrition in its Relation to Public Health.

In the campaign against the traffic in opium and other dangerous drugs, the increasing strictness of supervision has succeeded in adapting lawful manufacture to lawful requirements. To prevent the illicit traffic from being supplied by clandestine manufacture, a draft Convention has been prepared.

As regards refugees, the Nansen Office has afforded assistance to more than 117,000 persons, and has helped in the settlement of more than 30,000 Armenians in Syria.

The High Commissariat in London has had to deal with more than 80,000 refugees from Germany ; but the economic depression has seriously handicapped its efforts. The Assembly considered that the creation of an organisation supported by the full authority of the League was essential for dealing satisfactorily with the whole problem of refugees.

The League has continued its technical co-operation with China in the reconstruction of that country, as it has been doing since 1930.

The wireless station, Radio-Nations, has this year been very busy. The weekly broadcasting service has been developed. The station has also done valuable work in transmitting rapidly to overseas States documents concerning the Italo-Ethiopian conflict and the enforcement of sanctions.

The League's budget as adopted for 1936 is 28,279,901 francs ; this is a reduction on the previous year of 2,359,763 francs. There was also a considerable surplus for 1935.

* * *

Japan and Germany, which in 1933 had given notice of withdrawal, ceased to be Members of the League.

Three non-permanent Members of the Council were elected : Roumania, Ecuador and Poland ; the last-mentioned State was first declared re-eligible.

CHAPTER I

CONFERENCE FOR THE REDUCTION AND LIMITATION OF ARMAMENTS

In accordance with the decisions taken on November 20th, 1934,¹ by the Bureau of the Conference for the Reduction and Limitation of Armaments, several of the Conference Committees resumed their work at the beginning of 1935.

The Special Committee for the Regulation of the Trade in and Private and State Manufacture of Arms and Implements of War met from February 14th to April 13th, and drew up, in the form of articles of a Convention, proposals which were, however, in no way binding on the Governments represented. These proposals, in the main, consisted of a single text, save on certain points where, owing to differences of opinion between members of the Committee, alternatives were submitted. The articles were accompanied by a commentary which explained the reservations made by certain delegates. As regards some of the chapters, the Committee had the assistance of the Committee on Miscellaneous Provisions and of the Technical Committee on National Defence Expenditure.

The proposed articles may be analysed as follows :

I. Chapter I of the Convention comprises four articles :

(1) The Contracting Parties assume full responsibility for supervision over the manufacture of and trade in arms and implements of war coming within the categories set forth in Article 4, so as to ensure the regular communication and the accuracy of the documents for publicity provided for in the Convention.

(2) They will take the necessary steps to ensure in the strictest manner the execution of the provisions of the

¹ See *The League from Year to Year (1934)*, page 23.

Convention and will forward to the Permanent Disarmament Commission the text of all laws, regulations or other legal provisions to this effect.

(3) They undertake to conform to the measures of permanent and automatic supervision as set out in Chapter IV of the Convention. Certain delegations proposed a different wording of Article 3, which article others desired to omit.

(4) Five categories of arms and implements of war coming within the application of the Convention were provisionally established as follows : I. Land Armaments ; II. Naval Armaments ; III. Air Armaments ; IV. Arms and Ammunition capable of being used for both Military and non-Military Purposes ; V. Aircraft, other than those included in Category III, and Component Parts of Aircraft.

II. Chapter II covers the *manufacture* of arms and implements of war :

(5) The Contracting Parties undertake to forbid in their territories the manufacture of arms (as set forth in Categories I, II and III) unless manufacturers have obtained a licence or an authorisation to manufacture issued by the Government.

(6) The licence to manufacture will be valid for a definite period and will be revocable at any time by decision of the Government. The licence will give the name and address of the manufacturer and the designation of the articles authorised to be manufactured.

(7) The Contracting Parties will send to the Permanent Disarmament Commission certain information concerning their manufacture of arms. There was a difference of opinion as to what this information should be and the form in which it should be presented.

The provision that there should be a previous notification of orders placed with manufacturers was accepted by some delegations and rejected by others.

III. Chapter III covers the *trade* in arms and implements of war, and consists of nine articles (8 to 16), by which :

(8) The Contracting Parties undertake to prohibit in the territories under their jurisdiction the export of articles in Categories I to V of Article 4, and the import of articles in Categories I to III inclusive, without an export or import permit issued by the Government. The form to be given to these import and export permits is laid down.

(9) The Contracting Parties undertake to forward to the Permanent Disarmament Commission certain information concerning their trade in arms. There were differences of opinion on this article similar to those which arose in regard to Article 7.

(10) The export of articles in Categories I, II and III shall be for direct supply to the Government of the importing State, or, with the consent of such Governments, to a public authority subordinate to it.

(11) Export for supply to private persons of arms and materials in Categories I, II and III may be permitted in specified cases.

(12-13) Less strict provisions govern exports in so far as Categories IV and V are concerned.

(14) The Contracting Parties must furnish a return in respect of each vessel of war acquired other than vessels of war constructed for such Contracting Parties within their respective jurisdictions.

(15) They undertake not to apply a more favourable regime to imports of arms and implements of war coming from territories of non-contracting States than that applied to such imports coming from territories of contracting States.

(16) Exceptions provide that certain specified shipments and transports of arms shall not come under the Convention.

IV. Chapter IV of the Convention concerns the composition, functions and operations of the *Permanent Disarmament Commission*:

(17) There shall be set up at the seat of the League of Nations a Permanent Disarmament Commission composed of representatives of the Governments of the Contracting Parties, who may be accompanied by substitutes and experts.

(18) It shall be the duty of the Commission to watch over the execution of the Convention.

(19) The Commission may be assisted by experts.

(20) The members of the Commission, their substitutes and experts and the experts and agents of the Commission, when engaged on the business of the Commission, shall enjoy diplomatic privileges and immunities.

(21) The Secretary-General of the League of Nations shall provide the secretariat of the Commission.

(22) The Commission shall set up committees of its own members, and shall determine their number, composition and functions. Provisions for the setting-up of regional committees of inspection were not accepted by certain delegations.

(23) The Commission shall receive, co-ordinate and carry out the examination of the information furnished in pursuance of the Convention.

(24) It may request the Contracting Parties to supply in writing or verbally any supplementary particulars or explanations, and the Contracting Parties agree to do so, within the limits of their contractual obligations.

(25, 26, 27) Provisions for the consideration of various kinds of information by the Commission were not accepted by certain delegations.

(28) The Commission shall publish the information furnished under the Convention with regard to the manufacture, export and import of arms and implements of war.

(29) Articles 29 and following provide for the methods of procedure to be adopted in the control and investigation of the trade in and manufacture of arms. There was a fundamental difference of opinion as to whether or not there should be investigations on the spot as to the manner in which national control by the Contracting Parties over the manufacture of and trade in arms is to be organised and carried out and as to the accuracy of the information supplied by them.

These articles also lay down the conditions in which the Permanent Disarmament Commission shall be summoned and various points as to its procedure.

During the summer and early in the autumn, the summoning of the Bureau of the Conference was several times considered, but political circumstances did not seem favourable and the meeting was postponed.

Mr. Arthur Henderson, President of the Conference, who had for some time been in failing health, died in London on October 20th. The preliminary report on the Conference, which had been prepared by the President only a few weeks before his death, was forwarded to delegations in November. The document is of some size. In it Mr. Henderson had summed up the various aspects of the Conference's work — security, effectives, land, naval and air material, national defence expenditure, chemical, incendiary and bacterial warfare, supervision of the manufacture of and trade in arms, exchange of information and organisation of the Permanent Disarmament Commission.

CHAPTER II

THE PERMANENT COURT OF INTERNATIONAL JUSTICE

I. The Statute of the Court. — II. The Rules of Court. — III. Jurisdiction of the Court: Extension of Compulsory Jurisdiction. — IV. Composition of the Court. — V. Requests for Advisory Opinions. — VI. Work of the Court.

I. — THE STATUTE OF THE COURT.

On December 31st, 1935, forty-nine States¹ had ratified the Protocol of Signature, dated December 16th, 1920, to which the Statute is attached. Six States² have signed the Protocol without so far ratifying it. The Protocol still remains open for signature by nine States,³ which may sign it as of right.

By December 31st, 1935, the Protocol of September 14th, 1929, concerning the revision of the Court's Statute had been ratified by all the States⁴ which had already ratified the Protocol of 1920, except Brazil, Panama, and Peru. Under the terms of the Protocol, the ratification of these three States

¹ Union of South Africa, Albania, Australia, Austria, Belgium, Brazil, United Kingdom, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Haiti, Hungary, India, Iran, Irish Free State, Italy, Japan, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

² United States of America, Bolivia, Costa Rica, Guatemala, Liberia, Nicaragua.

³ Afghanistan, Argentine, Ecuador, Honduras, Iraq, Mexico, Sa'udi Arabia, Turkey, Union of Soviet Socialist Republics.

⁴ The Protocol of 1929 has also been ratified by one State — Liberia — which had signed but not ratified the Protocol of 1920.

would be requisite for the coming into force thereof.¹ On September 27th, 1935, however, the Assembly adopted the following resolution :

“ The Assembly,

“ Referring to its resolution of October 14th, 1932, by which it addressed an urgent appeal to the States concerned to ratify as soon as possible the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent Court of International Justice . . .

“ Being anxious to accelerate as much as possible the introduction of a reform the utility of which has been generally recognised since 1929 :

“ Requests the Council to take the necessary measures to put the Protocol into force on February 1st, 1936, if the last instruments of ratification have not been deposited before that date, and on condition that the States which have not already ratified have not in the meanwhile made objection to the contemplated procedure ;

“ Instructs the Secretary-General to communicate the present resolution to the Governments of the States concerned.”

On December 31st, 1935, the Protocol of September 14th, 1929, concerning the adherence of the United States of America to the Court had been ratified² by all its signatories, except the United States of America, Bolivia, Brazil, Chile, Guatemala, Haiti, Liberia, Nicaragua, Paraguay, Peru, Salvador.

On January 29th, 1935, a vote was taken in the Senate of the United States of America on a resolution in favour of the accession of the United States to the Protocol of 1920 and the two Protocols of 1929. The requisite majority of two-thirds was not, however, attained, fifty-two Senators having voted for the resolution and thirty-six against it.

¹ The Protocol of 1929 has also been signed (but not ratified) by four further States — United States of America, Bolivia, Guatemala, Nicaragua. It should be noted that paragraph 7 of the Protocol of 1929 provides that the United States of America shall, for the purposes of that Protocol, be in the same position as a State which has ratified the Protocol of 1920. The Secretary of State of the United States, however, in a letter to the Secretary-General, dated June 25th, 1930, intimated that he saw no reason to object to the coming into force of the Protocol of 1929.

² Two States — Ethiopia and Panama — have ratified in the course of 1935.

II. — THE RULES OF COURT.

At the ordinary session in 1935 (thirty-fourth session), the Court resumed its examination — begun at the thirty-second session (May 1934) — of the Rules of Court with a view to their revision. At this session the Court examined Articles 43-75 and 1-28, which it had not yet dealt with. On April 10th, 1935, it adopted a revised draft of the Rules, comprising the text of the articles adopted in 1934 and 1935, arranged according to a new plan.

The revised Rules, as thus adopted in first reading, will be read a second time at the next ordinary session of the Court (February 1936).

III. — JURISDICTION OF THE COURT.

Extension of Compulsory Jurisdiction.

On December 31st, 1935, forty States¹ were bound by the Optional Clause provided for in Article 36 of the Statute of the Court, and had, accordingly, accepted the jurisdiction of the Court as compulsory for certain or all classes of legal disputes.

By the same date, nine further States had signed the Optional Clause, though they were not bound by it. Two of these States² had signed the clause with no reservation as to ratification, but had not ratified the Statute of the Court itself; in the case of three,³ the period for which the signature was valid had elapsed; while four States⁴ had not yet

¹ Union of South Africa, Albania, Australia, Austria, Belgium, United Kingdom, Bulgaria, Canada, Colombia, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Haiti, Hungary, India, Iran, Irish Free State, Italy, Latvia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay. In 1935, four of these States — Albania, Greece, Latvia and Lithuania — renewed their acceptance of the Optional Clause.

² Costa Rica, Nicaragua.

³ Brazil, China, Yugoslavia.

⁴ Czechoslovakia, Guatemala, Liberia, Poland.

ratified their declarations of acceptance on that date. The clause is open for acceptance by fifteen other States.¹

A number of Conventions or treaties of various kinds, concluded in 1935, contain provisions conferring a certain measure of jurisdiction on the Court. On December 31st, 1935, the total number of international agreements relating to the Court's jurisdiction could be estimated at approximately 500, as against 485 on December 31st, 1934.

IV. — COMPOSITION OF THE COURT.

M. Mineitciro Adatci (Japan), Judge and former President of the Court, died on December 28th, 1934. The Assembly and the Council elected, on September 14th, 1935, M. Harukasu Nagaoka (Japan) as M. Adatci's successor for the remainder of his term of office.

M. Walther Schücking (Germany), Judge, died on August 25th, 1935.

Mr. Frank B. Kellogg (United States of America), Judge, in a letter dated September 9th, 1935, and addressed to the President of the Court, tendered his resignation, which was accepted by the Assembly and Council on September 27th and 28th respectively.

The successors of M. Schücking and Mr. Kellogg will be elected by the Council and the Assembly in the course of the next session of the latter.

V. — REQUESTS FOR ADVISORY OPINIONS.

On September 28th, 1935, the Assembly adopted the following resolution :

“ The Assembly,

“ Whereas, by its resolution of September 24th, 1928, it expressed the desire that the Council, when circumstances permitted, would have a study made of the question whether

¹ Afghanistan, United States of America, Argentine, Bolivia, Chile, Cuba, Ecuador, Honduras, Iraq, Japan, Mexico, Sa'udi Arabia, Turkey, Union of Soviet Socialist Republics, Venezuela.

the Council or the Assembly may, by a simple majority, ask for an advisory opinion within the meaning of Article 14 of the Covenant of the League of Nations ;

“ Observing that such a study has not yet been made and that uncertainty on the matter still persists and may have contributed to diminish the activity of the Permanent Court of International Justice ;

“ Considering that it is desirable for the security of the legal rights of Members of the League of Nations that, in cases where it appears indispensable for the accomplishment of the task of the Council or the Assembly that advice should be obtained on some point of law, such advice should, as a general rule, be requested from the Permanent Court of International Justice :

“ Expresses the desire that the Council will examine the question in what circumstances and subject to what conditions an advisory opinion may be requested under Article 14 of the Covenant.”

VI. — WORK OF THE COURT.

A. — In 1935 the Court dealt with the following cases :

- (1) Minority schools in Albania ;
- (2) Consistency of certain Danzig legislative decrees with the Constitution of the Free City.

Both these cases were submitted to the Court for advisory opinion.

(1) *Minority Schools in Albania.*

Albania was admitted to membership of the League of Nations in 1920, on the understanding that, with regard to the protection of minorities in her territory, she should assume obligations in accordance with the general principles laid down in the Minorities Treaties. Albania's undertaking was given in the form of a Declaration which she signed on October 2nd, 1921, and which was officially transmitted to the Council. The clauses of the Declaration, although, generally speaking, they follow the corresponding clauses of the Minorities Treaties, differ from them in some respects.

Under the Declaration, Albania had to furnish the Council with information concerning the legal status of minorities.

It appeared from the information supplied that the latter had the right to maintain and establish private schools. The Council noted this information.

In 1923, however, the Albanian Government began to manifest an intention to abolish the right to maintain and establish private schools. This intention did not take shape for some time ; thus a new Constitution promulgated in 1928 maintained the right. In 1930, however, steps were taken to secularise education, and in 1933 the abolition of private schools was completed by means of an amendment to the Constitution of 1928.

As a result of these developments, petitions were addressed to the League of Nations on behalf of the minorities. In accordance with the procedure in force, they were referred to a Committee of three members, which decided to have the question of the scope of the Albanian Declaration concerning minorities, in regard to certain points, placed upon the Council agenda.

The Council considered the matter at its meetings on January 14th and 18th, 1935. On the latter date it decided to ask the Court for an advisory opinion on the following points :

“(1) Whether, regard being had to the above-mentioned Declaration of October 2nd, 1921, as a whole, the Albanian Government is justified in its plea that, as the abolition of the private schools in Albania constitutes a general measure applicable to the majority as well as to the minority, it is in conformity with the letter and the spirit of the stipulations laid down in Article 5, first paragraph, of that Declaration ;

“(2) And if so, whether the Council of the League of Nations can, on the basis of the second paragraph of the said article, formulate recommendations going beyond the provisions of the first paragraph.”

Written and oral statements in regard to the case were submitted to the Court by the Albanian and Greek Governments under Article 73, No. 1, paragraph 2, of the Rules of Court.

The Court being satisfied that the question submitted to it for advisory opinion did not relate to an existing dispute,

it followed that the second paragraph of Article 71 of the Rules, concerning the appointment of judges in accordance with Article 31 of the Statute, was not applicable.

The Court delivered its opinion on April 6th, 1935.

The opinion first of all summarises the opposing contentions. The Albanian Government's contention was that the Declaration of October 2nd, 1921, imposed no other obligation upon it in educational matters than to grant to its nationals belonging to racial, religious or linguistic minorities a right equal to that possessed by other Albanian nationals. Once the latter ceased to be entitled to have private schools, the former could not claim to have them either. Any interpretation which would compel Albania to respect the private minority schools would create a privilege in favour of the minority.

According to the Greek Government, the fundamental idea of the Declaration was, on the contrary, to guarantee freedom of education to the minorities by granting them the right to retain their existing schools and to establish others. Equality of treatment, the Greek Government contended, was merely an adjunct to this right, and could not impede the purpose in view, which was to ensure full and effectual liberty in matters of education.

The Court next proceeds to interpret the Albanian Declaration; what the Council asked Albania to accept, and what Albania did accept, was a regime of minority protection substantially the same as the regimes already accepted by other States. The Declaration was designed to apply to Albania the general principles of the Minorities Treaties.

The idea underlying these treaties is to ensure that the majority and minorities may "live peaceably" side by side and "co-operate amicably", whilst preserving the characteristics of the latter. In order to attain this object, they lay down the principles of equality and of granting minorities means for the preservation of their traditions and characteristics. The two principles are, moreover, interlocked, for there would be no true equality between a majority and a minority if the latter were deprived of its own insti-

tutions and were consequently compelled to renounce that which constitutes the very essence of its being as a minority.

The Court next observes that the Albanian Declaration is also inspired by these principles : besides providing for equality of treatment, it specified the rights that are to be enjoyed equally by all persons whom it covers, including, particularly, members of minorities.

To the latter, the Declaration ensures " the same treatment and security in law and in fact " as other Albanian nationals. The Court holds that this is a notion of equality which is peculiar to the relations between a majority and a minority, and the characteristic feature of which is equality *in fact*. Equality in fact supplements equality in law ; it excludes a purely formal equality and may involve the necessity of differential treatment in order to establish an equilibrium between different situations.

In the Court's view, this is precisely what the Declaration does when it provides that minorities are to have the right to maintain and establish institutions such as schools. The requisite equality of treatment would be destroyed if these institutions were abolished or replaced by State institutions.

In the same connection, the Court also observes that the expression *equal right* means that the right thus conferred on members of the minority cannot in any case be inferior to the corresponding right of other Albanian nationals ; it is the minimum necessary to guarantee effective and genuine equality as between the majority and the minority. The Court finds, moreover, that the view taken by it is confirmed by the history of the relevant provisions and by their context.

For these reasons, the Court (by eight votes to three) answers in the negative the question put to it by the Council of the League of Nations.

(2) *Constitution of Danzig.*

On December 4th, 1935, the Court delivered the advisory opinion for which it had been asked by the Council of the League of Nations on the question whether two decrees issued by the Senate of Danzig on August 29th, 1935, and amending the criminal law and procedure of the Free City are

“ consistent with the Constitution of Danzig, or, on the contrary, violate any of the provisions or principles of that Constitution ”.

The Court, by nine votes to three, has given the following answer : That the decrees in question are not consistent with the Constitution and that they violate certain provisions and certain principles thereof.¹

In its opinion, the Court observes in the first place that, though, in order to give the opinion for which it is asked, it must examine the domestic legislation of the Free City, including the Constitution of Danzig, the problem submitted to it nevertheless contains an international element resulting from the fact that the Constitution is placed under the guarantee of the League of Nations.

The question had been brought before the Council by the High Commissioner of the League of Nations at Danzig, who had himself received a petition from three political parties at Danzig, other than the National-Socialist Party, which is in power. In the contention of the petitioners, the amendments made by the impugned decrees in the Danzig Criminal Law open the doors wide to arbitrary decisions and violate two articles of the Constitution of the Free City.

The Court points out that any inconsistency between the decrees — which have been issued by the Senate under a law empowering it to legislate by decree within certain very wide limits — may be due either to inconsistency between the terms of the decrees and the articles or principles of the Constitution, or to the fact that the decrees overstep the limits of the powers given to the Senate or to the fact that the law conferring these powers may itself be contrary to the Constitution.

Observing, in the first place, that what it has to examine is whether the decrees as they stand are necessarily in conflict with the Constitution so that they cannot be applied without violating it, and, in the second place, that, if any article or principle of the Constitution is violated by the decrees, that

¹ By an Order made on October 31st, 1935, the Court had already decided that there was no ground for granting a request of the Free City for permission to appoint a judge *ad hoc* in the case.

will suffice to show that the latter are not consistent with it, the Court proceeds to consider the question from the point of view of the contents of the decrees.

Examining the decrees, the Court finds that they replace the rule previously in force in Danzig — to the effect that an act was punishable only if the penalty applicable to it were prescribed by a law in force before the commission of the act — by a rule to the effect that an act is also punishable, even if there is no particular penal law applicable to it, if it deserves punishment according to the fundamental idea of some penal law and according to sound popular feeling. The Court, analysing this innovation, arrives at the conclusion that, under the system inaugurated by the decrees, what will be applied will not be the text of the law itself — which would be equally clear both to the judge and to the accused — but what the judge, in his own judgment, believes to be in accordance with the fundamental idea of the law and with sound popular feeling. Thus, a system under which the criminal character of an act and the penalty attached to it are known to the judge alone replaces a system in which this knowledge was equally open to both the judge and the accused. Moreover, opinion as to what is condemned by sound popular feeling — a very elusive standard — will vary from man to man.

Proceeding next to analyse the Danzig Constitution, the Court lays stress on certain principles emerging from it. In the first place, according to its Constitution, the Free City is a *Rechtsstaat* (State governed by the rule of law) ; secondly, the Constitution provides for a series of fundamental rights the free enjoyment of which it guarantees within the bounds of the law ; the Danzig Constitution even lays very special emphasis on the importance and inviolability of the individual liberties which ensue from these fundamental rights. These liberties are not all absolutely unrestricted ; but they can only be restricted by law. This, in the view of the Court, involves the consequence that the law itself must define the conditions in which such restrictions of liberties are imposed ; for, if a law could simply give a judge power to deprive a person of his liberty, without defining the circumstances in which his liberty

might be forfeited, it could render entirely nugatory the guarantees provided in certain articles of the Constitution.

Lastly, comparing the results of its analysis of the decrees in question and of the Constitution, the Court finds that, so far from supplying the limitation required by the Constitution, the decrees empower a judge even to punish an act not prohibited by law, provided that he relies on the fundamental idea of a penal law and on sound popular feeling. They transfer to the judge therefore an important function which the Constitution intended to reserve to the law. The Court recognises that a criminal law sometimes and within certain limits leaves the judge to determine how to apply it; but it considers that, in the present case, the discretionary power is too wide to allow of any doubt but that it exceeds these limits. The Constitution treats the problem of the repression of crime from the standpoint of the individual whom it aims to protect against the State; the decrees, on the other hand, treat the problem from the standpoint of the community, their aim being to protect the latter against the community.

B. — *Cases pending before the Court on December 31st, 1935.*

On December 31st, 1935, the following cases were pending before the Court :

(1) *Losinger & C^{ie}* (Switzerland *v.* Yugoslavia). — This case was submitted to the Court by an application instituting proceedings, filed on November 23rd, 1935, by the Swiss Government. It is concerned with the question whether a Government (in this case, the Yugoslav Government) can refuse to be bound by the arbitral clause in a contract that it has concluded with a foreign private firm (in this case, the firm of Losinger et C^{ie}, at Berne), relying on a national law, enacted after the conclusion of the contract, and providing that the Government may only be sued before its ordinary courts.

(2) *Pajzs - Czáky - Esterházy* (Hungary *v.* Yugoslavia). — This case was submitted to the Court by an application instituting proceedings, filed on December 6th, 1935, by the

Hungarian Government. The application invokes, in particular, the jurisdictional clauses in the Agreements II and III, signed at Paris on April 28th, 1930 (agreements concerning Hungary's financial obligations in virtue, *inter alia*, of the Treaty of Peace signed at Trianon with that State on June 4th, 1920) ; it relates to three awards, delivered on July 22nd, 1935, in which the Hungaro-Yugoslav Mixed Arbitral Tribunal declared that it had no jurisdiction in the Pajzs, Csáky and Esterházy cases.

Neither of the cases enumerated above were ready for hearing on December 31st, 1935.

CHAPTER III

LEGAL AND CONSTITUTIONAL QUESTIONS

I. Assembly Procedure. — II. Proposed Amendments to the Assembly's Rules of Procedure. — III. Entry into Force of Amendments to the Statute of the Permanent Court of International Justice. — IV. Conditions of Voting on Requests for the Permanent Court's Advisory Opinions. — V. Nationality of Women. — VI. Status of Women. — VII. Miscellaneous. — VIII. International Repression of Terrorism. — IX. Composition of the Council. — X. Organisation of League Committees.

In dealing with the League of Nations' legal and constitutional work in 1935, a distinction must be made between Assembly decisions and the proceedings of various special bodies.

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The Assembly referred a number of questions that had been brought before it to the First Committee (Legal and Constitutional Questions).

I. — ASSEMBLY PROCEDURE.

The Assembly decided to maintain in force for 1936 the rule whereby the Finance Committee (Fourth Committee) may be summoned not more than eight days before the first meeting of the Assembly's ordinary session.

The reason for this change is as follows : It is the Finance Committee which has most to do and which generally finishes its work last, thus sometimes delaying the closure of the Assembly. The above rule had already been introduced as an experiment by an Assembly resolution of October 11th, 1933, for the 1934 session, but it has not yet been applied.

II. — PROPOSED AMENDMENTS TO THE ASSEMBLY'S RULES OF PROCEDURE.

Certain amendments were proposed by the Secretary-General and a motion was brought forward by the French delegation, the main purpose being that the first representatives of the permanent Members of the Council should *ipso jure* be members of the Assembly's General Committee. It was considered by some that experience at the 1935 Assembly had shown that it was necessary to ensure that States permanently represented on the Council should of necessity be represented in this Committee, without being exposed to the risk of an election.

During the discussion in the First Committee, the Norwegian delegation brought forward a motion for the setting-up of a Committee for the nomination of candidatures, which would prepare for the elections at the outset of each Assembly without, however, restricting that body's freedom of vote.

Owing to the important principles involved in the various proposals, the Assembly decided that they should be adjourned to the 1936 session, so that they might be studied by Governments at their leisure.

III. — ENTRY INTO FORCE OF AMENDMENTS TO THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The Statute of the Permanent Court of International Justice is an instrument which, on its approval by the Assembly, took the form of a Convention. A revision of that instrument could not, therefore, come into force without the consent of all States parties to the Protocol of December 16th, 1920, which Protocol contained no special provision regarding revision.

On September 14th, 1929, the Assembly adopted a Protocol, involving amendments to the Statute, which had been drafted by an international conference. This Protocol

referred to the possibility of the amended Statute's coming into force on September 1st, 1930, provided that States parties to the Protocol of December 16th, 1920, had ratified that of September 14th, 1929, or, failing a ratification, had raised no objection to its coming into force.

As this condition was not fulfilled, the Assembly had on several occasions during recent sessions endeavoured to hasten the coming into force of the amendments to the Statute and had asked States to ratify them or to give the reasons for their inability to do so.

The matter came up again in 1935, before the Assembly, which observed that the Protocol of September 14th, 1929, had been ratified by almost all States whose ratification was necessary for its coming into force. The three States whose ratification was still lacking were Brazil, Panama and Peru.¹ In the resolution passed on September 27th, it is said that, according to information before the Assembly, "the States whose ratification is necessary have indicated an intention to ratify". The Assembly accordingly decided to ask the Council to take the necessary steps to bring the Protocol into force on February 1st, 1936, provided that States which had not yet ratified "have not in the meanwhile raised objection to the contemplated procedure". In a letter of October 31st, 1935, the Government of Peru, in reply to the Secretary-General's letter, declared that it had no objection. Brazil announced that the revised Protocol had been laid before the Legislature for approval. The Government of Panama said that, as early as July 5th, 1933, it had stated that it had no objection to the coming into force of the Protocol. Accordingly, in January 1936, the Council of the League agreed to the Secretary-General's announcing on February 1st that the revised Statute of the Court had come into force. Thus, an important reform that was proposed in September 1928 and decided on September 14th, 1929, came into operation on February 1st, 1936.

¹ The United States of America, which, by the Protocol of Revision of September 14th, 1929, were assimilated to States that had ratified the Protocol of December 16th, 1920, stated that they had no objection to the coming into force of the revised Statute.

IV. — CONDITIONS OF VOTING ON REQUESTS FOR THE PERMANENT COURT'S ADVISORY OPINIONS.

Whether advisory opinions to be given under Article 14 of the Covenant may be asked for from the Permanent Court of International Justice by a simple majority or whether unanimity is required is a controversial issue that has been discussed on several occasions by the organs of the League.

In 1928, the Assembly had recommended that the Council should examine this question "when circumstances permitted".

A proposal was submitted to the Assembly in 1935 by the Belgian, Netherlands, Norwegian, Swedish and Swiss delegations, recommending that the question itself should be referred to the Court for an opinion if the Council should be unable to reach a decision. The authors of this proposal attributed to the necessity for unanimity the falling-off in the number of advisory opinions asked of the Court during recent years. They were, to use the words of the report submitted to the Assembly, anxious "as to the risk to the legal security of the States concerned which might, in certain cases, arise from resort to the opinion of committees of jurists of variable composition, not bound by any rules of procedure".

A long discussion, making clear the differences in opinion, took place in the First Committee. Besides the upholders of the majority and of the unanimity views, certain members took up an intermediate position to the effect that unanimity would only be required if the opinion to be given would be decisive as regards the substance of a question.

In its resolution dated September 28th, 1935, the Assembly stated that it was desirable that, "in cases where it appeared indispensable for the accomplishment of the task of the Council or the Assembly that advice should be obtained on some point of law, such advice should, as a general rule, be requested from the Permanent Court of International Justice". It further expressed the desire that the Council should examine the question in what circumstances and subject to what

conditions an advisory opinion may be requested under Article 14 of the Covenant.

As regards the idea of asking the Court's own opinion on the question, this met with strong opposition and was not accepted.

On January 23rd, 1936, the Council of the League, in accordance with the Assembly resolution, asked the Secretary-General to request Members of the League to state their views on the subject.

V. — NATIONALITY OF WOMEN.

This question, on which there was much discussion in 1932 and 1933, came up again in the Assembly of 1935.

As on previous occasions, much divergency of view was manifest in the First Committee.

The resolution adopted by the Assembly on September 27th, 1935, contains at the end the following main points : A tribute is paid to the Convention on the Nationality of Women adopted by the Pan-American Conference in Montevideo on December 26th, 1933, and the fact is recalled that this Convention is open to the accession of all States. A recommendation is made that the Hague Convention of 1930 should be ratified and the Council is requested to follow the development of the problem.

VI. — STATUS OF WOMEN.

The political and civil status of women is a question of wider scope than that of their nationality. It came before the Assembly for the first time in 1935, being raised on the motion of ten Latin-American States.

The First Committee considered that the question of the employment of women was a matter for the International Labour Office.

As regards the other aspects of the question, the discussion in the Committee showed that views differed. Certain

delegations defended the principle of equality of status, while others declared that Governments would have to examine what would be the practical consequences of the principle, even if the principle itself were generally adopted. Some delegates thought that the matter was exclusively one for individual States.

The Assembly decided that the question would be referred to Governments for their views and recommended the women's organisations to continue their investigations. The resolution of September 27th, 1935, provides that the observations of Governments and the information of the women's international organisations will be considered by the Assembly at a subsequent session.

VII. — MISCELLANEOUS.

The Assembly laid stress on the importance of the international draft law on sale and the draft uniform law on the responsibility of hotel-keepers, which were laid before the Council by the Rome International Institute for the Unification of Private Law.

The Assembly, on a proposal by Colombia concerning the relations between the League and the Pan-American Union, reserved the right to examine the proposal when the result of the work recommended by the seventh Pan-American Conference was before it.

* * *

The other legal questions dealt with during the year concerned the international repression of terrorism, the composition of the Council of the League, and the organisation of League Committees.

VIII. — INTERNATIONAL REPRESSION OF TERRORISM.

Following on the Marseilles outrage, which caused the death of King Alexander of Yugoslavia and M. Louis Barthou, the Council of the League, to whom the matter had been

referred, decided in a resolution voted on December 10th, 1934, *inter alia*, to appoint a committee of experts "to draw up a preliminary draft of an international convention to ensure the repression of crimes committed with a political and terrorist purpose".¹

The Committee consisted of eleven members, representing the Governments of Belgium, United Kingdom, Chile, France, Hungary, Italy, Poland, Roumania, Spain, Switzerland and the Union of Soviet Socialist Republics.

At its first session, held early in May 1935, the Committee, to which had been referred certain proposals of the French Government, prepared a draft Convention for the international prevention and punishment of terrorism.

This draft defines the acts of terrorism that are to be prevented and enumerates the persons to whom protection is intended to be given (heads of States, members of Governments, diplomatic representatives). It provides for the punishment of offenders, laying down measures in certain cases for their extradition and, in others, for their trial in the country where they have taken refuge.

Falsification of passports is also dealt with by the Convention.

The draft further provides for co-operation between the police authorities and between the judicial authorities of States.

The draft Convention is followed by an appendix submitted in the name of the Belgian, French, Roumanian and Spanish members, but not by the full Committee. This relates to the setting-up of an international criminal court, of which the organisation and working are defined. The court would try accused persons when the State on whose territory they are prefers to hand them over to the court instead of trying them itself, or extraditing them.

This draft has been communicated to Governments.

IX. — COMPOSITION OF THE COUNCIL.

On May 21st, 1935, the Chinese Minister in Paris sent a letter to the President of the Council in which he pointed out

¹ See *The League from Year to Year (1934)*, page 57.

that, owing to the departure of Japan and the non-re-election of China, the Far East was, for the first time since the League's foundation, not represented on the Council. He went on to show the disadvantages of such a state of things and asked on behalf of the Chinese Government that the Council should consider practical means of ensuring China's representation on that body.

The Council, after deliberating on this communication from the Chinese Government, referred to the fact that the composition of the Council was, under a decision of the Assembly, dated October 2nd, 1933, to be reconsidered towards the end of the 1933-1936 period. On September 26th, 1935, the Council decided to appoint a committee of representatives of the following seventeen States : Argentine, Austria, Belgium, United Kingdom, Canada, China, France, Iran, Italy, Latvia, Peru, Poland, Roumania, Spain, Sweden, Turkey and the Union of Soviet Socialist Republics to go into the general question of the Council's composition and, at the same time, to consider the Chinese Government's communication.

The above Committee met on September 28th and adjourned until January 1936.

X. — ORGANISATION OF LEAGUE COMMITTEES.

In accordance with suggestions made by the Assembly in 1934,¹ the Council in January appointed a special Committee to study the Secretary-General's report on League Committees. This Committee met in June 1935. It availed itself of the above report and of the information supplied verbally by the Secretary-General and the directors of the technical sections or their deputies, and took due note of such observations as Governments had forwarded to the Secretary-General. The Committee announced that, subject to a better co-ordination of effort, it considered the essential principles of the League's technical organisation, as established in 1920, to be, in the main, sound. There were, however, a certain number of defects to be remedied. The Committee also made

¹ See *The League from Year to Year (1934)*, page 42.

certain other general recommendations. A part of its report was devoted to a detailed examination of certain of the technical Committees, in the organisation of which various improvements were suggested.

The Assembly received the special Committee's report and gave general approval to the findings. It asked the Council to take such steps as were necessary to ensure the carrying into effect of its recommendations.

CHAPTER IV

POLITICAL

I. Dispute between Bolivia and Paraguay. — II. Dispute between Colombia and Peru. — III. Relations between Hungary and Yugoslavia. — IV. Request of the French Government under Article 11 of the Covenant. — V. Measures to render the League Covenant more effective in the Organisation of Collective Security. — VI. Dispute between Ethiopia and Italy. — VII. Claim by the Finnish Government against the United Kingdom. — VIII. Reparation for Damages suffered by Swiss Citizens during the War. — IX. Dispute between Iraq and Iran. — X. Delimitation of the Frontier between Burma and Yunnan. — XI. Commission of Enquiry for European Union.

I. — DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

The Advisory Committee set up in November 1934 by the Extraordinary Assembly¹ took note of the reply from the Paraguayan Government and observed that that Government had not accepted the recommendations made by the Assembly on November 24th, which recommendations had been agreed to by Bolivia on December 10th. The Committee therefore pointed out that, under Article 12 of the Covenant, the Members of the League had agreed in no case to resort to war until three months after the report by the Council or the Assembly as provided under Article 15. This period would expire on February 24th.

Moreover, since the Assembly's report was unanimously agreed to, the Members of the League might not go to war with the party which complied with the recommendations of the report. In consequence of Bolivia's acceptance of these, Paraguay must refrain from resorting to war with her in so far as she conformed to them. Having regard to the above

¹ See *The League from Year to Year (1934)*, page 50.

situation, the Advisory Committee informed those Members of the League who had decided to prohibit the supply of arms to Bolivia and Paraguay that, in its opinion, this prohibition should not continue to be enforced against Bolivia, whereupon several Members of the League removed the prohibition.

On February 24th, the Paraguayan Government gave preliminary notice of its withdrawal from the League, declaring that it had not rejected the recommendations voted by the Assembly, but had requested that certain fundamental points might be reconsidered. By raising the embargo on one side only, the Advisory Committee had converted an indirect means of stopping the war into a sanction against one of the belligerents.

As a result of this decision by Paraguay, the Advisory Committee met again in March under the Chairmanship of M. de Vasconcellos (Portugal).

On being informed by the Governments of the Argentine and Chile of the representations they had made to the parties suggesting the acceptance of a plan based on the recommendations of November 24th, the Committee decided to adjourn the meeting of the Extraordinary Assembly for considering the subsequent application of the Covenant until May 20th. On that date, the Assembly, after electing M. de Vasconcellos as President,¹ took note of a declaration made by the Governments of the Argentine and Chile with regard to negotiations due to open in Buenos Aires between the belligerents, through the mediation of the Argentine, Brazil, Chile, Peru, United States of America and Uruguay.

The Assembly conveyed to this group of mediating States its sincere hope that the new effort would lead to the speedy restoration of peace and instructed its Advisory Committee to follow the situation. It decided in any event to place the Bolivo-Paraguayan dispute on the agenda of its ordinary session in September.

On June 12th, the Buenos Aires negotiations led to the signature of a Protocol putting an end to hostilities. This Protocol stipulated that the President of the Argentine

¹ M. Castillo Najera (Mexico), former President, had been appointed Ambassador in Washington.

Republic should summon a Peace Conference to ratify the agreement, to promote a settlement of practical issues that might arise in connection with the measures of security for the cessation of hostilities and to arrange for the settlement of disputes between Paraguay and Bolivia by direct negotiation. Failing such an agreement, the two countries would submit the Chaco dispute for arbitration by the Permanent Court of International Justice* at The Hague. The Peace Conference was to arrange for the exchange of prisoners, the establishment of transit, commerce and navigation facilities and for the constitution of a commission to determine responsibilities.

Hostilities finally ceased on the positions occupied by the belligerents in virtue of a twelve-day truce, which might be prolonged by the Peace Conference until the necessary measures of security had been fully carried out. The line of demarcation between the armies was to be determined and supervised by a neutral Military Commission under the guarantee of the Peace Conference. The measures of security included demobilisation of the belligerent armies within ninety days from the fixing of the line of demarcation, reduction of effectives to a maximum of 5,000 men, the obligation not to acquire war material until the Peace Treaty had been concluded and an undertaking of non-aggression. The carrying-out of these security measures was to be supervised by the neutral Military Commission and to be completed within ninety days.

The Peace Conference opened at Buenos Aires on July 1st under the Chairmanship of M. Saavedra Lamas, Foreign Minister of the Argentine. After ratification of the agreement of June 12th, a resolution was approved prolonging the truce until the necessary measures of security had been fully carried out.

On June 22nd, the Chairman of the Advisory Committee sent to Members of the Committee a note which was also communicated to all States Members of the League. The note pointed out that, in view of the agreement reached at Buenos Aires, it seemed no longer desirable to maintain even a theoretical difference between Bolivia and Paraguay as

regards the prohibition of the supply of arms. Several States Members thereupon announced that, in accordance with this suggestion, they were raising the embargo on the export of arms to Paraguay.

The ordinary Assembly of 1935 was informed that demobilisation operations had proceeded normally and would be completed within the ninety days fixed by the Buenos Aires Protocol. On the other hand, an agreement had not yet been reached for the exchange and repatriation of prisoners of war. The Assembly trusted that its Advisory Committee would continue to watch the situation and congratulated the Governments represented at the Conference on their efforts in the interests of peace and expressed its hope that the prosecution of these efforts would result in the complete re-establishment of peace and good understanding between Bolivia and Paraguay.

After the Assembly's session, the war was formally declared at an end and an agreement was reached for determining responsibilities by means of an impartial judicial enquiry. But the question of repatriation of prisoners remained in suspense, and the parties had not accepted the frontier-line proposed by the mediating Powers for the settlement of the Chaco question.

II. — DISPUTE BETWEEN COLOMBIA AND PERU.

The Rio de Janeiro Agreement of May 24th, 1934, which had put an end to the dispute between Colombia and Peru, had not been ratified by the Colombian Legislature within the time fixed — *i.e.*, before January 1st, 1935.¹ But, in February 1935, the two Governments agreed to prolong the time-limit for the exchange of ratifications until November 30th, 1935.

This exchange took place on September 27th. In informing the League of this fact, the Foreign Ministers of Colombia and Peru expressed their Governments' appreciation of the action of the League in the settlement of the dispute.

¹ See *The League from Year to Year (1934)*, pages 51 and 52.

III. — RELATIONS BETWEEN HUNGARY AND YUGOSLAVIA.

By a resolution of December 10th, 1934,¹ the Council requested the Hungarian Government to inform it of the measures that it took in the case of those Hungarian authorities whose culpability might have been established in regard to acts connected with the Marseilles outrage on October 9th of that year.

On January 12th, 1935, the Hungarian Government, in accordance with this resolution, forwarded to the Secretary-General an account of the Government's investigation and mentioning the penalties imposed as a consequence on certain Hungarian officials.

During the January session, the Council noted the receipt of the Hungarian memorandum.

The Rapporteur, the United Kingdom representative, asked those Members of the Council who might have observations to make on the report to communicate them to him as soon as possible.

Accordingly, the Yugoslav Government addressed a memorandum to the Secretary-General on March 22nd, containing observations with which the Roumanian and Czechoslovak Governments announced their entire agreement. In the Yugoslav Government's view, the enquiry carried out by the Hungarian authorities had been insufficient.

In the Council on May 25th, the Rapporteur stated that, in the light of communications received, he might have been justified in calling for supplementary information from the Hungarian Government on certain points having a bearing on the execution of the resolution of December 10th. Relying, however, on the goodwill of the Hungarian Government and on the Yugoslav Government's spirit of conciliation, he did not propose to carry the matter any further.

The Hungarian representative announced that his Government was conscious of its international responsibilities and would continue to take measures against terrorist action and

¹ See *The League from Year to Year (1934)*, page 57.

to have supervision exercised with particular care over Yugoslav *émigrés*, within the system of general supervision over foreigners.

After the Yugoslav representative had noted this declaration, the Council declared the matter closed.

IV. — REQUEST OF THE FRENCH GOVERNMENT UNDER ARTICLE 11, PARAGRAPH 2, OF THE COVENANT.

The French Government, relying on Article 11, paragraph 2, of the Covenant, referred to the Council, on March 20th, the situation brought about by the German Government, which had, contrary to its contractual undertakings, decided, on March 16th, to reintroduce general compulsory military service in the Reich and to create a German military air force.

On April 9th, the French Government, in a memorandum, presented observations in support of this request. It emphasised that, in two essential provisions, the clauses of the Peace Treaty had been formally repudiated by Germany, and added that the League, which was founded on the obligation to respect international undertakings, could not remain indifferent to the affirmation of a policy entirely contrary to the principles on which it rested.

The German Government had seriously compromised the success of the international negotiations for the limitation of armaments pursued under the auspices of the League and on the basis of Article 8 of the Covenant. On February 3rd, 1935, a programme had been framed by the French and United Kingdom Governments and had been accepted by the Government of the Reich. It was incumbent on the Council to express its views on the situation thus brought about and to meet such a threat to international order by considering the most suitable measures for remedying the situation and for preventing its recurrence.

At an extraordinary session held from April 15th to 17th, the Council dealt with the French application. After a discussion at which all its Members spoke, the Council, on

April 17th, unanimously — the Danish representative abstaining — adopted a resolution submitted by the French, United Kingdom and Italian Governments, whose Prime Ministers and Foreign Ministers had met in Conference at Stresa from April 11th to 14th.

The following is the text of this resolution :¹

“ The Council,

“ Considering :

“ (1) That the scrupulous respect of all treaty obligations is a fundamental principle of international life and an essential condition of the maintenance of peace ;

“ (2) That it is an essential principle of the law of nations that no Power can liberate itself from the engagements of a treaty nor modify the stipulations thereof unless with the consent of the other contracting parties ;

“ (3) That the promulgation of the military law of March 16th, 1935, by the German Government conflicts with the above principles ;

“ (4) That by this unilateral action the German Government confers upon itself no right ;

“ (5) That this unilateral action, by introducing a new disturbing element into the international situation, must necessarily appear to be a threat to European security ;

“ Considering, on the other hand :

“ (6) That the British Government and the French Government, with the approval of the Italian Government, had communicated to the German Government as early as February 3rd, 1935, a plan for a general settlement, to be freely negotiated, for the organisation of security in Europe and for a general limitation of armaments in a system of equality of rights, while ensuring the active co-operation of Germany in the League of Nations ;

¹ During the discussion of the resolution, the representative of Turkey drew attention to the fact that the Treaty of Lausanne of 1923 contained military clauses relating to the Straits which placed Turkey in an unfair position. Should there be changes in the situation established by the existing treaties, Turkey would, he said, be obliged to make them dependent upon consequent modifications in the military regime of the Straits. Such changes would not, however, affect the freedom of the Straits in any way.

The representatives of the United Kingdom, Italy and France made reservations with regard to this statement. The representative of the Union of Soviet Socialist Republics, however, said that his country would put no obstacles in the way of the realisation of the wishes expressed by the Turkish representative.

“(7) And that the unilateral action of Germany above referred to was not only inconsistent with this plan, but was taken at a time when negotiations were actually being pursued ;

“ I.

“ Declares that Germany has failed in the duty which lies upon all the members of the international community to respect the undertakings which they have contracted, and condemns any unilateral repudiation of international obligations ;

“ II.

“ Invites the Governments which took the initiative in the plan of February 3rd, 1935, or which gave their approval to it, to continue the negotiations so initiated, and, in particular, to promote the conclusion, within the framework of the League of Nations, of the agreements which may appear necessary to attain the object defined in this plan, due account being taken of the obligations of the Covenant, with a view to assuring the maintenance of peace ;

“ III.

“ Considering that the unilateral repudiation of international obligations may endanger the very existence of the League of Nations as an organisation for maintaining peace and promoting security ;

“ Decides that such repudiation, without prejudice to the application of the measures already provided in international agreements, should, in the event of its having relation to undertakings concerning the security of peoples and the maintenance of peace in Europe, call into play all appropriate measures on the part of Members of the League and within the framework of the Covenant ;

“ Requests a Committee composed of the following States : France, Italy, the United Kingdom, Union of Soviet Socialist Republics, Spain, Poland, Netherlands, Yugoslavia, Hungary, Canada, Chile, Portugal, Turkey, to propose for this purpose measures to render the Covenant more effective in the organisation of collective security and to define, in particular, the economic and financial measures which might be applied, should in the future a State, whether a Member of the League of Nations or not, endanger peace by the unilateral repudiation of its international obligations.”

V. — MEASURES TO RENDER THE LEAGUE COVENANT MORE EFFECTIVE IN THE ORGANISATION OF COLLECTIVE SECURITY.

In a resolution dated April 17th, 1935,¹ the Council requested a Committee of Thirteen members (France, Italy, United Kingdom, Union of Soviet Socialist Republics, Spain, Poland, Netherlands, Yugoslavia, Hungary, Canada, Chile, Portugal and Turkey) to propose measures to render the Covenant more effective in the organisation of collective security and to define, in particular, the economic and financial provisions which might be applied should, in the future, a State, whether a Member of the League of Nations or not, endanger peace by the unilateral repudiation of its international obligations.

This Committee held two sessions during the year, one in May and the other in July. M. da Matta (Portugal) was Chairman.

Before the session opened, the French delegation proposed that a Protocol should be drawn up and opened for the signature of all European States. Under this Protocol the signatories would pledge themselves, in case of a breach — duly recorded by the Council — of any undertaking of concern to international security and to the maintenance of peace in Europe : (a) to carry out the recommendations which the Council would make to the Members of the League other than the State having failed to observe the said undertaking ; (b) to concert together on measures to be taken with a view to prohibiting effectively the export, to the territory of the State guilty of the breach, of arms and implements of war and of all other products and raw materials of which it might be considered desirable to deprive the treaty-breaking State. The execution of these undertakings would be provided for in such arrangements of a general or regional character as might be recognised to be necessary. Non-European States would be requested to facilitate the operation of these various arrangements.

The Council would act in virtue of Article 11 of the Covenant. Among the recommendations which it might be called

¹ See above, page 49.

upon to take under this article two classes must be distinguished: those addressed to the State or States concerned, which cannot be validly made if they are voted against by one of the parties, and those addressed to third States Members of the League with a view to exercising pressure on the State or States having committed breaches of their obligations. As regards this second category of measures, the Council, in voting, should not take account of the votes of the violating State or States.

The Committee of Thirteen, without discussing the French proposal in detail, decided to consult a Sub-Committee of legal experts and another of financial and economic experts.

The Legal Sub-Committee, which met in June, held that the Council had the right, in virtue of Article 11, to recommend to States, other than the State which had repudiated an international undertaking, economic and financial measures which appeared to it to be calculated to contribute to maintaining peace. These measures would have a preventive character and their purpose would be to hinder the preparation for war by a State whose attitude was a danger to peace — for instance, by depriving it of certain supplies. But, failing a special undertaking to that effect, States would not be under a legal obligation to comply with these recommendations.

On the question whether the negative vote of the State which had unilaterally repudiated its international obligations could prevent the Council from taking the necessary decisions, the Sub-Committee of Jurists was divided. Two opinions were expressed, one based on the duty of the Council and on grounds of common sense and claiming that the vote of the State which was endangering peace should not be counted; the other laying stress on the terms of Article 5, to the effect that, except where otherwise expressly provided, the unanimity rule shall apply without limitation, and arguing that the vote of the States in question could not be excluded. The Sub-Committee was unwilling to decide this question by a majority vote.

The economic and financial experts met in July. Their report stated that, though the measures recommended were to

be less comprehensive than those prescribed under Article 16 of the Covenant, and not such as to disturb the whole economic life of the country in question, this did not mean that the economic life of the country subjected to the measures should be safeguarded against any inconveniences whatever. The Committee merely sought to give preference to measures which would secure the maximum of effect with the minimum of disturbance. These were, in general, preventive measures of a more or less deterrent character. The point of greatest importance was to withhold supplies that might be classed under the three following heads :

- (1) Arms, ammunition and implements of war ;
- (2) Key-products necessary for the manufacture of armaments, the importation of which into a country can be prohibited without seriously interfering with its economic life ;
- (3) Other products required for warlike preparations, but also widely employed in industry.

The Sub-Committee did not endeavour to draw up lists of products coming within these three categories. As regards the first, it referred to the list drawn up at the beginning of 1935 by a Committee of the Conference for the Reduction and Limitation of Armaments.

The second category would include commodities whose use for war would be far greater than for commercial purposes. The inconveniences caused by the enforcement of such prohibitions would be limited to a small number of specialised industries. The Sub-Committee thought that experts should be instructed to prepare the list of these key-products.

In the third category were not only products necessary for war, but also those extensively used in industry and agriculture. Measures for prohibiting these should only be taken with circumspection. The establishment of a list should be reserved until a particular case arose.

In regard to the interruption of the export trade of the repudiating State, the Sub-Committee observed that the main purpose of such interruption would be to diminish

the financial resources obtained by that country from abroad. The holding up of exports might complete and to some extent replace other measures which might have proved insufficient or inapplicable.

Turning then to the question of financial pressure, the report pointed out that it would not be difficult to prevent the grant of financial accommodation — whether it be the opening of credit, the public issue of a loan or a short-term credit operation — to a Government repudiating its undertakings.

To what extent and in what conditions could the desired effect be obtained by regional arrangements requiring the co-operation of only a limited number of States ? The report observed that the non-participation of a single large producer of a particular commodity might be sufficient to render measures for limiting the supply of the country in question inoperative : a regional arrangement that did not meet this difficulty must be without effect, but possibly the combination of a series of regional agreements might afford the necessary co-operation.

At its second session, the Committee received the reports of its two Sub-Committees, and instructed its Chairman, in consultation with the Secretary-General, to appoint experts to investigate, before the third session, the question of key-products necessary for the manufacture of arms.

The Committee also requested the various delegations to refer the points of law raised in the Economic and Financial Sub-Committee's report to their legal advisers.

Circumstances did not permit the experts on key-products to meet before the end of the year, and no date for the resumption of the Committee of Thirteen's work has yet been fixed.

VI. — DISPUTE BETWEEN ETHIOPIA AND ITALY

The Council first considered the tension in the relations between Ethiopia and Italy in January 1935.

This tension was announced by a telegram from the Ethiopian Government, dated December 14th, 1934. To the

allegations contained in that telegram, the Italian Government replied on December 16th. The two Governments continued to exchange explanations, both through diplomatic channels and through the intermediary of the Secretary-General. From the various communications it appeared that, from November 23rd, 1934, onwards, incidents had occurred in the Walwal area after the arrival in that area, which contained wells, of the Anglo-Ethiopian Joint Commission for the delimitation of the frontier between Ethiopia and British Somaliland. This Commission, which had instructions to make a survey of the grazing-grounds in the Ethiopian province of Ogaden, and which, from Ado onwards, was accompanied by a strong Ethiopian escort, had found Walwal occupied by an Italian native force. Following various incidents, the Commission had withdrawn on November 25th, without its escort. After its departure, an engagement took place on December 5th between the Italian and Ethiopian troops. Other incidents followed. Each of the two Governments protested to the other, holding it responsible.

Ethiopia and Italy were bound, not only by the undertakings in the Covenant of the League of Nations, but also by the provisions of the Treaty of Amity, Conciliation and Arbitration of August 2nd, 1928, Article 5 of which provides that "both Governments undertake to submit to a procedure of conciliation and arbitration disputes which may arise between them and which it may not have been possible to settle by ordinary diplomatic methods, without having recourse to armed force. Notes shall be exchanged by common agreement between the two Governments regarding the manner of appointing arbitrators."

Whereas Ethiopia requested the application of the arbitration procedure provided for in that article, Italy demanded reparations. The Italian Government considered that the incident of December 5th had occurred in such clear and manifest circumstances that there could be no doubts as to its nature. It was, in the Italian Government's opinion, a sudden and unprovoked attack by the Ethiopians upon an Italian post, and the Government could not see what question there was to submit to arbitration.

The Ethiopian Government replied that arbitration was possible on the two main questions : (1) the fact of the Italian aggression ; (2) Walwal is Ethiopian territory " illegally occupied by Italian troops ".

In support of this latter assertion, the Ethiopian Government appealed to the Italo-Ethiopian Treaty of May 16th, 1908, which had defined the frontier between Ethiopia and Italian Somaliland. Making reference to that treaty, the Ethiopian Government pointed out that Walwal was situated in the Ethiopian province of Ogaden, at about one hundred kilometres from the frontier. The Italian Government maintained, on the other hand, that Walwal belonged to the Italian colony of Somaliland and had been occupied by Italian troops for several years past. It added that, in that region, the frontier had not been demarcated on the ground and that the delimitation work had been broken off in 1911, owing to difficulties raised by the Ethiopian Government. The Italian Government was prepared to resume it " once the Ethiopian Government has given it due satisfaction in compensation for the rights which have been infringed by the flagrant aggression at Walwal ".

The controversy was inflamed by mutual accusations regarding the policy of the two countries prior to the Walwal incident. The Italian Government represented that incident as the most serious of " a lengthy series of attacks carried out in the frontier zone between Italian Somaliland and Ethiopia with a view to disputing, by means of threatening acts, the legality of the presence of Italian detachments in certain frontier localities ". The Ethiopian Government replied that the Walwal incident, " like previous incidents, is due to the Italian policy of gradual encroachment " in an area which could not be described as one " whose sovereignty is indeterminate ". According to the Ethiopian Government, that area was " an integral part of Ethiopian territory, even according to the official Italian maps ". While taking note of the Italian Government's declaration that it was prepared to resume work on the demarcation of the frontier, the Ethiopian Government could not agree to the preliminary condition attached by Italy to such a resumption ; it would

not give satisfaction to Italy for the Walwal incident until there had been an enquiry into the responsibility for the incident.

By the end of December, the situation had grown worse. The Ethiopian Government alleged that there had been various Italian military operations in the Walwal area, while the Italian Government denied these assertions. On January 3rd, 1935, the Ethiopian Government reported "an Italian aggression against the Ethiopian garrison at Gerlogubi", and requested, in application of Article 11 of the Covenant, that every measure should be taken to safeguard peace.

Making reference to Article 11, paragraph 2, of the Covenant, the Ethiopian delegation submitted, on January 15th, the request it had foreshadowed. The question was placed on the Council's agenda on the 17th.

The efforts at pacification led to an agreement between the two Governments, recorded in two letters addressed to the Secretary-General and in a Council resolution (January 19th).

The letter from the Italian delegation confirmed the Italian Government's opposition to any intervention by the Council, since direct negotiations had not been broken off.

Proposing, in conclusion, that the discussion of the Ethiopian request should be postponed, the Italian delegation stated that :

"The Royal Government, conscious of its good right and prepared as it is and always has been to seek, in conjunction with the Ethiopian Government, for a satisfactory solution of the question — which for its part it does not regard as likely to affect the peaceful relations between the two countries — considers that the discussion of the Abyssinian request would not facilitate in any way the continuance of the direct negotiations with a view to an understanding.

"The settlement of the incident might be advantageously pursued in accordance with Article 5 of the Treaty of 1928 between Italy and Ethiopia, it being understood that, in the interval, all expedient measures will be taken and all useful instructions will be confirmed or given for the avoidance of fresh incidents."

In the Ethiopian delegation's letter, the Ethiopian Government, finding that the Italian Government, like itself, was

desirous of conciliation, agreed to the postponement of the discussion to the next session of the Council.

The Council decided to postpone the discussion after having taken note of these letters, in which the representatives of Italy and Ethiopia (1) declared their readiness to pursue the settlement of the incident in conformity with the spirit of the Treaty of Amity of 1928 between Italy and Ethiopia, and with Article 5 of that treaty; (2) pledged themselves to take all expedient measures and to give all instructions which could be of use for the avoidance of fresh incidents.

In March 1935, following this undertaking, the two Governments established a provisional neutral zone in the Walwal area. In the event of any infringement of the provisions agreed upon with regard to that zone, the Ethiopian and Italian officers commanding locally were to consult together with a view to a friendly settlement of any incidents that might occur, though they could always refer to their respective Governments.

The establishment of this neutral zone, intended to prevent the recurrence of incidents, seemed calculated to diminish the tension between the two countries and to facilitate a pacific settlement by the procedure provided for in the Treaty of 1928, which involved three phases: direct negotiations, conciliation, arbitration.

Between January 19th and March 16th, 1935, no communication was made by the parties to the League of Nations. During that period, negotiations had been pursued between the two Governments both on the question of the neutral zone in the Walwal area and with a view to the settlement of their dispute. The communications from the Ethiopian Government dated March 16th and 17th showed, however, that the Ethiopian Government regarded direct negotiations as being at an end. It complained that, in these negotiations, the Italian Government had "proceeded by way of injunctions, demanding reparation before the matter is examined at all", that it had declined the good offices of a third Power, and that it had not replied to "our repeated requests for arbitration on the dispute". This situation, which, it said, was aggravated by the "mobilisation of a

class in Italy ” and “ the continual despatch of troops and war material ” to the Italian colonies in East Africa, obliged the Ethiopian Government to demand “ full investigation and consideration as provided in Article 15 [of the Covenant], pending the arbitration contemplated by the Treaty of 1928 and the Geneva Agreement of January 19th, 1935 ”.

The Italian Government denied that a class had been mobilised, and explained that the despatch of troops was dictated by the necessity of providing for the safety of its colonies. It objected to the application of Article 15 of the Covenant, on the ground that the exchange of notes of January 19th, 1935, had provided for the application of the procedure under the Treaty of 1928.

When the Council met in extraordinary session on April 15th,¹ it had to decide whether, as an exceptional measure, the question of the Italo-Ethiopian dispute should be added to the limited agenda of that session, or whether it should remain on the agenda of the ordinary session the following month. The Ethiopian Government, in its recent communications, had called attention to a situation which was, it urged, increasing in gravity.

During the discussion that took place in the Council, the representative of Italy said that his Government, while it considered the continuance of direct negotiations desirable, had informed the Ethiopian Government that it was prepared to embark on the procedure of conciliation and arbitration and to make the necessary arrangements with that Government as to the methods by which the procedure should be carried out. The Ethiopian request, being designed to bring before the Council a dispute which was submitted to a procedure of arbitration agreed upon between the parties, was contrary to the terms of Article 15 of the Covenant.

The Ethiopian representative referred to the articles of the Treaty of 1928. The Ethiopian Government, taking note of the declaration that the Italian Government was prepared to follow the procedure under Article 5, expressed its desire that that proposal should be immediately put into effect. It proposed that an early date should be fixed by which the

¹ See above, page 47.

two Governments should communicate to each other the names of their arbitrators.

The representative of Italy rejected this suggestion, for which no provision was made in the Conventions in force between the two parties. He signified his Government's intention to put into operation as speedily as possible the procedure provided for in Article 5 of the treaty.

The Council decided that the question should remain on the agenda of its ordinary session in May.

Difficulties arose with regard to the application of the procedure of conciliation and arbitration. The Ethiopian Government desired to choose the two arbitrators which it was called upon to appoint from among the nationals of third Powers. The Italian Government invited the Ethiopian Government to appoint arbitrators of Ethiopian nationality. Moreover, Ethiopia drew attention to "the mobilisation of several classes" in Italy and the despatch of "numerous troops and a large quantity of war material" to Eritrea and Somaliland.

When the Council met on May 20th, it received a telegram from the Emperor of Ethiopia denouncing the Italian preparations on the frontiers of the Empire, which he reported to have begun before September 1934. He also stated that a fresh difficulty had arisen as regards arbitration, Italy objecting to the arbitrators' dealing with the interpretation of the Italo-Ethiopian Treaty of 1908. The Emperor asked the Council to stop the military measures taken by Italy, and to apply Article 15 of the Covenant if the latter should not agree that, in giving a decision on the incidents which had occurred since November 23rd, 1934, the arbitrators could interpret the Treaty of 1908.

On May 25th, the Council adopted a resolution with the object of ensuring a settlement of the dispute by the procedure of conciliation and arbitration within a time-limit of three months. It was noted that, direct negotiations through diplomatic channels having been exhausted, the two parties had nominated their arbitrators. The two Governments were in agreement in entrusting to these arbitrators, not only the settlement of the dispute which had arisen between them in

consequence of the incident of December 5th, 1934, but also the settlement of the incidents which had occurred since that date on the Italo-Ethiopian frontier. The Italian Government waived its objection concerning the nationality of the arbitrators appointed by the Ethiopian Government; the procedure of conciliation and arbitration was to be concluded by August 25th.

Furthermore, by a second resolution, the Council, while leaving to the two parties full liberty to settle the dispute in accordance with Article 5 of the Italo-Ethiopian Treaty of August 2nd, 1928, decided to meet if, in default of agreement between the four arbitrators for the settlement of the dispute, an understanding should not have been reached by July 25th between these arbitrators as to the selection of the fifth arbitrator (unless the four arbitrators agreed to the extension of this period). It also decided to meet to examine the situation if, on August 25th, the settlement by means of conciliation and arbitration should not have taken place.

The Ethiopian representative recalled that, under Article 2 of the Italo-Ethiopian Treaty of 1928, the two Governments had undertaken "not to engage under any pretext in action calculated to injure or prejudice the independence of the other". He accordingly asked that the Italian Government (1) should abstain "from sending to East Africa additional troops and munitions or additional specialists"; (2) should not use, "for the preparation of an attack on Ethiopia, the troops, munitions and specialists" already sent to East Africa.

In this connection, the representative of Italy stated that the Italian Government, "like any other Government in similar circumstances, cannot allow the measures taken for the legitimate defence of its territory to form the subject of remarks by anyone whomsoever, or that they should be exploited in order to arouse and disturb international public opinion".

On June 19th, the Ethiopian Government pointed out that the Italian Government had not ceased "to send to East Africa troops and munitions of war in large quantities, and that it accompanied these despatches with inflammatory

harangues and speeches full of threats to Ethiopia's independence and integrity."

On July 9th, the Council was informed that the work of the Conciliation Commission had been interrupted. The Italian Government's agent had objected to the agent of the Ethiopian Government giving explanations regarding the territorial situation at Walwal, on the ground that the terms of arbitration drawn up in agreement between the two Governments related to the *de facto* circumstances of the Walwal incident and of the other incidents which had occurred up to May 25th, to the exclusion of frontier incidents in whole or in part. The two Italian arbitrators had accepted the objection put forward by their Government's agent. The two arbitrators appointed by the Ethiopian Government had considered that it was impossible to forbid the agent of the Ethiopian Government to state the reasons which led him to consider that the Commission, being free to judge of all the circumstances of the incident, might include among those circumstances the "ownership" of Walwal. The Italian arbitrators had proposed a suspension of the proceedings until July 20th, in order to give the two Governments an opportunity of settling the point under dispute meanwhile. On their side, the arbitrators appointed by the Ethiopian Government had declared that the time had come for the four arbitrators to select a fifth arbitrator.

As already stated above, the Council had decided to meet if, failing an agreement between the four arbitrators for the settlement of the dispute, an understanding should not have been reached by July 25th, between these arbitrators, as to the selection of the fifth arbitrator (unless the four arbitrators agreed to the extension of this period). This situation having arisen, the Council was convened in special session on July 31st.

At this session, the Council first of all endeavoured to arrange for a resumption of the work of the Commission of Arbitration and Conciliation. Having studied the notes exchanged between the parties and their declarations made before the Council on May 25th, it considered that the two parties had not agreed that the Commission should examine

frontier incidents or give a legal interpretation of the agreements and treaties concerning the frontier, and that this matter therefore did not come within the terms of reference of the Commission. It was always open to the Commission to take into consideration, without entering upon any discussion on the matter, the conviction that was held by the local authorities on either side as to the sovereignty over the place of the incident. The Commission would, however, prejudge the solution of questions which did not fall within its province if it founded its decision on the opinion that Walwal was under the sovereignty either of Italy or of Ethiopia. The Commission had to concern itself solely with the other elements of the dispute. Moreover, the Council took note of the declaration of the two parties to the effect that the four members of the Commission of Conciliation and Arbitration would proceed without delay to designate the fifth arbitrator whose appointment might be necessary for the carrying through of their work. Confident that the procedure would have brought about the settlement of the dispute before September 1st, the Council invited the two Governments to inform it of the results not later than September 4th (resolution of August 3rd).

The Council's interpretation of the mission entrusted to the Commission of Conciliation and Arbitration enabled the four arbitrators to resume their work. Having met once more on August 20th, they appointed M. Nicolas Politis, Greek Minister in Paris, as fifth arbitrator.

On August 29th, the intervention of the fifth arbitrator became necessary, the four others having been unable to reach an agreement.

The arbitral award was pronounced unanimously on September 3rd.

After a relation of the facts and a summary of the versions of the two parties, the Commission "taking into account the limits of its powers under the resolution adopted by the Council on August 3rd", found :

"(1) That neither the Italian Government nor its agents on the spot can be held responsible in any way for the actual Walwal incident ; the allegations brought against them by the

Ethiopian Government are disproved in particular by the many precautions taken by them to prevent any incident on the occasion of the assembling at Walwal of Ethiopian regular and irregular troops, and also by the absence of any interest on their part in provoking the engagement of December 5th; and

“(2) That, although the Ethiopian Government also had no reasonable interest in provoking that engagement, its local authorities, by their attitude and particularly by the concentration and maintenance, after the departure of the Anglo-Ethiopian Commission, of numerous troops in the proximity of the Italian line at Walwal, may have given the impression that they had aggressive intentions — which would seem to render the Italian version plausible — but that nevertheless it had not been shown that they can be held responsible for the actual incident of December 5th.”

As regards the incidents which had occurred subsequently up to May 25th, 1935, between the Italian and Ethiopian forces, the Commission was of the opinion “that, in respect of these minor incidents, no international responsibility need be involved”.

As a result of the arbitral award given on September 3rd, the Walwal incident and the other incidents to which it refers were settled.

But the Council had observed, apart from the immediate effect of these incidents, a growing tension in the relations between Italy and Ethiopia which far exceeded the significance of these purely local occurrences. The question of the Italian and Ethiopian military preparations and that of the insecurity of the frontiers had been raised. It became increasingly clear that profound political differences existed between Italy and Ethiopia.

Taking this situation into account, the Council, on August 3rd, at the same time as it adopted the resolution quoted above with a view to the resumption of arbitral proceedings in the Walwal incident, decided that, on September 4th, it would undertake a general examination, in their various aspects, of the relations between Italy and Ethiopia. The Italian representative abstained from voting on the second resolution.

The United Kingdom and France, which, like Italy, possess colonies bordering on Ethiopia, had from the outset of the

dispute done all in their power to promote a peaceful settlement. Apart from the efforts of their representatives on the Council, certain steps had been taken. At the Council meeting on August 3rd, the representative of the United Kingdom announced that conversations would very shortly take place between France, Italy and the United Kingdom, and that he would report the outcome at the next meeting of the Council.

Negotiations between the three Powers began at Paris on August 16th, after two days of informal exchanges of views.

The Italian delegate brought forward a certain number of complaints against Ethiopia, and then laid emphasis upon the special interests of his country. In particular, he asked that the predominance of the political and economic interests of Italy in Ethiopia should be recognised. The United Kingdom and French delegates, basing themselves upon those parts of the Italian case which seemed to them capable of being used, drew up a programme which might serve as a basis of discussion.

These suggestions essentially consisted in a plan of collective assistance to Ethiopia to help her, under the auspices of the League of Nations, to carry out certain reforms. Ethiopia was to accept this plan of her own free will. Assistance would have been afforded by the three limitrophe Powers, but this would not have prevented particular account being taken of the special interests of Italy, without prejudice to the recognised rights of the other two Powers. Finally, France and the United Kingdom did not exclude the possibility of territorial readjustments which Italy and Ethiopia might accept.

These suggestions were rejected by the Italian Government and the Paris conversations were adjourned on August 18th.

When the Council met again, it found that, although the unanimous award of the arbitrators had settled the Walwal incident, the settlement had not restored calm. The tripartite negotiations at Paris had proved unsuccessful, and the tension between Ethiopia and Italy had grown still more serious. During the discussion in the Assembly, many speakers expressed their anxiety.

At the meeting of the Council on September 4th, the representative of the Italian Government presented a detailed memorandum on the situation in Ethiopia, and stated formally that "Italy's dignity as a civilised nation would be deeply wounded were she to continue a discussion in the League on a footing of equality with Ethiopia". Italy refused to recognise equality, which was a privilege conferred on Members of the League, to a State which had shown no desire to fulfil its obligations. "There is a close correlation between all the clauses of the League's charter. The justification and counterpart of the guarantees it lays down are to be found in the obligations it imposes; rights involve duties." "The fundamental principle of the Covenant is that a State cannot be admitted to membership of the League — and consequently cannot continue to be a Member — if it does not fulfil — or ceases to fulfil — certain fundamental conditions; it must have a stable Government, an effective political and administrative organisation, and well-defined frontiers." Italy could no longer count upon the clauses of the Treaty of Friendship of 1928 itself, nor could she rely upon purely legal guarantees, to fulfil the duty incumbent upon her of removing once and for all the threat of danger to her own colonies. Since the question affected vital interests and was of primary importance to Italian security and civilisation, the Italian Government would be failing in its most elementary duty did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that might become necessary to ensure the safety of its colonies and to safeguard its own interests.

The representative of Ethiopia said that he had heard "with great surprise the indictment of Ethiopia by the Italian representative". While stating that the Ethiopian Government desired at once "to protest most strongly against the charges brought against it", he called the Council's attention "to one capital point": "The question is whether, in a few days, a war of extermination will be opened." On September 5th, he asked the Council to take the decisions necessary to fulfil "its mission under Article 15, paragraph 3".

On September 6th, the Council appointed a Committee consisting of five Members of the Council — Spain (Chairman), the United Kingdom, France, Poland, and Turkey — to make a general examination of Italo-Ethiopian relations and to seek for a pacific settlement.

This Committee studied the documentary material furnished by the two Governments.

The first part of the Italian Government's memorandum gave instances of violations by Ethiopia of different Italo-Ethiopian Treaties and of acts against the security of Italy's colonies and against Italians in Ethiopia; this part ended with an account of the "chronic disorder in Ethiopia". The second part was concerned with relations between Ethiopia and the League. It mentioned how Ethiopia, in 1923, was admitted as a Member. An account was given of the political structure and conditions in the country, in relation to Article 1 and Article 23 of the Covenant, and of the violation of the special engagements (slavery and traffic in arms and ammunition) undertaken by Ethiopia towards the League.

After a chapter on "Barbarism in Ethiopia", the memorandum concluded that, "by her conduct, Ethiopia had openly placed herself outside the Covenant of the League and had rendered herself unworthy of the trust placed in her when she was admitted to membership. Italy, rising up against such an intolerable situation, was defending her security, her rights and her dignity. She was also defending the prestige and good name of the League of Nations."

A large number of documents — in particular, diplomatic papers and photographs — were annexed to the Italian memorandum.

In reply, the Ethiopian delegation submitted preliminary observations, together with a "scientific report". The former of these criticised the manner of presentation of the Italian memorandum and referred to the lack of authenticity of some of the facts reported, the want of comprehension of political and social factors and the "tendentious character" of the accusation.

The Committee of Five decided to abstain from any criticism. As an organ of conciliation, it was not called upon

to deliver judgment, but to consider the situation and to seek to devise means of remedying it. The Committee observed that Ethiopia, in conformity with her rights under the Covenant, was asking the League for international assistance. The first delegate of Ethiopia had, in fact, declared in the Assembly on September 11th, that "any suggestion for improving the economic, financial and political condition of Ethiopia would be welcomed", provided that it came from the League and were carried out in accordance with the spirit of the Covenant. This international assistance, in the Committee's view, seemed to offer a solution acceptable to both parties. The independence and territorial integrity of Ethiopia would be respected. Italy would have the possibility of resuming relations with Ethiopia based on good understanding and confident collaboration.

The Committee, in a note transmitted on September 18th to the Italian and Ethiopian representatives, set forth the outlines of the plan of assistance which it proposed. The charter of assistance would take the form of a Protocol recording the acceptance by Ethiopia of a plan of reforms drawn up by the Council. The note mentioned the public services requiring reorganisation : police and gendarmerie, economic development, finance, justice, education and public health. It suggested the appointment of foreign specialists to organise a corps of police and gendarmerie which would be responsible for ensuring, throughout the Empire, the application of laws for prohibiting slavery and regulating the carrying of arms, and which would police centres in which Europeans reside, and would ensure security in agricultural areas where Europeans may be numerous and also on the frontier territories of the Empire.

The specialists must be able to rely on the effective co-operation of the Ethiopian authorities. To co-ordinate their activities, a principal adviser would be placed at the head of each of the four groups of public services. The principal advisers might either be subordinate to a person who would be both their chief and the delegate of the League accredited to the Emperor, or form a commission presided over by one of them, who would be a delegate of the League of Nations.

The League delegate and the principal advisers would be appointed by the Council, with the agreement of the Emperor. The other agents would be appointed by the Emperor or with his endorsement, on the nomination of the League delegate. At least once a year, reports would be prepared by the delegate or the commission and forwarded at the same time to the Emperor and to the Council, together with any remarks of the Ethiopian Government. The work of assistance must be long, and no period of duration was fixed ; but it was provided that, after five years, the plan might be revised by the Council, taking account of experience gained.

To the Committee's note was attached certain information given by the French and United Kingdom representatives. The Governments of these two countries had stated that they were ready jointly to make certain sacrifices to facilitate territorial adjustments between Italy and Ethiopia. They were also ready to recognise that Italy had a special interest in the economic development of the country.

On September 22nd, the Italian representative announced that the Italian Council of Ministers, " while it appreciated the Committee's efforts, had decided to regard the proposals as unacceptable ". In a written statement he made certain observations in explanation of his Government's attitude. A case like that of Ethiopia could not be settled by the means provided by the Covenant, because the Covenant did not contemplate the case of a country which, though unworthy and incapable of participation in the League, continued to claim its rights and to demand the observance of the obligations that such participation involves. The idea of assistance was not adequate in Ethiopia's case. The only result of previous despatches of foreign specialists to Ethiopia had been to raise the degree of efficiency of the armed forces and to render Ethiopia more dangerous to her neighbours, and particularly to Italy. Moreover, the Committee had not borne in mind the peculiar situation of Italy in Ethiopia in consequence of the Franco-Anglo-Italian Treaty of 1906. Italy was opposed to any proposal for giving to Ethiopia an outlet to the sea and thus making her a maritime Power and increasing the threat she constituted to Italy. The Committee of Five

should have borne in mind the territorial rights which the Treaty of 1906 recognised as belonging to Italy in regard to a junction between the colonies of Eritrea and Somaliland to the West of Addis Ababa. Italy was convinced of the impossibility of any agreement, even economic, with Ethiopia ; for that country was incapable of respecting international agreements of any kind whatever.

On September 23rd, the Ethiopian delegation stated that it was willing to open negotiations immediately on the basis of the suggestions of the Committee of Five.

At its meeting on September 26th, the Council was obliged to recognise that the efforts of that Committee had failed. It entrusted to a Committee consisting of all its members, except the representatives of the parties, the drafting of a report with a view to the application of Article 15, paragraph 4, of the Covenant.

On September 28th, the Emperor of Ethiopia, who had announced a few days previously that he had ordered his troops to withdraw 30 kilometres behind the frontier so as to avoid any incidents, drew the Council's most serious attention in a further communication to the increasing gravity " of the threat of Italian aggression ", owing to the continual " despatch of reinforcements and other preparations, despite our pacific attitude ". He added that he earnestly begged the Council " to take, as soon as possible, all precautions against Italian aggression, since the circumstances had become such that we should fail in our duty if we delayed any longer the general mobilisation necessary to ensure the defence of our country ". The contemplated mobilisation would not, he said, affect his previous orders to keep " his troops at a distance from the frontier ", and he confirmed his " resolution to co-operate closely with the League of Nations in all circumstances "-

On October 3rd, the Italian Government informed the Council that the warlike and aggressive spirit in Ethiopia had succeeded in imposing war against Italy and had found its latest and complete expression in the order for general mobilisation announced by the Emperor on September 28th. That order, stated the Italian Government, represented a

direct and immediate threat to the Italian troops, with the aggravating circumstance of the creation of a neutral zone which, in reality, was only a strategic movement intended to facilitate the assembly and the aggressive preparation of the Ethiopian troops. As a result of the order for general mobilisation, the continual and sanguinary aggression to which Italy had been subjected in the last ten years manifestly involved grave and immediate dangers against which it was essential for elementary reasons of security to take action without delay. Confronted by this situation, the Italian Government found itself obliged to authorise the High Command in Eritrea to take the necessary measures of defence.

On the same day, the Ethiopian Government announced that Italian military aeroplanes had bombarded Adowa and Adigrat and that a battle was taking place in the province of Agamé. It added that these events, occurring in Ethiopian territory, involved a violation of the frontiers of the Empire and a breach of the Covenant by Italian aggression.

On receipt of these communications, the President of the Council summoned that body for October 5th.

Meanwhile, the Committee consisting of representatives of all Members of the Council, with the exception of the parties, drew up the report referred to in Article 15, paragraph 4, of the Covenant.

In this document the Committee retraced the history and circumstances of the dispute, enumerating and analysing the various treaties concluded with or in regard to Ethiopia since 1896. The report then mentioned the circumstances in which Ethiopia had, in 1923, been admitted to the League of Nations, and concluded :

Ethiopia has been admitted into the League of Nations and thus enjoys the rights and is bound by the obligations of Members of the League. Ethiopia is a party to the General Pact for the Renunciation of War, signed at Paris on August 27th, 1928. As from September 18th, 1934, she renewed for two years her acceptance of the Optional Clause of the Statute of the Permanent Court of International Justice. The Covenant of the League of Nations, the Pact of Paris, the Italo-Ethiopian Treaty of Amity, Conciliation and Arbitration of

August 2nd, 1928, conceived in the same spirit as these two Pacts, and the Optional Clause of the Statute of the Permanent Court of International Justice are, for Ethiopia and for Italy, solemn undertakings which exclude resort to arms for the settlement of disputes between these two countries.

With regard to the special undertakings subscribed to by Ethiopia on her entry into the League of Nations, it should be noted that, in accordance with the terms of the declaration she signed, " the fulfilment of these obligations is, she recognises, a matter in which the League of Nations is concerned ", and that, while other countries retain the right to draw the Council's attention to a violation of Ethiopia's special undertakings, the Council alone is competent to examine the matter and make recommendations to the Ethiopian Government.

The memorandum handed in by the Italian Government on September 4th last sets out complaints against Ethiopia which may be grouped under the three following headings : insecurity of the frontiers ; non-fulfilment of the obligations contracted by the Empire on its entry into the League of Nations (slavery, traffic in arms) ; disturbed internal situation which precludes the fulfilment of the terms of the treaties concerning the status of foreigners and makes it impossible to satisfy the economic interests of Italy.

According to the preliminary observations submitted on September 14th by the Ethiopian delegation, it would be necessary to subject to a searching and impartial enquiry the facts invoked by the Italian Government and the accompanying explanations and commentaries. The events which have taken place while this report was being drafted by the Committee make it impossible for the Council now to consider the possibility of such an enquiry. The Council is, however, in a position to establish a certain number of points in connection with the complaints of the Italian Government.

As regards the insecurity of the frontiers of Ethiopia, the Council can refer to the evidence of the two other European Powers which, like Italy, possess territories contiguous with Ethiopia. On the frontiers of these territories there have also occurred raids and incidents affecting the interests of these Powers. They have settled these incidents by diplomatic methods. They have taken account of the fact that, in the present condition of Ethiopia and Ethiopian administration, the almost total absence of communications and the great difficulty of ensuring the application by the subordinate provincial authorities of the policy of the Central Government at Addis Ababa had prevented the Emperor, in spite of his sincerest intentions, from carrying out the necessary reforms by his own unaided efforts. These incidents and raids along the

frontiers of Ethiopia were not in the nature of an aggression sought for or encouraged by the Central Government.

Of the three Governments of the contiguous Powers, none has at any time laid any of these incidents before the Council.

As regards the non-observance of the obligations assumed by Ethiopia when she entered the League, the reports of the competent organs of the League on the subject of slavery show that comparatively little real progress has been made in the direction of its abolition, although the Emperor has done all that lay in his power.

With reference to the arms traffic, Ethiopia, as mentioned above, concluded in 1930 a treaty with France, the United Kingdom and Italy. Although the application of that treaty has given rise to complaints on the part of those three Powers, there is no reason to believe that the Ethiopian Government deliberately or systematically violated its essential provisions.

As to the internal state of Ethiopia, the Governments which, in 1923, supported Ethiopia's request for admission to the League were aware of the internal situation of the Empire at that time. The Minutes of the Sixth Committee of the Assembly show that those Governments considered that the entry of Ethiopia into the League would not only afford her a further guarantee for the maintenance of her territorial integrity and independence, but would help her to reach a higher level of civilisation. There does not appear to be more disorder and insecurity in Ethiopia to-day than was the case in 1923. On the contrary, the country is better organised and the central authority is better obeyed.

Whatever may have been its grievances against Ethiopia, the Italian Government had not, previously to September 4th last, submitted them to the organs of the League. Had they been laid before it, the Council would certainly have endeavoured to remedy the situation. Moreover, after the entry into force of the Italo-Ethiopian Treaty of August 2nd, 1928, Italy could, if she preferred it, have recourse for all litigious questions to the procedure of conciliation and arbitration, provided for in Article 5 of that Treaty. At the request of Ethiopia, that procedure was applied for the settlement of the Walwal affair. Italy, declaring at the outset that she was the victim of an aggression, demanded apologies and compensation without any previous enquiry. She agreed later that the procedure of arbitration should follow its course.

The appropriate method of helping the Ethiopian Government to make more rapid progress in the matter of internal reforms is to co-operate with it and assist it, so that it may be in a position resolutely to embark upon the constructive action required, not only to improve the lot of the Ethiopian people

and to develop the natural resources of the country, but also to enable the Empire to live in harmony with its neighbours. This the Ethiopian Government itself realises. At the plenary meeting of the Assembly on September 11th, 1935, its delegate requested the co-operation of the League with a view to raising the economic, financial and political level of the Empire. As mentioned above, this request was taken into consideration by the Committee of Five in drawing up its scheme of assistance to Ethiopia.

The suggestions of the Committee of Five were accepted, in principle, by the Ethiopian Government. If they were rejected by the Italian Government, it was "inasmuch as they did not offer a minimum basis sufficient for conclusive realisation which would finally and effectively take into account the rights and the vital interests of Italy". In his oral observations, the Italian representative complained that the Committee of Five had completely neglected "the Italian reasons based on treaties, historical facts, the defence of the Italian colonies and Italy's mission in Africa". The Committee of Five, he added, should have taken account of "the peculiar situation of Italy in Ethiopia in consequence of the Tripartite Treaty of 1906 and the previous agreements which form an integral part thereof It ought to have considered the territorial rights granted to Italy by Article 4, paragraph (b), of the Tripartite Treaty — *i.e.*, the right to a junction between the Italian colonies of Eritrea and Somaliland to the west of Addis Ababa". Moreover, "the different peoples which are subject to the tyranny of Abyssinia and live on the frontiers of the country under inhuman conditions" should have been rescued therefrom.

The Committee of Five's plan had necessarily to be based upon the principles of the Covenant, of the Pact of Paris and also of the treaties which Italy had concluded with Ethiopia, more particularly the Treaty of Amity of 1928. Any solution of the problem of Italo-Ethiopian relations had to be founded on the respect due to the independence, territorial integrity and security of all the States Members of the League.

The Italian memorandum was laid on the Council table on September 4th, 1935, whereas Ethiopia's first appeal to the Council had been made on December 14th, 1934. In the interval between these two dates, the Italian Government opposed the consideration of the question by the Council on the ground that the only appropriate procedure was that provided for in the Italo-Ethiopian Treaty of 1928. Throughout the whole of that period, moreover, the despatch of Italian troops to East Africa was proceeding. These shipments of troops were represented to the Council by the Italian Government as

necessary for the defence of its colonies menaced by Ethiopia's military preparations. Ethiopia, on the contrary, drew attention to the official pronouncements made in Italy which, in its opinion, left no doubt "as to the hostile intentions of the Italian Government".

From the outset of the dispute, the Ethiopian Government has sought a settlement by peaceful means. It has appealed to the procedures of the Covenant. The Italian Government desiring to keep strictly to the procedure of the Italo-Ethiopian Treaty of 1928, the Ethiopian Government assented; it invariably stated that it would faithfully carry out the arbitral award, even if the decision went against it. It agreed that the question of the ownership of Walwal should not be dealt with by the arbitrators, because the Italian Government would not agree to such a course. It asked the Council to despatch neutral observers and offered to give all facilities for any enquiries upon which the Council might decide.

Once the Walwal dispute had been settled by arbitration, however, the Italian Government submitted its detailed memorandum to the Council in support of its claim to liberty of action. It asserted that a case like that of Ethiopia cannot be dealt with by the means provided by the Covenant.

It stated that, "since this question affects vital interests and is of primary importance to Italian security and civilisation", it "would be failing in its most elementary duty did it not cease once and for all to place any confidence in Ethiopia, reserving full liberty to adopt any measures that may become necessary to ensure the safety of its colonies and to safeguard its own interests".

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Such are the circumstances in which hostilities have broken out between Ethiopia and Italy.

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Having thus stated the facts of the dispute, the Council should now, in accordance with Article 15 of the Covenant, make known "the recommendations which are deemed just and proper in regard thereto".

The facts brought to its knowledge since its last meeting by the two parties make it first and foremost the urgent duty of the Council to draw attention to the obligation of conforming to the provisions of the Covenant. For the time being,

the only recommendation which it makes is that any violation of the Covenant should immediately be brought to an end.

The Council reserves the right to make subsequently such other recommendations as it may consider advisable.

The discussion of the report by the Council began on October 5th.

The Italian representative regretted that the Council had not given his Government's memorandum of September 4th and the declarations accompanying it all the attention they deserved. Italy had for several years been a victim of Ethiopian aggression. That country had not been viewed as she really was — that is to say, a State in which a dangerous situation existed, in consequence of the anarchical conditions there prevailing. She had been regarded as if she were a unified State, whereas the greater part of her territory consisted of recently conquered colonies.

After the Ethiopian mobilisation, Italy could not await the attack of over a million armed men ; the operations of the Italian troops were therefore quite legitimate, even within the framework of the Covenant. The alleged withdrawal of Ethiopian troops over 30 kilometres served to hide the real purpose, which was mobilisation. If the fact had been taken as a starting-point that Ethiopia was unworthy to belong to the League, that country would never have dared to order a general mobilisation against Italy.

So long as the various factors that had led Ethiopia to take up an aggressive attitude towards Italy were not removed, no equitable solution could be found for the dispute.

The representative of Ethiopia observed that a Member of the League was resorting to war in violation of undertakings given in Articles 12, 13 and 15 of the Covenant ; his Government therefore appealed before the Council to the provisions of Article 16. For over six months, Italy had not ceased to send large quantities of troops, arms and implements of war, thus preparing for the aggression which she had resolved to launch when the rainy season was over. In spite

of this threat, Ethiopia had delayed the general mobilisation of her forces until the last moment. He concluded by asking the Council to state that this resort to war by Italy had *ipso facto* brought about the consequences laid down in Article 16, paragraph 1, of the Covenant.

The Council instructed a Committee of six members, the representatives of the United Kingdom, Chile,¹ Denmark, France, Portugal and Roumania, to report upon the situation.

This report was laid before the Council on the 7th. In it the Committee specified the events subsequent to October 2nd and determined their character in relation to the obligations of the Covenant.

It referred to Italian official *communiqués* mentioning the crossing by Italian troops of the Mareb which forms the frontier between Ethiopia and Eritrea.

After observing that the procedure under Article 15 had become applicable to the Italo-Ethiopian dispute on September 4th, the report added that, without prejudice to the other limitations to their right to have recourse to war, the Members of the League were not entitled, without having first complied with the provisions of Articles 12, 13 and 15, to seek a remedy by war for grievances they considered they had against other Members of the League. The adoption by a State of measures of security on its own territory and within the limits of its international agreements did not authorise another State to consider itself free from its obligations under the Covenant. Under Article 12, in particular, Members of the League had agreed in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council. Moreover, the Ethiopian Government, at the meeting of the Council on October 5th, invoked Article 16 of the Covenant. When a Member of the League invoked that article, each of the other Members was bound to consider the circumstances of the particular case. It was not

¹ The Chilean representative, not having received instructions from his Government in sufficient time, did not take part in the Committee.

necessary that war should have been formally declared for Article 16 to be applicable.

The report ended as follows :

“ After an examination of the facts stated above, the Committee have come to the conclusion that the Italian Government has resorted to war in disregard of its covenants under Article 12 of the Covenant of the League of Nations.”

On October 7th, the Council took a vote on the report of the Committee of Thirteen. All members, except the parties, were in favour of its adoption. The Ethiopian representative voted for and the Italian representative against. In these circumstances, the report, as provided in paragraph 6 of Article 15, was unanimously adopted.

The Council then considered the report of the Committee of Six. The Members of the Council other than the parties were consulted by roll-call, and declared themselves in agreement with the conclusions of the report.

The Italian representative declared that he could not accept these conclusions, with which, on the other hand, the Ethiopian representative announced his agreement. The President of the Council then took note that fourteen Members of the League of Nations represented on the Council considered that they were faced by a war begun in disregard of the obligations contained in Article 12 of the Covenant. Accordingly, the report of the Council Committee and the Minutes of the meeting would be sent to all Members of the League ; for the fulfilment of their duties under Article 16 was required by the express terms of the Covenant, and they could not neglect them without a breach of their treaty obligations.

As regards the co-ordination of measures under Article 16, the Council decided to associate the Assembly with their task.

On October 9th, the Assembly, which had adjourned on September 28th, met again. The President emphasised the fact that the Assembly was not taking the place of the Council. Its Members would have an opportunity of stating their position with regard to the declarations made at the Council's

meeting by fourteen Members of the League represented on that body.

Of the fifty-four Members present at the Assembly, fifty States had expressed an opinion in accordance with the report of the Committee of Six. Three Members (Austria, Hungary and Italy) had expressed a contrary view, and a fourth (Albania) had spoken against the application of sanctions.

The Assembly, taking into consideration the obligations which rested upon Members in virtue of Article 16 of the Covenant, and the desirability of co-ordinating the measures which they might severally contemplate, then recommended that Members of the League other than the parties should form a committee, to consider and facilitate the co-ordination of such measures and, if necessary, draw the attention of the Council or the Assembly to the situations requiring to be examined by them. This recommendation was voted unanimously, save for the contrary vote of Italy and the abstentions of the Austrian and Hungarian representatives.

On October 11th the Assembly adjourned.

On the same day, a Committee of Co-ordination, which was, in fact, a conference of States Members of the League on the application of Article 16 of the Covenant, held its first meeting.

Under the first paragraph of the article in question, should any Member of the League resort to war contrary to its obligations under the Covenant, the other Members "undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the Covenant-breaking State and the nationals of any other State, whether a Member of the League or not".

The second paragraph states that "it shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League".

Under paragraph 3, "the Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State".

In 1921, the Assembly, when voting a number of amendments to Article 16, added certain resolutions recommended "as a provisional measure" to the Members of the League in connection with the application of Article 16 so long as the amendments have not been put into force. One of these resolutions declared that "the unilateral action of the defaulting State cannot create a state of war; it merely entitles the other Members of the League to resort to acts of war or to declare themselves in a state of war with the Covenant-breaking State; but it is in accordance with the spirit of the Covenant that the League of Nations should attempt, at least at the outset, to avoid war and to restore peace by economic pressure".

The legal value of the 1921 resolutions has been disputed ever since it became clear that the amendments then voted could not obtain the necessary ratifications for coming into force. Without taking these resolutions as a legal foundation for their work, the Members of the League tacitly agreed to set aside any question of military operations. On the other hand, as regards the prevention of "personal intercourse", the idea of a total or partial interruption of diplomatic negotiations was not approved, and the Committee limited itself to measures of economic and financial pressure, bearing in mind the report, dated July 1935, of the Committee which was instructed on April 17th by the Council to define the economic and financial measures which might be applied, should a State endanger peace by the unilateral repudiation of its international obligations.¹

¹ See above, page 49.

The Co-ordination Committee and the Committee of Eighteen,¹ the directing body set up by it, accordingly drafted, on October 19th, four proposals for depriving Italy of a certain number of products or raw materials indispensable for the prosecution of the war (arms and munitions, implements of war and key-products), and for reducing her financial resources either by the direct stoppage of all financial aid or by the interruption of her export trade.

Proposal I involved the prohibition of the exportation, re-exportation or transit to Italy or Italian possessions of arms, munitions and implements of war. States were also asked : (1) to suspend any measures that they might be applying for the prohibition or restriction of the exportation, re-exportation or transit of arms, munitions and implements of war to Ethiopia ; (2) to take such steps as may be necessary to secure that such articles, if exported to countries other than Italy, would not be re-exported directly or indirectly to Italy or to Italian possessions.

Proposal II asked States to render impossible all loans to or for the Italian Government, or banking or other credits to or for that Government or any public authority, person or corporation in Italian territory, and all issues of shares or other capital flotations in Italy or elsewhere, made directly or indirectly for the Italian Government or for public authorities, persons or corporations established in Italian territory.

Proposal III related to the prohibition of importation into the territory of States Members of all goods (other than gold or silver bullion and coin) consigned from Italy or Italian possessions.

By Proposal IV, Governments were asked to prohibit the exportation and re-exportation to Italy and her colonies of a certain number of articles : transport animals, rubber, bauxite, aluminium and aluminium-oxide, iron-ore and scrap-iron,

¹ The following States were members of this Committee : Union of South Africa, Argentine Republic, Belgium, United Kingdom, Canada, France, Greece, Mexico, Netherlands, Poland, Portugal, Roumania, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics and Yugoslavia.

chromium, manganese, nickel, titanium, tungsten, vanadium, their ores and ferro-alloys and also tin and tin-ore.

The products selected were those which, being necessary for the prosecution of the war, were mainly exported by States Members of the League.¹

The enforcement of the proposals gave rise to a certain number of questions of principle and practical problems.

As regards the constitutional difficulties experienced by several countries in the application of certain sanctions, it was agreed that Governments would be asked to bring at once into force such measures as were capable of being applied without further legislation.

In connection with Proposal II, it was specified that payments for humanitarian purposes (Red Cross or religious institutions) would not be subject to the measures laid down.

Proposals III and IV provided that goods *en route* at the time of imposition of the prohibition would be excepted from its operation. As regards contracts in course of execution, those in respect of which payment had been fully made by October 19th might alone be carried out. But exceptions were agreed to in the case of contracts concluded by, or on behalf of, States, where a minimum proportion of 20 % of the total price stipulated in the contract had been paid before October 19th.

In order to avoid interrupting cultural relations with Italy, the prohibition of import did not extend to books, newspapers, periodicals, maps and cartographical productions, or printed or engraved music.

As many countries had concluded clearing agreements with Italy or possessed outstanding claims against that country, it was decided that all agreements for clearing or

¹ For instance, rubber is produced almost entirely by the countries of States Members (British Malaya, Netherlands Indies, Ceylon). The chief exporters of iron-ore are France, United States of America, Union of Soviet Socialist Republics, United Kingdom, Luxemburg and Sweden; of iron pyrites: Spain and Norway; of nickel: Canada and New Caledonia; of chromium: Union of Soviet Socialist Republics, Turkey, New Caledonia and South Africa; of manganese: Union of Soviet Socialist Republics, British Gold Coast, India and Cuba; of tin: British Malaya, United Kingdom, Netherlands Indies, China and the Netherlands.

other payment with Italy would be suspended. The price of Italian products already imported, in respect of which payment had not yet been made, was to be lodged in a national account, the resources of which would be employed for the settlement of claims arising from the exports of the particular countries to Italy. As regards outstanding claims, it was further emphasised that they continued to exist, notwithstanding any offers of payment in kind that might be made by Italy.

On the discontinuance of the measures taken in regard to Italy under Article 16 of the Covenant, States would mutually support one another to ensure that Italy discharged her obligations to creditor countries.

Paragraph 3 of Article 16 of the Covenant involves an undertaking for mutual support in the financial and economic measures applied.

With a view to the carrying-out of these obligations, the Co-ordination Committee adopted a Proposal V, whereby the Members of the League would immediately adopt measures to ensure that no action taken would deprive any country applying sanctions of such advantages as the commercial agreements concluded by the participating States with Italy afforded it through the operation of the most-favoured-nation clause. Such States would take appropriate steps with a view to replacing, within the limits of their respective countries, imports from Italy by the import of similar products from the participating States, and would negotiate with any participating country which had sustained a loss, with a view to increasing its sale of goods so as to offset any loss of Italian markets.

Proposals I and II were accepted by fifty-two Governments; Proposal III by fifty; Proposal IV by fifty-one; and Proposal V by forty-nine. The list of these Governments is given hereafter.

On November 2nd, the Co-ordination Committee decided that the date of coming into force of Proposals I to IV should be November 18th; at the same time, these proposals were communicated to States not members of the League of Nations.

The Egyptian Government thereupon decided to enforce Proposals I to IV.¹

Brazil declined to give any undertaking.

The United States Government said that, before any measure had been taken by other Governments, it had prohibited the export of arms, munitions and implements of war to either belligerent and had warned American citizens against travelling on belligerent vessels or against any transaction with belligerent nations.

The German Government announced that it would take the necessary steps to prevent its nationals from realising exceptional profit owing to the war.

In view of this situation and of the refusal of Albania, Austria and Hungary to participate in the sanctions,² and to prevent the export of goods by indirect means, Governments were asked to verify the destination of such products. Those Governments which did not immediately restrict exports of these articles were requested to keep under constant review the volume and direction of such exports and, in the event of an abnormal increase, to ensure that supplies should be prevented from reaching Italy by indirect routes.

In order to supervise the application of sanctions, an expert Committee was instructed to consider the replies from Governments. This Committee noted that Proposal I had been enforced by fifty Governments, II by forty-seven, III by forty-three, and IV by fifty-one. As regards the scope of the measures taken, all colonies (including protectorates, dependencies, and mandated territories) of countries applying sanctions were covered thereby with the exception of the Spanish colonies and Morocco (in regard to which negotiations were proceeding) and Spitzbergen.

(See on pages 84 and 85 the table of replies received from Governments in regard to the enforcement of the various proposals.)

¹ Liechtenstein announced that it would adopt the same measures as Switzerland, with which it formed a Customs union.

² Paraguay, which had on February 24th given notice of its withdrawal from the League, stated that it was not in a position to take measures under Article 16 of the Covenant.

| Countries | Proposal I | Proposal II | Proposal III | Proposal IV | Proposal V |
|---------------------------------|-----------------------|-----------------------|-----------------------------|-----------------------|---------------------|
| Afghanistan | In force | In force | In force | In force | Accepted |
| Union of South Africa | In force | In force | In force | In force | Accepted |
| Albania | In force | In force | Bill drafted for Parliament | In force | — ¹ |
| Argentina | In force | In force | In force | In force | Accepted |
| Australia | In force | In force | In force | In force | Accepted |
| Austria | In force | In force | In force | In force | Accepted |
| Belgium | In force | In force | In force | In force | Accepted |
| Bolivia | In force | In force | In force | In force | Accepted |
| United Kingdom | In force | In force | In force | In force | Accepted |
| Bulgaria | In force | In force | In force | In force | Accepted |
| Canada | In force | In force | In force | In force | Accepted |
| Chile | In force | In force | In force | In force | Accepted |
| China | In force | In force | In force | In force | Accepted |
| Colombia | In force | In force | In force | In force | Accepted |
| Cuba | In force | In force | In force | In force | Under consideration |
| Czechoslovakia | In force | In force | In force | In force | Accepted |
| Denmark | In force | In force | In force | In force | Accepted |
| Dominican Republic | In force | In force | In force | In force | Accepted |
| Ecuador | In force | In force | In force | In force | Under consideration |
| Estonia | In force | In force | In force | In force | Accepted |
| Finland | In force | In force | In force | In force | Accepted |
| France | In force | In force | In force | In force | Accepted |
| Greece | In force | In force | In force | In force | Accepted |
| Guatemala | Accepted in principle | Accepted in principle | Accepted in principle | Accepted in principle | Accepted |
| Haiti | In force | In force | In force | In force | Accepted |
| Honduras | In force | In force | In force | In force | Accepted |
| Hungary | In force | In force | In force | In force | Accepted |
| India | In force | In force | In force | In force | Accepted |
| Iran | In force | In force | In force | In force | Accepted |
| Iraq | In force | In force | In force | In force | Accepted |
| Irish Free State | In force | In force | In force | In force | Accepted |

| | | | | | |
|---|----------|----------|----------|----------|----------|
| Latvia | In force | In force | In force | In force | Accepted |
| Liberia | In force | In force | In force | In force | Accepted |
| Lithuania | In force | In force | In force | In force | Accepted |
| Luxemburg | In force | In force | In force | In force | Accepted |
| Mexico | In force | In force | In force | In force | Accepted |
| Netherlands | In force | In force | In force | In force | Accepted |
| New Zealand | In force | In force | In force | In force | Accepted |
| Nicaragua | In force | In force | In force | In force | Accepted |
| Norway | In force | In force | In force | In force | Accepted |
| Panama | In force | In force | In force | In force | Accepted |
| Paraguay | In force | In force | In force | In force | Accepted |
| Peru | In force | In force | In force | In force | Accepted |
| Poland | In force | In force | In force | In force | Accepted |
| Portugal | In force | In force | In force | In force | Accepted |
| Roumania | In force | In force | In force | In force | Accepted |
| Salvador | In force | In force | In force | In force | Accepted |
| Siam | In force | In force | In force | In force | Accepted |
| Spain | In force | In force | In force | In force | Accepted |
| Sweden | In force | In force | In force | In force | Accepted |
| Switzerland | In force | In force | In force | In force | Accepted |
| Turkey | In force | In force | In force | In force | Accepted |
| Union of Soviet Socialist Republics | In force | In force | In force | In force | Accepted |
| Uruguay | In force | In force | In force | In force | Accepted |
| Venezuela | In force | In force | In force | In force | Accepted |
| Yugoslavia | In force | In force | In force | In force | Accepted |

¹ Reply not quite explicit.

² As from sixty days after November 18th, 1935.

³ With exception of imports arising out of clearing operations.

⁴ As regards goods leaving Italy after February 20th, 1936.

The Committee of Eighteen also submitted to Governments on November 6th a proposal for the extension of the embargo measures contained in Proposal IV to further products : petroleum, and its derivatives, by-products and residues ; pig-iron ; iron and steel, cast, forged or rolled ; coal (including anthracite and lignite), coke and their agglomerates, as well as fuel derived therefrom. It was agreed that this extension would not come into operation until the conditions necessary for the efficacy of the measures had been realised.

*
* *

The Assembly and the Council, before adjourning in October, had pointed out that, under Article 11 of the Covenant, the League must, even in case of war, take any action that may be deemed wise and effectual to safeguard the peace of nations and that the Council would remain at the disposal of the parties, in order to aid them in establishing the conditions under which hostilities might be brought to an end.

On November 2nd, in the Co-ordination Committee, M. van Zeeland, Prime Minister of Belgium, suggested that the United Kingdom and French Governments should be entrusted with the mission of seeking, under the League's auspices and control and in the spirit of the Covenant, for the elements of a solution which the three parties at issue — the League, Italy and Ethiopia — might accept. Although the Co-ordination Committee had no authority to give such instructions to the two Governments, the members noted the wish expressed and gave it their approval and support. It was in these circumstances that, as the result of conversations in Paris on December 7th and 8th between the Foreign Ministers of the United Kingdom and France, Sir Samuel Hoare and M. Pierre Laval, the two Governments made suggestions to the Italian and Ethiopian Governments for a friendly settlement of the dispute. The suggestions were subsequently communicated to the Council of the League.

Under the terms of these suggestions, Ethiopia was recommended to accept certain exchanges of territory with Italy. Eastern Tigré, limited on the south by the river

Gheva and on the west by a line running from north to south passing between Axum (on the Ethiopian side) and Adowa (on the Italian side) would be ceded to Italy and rectifications of the frontiers in the Danakil country and also between Ogaden and Italian Somaliland would form an extension of Italian territory. Ethiopia, on the other hand, would receive an outlet to the sea with full sovereign rights. This outlet would be obtained preferably by the cession, to which Italy would agree, of the port of Assab, and of a strip of territory giving access to this port along the frontier of French Somaliland.

The Ethiopian Government was also recommended to agree to the formation in southern Ethiopia of a zone of economic expansion and settlement reserved to Italy. The limits of this zone would be : on the east, the rectified frontier between Ethiopia and Italian Somaliland ; on the north, the eighth parallel ; on the west, the thirty-fifth meridian ; on the south, the frontier between Ethiopia and Kenya. Within this zone, which would form an integral part of Ethiopia, Italy would enjoy exclusive economic rights — the right of ownership of unoccupied territories, the monopoly of the exploitation of mines, forests, etc. The control of the Ethiopian administration in the zone would be exercised, under the sovereignty of the Emperor, by the services of the scheme of assistance drawn up by the League and already agreed to by the Ethiopian Government for the whole of the territory of the empire. Italy would take a preponderating, but not an exclusive, share in these services, which would be under the direct control of one of the principal advisers attached to the Central Government. The principal adviser in question, who might be of Italian nationality, would be the assistant, for the affairs in question, of the chief adviser delegated by the League of Nations, who would not be a subject of one of the powers bordering on Ethiopia.

On December 18th in the Council — at whose meetings no representative of Italy was present — Mr. Eden (United Kingdom) said that the Paris proposals had been put forward solely to ascertain the views of the two parties and of the League. If it transpired that these proposals did not satisfy

the essential condition of agreement by the two parties and the League, the United Kingdom could not continue to support them.¹

M. Laval (France) stated that, if the attempt at reconciliation were not approved by all parties concerned, the Council would not be relieved of the duty incumbent upon it to neglect no means of attaining a just and honourable settlement, as was required both by the interests of peace and by the true spirit of the League.

The Ethiopian representative relied on the wisdom of the League to safeguard the rights of States Members of the League, but pointed out that the Franco-British suggestions differed fundamentally from the proposals of the Committee of Five, of which they were "a complete and flagrant negation".

On December 19th, the Council, after thanking the delegates of France and of the United Kingdom for the communication which they had made, did not consider that it was called upon to express an opinion in regard to suggestions of a preliminary character, and instructed the Committee of Thirteen, consisting of all members of the Council except the parties, to examine the situation as a whole, bearing in mind the provisions of the Covenant.

On the same day, the Committee of Eighteen, after deciding to follow the application of the sanctions in force, instructed its President to remain in touch with the Chairman of the Committee of Thirteen with a view to fixing the date of its next meeting.

VII. — CLAIM BY THE FINNISH GOVERNMENT AGAINST THE UNITED KINGDOM.

In September 1934, the Council postponed to its next session the decision as to its competence to deal with the claim brought by the Finnish Government against the United

¹ On the same day, Sir Samuel Hoare, in London, resigned his post as Foreign Secretary.

Kingdom Government in regard to the Finnish vessels used by the latter during the war.¹

In January 1935, the Council observed that, when a matter was brought before it in virtue of Article 11, its competence could not be limited by reason of the nature of the affair submitted to it, and instructed a Committee of Three to report, not on the legal issue, but on the question of expediency — namely, whether, having regard to all the circumstances referred to, the Council should apply Article 11, paragraph 2, of the Covenant to the Finnish Government's claim.

On September 13th, the Council considered the findings of the report prepared by the above Committee, consisting of the representatives of Spain, Argentina and Czechoslovakia. After observing that it was not denied that the Council could deal with the Finnish application, the Committee pointed out that the Council could not erect itself into an arbitral tribunal nor decide the case without arrogating to itself arbitral powers which were not conferred upon it by the Covenant. The Council could only exercise conciliatory action. But the Committee had reached the conclusion that the discussions had provided no basis for recommending a solution. It could therefore only reply to the question in the negative.

The matter being one of procedure, a decision was taken by a majority vote. All the Members of the Council supported the findings of the report, except the Finnish representative, who voted against. The report was therefore adopted.

VIII. — REPARATION FOR DAMAGES SUFFERED BY SWISS CITIZENS DURING THE WAR.

In January 1935, the Council again took up a dispute that it had first dealt with in September 1934² between the Swiss Confederation and Germany, the United Kingdom, France and Italy, as regards reparation for damages of various

¹ See *The League from Year to Year (1934)*, page 58.

² See *The League from Year to Year (1934)*, page 59.

kinds suffered in the territories of the latter Powers by Swiss nationals during the war of 1914-1918.

The Council, after declaring that it could not ask for an advisory opinion from the Permanent Court of International Justice, referred to a Committee of three Members (Argentine, Spain and Czechoslovakia) the question whether, having regard to all the circumstances mentioned during the discussion, it could apply Article 11, paragraph 2, of the Covenant to the Swiss request.

The Committee thus set up made its report to the Council on May 25th. It stated that the Council's competence under Article 11, paragraph 2, was not disputed, and that, in a matter which did not constitute an immediate threat to peace or a conflict of political interests, the Council's action could not go beyond an attempt at conciliation. The Committee, after considering the possibilities of a solution by conciliation, did not think that these were sufficiently great to justify the retaining of the matter on the Council's agenda.

The question being one of procedure, a decision might be taken by a majority. The Council decided, in spite of the opposing vote of Switzerland, that the question should be removed from its agenda.

IX. — DISPUTE BETWEEN IRAQ AND IRAN.¹

The Government of Iraq, in a communication dated November 29th, 1934, informed the Council, in conformity with Article 11, paragraph 2, of the Covenant, of its apprehensions caused by violations of the frontier between Iraq and Iran, committed, according to the former Government, by official agents of Iran. The frontier between the two countries had been fixed by the Treaty of Erzerum, concluded in 1847 between Persia and the Ottoman Empire, of which Iraq is a Successor State, and by a Protocol signed at Constantinople in 1913 by representatives of Persia, the United Kingdom, Russia and Turkey. The frontier fixed by this

¹ This was the name adopted by Persia on March 1st, 1935.

Protocol had been marked out on the spot in 1914 by a Delimitation Commission, but the Persian Government had refused to recognise this frontier, considering itself not to be bound by the agreements in which it was delimited.

In its reply, dated January 18th, 1935, the Iranian Government endeavoured to show that the Treaty of 1847, the Protocol of 1913 and consequently the frontier-line of 1914 were, in law and in equity, devoid of all value as regards the delimitation of the frontier between the two countries.

The Council dealt with this question at its session in January 1935. The representative of Iraq stated that his Government had referred the matter to the Council to obtain a statement on the legal position. After that had been defined, it should be possible for the two Governments to settle by negotiation such questions as the control of navigation on the Shat-el-Arab and all other outstanding difficulties. Pending a decision on the point of law, through the intermediary of the Council, the present frontier should be respected.

The representative of Iran replied that his Government was not asking for the revision of a treaty, nor the cancellation of agreements accepted by it ; but it considered that a declaration of common will, necessary to constitute a contract, had never been made in the past by Persia and the Ottoman Empire. On the sector of the Shat-el-Arab, in accordance with the general rule of international law, in default of treaty provisions, the frontier should be constituted by the thalweg of the river. He concluded by saying that, until it had been legally determined, the frontier could not remain as Iraq claimed it should do.

The Italian representative was selected by the Council as Rapporteur. As he was unable to submit a report before the session ended, the Council authorised him to continue to discuss the question with the parties until the next session. The representatives of the parties declared that they would endeavour in the interval to prevent any incidents likely to render the settlement of the dispute more difficult.

At the Council's May session, the Rapporteur announced the result of the conversations that had taken place between

the parties, and said that, while they were not in agreement, further valuable information had been obtained on several points. There were some unsettled points which had been exhaustively studied.

The Council therefore decided on a further adjournment of the question.

On September 25th, the two representatives informed the Rapporteur that negotiations between their countries were proceeding favourably. They therefore thought it unnecessary to bring the matter before the Council at its present session.

After expressing satisfaction at the happy turn taken by the negotiations, the Rapporteur proposed, and the Council agreed, that the matter should be adjourned.

X. — DELIMITATION OF THE FRONTIER BETWEEN BURMA AND YUNNAN.

On April 16th, the United Kingdom and Indian Governments, on the one hand, and the National Government of China, on the other hand, asked the President of the Council to appoint the neutral President of a mixed Commission set up by these Governments to delimit the southern sector of the frontier between Burma and Yunnan.

The President of the Council, M. Rüstü Aras (Turkey), consented to do so and selected Colonel Iselin (Switzerland), former Chairman of the Commission of Enquiry for the delimitation of the frontier between Iraq and Syria and afterwards of the Commission charged with the marking-out of the same frontier.

XI. — COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

The Commission of Enquiry for European Union was unable to meet in 1935.

The Assembly therefore decided to continue the Commission in office for 1936 and to place the Commission's report forthwith on the agenda of the Assembly's next session.

CHAPTER V

THE SAAR PLEBISCITE

In a resolution dated June 4th, 1934, the Council fixed Sunday, January 13th, 1935, as the date of the popular vote to be held in the Saar territory at the termination of a period of fifteen years from the coming into force of the Treaty of Versailles.¹

The vote took place as follows :

In conformity with " Regulations for the Plebiscite ", published by it, the " Plebiscite Commission " appointed by the League Council set up in each of the eight districts of the Territory a district bureau, composed of officials not natives of the Territory nor nationals of Germany or of France, to take measures under the authority of the Commission to secure the freedom, secrecy and trustworthiness of the voting. In each of the eighty-three voting-districts, a Communal Committee,² presided over by a chairman not a native of the Territory and not belonging to either of the two States concerned, was given the task of compiling a register of persons entitled to vote ; the other members of these Committees were also appointed by the Commission.

The following persons were first entered on the provisional voters' lists in alphabetical order :

(a) Without any special application being made, those who were more than 20 years old on January 13th, 1935, and were resident in the Territory on June 28th, 1919, and still resident therein ;

(b) On application being made by them, persons who, without inhabiting the territory, fulfilled the other conditions prescribed.

¹ See *The League from Year to Year (1934)*, page 66.

² In Saarbruck, two Communal Sub-Committees were set up.

At the end of September 1934, these provisional lists were made public by being posted for a month on the "communal notice-boards" at the headquarters of each voting-district. Any person resident in the Territory was entitled to make a claim for the removal of a name from the lists, for a rectification or for the addition of the name of a person residing in the territory. Anyone residing outside the Territory was entitled, within one month after the publication of the provisional lists, to submit a claim to have his name placed on the list.

In order to prevent a name from appearing on the lists more than once, a central card-index for the whole Territory was prepared.

The district bureaux completed the examination of the claims in respect of the provisional voting-lists by November 9th. The total number submitted was 107,145. Of this number, 53,447 (49.9 %) were allowed; the others were rejected or declared non-receivable. The various claims may be classified as follows :

(a) Requests to be placed on the voting-lists :

| | |
|-------------------|-----------------|
| Total | 32,854 |
| Allowed | 18,540 = 56.4 % |

(b) Requests to have a name removed :

| | |
|-------------------|----------------|
| Total | 46,033 |
| Allowed | 7,217 = 15.6 % |

(c) Requests to have a correction made in the lists :

| | |
|-------------------|------------------|
| Total | 28,258 |
| Allowed | 28,210 = 99.08 % |

The total number of appeals lodged with the Supreme Plebiscite Court against decisions of district bureaux concerning claims in respect of the provisional voting-lists was 9,248. Of this number, 2,387 (25.8 %) were allowed; the others were rejected or declared non-receivable.

The various appeals may be classified as follows :

(a) Concerning the placing of names on the lists :

| | |
|-------------------|-------|
| Total | 7,400 |
| Allowed | 1,365 |

(b) Concerning the removal of names :

| | |
|-------------------|-------|
| Total | 1,844 |
| Allowed | 1,018 |

(c) Concerning corrections :

| | |
|-------------------|---|
| Total | 4 |
| Allowed | 4 |

“ Electoral certificates ” were sent between December 20th and 31st to those entitled.

Eight hundred and sixty electoral bureaux were established. These were presided over by neutrals, who, for the most part, were nationals of Luxemburg, Netherlands or Switzerland ; but they also included persons of American, British, Danish, Finnish and Italian nationality. Two regular tellers and two assistants were appointed to each electoral bureau by the district bureaux, which endeavoured as far as possible to provide for the representation of various shades of opinion.

On January 11th, the chairmen of the electoral bureaux took oath before the Plebiscite Commission to perform the powers and duties entrusted to them in all honour and conscience.

On January 12th, the Council of the League of Nations, sitting at Geneva, addressed the following message to the Saar population :

On the eve of the plebiscite, the Council desires to make a solemn appeal to the Saar population, urging it to manifest by its calmness and dignity its appreciation of the importance of the vote which it is called upon to give.

The Council is convinced that the inhabitants will afterwards maintain the same attitude and will wait confidently for the Council to take with all possible speed the decisions that are to follow the vote.

On January 13th, after the electoral bureaux had been opened, the voting began at 7.30 a.m. Each bureau had received from the Communal Committee three certified copies of the extract from the voters' lists. Each holder of an electoral certificate entered the building of his voting-section and submitted his certificate to the chairman, who read out the

name of the voter and the number allotted to him in the extract from the register. He then handed the voter an envelope and a ballot with three sections relating to the three possible alternatives : maintenance of the regime established by the Treaty ; union with France ; union with Germany.

As evidence of the delivery of a ballot and of the due identification of the voter, a teller placed his initials against the voter's name on the identification list. The voter then withdrew into a voting-booth and put a cross to indicate his choice in the appropriate section on the ballot with a black pencil to be found in the voting-booth. He then placed the ballot in the envelope, which he closed before handing it to the chairman, who placed it in the ballot-box.

The voting ended at 8 p.m. Immediately afterwards, the boxes containing the ballots were collected from the electoral bureaux by military or police lorries and conveyed to the headquarters of the voting-districts ; thence, they were forwarded by special trains to the capital of the Territory. Throughout their journey, as far as the Wartburg Hall in Saarbruck, where the count took place, the boxes were accompanied by a military escort and by a neutral representative of the Commission and two witnesses. At the Wartburg, the boxes were received by officials of the Plebiscite Commission, who signed the records of receipt. These various operations were marked by no incident.

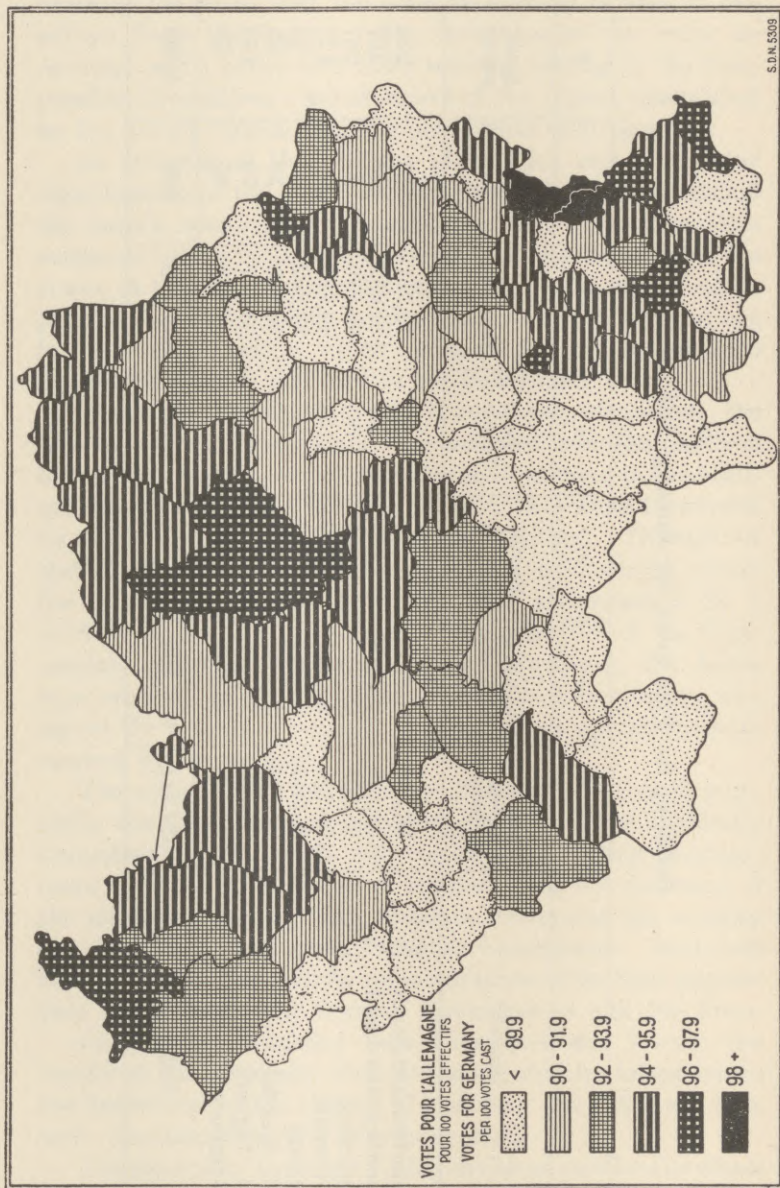
The count began on Monday, January 14th, at 5 p.m., under the direct and exclusive supervision of the Plebiscite Commission. The votes were counted by voting-districts ; there were 300 neutral tellers selected from the chairmen of the electoral bureaux. All decisions concerning the validity of ballots were taken by the Plebiscite Commission. Seats had been reserved in the hall for representatives of the Saar population, the French and German Governments and the Press.

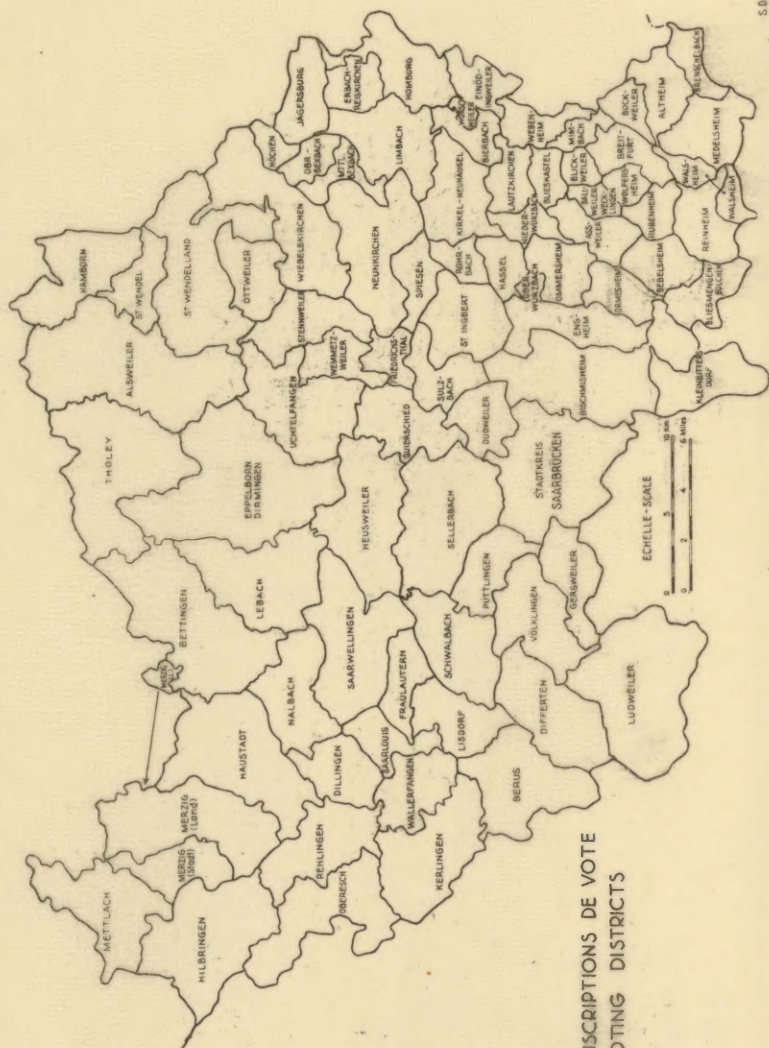
On Tuesday, January 15th, between 6 and 7 a.m., the results of the plebiscite were communicated by telephone to the Secretariat of the League of Nations. At 8.15 a.m., they were announced in the Wartburg Hall.

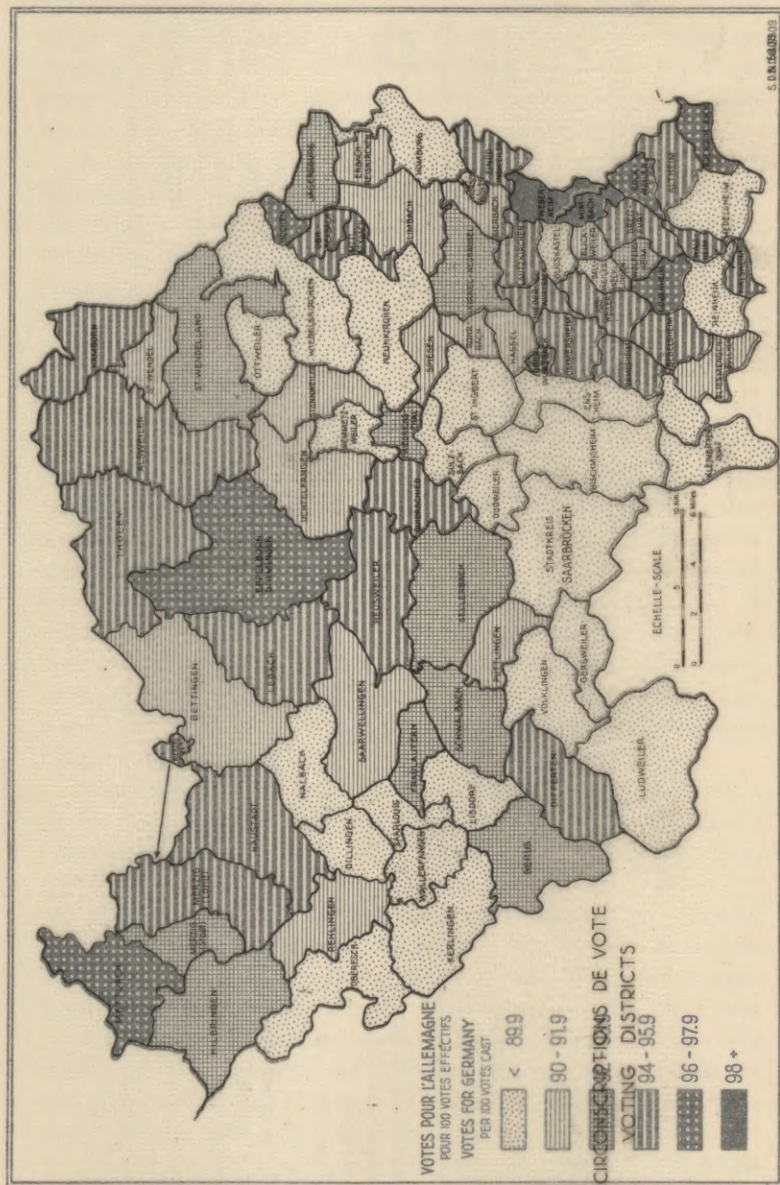
The figures for the eight voting-divisions and for the whole Territory are given below :

Result of the Vote taken on January 13th, 1935.

| a | b | c | d | e | f | g | h |
|-------------------------|----------------------------------|-------------------------|------------------------------|---------------|----------------|-------------------|-----------------|
| District | Number on voting- register | Number of votes cast | For the present regime | For France | For Germany | Invalid papers | Blank papers |
| Saarbrücken-Stadt . . . | 88,596 | 84,850 | 10,413 | 286 | 73,761 | 147 | 234 |
| Saarbrücken-Land . . . | 138,158 | 135,116 | 12,303 | 657 | 121,632 | 208 | 292 |
| Saarlouis | 95,598 | 93,955 | 7,541 | 768 | 85,230 | 147 | 267 |
| Ottweiler | 100,770 | 99,200 | 8,792 | 152 | 89,875 | 199 | 177 |
| Merzig | 25,047 | 24,744 | 1,180 | 66 | 23,362 | 49 | 85 |
| St. Wendel | 22,176 | 21,882 | 1,130 | 27 | 20,629 | 30 | 65 |
| St. Ingbert | 37,748 | 37,271 | 3,058 | 126 | 33,867 | 79 | 133 |
| Homburg | 31,448 | 31,087 | 2,196 | 42 | 28,763 | 46 | 39 |
| Total | 539,541 | 528,105 | 46,613 | 2,124 | 477,119 | 905 | 1,292 |







The map annexed shows the proportion of the majority figures in each voting-division to those of the total votes cast.

The ballots were subsequently taken to Geneva and there destroyed.

On January 17th, the Committee, presided over by Baron Aloisi, which had been instructed by the Council on January 12th to draft the resolutions to be taken after the plebiscite, submitted a report, in which it was stated that, in all the voting-divisions, the population of the Saar Territory had decided by a majority in favour of union with Germany. In no division was the majority less than 82.9 %. It was now for the Council, in accordance with the Treaty, to decide under whose sovereignty the Territory was to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

The Committee proposed to the Council a resolution which decided :

1. In favour of the union with Germany of the whole of the Territory of the Saar Basin, under the conditions resulting from the Treaty of Versailles and from the special undertakings entered into in connection with the plebiscite.

2. That March 1st, 1935, should be the date for the re-establishment of Germany in the government of the Territory.

3. That the Committee should decide, in consultation with the French Government, the German Government and the Governing Commission of the Saar Territory, upon the arrangements necessary for the change of regime in the Territory and upon the manner in which the undertakings entered into should be carried out.

In submitting the report and the draft resolution, the Chairman of the Committee said that the Territory of the Saar had been most admirably administered on behalf of the League of Nations during the past fifteen years. In recent months, feeling had been running high in view of the approaching plebiscite, and the maintenance of good administration and order had constituted an increasingly heavy responsibility. The Council owed a very deep debt of gratitude to Mr. Knox, the Chairman of the Governing Commission.

Each European member of the Council then spoke. M. Laval, the French representative, declared that the people of the Saar had freely chosen their future, and that the Council of the League must decide for the reunion of the Saar with Germany.

The Council then unanimously adopted the resolution, and authorised the Governing Commission to take such steps as it should think desirable, and to abrogate all laws enacted solely in connection with the plebiscite.

In accordance with the duties entrusted to it, the Council Committee met at Rome and also at Naples between February 5th and 19th. In a series of decisions appearing in its final report, dated February 19th, it approved a number of agreements reached after negotiations at Basle and at Rome between the representatives of France and Germany and of the Governing Commission. These agreements related to monetary questions, mines, railways and other immovable property situated in the Saar, French private insurance, treatment of the property and assets of persons leaving the Saar, social insurance, rights of officials, and the change of the Customs regime.

The Committee also adopted two resolutions, one in regard to debts contracted by Saar individuals and legal entities with the sanction of the Governing Commission, and the other in regard to the working of the Supreme Plebiscite Court after the transfer of the Territory to Germany.

The main provisions of these agreements and resolutions are analysed below :

1. *Monetary Questions.*

The exportation of means of payment of all kinds and remittances of funds outside the Saar Territory are, in principle, prohibited. The main exceptions relate to the exportation to Germany of German means of payment, the transfer of funds from the Reichsbank to France and the exportation of means of payment by certain persons and administrations (the non-German members and officials of the Governing Commission and of the Plebiscite Tribunal, etc.) and persons

domiciled in the Saar on December 3rd, 1934, who have left the Territory before March 1st, 1935. All means of payment in circulation in the Territory expressed in a currency other than the Reichsmark must be handed over to exchange offices for exchange into Reichsmarks. All debts expressed in French francs payable in the Territory, the beneficiaries of which have their domicile in the Territory, may be validly paid in Reichsmarks at the rate of exchange fixed on the day of payment by the Reichsbank.

2. *Mines and Railways.*

All installations belonging to the administration of the French State mines in the Saar are transferred to Germany in return for the comprehensive payment of a lump sum of 900,000,000 French francs, provided for in the agreement of December 3rd, 1934. The taking-over of the mines was fixed for midnight on the night of February 28th-March 1st, 1935. The services of the French personnel terminated at midnight on that night.

France, on the other hand, transfers to Germany all her rights over the railways situated in the Saar, as from February 28th-March 1st, 1935, at midnight, and all immovable property belonging to the railway lines. The personnel of German nationality employed on the railway lines is taken over by the German Government, and the French Government withdraws the personnel of French nationality.

The payment of pensions to officials in retirement devolves on the State of which the beneficiary is a national. On the lines connecting the Saar, now German, with the French Department of the Moselle, frontier stations will be opened at ten places, five on the German and five on the French side.

For the purpose of the lump-sum settlement of 900,000,000 francs, the German Government declares that it is its intention to cause the return to the Saar, for exchange into Reichsmarks, of Bank of France and other foreign means of payment which may have been exported by Saar inhabitants. The notes



recovered in this manner up to October 1st, 1935, will be paid to the Bank of France to be placed to the credit of a sight account in the name of the Bank for International Settlements.

The Bank for International Settlements will place these amounts to the credit of two separate French franc accounts : Account A will contain 95 % of the amounts ; it may only be operated by the joint order of the Reichsbank Direktorium and the Governor of the Banque de France. Of the amounts received, 5 % will be paid into Account B and employed exclusively for the service of debts contracted by Saar natural or legal persons, with the approval of the Governing Commission.

As regards free deliveries of coal and settlements effected in Reichsmarks by the German Government for account of the French Government, half-yearly schedules will be drawn up showing the amount to be collected in each such period in the form of free deliveries of coal. The contracts to be taken as a basis for the free deliveries will be those for the sale of Saar coal to public services (railways and gasworks) and heavy industry. The first schedule will, as an exception, apply only to the period March 1st to June 30th, 1935. The sum is fixed at 40,000,000 francs. The payments to be made by the German Government in lieu of free deliveries of coal will consist of the sums in Reichsmarks payable by the French Government for any reason in the Saar Territory in connection with the French administration of the State mines, and the sums owed in Reichsmarks by the Société houillère de Sarre et Moselle and by the Petits-Fils de François de Wendel during a period of five years. Any dispute as to the interpretation of this part of the agreement will be submitted to an arbitrator appointed by agreement between the two Governments or, failing such agreement, by the President of the Administrative Council of the Permanent Court of Arbitration at The Hague.

Finally, the two Governments declare that they have taken note of the contracts concluded for the lease, for a term of five years, of certain of the Warndt coal-mines, which are worked exclusively by means of pits in French territory.

3. *French Private Insurance.*

French insurance undertakings authorised to operate in the Saar will retain such authorisation but will be subject to all the obligations imposed by German law. In particular, they must constitute and deposit in Germany the guarantees, reserves, etc., required from foreign insurance undertakings operating in Germany. There are provisions in favour of life and general insurance undertakings wishing to liquidate their contracts in the Saar.

4. *Liabilities and Treatment of the Property and Assets of Persons leaving the Saar.*

The German Government announces that it has decided to reintroduce the Reichsmark as legal currency in the Saar, but that it will exempt from conversion such claims and mortgages as arose before March 1st, 1935, and were held by French public administrations (including the mines) or individuals and legal entities who, on March 1st, 1935, were established abroad. Persons resident in the Saar on December 3rd, 1934, who have left the Territory prior to March 1st or subsequently within a year of that date will be authorised to take with them their movable property and, in free Reichsmarks, the proceeds from the sale of movable or immovable property in the Saar and the amounts derived from the recovery of debts owing to them in the Territory. But they will not be exempt from the obligation to hand over to the Reichsbank, under the procedure introduced for the purpose, any Bank of France notes and other foreign means of payment which they may have in their possession.

5. *Debts contracted by Saar Individuals and Legal Entities with the Sanction of the Governing Commission.*

Of the total amount of notes of the Bank of France and other foreign means of payment circulating in the Saar Territory which have been recovered, 5 % will be paid into Fund B (Reichsbank Account, Authorised Saar Loans) and

assigned to the service of debts contracted by Saar natural or legal persons with the approval of the Governing Commission.

A referee¹ will determine the distribution of this fund on the basis of the claims specified in the list to be drawn up by the Governing Commission and to be finally established before June 30th, 1935, by the Financial Committee of the League of Nations.

The referee's functions will cease when Fund B is exhausted.

6. *Position of French Nationals who remain in the Saar.*

In letters addressed to the French delegation, the German delegation undertook that French nationals who remained permanently in the Saar would, from the point of view of foreign exchange and revalorisation regulations, receive the same treatment as German nationals.

7. *Social Insurance.*

Workmen and employees who have been members of social insurance organisations in the Saar will, so long as they are resident in France or in Germany, be entitled to the annuities and pensions which they have earned in France, Germany and the Saar whatever be their nationality after March 1st. The transfer of sums in respect of social insurance benefits paid abroad will not be subject to German exchange regulations.

8. *Rights of Officials.*

The German Government will, in principle, take back into its service officials of German nationality appointed by the Governing Commission. If any officials, for personal reasons not of an economic character, express, not later than February 25th, 1935, the desire to relinquish their status as officials, they may apply to be retired on pension. Applications to this effect will be submitted for decision to a committee

¹ M. Pospisil, honorary Governor of the Czechoslovak National Bank, was subsequently appointed referee.

consisting of three members appointed by the German Government and three members appointed by the Governing Commission.

The German Government recognises the promotions made by the Governing Commission. As from March 1st, 1935, officials will be paid in accordance with German regulations. Officials of non-German nationality will be obliged to retire as from March 1st, 1935. The Governing Commission will propose to the Governments of the countries of origin concerned that they should assume responsibility for the retiring pensions to be paid. The German Government is prepared to withdraw from the pensions fund the sums necessary for the payment of such pensions and to hand them over to the Governments of the countries of origin. Until such time as the countries of origin have made known their decision, the German Government will make monthly advances to the officials concerned. The German Government assumes responsibility for the pensions of officials of German nationality retired by the Governing Commission. That Government will not apply disciplinary measures on account of acts committed by officials, in the service or otherwise, under the special regime set up in the Saar Territory by the Treaty of Versailles.

9. *Change of the Customs Regime.*

The Saar Territory will be placed once more under the German Customs regime as from February 17th-18th, 1935, at midnight. Customs duties levied in the Territory from February 18th to 28th inclusive will be paid into the Treasury of the Saar Territory.

10. *Transfer of the Administration of the Territory.*

The administration of the Territory will pass into the hands of the German Government at midnight on February 28th-March 1st, 1935. That Government will take over all the assets and liabilities of the Governing Commission, including all contracts concluded by that body. Judgments of the courts of the Territory and those of the Governing

Commission and other administrative authorities will be regarded as final and treated as if they were judgments of German courts.

11. *Supreme Plebiscite Court.*

The Plebiscite Court will be maintained for one year under the conditions specified in the German Government's declarations of June and December. It will be competent to pass upon its own jurisdiction.

The German Government will appoint a public agent who will be attached to the court. The court will lay down its own rules of procedure. But any complaint addressed to the court will, in the first place, be transmitted to the public agent by a member of the court specially delegated for the purpose. Acting in agreement with the delegated member, the public agent will be empowered to make representations in the proper quarter with a view to obtaining satisfaction for the complainant. Should he succeed therein, he will report to the President, who will give his decision. In the contrary event, the complaint will be submitted to the court, together with the observations of the public agent.

The court will afford to complainants and any other persons concerned an opportunity of submitting their observations, either verbally or in writing. Complainants will be permitted to appear in person before the court and to appoint persons to represent or advise them. The proceedings of the court will not be public. The court will be entitled to collect all such evidence as it may think fit ; in particular, by letters of request which will be addressed to the German authorities by the public agent and to authorities other than the German authorities through the German Government. Cases pending before the court on February 29th, 1936, will remain within its jurisdiction.

The court's decisions will be enforceable on its own authority and the German Government will take any steps that may be necessary to ensure that they are duly enforced.

During the negotiations which followed the plebiscite, the French delegation had handed the Chairman of the Council Committee a memorandum on the demilitarisation of the Territory. But, subsequently, the French and German Governments decided to settle the question by negotiation, and accordingly exchanged declarations on February 28th.

The German document stated that the Saar Territory was included in the zone referred to in Articles 42 and 43 of the Treaty of Versailles,¹ and that therefore the provisions in force as regards that zone held good also in the Territory after its return to Germany. The German Government at the same time made clear the following points :

(1) The size of the normal police contingent of all categories in the Territory after its return to Germany would be about 1,500 ;

(2) Besides the four airports provided for in the demilitarised zone, there would also be one at Saarbruck and a landing-ground at Saarlouis.

In taking note of this communication, the French Government made reservations as to the possible presence in the henceforth demilitarised territory of S.A. and S.S. or Compulsory Labour Service formations, owing to certain characteristics of such formations. Moreover, with a view to the application of Article 43 of the Versailles Treaty, the French Government added that it held it to be of great importance that railway and road systems should be developed solely for economic purposes.

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The transfer to Germany of the government of the Saar Territory took place at Saarbruck on March 1st.

The members of the Committee of the League Council — Baron Aloisi (Italy), M. Cantilo (Argentine) and M. López Oliván (Spain) — presided at the ceremony.

¹ These articles are as follows :

" *Article 42.* — Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the east of the Rhine.

" *Article 43.* — In the area defined above, the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilisation, are in the same way forbidden."

On the evening of February 28th, Mr. Knox, Chairman of the Saar Governing Commission, transferred his powers to the Committee. On the same date, the last detachments of the International Force which had been stationed in the Saar since the end of December left the Territory, in which, owing to the moral effect of their presence, it had been possible throughout the period in question to maintain order without the need for their intervention.

The Council Committee, in its turn, handed over its powers on the morning of March 1st to Dr. Frick, Reich Minister of the Interior.

The Protocol of Transfer reads as follows :

In its resolution of January 17th, the Council of the League of Nations fixed March 1st, 1935, as the date of the re-establishment of Germany in the government of the Territory of the Saar Basin in accordance with the Treaty of Peace signed at Versailles on June 28th, 1919.

In pursuance of this resolution, the Committee of the Council of the League of Nations appointed to deal with the questions of the Saar, composed of His Excellency Baron Aloisi, Ambassador of His Majesty the King of Italy, Chief of the Cabinet of the Italian Minister for Foreign Affairs; His Excellency M. Cantilo, Ambassador of the Argentine Republic at Rome; and His Excellency M. López Oliván, Spanish Minister at Berne, has this day solemnly transferred, on behalf of the Council of the League of Nations, the government of the said territory to Germany, represented for this purpose by His Excellency Dr. Frick, Minister of Interior of the Reich.

In faith whereof, the above-mentioned representatives of the League of Nations and of the German Government have drawn up the present record.

Baron Aloisi, in the name of the League of Nations, spoke as follows :

In the name of the League of Nations and in my capacity as Chairman of the Committee of Three which has had to deal with all questions relating to the return of the Saar Territory to the Reich, I have the honour to transfer the Territory definitely to Germany.

Thus a page of post-war history is ended, and at the same time an element of discord in the relations between peoples disappears. I trust that the solution of this problem, which has been reached after long and difficult negotiations, carried

out in a spirit of loyalty and mutual comprehension, will be a good omen for the re-establishment of order and peace in Europe.

Dr. Frick, Reich Minister of the Interior, replied as follows :

This event is not solely of importance to Germany. As you have pointed out, it closes a chapter in European politics which has handicapped the good relations between two great neighbouring peoples during recent years. The German Government is convinced that the settlement of the Saar problem marks a step towards an improvement in the general political situation in Europe and towards peaceful collaboration between peoples.

In the afternoon, the Chancellor of the Reich, M. Adolf Hitler, reached Saarbruck, and received the members of the Committee of the League Council at the City Hall. He gave them his personal thanks and those of the German people for the work which they had accomplished with activity and with loyalty, and was very satisfied that a particularly delicate and difficult problem had been solved.

CHAPTER VI

THE FREE CITY OF DANZIG

I. Functions of the High Commissioner and Right of Petition. — II. Application of the Danzig Constitution. — III. Amendments to the Criminal Code. — IV. Dismissal of Municipal Employees.

The year 1935 has been a period of considerable anxiety as regards the affairs of the Free City of Danzig. Relations between it and Poland have on the whole been satisfactory, except perhaps between June and August, when there was some tension owing to decisions taken in regard to the devaluation of the Danzig currency.

But in other matters the public life of Danzig has not gone on so satisfactorily. The High Commissioner noted certain tendencies in the legislation and administration of the Free City which he did not always regard as in harmony with the letter or the spirit of the Constitution.

The strong recommendations made by the Council and the High Commissioner's efforts, according to the annual report of the latter for 1935, do not seem to have prevented the carrying-out to an increasing extent of an anti-constitutional policy.

I. — FUNCTIONS OF THE HIGH COMMISSIONER AND RIGHT OF PETITION.

The High Commissioner, in a letter addressed to the Secretary-General on May 7th, 1935, communicated to the Council the text of a speech published in the *Danziger Vorposten* (the organ of the National-Socialist Party at Danzig)

which the President of the Senate of the Free City, Herr Greiser, had made at an electoral meeting on March 24th, and also an exchange of memoranda on the subject between the High Commissioner and the Senate.

In this speech, the President of the Senate declared that the opposition was disturbing the work of the Government by sending continual complaints to the League. Moreover, according to the President of the Senate, the High Commissioner had not always taken the same view of his task as the population of the Free City, who considered that he had only to act as arbitrator in the relations between Danzig and Poland. The High Commissioner was alleged to have received the "Germans of Danzig" less often than the representatives of the opposition parties, who, in accordance with the principles of democracy, should have bowed to the will of the majority. In this way, according to the President of the Senate, the people of the Free City considered that the relations between the international organ of the League and the representatives of the opposition "were constantly improving".

In the High Commissioner's view, these declarations contained definitely incorrect statements in regard to the nature of the duties entrusted to the League of Nations by the treaties in force. The Senate having, on his application, confirmed that the public text of the speech practically corresponded with what the President had said, Mr. Lester thought that it was for the Council to interpret the manner in which its own resolutions and declarations should be applied.

The Council referred to the fact that it had, on several occasions, defined the functions of the League and the duties of the High Commissioner in Danzig, and declared that it could not accept the interpretation put forward by the Senate, in which that body sought to limit the scope of the League's guarantee of the Constitution, and added that it also could not agree that citizens of Danzig who exercised their right of petition should be accused of disloyalty towards the Free City.

The Council again expressed its confidence in the High Commissioner and thanked him for the manner in which he

was carrying out his task. The President of the Danzig Senate, for his part, explained that the question of the powers of the High Commissioner had never been doubted since the Senate assumed authority. The Senate considered this matter in the light of reason; but it must be acknowledged that popular feeling was swayed, perhaps, rather by passion than by reason. He regretted that any prejudicial interpretation should have been placed upon the words that were spoken, and assured the Council that there was no difference of opinion between himself and the High Commissioner as regards the latter's powers.

II. — APPLICATION OF THE DANZIG CONSTITUTION.

During the year, the High Commissioner communicated to the Council of the League a series of petitions from different sections of the population relating to the application of the Constitution of the Free City. The petitions in question were from :

(1) The Catholic priests of the Diocese of Danzig concerning scholastic associations;

(2) The Centre Party of the Free City, protesting against a series of legislative and administrative measures and against incidents which occurred during the municipal elections of 1934 and in April 1935;

(3) The " Verein Jüdischer Akademiker " and the " Vereinigung selbständiger Jüdischer Danziger Gewerbetreibender ", dealing with the situation of the Jewish population in Danzig;

(4) The editors of the *Danziger Volksstimme* as to the application of the Press Law at Danzig.

The Council appointed a Committee of Jurists¹ to examine these petitions as well as the observations of the Danzig Senate and to report to the Council whether this examination revealed the existence of violations of the Constitution, either

¹ This Committee consisted of Dr. Fritz Fleiner, Professor of Public Law in the University of Zurich; Dr. Jan Koster, Vice-President of the Supreme Court of the Netherlands; and Baron E. T. Marks von Wurtemberg, former President of the Stockholm Court of Appeal and former Foreign Minister of Sweden.

in the form of legislation, decrees or regulations or in the form of administrative acts or omissions.

After examining the relevant documents, the Committee made a report to the Council in which it declared that certain of the provisions adopted by the Danzig Senate involved undoubted breaches of the Constitution. In other cases, the legal experts expressed doubts as to the spirit in which some of the decree-laws complained of had been applied.

According to them, the Constitution had unquestionably been infringed in the following cases :

(a) The Decree of April 4th, 1934, concerning the Wearing of Uniforms, promulgated under the Enabling Law of June 24th, 1933. This decree was criticised with special severity in the petition of the Catholic parish priests of August 30th, 1934, on the ground that it constituted a violation of the fundamental rights of citizens — namely, the right freely to express opinions and the right to equality before the law.

(b) The Decree-Law of October 10th, 1933, for the Protection of the Good Name of National Associations, complained of in the Centre Party's petition, and the amendment enacted by a Decree of March 6th, 1934, complained of in the petition from the Jewish Organisations.

(c) The prohibition and confiscation by the authorities of the newspaper *Die Danziger Volksstimme*, complained of by its publishers.

The Council endorsed the jurists' opinion and, recalling the statement made by the President of the Senate on May 25th, 1935,¹ recommended the Senate to remedy the situation revealed in the petitions by bringing the legislation of the Free City into conformity with the Constitution and by ensuring in future the strict observance of its principles in the application of all laws. It further suggested that the President of the Senate should submit, through the High Commissioner, to the next session of the Council, a report on the action taken by the Senate.

¹ The President of the Senate had stated that, if the Council, in accordance with the opinion of the legal experts, reached the conclusion that the Constitution had been violated, the Senate would modify its opinion.

III. — AMENDMENT OF THE CRIMINAL CODE.

By a communication of September 17th, the High Commissioner forwarded to the Council a joint petition of September 4th from the German National Party, the Centre Party and the Social-Democratic Party, protesting against two decrees issued by the Senate on August 31st and 29th respectively, amending the Penal Code and the Code of Penal Procedure, on the ground that these decrees violated the Constitution. He also communicated the observations of the Senate on the petition.

In his report to the Council, the Rapporteur pointed out that the decrees effected a revolution in the penal law of the Free City. Hitherto, the principle *nulla pœna sine lege* had been applicable at Danzig under Article 2 of the Penal Code. No person could be punished except for an offence provided for and strictly defined by law. The Decree of August 31st amended Article 2 of the Penal Code so as to render punishable any person who committed an act "which is deserving of penalty according to the fundamental conceptions of a penal law and healthy national consciousness". The Decree of August 29th inserted provisions in the Code of Penal Procedure to permit of prosecutions being undertaken in accordance with the new rule.

Before giving its view on this question, the Council desired to ask the Permanent Court for an advisory opinion. This opinion was given on December 4th,¹ and declared that the decrees in question were not consistent with the Constitution, certain provisions and principles of which they had violated.

IV. — DISMISSAL OF MUNICIPAL EMPLOYEES.

By a communication of August 13th, 1935, the High Commissioner called the Council's attention to two cases of dismissal of employees of the municipality of Danzig, M. Luck

¹ See chapter on the Permanent Court of International Justice.

and M. Schmode, who are alleged to have been dismissed for their political opinions, contrary to Articles 79 and 113 of the Danzig Constitution.

It appears from the Senate's statement that the two petitioners were considered to be dangerous because they were "unreliable" and that their unreliability consisted in their attitude towards the National-Socialist standpoint and their adherence to Marxist principles. It is not alleged that there was any evidence that either of them was likely to take action injurious to the proper working of the concern in which he was employed.

The appeals of both the petitioners were dismissed by the Supreme Labour Court. Later, however, the Court reversed its attitude, pointing out that, "as the Supreme Administrative Court had pertinently observed, to admit mere opinion as a ground for discharge of an employee is not consistent with the provisions of the Constitution".

The Council approved the principle laid down by the Supreme Administrative Court as the only principle consistent with the Constitution and asked the President of the Senate to assure the Council that the municipal administration would be guided by it in the future.

CHAPTER VII

PROTECTION OF MINORITIES

- I. Application of the German-Polish Convention of May 15th, 1922, relating to Upper Silesia. — II. Protection of Minorities in Poland. — III. Protection of Minorities in Albania. — IV. Exchange of Greek and Turkish populations. — V. Settlement of the Assyrians of Iraq.

I. — APPLICATION OF THE GERMAN-POLISH CONVENTION.

On January 18th, 1935, the Council adopted a report upon a series of petitions presented by the Prince of Pless, protesting against action taken by the Polish authorities. The petitions dated from May 1934 and related to taxes due from the Prince of Pless in respect of his undertakings. The petitioner said that it was impossible for him to pay in full the sums declared by the competent Polish Court to be due to the Treasury. He also protested against the seizure by the revenue authorities of his movable property, credits and bank accounts, and added that he had been the victim of discriminatory treatment and that the revenue laws had been misapplied to his prejudice.

The Council of the League, after referring the Prince of Pless's complaints to a Committee consisting of a Rapporteur and two other members, came to the conclusion that the measures which had given rise to the petitions were either judicial measures or based on judicial decisions, and that there was no evidence of formal irregularities from which it could be inferred that the petitioner had been the subject of discriminatory treatment by the Polish courts; that revenue legislation in all countries was necessarily applied in a

specially strict manner; that the Polish Government had repeatedly denied that the authorities had had any other desire than to recover from a taxpayer the sums payable under the law and that the petitioner had secured appreciable reductions in the taxes due from him.

The Council therefore concluded that the measures adopted in regard to the Prince of Pless did not involve discriminatory treatment and that the affair should be considered closed.

II. — PROTECTION OF MINORITIES IN POLAND.

In January 1932, a certain number of petitions concerning the granting and withdrawal of licences for the retail sale of alcoholic liquor in Poland had been laid before the Council. These petitions had been considered by several Minorities Committees, one of which, in January 1934, had placed before the Council the general problem as raised in the petitions of M. Graebe.

The Council, at its January 1935 session, considered that there was no doubt that a number of German retailers felt that they had been deprived of their licences, or had been unable to obtain licences, for the sole reason that they belonged to the German minority. The Council had before it a specific statement by the Polish Government to the effect that the Polish authorities did not allow themselves to be swayed by any consideration of the nationality of licence-holders. But it could not avoid the conclusion that some of the information given in the petitions seemed to indicate that the local authorities did not always act upon the principles established by the Government for the settlement of these matters in districts where there was a mixed population.

The Council accordingly asked the Polish Government to see that the local authorities applied these principles, being convinced that the Government would take the necessary steps to remedy any injustice that might have been committed. The matter was then declared closed.

III. — PROTECTION OF MINORITIES IN ALBANIA.

In 1934, a certain number of petitions relating to the position of minorities in Albania were addressed to the Council. Amongst these was the abolition of private schools, as the result of the entry into force of Articles 206 and 207 of the Albanian Constitution as modified in 1933.

These articles provided that the instruction and education of Albanian subjects were reserved to the State and would be given in State schools, and that private schools would be closed.

The petitioners considered these provisions to be contrary to Article 5 of Albania's Declaration made on the occasion of her admission to the League, to the effect that Albanian nationals who belong to the minority would have the right to maintain, manage and control, at their own expense, or to establish schools and other educational establishments with the right to use their own language and to exercise their religion freely therein.

The Minorities Committee, consisting of the representatives of the United Kingdom, Mexico and Portugal, which investigated this question, undertook a general study of the provisions of Article 5 of the Albanian Declaration, and reached the conclusion that paragraph 2, relating to the recommendations to be made by the League to the Albanian Government, was a very important element in the appreciation of the situation. It therefore decided to draw the Council's attention to the fact that these recommendations had not yet been made, so as to enable the Council to judge whether it desired to give effect to the provisions.

On considering this question, the Council decided to ask the Permanent Court of International Justice for an advisory opinion in regard to the Albanian Government's contention to the effect that the abolition of private schools, being a general measure applicable to the whole of the country, was in conformity with the letter and the spirit of Article 5 of the Declaration of October 2nd, 1921.

In April 1935, the Permanent Court, by a majority of eight votes to three, expressed the opinion that the Albanian Government's contentions were not justified¹.

¹ See above, Chapter II, page 25.

The Albanian Government informed the Council that it intended to take steps to conform to the Court's opinion.

In August following, the Government informed the Council of its new regulations concerning minority schools. These regulations would apply in full to the minority schools, whilst the constitutional provisions relating to the abolition of private teaching would continue to be applied to the majority schools only.

The problem before the Council was twofold : there were the minority schools intended to give Albanian nationals belonging to the minority an opportunity of having their children taught in their mother tongue, and there was the question of the Catholic confessional schools.

On the first point, the regulations seemed to be satisfactory, if certain amendments proposed by the Rapporteur were introduced and if they were interpreted in the interests of the minority.

On the second point, they were not an adequate solution. But the Albanian representative announced that the position of the Catholic confessional schools would form the subject of negotiations between the Albanian Government and the Vatican.

The Albanian representative said that his Government had never intended to prejudice the rights of minorities, but only desired to bring teaching under regulation by ensuring its direct control. This step towards equality had led to complaints, but the Albanian Government, without waiting for the Council to give a decision, had drawn up new regulations for minority schools and had taken steps to secure the re-opening of these schools.

IV. — EXCHANGE OF GREEK AND TURKISH POPULATIONS.

The Mixed Commission for the Exchange of Greek and Turkish Populations finished its work in October 1934. The Commission's task was to supervise the compulsory exchange of Turkish nationals of the Greek Orthodox religion established

in Turkish territory and of Greek nationals of the Moslem religion in Greek territory, in accordance with the Lausanne Convention of January 13th, 1923.

During this period, the Commission dealt with 254,000 Moslems who were sent from Greece to Turkey and 192,000 members of the Greek Orthodox Church who were moved from Turkey to Greece ; their property had also to be liquidated. It was also concerned with a number of disputes in regard to the nationality of subjects of the two countries.

In its final report, the Mixed Commission, after summing up its work and the many difficulties that it had to overcome, concluded as follows :

“ Thus ends a page in the history of Greco-Turkish relations, and the way has been opened for cordial co-operation between Greece and Turkey, who, since September 1930, have signed a treaty of friendship and good-neighbourliness, a convention on establishment, a convention on naval parity, a treaty of commerce and various supplementary instruments, the conclusion of which had been made, during the negotiations of 1929 and 1930 concerning the liquidation of exchange affairs, expressly contingent on the signature and ratification of the Ankara Convention of June 10th, 1930.”

V. — SETTLEMENT OF THE ASSYRIANS OF IRAQ.

The Committee appointed by the Council to endeavour to find a territory outside Iraq suitable for the settlement of the Assyrian populations desirous of leaving that country decided, in 1934, to send a mission of enquiry to British Guiana.¹ But the report submitted by the mission informed the Council on April 17th, 1935, that the proposal for a settlement in that country must be abandoned.

The Council then returned to the idea of establishing the Assyrians in the Levantine States under French mandate, where 2,200 of them had already been provisionally placed. In response to the Council's request, the French Government agreed to study the proposal, and subsequently the Council

¹ See *The League from Year to Year (1934)*, page 84.

requested the Chairman of the Committee, M. López Oliván, to visit Syria and Iraq for the purpose of facilitating negotiations necessary for the speedy preparation of a plan of settlement.

In July 1935, the Chairman of the Committee informed his colleagues that, as the result of his enquiries when visiting these countries, he considered that as many as 24,000 Assyrians might opt in favour of a transfer to Syria. He added that, after consulting the High Commissioner in Beirut, he had been led to believe that the Plain of the Ghab, a large and thinly populated basin to the east of Latakia, seemed to be suitable for the Assyrians and also offered certain political and economic advantages. The Committee accordingly decided to direct its efforts towards placing the Assyrians in that district and proposed to the French Government, on July 13th, that a detailed plan should at once be prepared.

To render the Plain of the Ghab, which is at present marshy in parts, fit to receive the Assyrians, a reclamation programme was necessary. The work will extend over a period of four years. Meanwhile, it is proposed to settle the Assyrians near the Ghab where land has been rented, and also in the Khabur, where the 2,200 Assyrians mentioned above already are. During the summer, following an offer of £125,000 by the Government of Iraq, 4,000 Assyrians were sent to the above-mentioned region.

A detailed scheme of settlement prepared by the High Commissariat in Beirut, with the assistance of two representatives of the Committee, was submitted to the Council and to the Assembly of the League in September 1935. This showed that the cost of carrying out the plan would amount to about 86 million French francs, divided up as follows :

(1) 62 millions for reclamation work in the Ghab Plain (draining marshes, building a system of dykes and irrigation canals, etc.) ;

(2) 24 millions for settlement properly so called (transport, maintenance of the Assyrians until their final installation, etc.).

To meet these expenses, the Council issued an appeal to States Members of the League.

The States of the Levant under French mandate offered to pay 22 millions as a contribution to the reclamation work and 6,500,000 francs subject to repayment. The United Kingdom Government agreed to furnish a contribution not exceeding £250,000. The Government of Iraq promised to raise its contribution from £125,000 to £250,000. The Assembly also decided to insert in its budget a grant of 1,300,000 Swiss francs for the same purpose.

The total of these contributions represents 72,500,000 francs of the 86 millions necessary.

The Council Committee is now endeavouring to complete this sum and has made an appeal to private bodies : in particular, the Christian churches of the West, whose religious sympathies have always led them to take an interest in the Assyrian community.

To facilitate the carrying-out of the scheme, the Council, in December, approved the appointment of a Trustee Board to take over the financial responsibility for the settlement, to work with the High Commissioner in carrying out the scheme, and subsequently to arrange for the allotment of the land made available in the Ghab. The preliminary work will begin at once. In this way, unless the scheme is held up for any reason, the transfer of the Assyrians will begin in March 1936.

CHAPTER VIII

MANDATES

I. Consideration of Annual Reports. — II. Special Questions

At its summer and autumn sessions in 1935, the Permanent Mandates Commission, as usual, reviewed the administration of the mandatory Powers in the territories under their authority, considering for the purpose the annual reports of these Powers and a certain number of petitions.¹

I. — ANNUAL REPORTS.

1. *Palestine and Trans-Jordan.*

The economic and financial situation of the country continues to be favourable. As regards the political situation, in the newly elected municipal councils, members of the various communities are working together harmoniously ; but the causes of unrest recorded in the previous reports were not absent in 1934.

A Statistical Bureau is to be established to assist the Palestine Government in matters connected with immigration. Measures are also to be taken to prevent unauthorised

¹ The Commission's report on its summer session (dealing with the administration of Palestine and Trans-Jordan, Syria and Lebanon, Tanganyika, South West Africa, Nauru and New Guinea) was approved by the Council at its September 1935 session. The Commission's report on its autumn session (dealing with Ruanda-Urundi, Togoland and the Cameroons under British mandate, Togoland and the Cameroons under French mandate, Western Samoa, and the Islands under Japanese mandate) will be laid before the Council at its session in January 1936.

immigration and especially the irregular settlement of seasonal wage-labourers, both Jews and Arabs.

The Commission hoped that the mandatory Power would continue to give sympathetic attention to the problem of landless Arabs. It noted the tendency of Jewish colonists to take up land in the south of Palestine and expressed a desire to have some further information as to squatters' rights on land sold by the owners.

The Commission welcomed the proposed labour legislation for the protection of women and children and for the fixing of a minimum wage. It expressed a desire to know what steps were contemplated in the matter of factory inspection and a weekly day of rest.

Last year the Commission had asked the mandatory Power for information as to the frontier between Trans-Jordan and Sa'udi Arabia in the region of Akaba, and expressed the hope that a final settlement of the frontier line might not be unduly delayed.

2. Syria and Lebanon.

The normal operation of the political institutions is still suspended in Syria. This suspension was originally due to the Syrian Chamber's attitude towards the Treaty of 1933 and more recently to the necessity for restoring the economic and financial situation of the country. The mandatory Power thought that this task should be entrusted to the Executive alone, supported by the High Commissioner. The Commission expressed the hope that circumstances would shortly make it possible for the French Government to pursue a policy likely to facilitate the progressive development of Syria.

Examining a number of petitions relating to the general policy of the Mandatory, the Commission observed that the hope expressed by it last year that the normal Parliamentary regime — more particularly in the matter of the budget — would soon be restored had not yet been realised.

While it well understood the persistent unrest amongst a large part of the Syrian population, the Commission recognised that the state of public finances had necessitated a rigorous

policy of budgetary economy, which had been carried out by the Mandatory on its own initiative and which the intervention of an inexperienced Parliament would perhaps have prevented. It considered that circumstances had obliged France to subordinate the "wishes" of the populations under mandate to their "interests", of which she was also bound to take account under Article 1 of the mandate. It therefore expressed the hope that the mandatory Power might shortly resume a policy calculated "to facilitate the progressive development of Syria and Lebanon as independent States".

As regards Lebanon, the Commission noted the changes made by the Mandatory in the organisation of public authority and hoped that circumstances would soon enable it to entrust the Lebanese Chamber with the full exercise of its constitutional powers.

On the subject of the establishment in Syria and Lebanon of a tobacco monopoly conceded, without any previous consultation of the organs representing the opinion of the interested parties, for twenty-five years to a company with international capital, the Commission decided not to offer any comment for the moment and merely expressed the hope that the institution of the monopoly would improve the situation of the growers, satisfy the consumers and increase the revenue.

3. *Tanganyika.*

The Commission again dealt with the question of the amalgamation of the postal services of Tanganyika with those of Kenya and Uganda and declared that it would welcome in the next report a full statement concerning the respective powers assigned to the central postal authority common to the three territories and to the postal authority of the mandated territory.

It also asked for what reasons the mandatory Power deemed that the issue of a postage stamp common to the three territories was compatible with the fiscal interests of the territory under mandate and with the terms of the mandate.

The Commission was interested to learn that progress was being made in the training of natives in local self-

government, that model peasant holdings were being created and that improved methods of animal husbandry were being taught. It also requested further information on the administration of justice, railways, labour conditions, the liquor traffic, etc.

4. *South West Africa.*

The mandatory Power announced that it had appointed a special Committee to study certain constitutional problems raised by a motion of the Legislative Assembly of the territory aiming at the incorporation of the latter as the " fifth province of the Union ". This Committee was to take account, *inter alia*, " of the character of the territory as a mandated territory and the rules of international law governing the mandate ".

The Commission noted a statement by the accredited representative that the mandatory Power would not take any action in this matter until it had first communicated its intentions to the League.

In respect of general administration, the Commission noted that there existed serious differences of opinion between various sections of the European population of the territory and that the Administration had been obliged to prohibit certain political organisations which were deemed to be contrary to public order. It noted statements by the accredited representatives that the policy of the Administration aimed at establishing close co-operation with and between the various sections of the population.

The Commission was again concerned about the steady increase in the indebtedness of the territory to the mandatory Power and recalled its previous observations, expressing a hope that measures would be contemplated to prevent the burden of this increasing debt from hampering the development of the country. It paid tribute to the efforts of the Administration in its struggle against a series of calamities, such as drought, floods, human and animal epidemics and invasions of locusts, from which South West Africa had suffered during 1934.

5. *Togoland and Cameroons under French Mandate.*

The French Government has rescinded, as regards the Cameroons and Togoland, the Decree rendering applicable to these territories the provisions of the Law of May 16th, 1930, reserving for French aircraft the commercial transport of persons and goods between two points in French territory and between France and her colonies.

The Commission expressed its appreciation of the readiness displayed by the mandatory Power to amend a text the application of which appeared likely to infringe the principle of economic equality.

With regard to Togoland, in particular, the Commission was informed of various measures taken in 1935 to cover the budgetary deficit of the mandated territory. As it announced last year, the mandatory Power has provisionally left unfilled the highest posts in the administrative hierarchy, and the direction of the services in question has been entrusted to high officials of the neighbouring colony of Dahomey. The number of administrative areas has been reduced from six to three and other budgetary reductions have been effected.

The mandatory Power again declared that these measures in no way affected the individuality of the territory in question.

The Commission reserved its judgment on the results of the reform until it had examined later reports.

6. *Islands under Japanese Mandate.*

The Commission noted the information contained in the annual report and confirmed by the accredited representative of the Mandatory, to the effect that, since 1922, there have been neither military nor naval forces stationed in the territory, and also that no further fortifications or military or naval bases have been established or maintained.

It welcomed a declaration by the accredited representative that it was intended that natives should benefit to an increasing extent by the favourable economic situation in the

territory. But it observed with concern that the population appeared to be stationary and even in some islands to be decreasing. It trusted that the efforts of the Administration to check the depopulation of the territory would prove successful in the near future.

7. *Other Territories.*

As regards other territories under mandate — Cameroons and Togoland (British mandate), Ruanda-Urundi (Belgian mandate), New Guinea (Australian mandate), Nauru (British Empire mandate, exercised by Australia), Western Samoa (New Zealand mandate) — the Commission as a rule confined itself to noting what had been done by the mandatory Power and the progress attained during the year and to asking for additional information and details on certain points that were insufficiently explained in the reports.

II. — SPECIAL QUESTIONS.

(a) *Commercial Agreement between France and the United Kingdom.*

The Commercial Agreement concluded between France and the United Kingdom on June 27th, 1934, had already formed the subject of discussion in the Commission and in the Council.

The mandates for Palestine, Syria, the Cameroons and Togoland (British and French mandates) and Tanganyika include a commercial equality clause. Article 2 of the Agreement, interpreted literally, would seem to show that the two signatories mutually recognised their right to establish a preferential system in their relations with these territories, for the benefit of their own export trade.

The Commission had therefore requested the Council to ask the United Kingdom and French Governments to furnish assurances on the subject.

Accordingly, the Governments concerned made it clear that the effect of Article 2 (a) of the Agreement was merely to

preclude France from claiming privileges given by the United Kingdom to United Kingdom mandated territories, and the United Kingdom from claiming privileges given by France to French mandated territories.

The Commission took the view that this declaration safeguarded Article 2 of the Agreement from any interpretation incompatible with the principle of commercial equality which governs the status of the territories under A and B mandates entrusted to the United Kingdom and France.

(b) *Economic Equality.*

In examining the reports for Palestine and Syria, the Mandates Commission had asked the mandatory Powers to state the reasons for which "the imports of products of a State which has ceased to be a Member of the League of Nations are admitted on an equal footing with the products of States Members of the League". The Japanese Government asked leave to lay before the Commission its views on the question. On October 28th, the accredited representative of Japan stated before the Commission his Government's reasons for thinking that the withdrawal of Japan from the League cannot involve that country in the loss of the benefits of the economic equality clause contained in A and B mandates.

After hearing the explanations of the representative of the Japanese Government, the Commission was of opinion that, owing to the nature and scope of this declaration, it should not discuss the matter without being requested to do so by the Council.

(c) *Frontier between Ruanda-Urundi and Tanganyika.*

In May 1935, the Council asked the Mandates Commission for its views on the tracing of the frontier-line between Ruanda-Urundi and Tanganyika, fixed by the Treaty dated November 22nd, 1934, between Belgium and the United Kingdom, as far as the execution of the mandates was

concerned. This treaty had been submitted by the above two Powers to the Council for approval.

On the basis of the documents supplied to it and the information furnished by the accredited representatives of the two mandatory Powers, the Commission held that the frontier-line fixed by the treaty in question called for no observation on the Commission's part.

The Council noted the Commission's opinion, and on September 6th decided to give its approval to the Anglo-Belgian Treaty of November 22nd, 1934.

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The Assembly, at its last session, acknowledged once again that the Mandates Commission acquits itself of the delicate task of supervision, with which the Covenant entrusts it, with the utmost vigilance and conscientiousness, and at the same time with an admirable sense of proportion.

Certain delegates urged that the Commission should be given wider facilities for its work. They considered that special funds should be available to enable those concerned in the task of supervision to visit the various mandated territories.

The Assembly trusted that the efforts of the mandatory Powers and of the organs of the League, pursued in a broad co-operative spirit, would bring about that progress which was the essential object of the institution of the mandate.

CHAPTER IX

ECONOMIC AND FINANCIAL QUESTIONS

I. The Economic Committee. — II. The Financial Committee.

With the aid of three reports published during the year on the initiative of the League's Economic and Financial Organisation, the Assembly held an important discussion this year on the international trade situation. The reports relate to clearing agreements, agricultural protectionism, and the present phase of international economic relations. The discussion brought out the following points :

When overtaken by the crisis, each country endeavoured to seek its own salvation by meeting the most pressing danger. They were thus necessarily led to follow divergent paths. The stability of currencies, the possibility of dealing in them, the free movement of capital and commodities — all this is to a large extent a thing of the past.

The world economic situation no doubt shows a substantial improvement. Between 1932 and 1935, the index of industrial activity rose from 78 to 96, and that of industrial production from 81 to 94. Stocks have diminished, unemployment is declining and the prices of certain important raw materials have improved. Budgetary problems are less acute and progress is being made with a cheap-money policy.

But the signs of recovery are unevenly spread throughout the world. They are lacking in breadth and uniformity. They are " localised conjunctures " and in some sort artificial. In many cases the resumption of industrial activity is connected with the manufacture of war material and army

reorganisation. Apart from war production, the decline in unemployment noticeable in certain countries is almost entirely due to direct intervention by the public authorities.

Experience has shown that the recovery cannot go beyond certain limits unless it is supported and fostered by a regular international circulation, the restoration of which can only be the outcome of international co-operation. It matters little whether this co-operation takes a collective or a bilateral form.

The discussion in the Assembly showed that Governments are perfectly convinced of the necessity for intensifying foreign trade and of modifying commercial policy on more liberal lines, subject to the sole condition that they will be followed by other countries and that, as regards currencies, they will find a situation of fact sufficiently stable not to hamper the development of normal commercial transactions. The re-establishment of a stable international monetary standard — that is, the gold standard, which remains the best available monetary mechanism — is agreed by all to be essential. No one can deny the disturbing influence of sudden and frequent fluctuations.

As the result of this discussion, the Assembly recommended that Governments should encourage freer trade by the conclusion of bilateral agreements, subject, should they consider it necessary, to the provision that, in the event of a large variation in the rate of exchange between the currencies of the contracting parties, there should be power to take steps to revise the agreements at short notice.

After examining the results of the enquiries set on foot and of other work carried out by the Economic and Financial Organisation, the Assembly made certain recommendations as to clearing agreements, international loan contracts, and agricultural protection. As regards the clearing system, the Assembly agreed that it cannot be more than an expedient or makeshift, involving numerous drawbacks, and that it should be abolished as soon as possible. It therefore suggested that the Council should consider the desirability of organising, in co-operation with the Bank for International Settlements, a consultation by competent persons with a view to devising means for promoting the application of the suggestions made

by the Joint Committee consisting of members of the Economic and Financial Committees, which made an investigation into problems connected with so-called compensation and clearing agreements.¹ This Committee had recommended a limitation of the restrictions on importation and also suggested measures that would leave it to the parties concerned to decide on the conditions governing imports and exports. The enquiry would also relate to schemes or measures that might lead to extending international trade and freeing it from restrictions.

The Assembly's attention was also drawn to difficulties that have arisen in regard to international loan contracts, owing to the variety and, in many cases, the uncertainty of the provisions of these contracts. Numerous obstacles still stand in the way of the resumption of international lending, which is one of the principal factors in the economic recovery of the world. The Assembly therefore asked the Council to appoint a committee of legal and financial experts to examine the means of improving contracts relating to international loans issued by Governments or other public authorities in the future.

The Assembly also dealt with the question of agricultural protectionism. The report of the Economic Committee had brought out the contrast between the need experienced by many States for a moderate amount of agricultural protection and the dangers of an excessive protection. During the past five years, many countries, with a view to protecting their national agriculture, had established import duties twice or three times as high as the world prices of the produce in question. In addition, strict quotas and bounties on production, export, etc., had been applied. These measures, which had been introduced more especially by important industrial countries, had resulted in a considerable reduction of agricultural imports involving, in certain cases, their complete suppression. It was, of course, impossible to apply abstract criteria to a problem like agricultural protectionism. All nations had the right to give special aid to their farming

¹ See *The League from Year to Year (1934)*, page 97.

classes, for social, historical and psychological reasons, but exaggerated protectionism inevitably led to poverty and depression in the very classes on whose behalf it was applied. The remedy would be a progressive return to the moderate protection which was customary in the past, and which attained its object without causing serious inconvenience to national economy and international relations.

To facilitate the settlement of this vital problem, the Assembly thought it was essential that representatives of agricultural interests should be given an opportunity for stating their case, while at the same time taking their share of responsibility in the work of intensifying agricultural and general imports and exports. The Assembly therefore recommended the Economic Committee to resume consultations of agricultural experts such as those which gave useful results in 1930 and 1931.

I. — THE ECONOMIC COMMITTEE.

The Economic Committee has been very active during the past year, having especially concerned itself with clearing agreements, agricultural protection and international relations, on which subjects it published the three important reports already referred to; — also with tourist traffic as a factor in the international economic system, veterinary conventions, a draft Convention for the purpose of facilitating commercial propaganda, the completion of the unified Customs nomenclature and two draft uniform laws framed by the International Institute for the Unification of Private Law at Rome, and entitled respectively “ Draft International Law on Sales ” and “ Draft Uniform Law on the Responsibility of Hotel-keepers for the Deterioration and Loss of Objects carried by Travellers staying at their Hotels ”.

As regards tourist traffic as a factor in international economic life, the question of tourist statistics has been dealt with by experts who, after giving a definition of a “ tourist ” from the point of view of economics, considered the two chief methods of collecting data on the number of tourists and the period of their stay — namely, arrivals and departures at the

frontier and information collected from hotels and apartments. The experts also drafted a model list of countries and groups of countries from which tourists come, and views were expressed as to the method of calculating the amount expended by them.

At the same time, the Economic Committee instructed certain specialists to make a preliminary study of the problems connected with international tourist traffic.

These experts stated that the chief obstacle to a resumption of foreign travel was the currency restrictions in force in many countries, and they recommended that these restrictions should be rendered less prohibitive. They indicated the practical consequences of such measures and pointed out that the revival of foreign tourist travel would automatically extend to other international economic relations. They recommended that passports and documents required by tourists travelling abroad should be as few in number and as inexpensive as possible. They also proposed the introduction of an international kilometric ticket enabling tourists to travel for a fixed sum over a certain number of kilometres on any railway in a certain number of countries.

The three Veterinary Conventions,¹ previously drawn up in 1934, were finally adopted on February 20th, 1935, and signed by ten countries. These Conventions will be open for signature for a year, and for accession indefinitely.

The Economic Committee has just framed, with the help of experts, a draft Convention, which has been submitted to Governments, concerning facilitation of the international trade in meat and meat preparations by providing importing countries with minimum guarantees as regards public health.

A draft Convention for the purpose of assisting commercial propaganda (exemption from Customs duty for samples and for trade advertisements) was drawn up by the delegates of thirteen countries, who signed a joint declaration recommending their Governments to adopt the Convention. These Governments will be invited to a meeting for the purpose of signing the Convention.

¹ See *The League from Year to Year (1934)*, page 98.

As a result of the work undertaken in liaison with the International Institute of Agriculture, the Committee decided to call upon a number of experts to frame, if possible, common rules to provide countries importing plants or vegetable products with effective guarantees against the invasion of parasites or dangerous microbes, while at the same time avoiding all undue interference with the international trade in these products.

Further, the Council requested the Economic Committee to study two questions raised by the Government of the Union of Soviet Socialist Republics : (1) the definition of the terms " importer " and " exporter " ; (2) advance notification of changes in regulations governing the importation of goods.

II. — FINANCIAL COMMITTEE.

The Financial Committee devoted much of its time to giving technical advice to certain Governments.

In Austria, Bulgaria and Hungary there are technical advisers who have worked in touch with the Committee.

In Austria, a substantial measure of recovery has been achieved. The currency has remained stable and the resources of the National Bank were, at the beginning of December 1935, 78 million schillings higher than at the same moment in 1934. The interest on the public debt has been regularly paid. The deficit in the budget, which, in 1934, was 226 million schillings, was less by about half in 1935. The floating debt stood at 179 million schillings at the end of 1934, but was reduced during 1935, and at the end of that year was expected not to exceed 132 millions. There was an increase in the total volume of foreign trade and of exports. The deficit in the trade balance fell by 13 million schillings during the first ten months of 1935. Industrial activity was maintained and tourist traffic was greater in 1935 than in 1934. This increase in travellers applies, not only to foreigners, but also to Austrians. Lastly, unemployment figures fell until the middle of October. In November, despite the seasonal increase, the number was 32,000 less than in 1934.

In Bulgaria, certain reforms in finance and public administration were effected. The harvest in the autumn of 1935 was 25 % in excess of that for 1934. All fears of a shortage of foodstuffs have thus disappeared. At the same time, the progressive extension of industrial crops, fruit and vegetables is showing increasingly satisfactory results each year.

In Hungary, where the 1934 harvest was poor, public finances have improved. The Government and the National Bank have taken energetic measures. The strengthening of the pengő in foreign markets that resulted, and the increase in bank deposits, made a reduction in discount rates from 4.5 to 4 % possible. But the budgetary deficit is slightly higher than in 1934. Exports, however, have increased in value owing to the rise in prices, especially those of corn, and there has been an improvement in the purchasing power of the agricultural population, which had fallen to a low level.

In addition to their work at regular sessions, certain members of the Financial Committee rendered expert assistance during the Saar negotiations.

The Fiscal Committee, having completed the last of a series of four model Conventions on various forms of double taxation, considered that this draft might serve as a basis for States in conducting bilateral negotiations. Such a method of procedure would, it was thought, be more satisfactory and have more lasting results than the summoning of an international conference for concluding a multilateral Convention. Whereas, in the year 1922, when there was set up the Committee of Technical Experts on Double Taxation (whose work has been continued since 1929 by the Fiscal Committee), only a very small number of Conventions on double taxation existed, there are at present approximately 140 of these in existence.

In forwarding the Fiscal Committee's draft to Governments, the Council stated that, if, none the less, several Governments desired a meeting to be held of States ready to sign a multilateral Convention, it would be prepared to take the necessary steps for the purpose.

CHAPTER X

COMMUNICATIONS AND TRANSIT ORGANISATION

I. Railways. — II. Road Traffic. — III. Signals at Level-crossings. — IV. Maritime Navigation. — V. Air Transport. — VI. Pollution of the Sea by Oil. — VII. National Public Works. — VIII. International Tourist Traffic. — IX. Co-ordination of Transport. — X. Co-operation between the Chinese National Government and the Communications and Transit Organisation. — XI. Legal Questions. — XII. League Wireless Station.

The Communications and Transit Organisation and, in particular, its Advisory and Technical Committee have, during the past year, been occupied with the settlement of disputes arising out of the reorganisation of the railways of the former Austro-Hungarian monarchy, with a practical study of road signs and signals at level-crossings, with frontier traffic on railways, with Customs exemption for liquid fuel used in air traffic, etc.

Among the questions specially dealt with by the Organisation must be mentioned the pollution of the sea by oil, national public works and the co-ordination of transport.

I. — RAILWAYS.

A short time ago the Advisory and Technical Committee instructed its Permanent Committee on Railway Transport to consider the possibility of framing model Conventions on frontier traffic by rail.

The Permanent Committee took the view that it was essential for it to have for this purpose a complete supply of information. It therefore instructed the Secretariat to make

a careful study of the legal and administrative aspects of the problem. Using this as a foundation, the Permanent Committee drafted a report. The Communications and Transit Committee, emphasising the value of this investigation by the Secretariat and the Permanent Committee on Rail Transport, asked the Council, in forwarding the results to Governments, to ask them to make full use of them when concluding future agreements. The Advisory and Technical Committee also agreed with its Permanent Committee in thinking that, owing to differences between individual cases, the original idea of a model Convention should be abandoned.

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The Communications and Transit Committee stressed the necessity for the prompt ratification and enforcement of the new international Conventions on goods and passenger transport, drawn up at Rome in 1933. One result of this would be that carriage of goods on negotiable transport documents would be possible — an improvement that has for several years been recommended by the competent League bodies.

II. — ROAD TRAFFIC.

(a) *Light Signals.*

In accordance with this Committee's conclusions, the Advisory and Technical Committee recommended Governments to adopt the three-colour system of red, green and amber lights at cross-roads where light signals are used ; red for " stop ", green for " go " and amber to forbid drivers who have not yet entered a cross-road to enter it and to order those who have already entered to clear the crossing.

(b) *Road Signs.*

Following the proposals of the Permanent Committee on Road Traffic, the Advisory and Technical Committee

recommended the adoption of two new international signs prohibiting overtaking and the use of sound signals. It also recommended the use of the place sign, provided for in the Convention of 1931 concerning the Unification of Road Signals, in countries in which traffic regulations are different, according to whether the traffic is in a built-up area or not.

The Governments of European and other States were recommended to base their traffic regulations on these recommendations and, in so far as they are concerned and they may think desirable, to take the necessary steps to convert them into international regulations by means of an addition to the Annex to the 1931 Road Signals Convention.

(c) *Nationality Signs on Motor Vehicles.*

The parties to the 1926 Convention were requested by the Communications and Transit Committee to ensure that the provisions of that Convention were more strictly observed as regards the nature, place and illumination of the distinctive nationality sign on motor vehicles, for the Committee had observed that frequently this distinctive sign did not correspond to the instructions.

III. — SIGNALS AT LEVEL-CROSSINGS.

Considerable progress has recently been made on this question. The Communications and Transit Committee referred the whole question to a Committee of Experts specially qualified in railway and road traffic matters. This Committee's report was considered successively by the Permanent Committees for Transport by Rail and on Road Traffic, and lastly by the Communications Committee itself, which shared the view of its three other Committees that a uniform settlement must be reached in the near future. It decided to submit this report to the Council, begging it to ask Governments whether, in their view, the proposed programme might serve as a basis for the conclusion of an international Convention on the subject and, if so, whether Governments

would be ready to take part in a conference summoned for the purpose by the League.

IV. — MARITIME NAVIGATION.

Uniform Buoyage Regulations.

The draft agreement and regulations on the unification of coastal buoyage, drawn up by the Preparatory Committee in London in 1933, was communicated for remarks to Governments of maritime countries.

The result has shown that the situation is roughly the same as at the Lisbon Conference in 1931, when a group of States, chiefly European, were ready for an agreement, whilst certain countries, especially those of North America, could not accept the unified rules as proposed.

The Advisory and Technical Committee therefore thought that the summoning of a further conference would be undesirable. The Chairman was asked to form a committee of experts to draft a new agreement and regulations, with due regard to the amendments and changes proposed. This text would be communicated to Governments which had stated their readiness to conclude an agreement on the lines of the Preparatory Committee's proposals. A Protocol of Signature would be opened for the purpose at Geneva at a date to be fixed later.

V. — AIR TRANSPORT.

(a) *Customs Exemption for Liquid Fuel used in Air Traffic.*

Governments were asked, in August 1934, to state whether they would be prepared to participate in an agreement according Customs exemption to liquid fuel employed in air traffic, to be concluded between the Governments of European countries on the basis of the following text :

“ On arrival, the fuel and lubricants which are contained in the ordinary tanks of the aircraft shall not be liable to Customs

or other duties. No quantity, however, may be disembarked free of duties.

“On departure, the fuel and lubricants intended for the refuelling of aircraft proceeding to another contracting State are exempt from Customs or other duties. Nevertheless, in the case of a landing in its own territory, the State in which the aircraft has obtained its supply may make the granting of the exemption subject to certain specified conditions.”

The replies received are mostly favourable to such an agreement.

The Advisory and Technical Committee therefore held that the matter was suitable for such treatment, between European States, and instructed the Chairman to make the necessary representations to the Council of the League, in order that an agreement between the countries concerned might be concluded as soon as possible.

The result might, in the Committee's opinion, be secured by the opening of a Protocol of Signature or by the summoning of a conference to enable Governments to exchange views before signing any instrument.

(b) *Main Network of Permanent Air Routes.*

Among the questions on the agenda of the Committee on Air Transport Co-operation are to be noted :

(i) Present methods of operating air communications in the proposed international network ;

(ii) Programme and cost of the installation and working of the ground organisation for the network ;

(iii) Minimum operation programme. In determining this, due account must be taken of the economic possibilities of the network, and the influence of the following factors must be successively estimated : (1) further pooling agreements between companies ; (2) an operation system in which all overlapping is suppressed ; and (3) — assuming (1) and (2) to be secured — the introduction of new material, closely adapted to the nature and extent of the traffic.

As regards the first of these questions, the Committee had before it a work by its Rapporteur, M. Henri Bouché. It

decided to return to the matter when the Civil Air Transport Co-operation Committee had completed its study.

VI. — POLLUTION OF THE SEA BY OIL.

In accordance with instructions received from the Council and the Assembly, the Transit Organisation made the preliminary enquiry necessary for facilitating the conclusion of an international Convention on sea pollution by oil.

The Organisation considers that such a Convention would succeed in reducing the damage at present caused to property in ports, to the amenities of bathing resorts, to bird life and to fisheries.

A questionnaire was sent to Governments and, on the basis of replies received, a draft Convention and Final Act were prepared by experts. These documents will also be referred to Governments. If the result of this consultation is favourable, the Council will, should it think fit, summon an international conference for the conclusion of an agreement.

VII. — NATIONAL PUBLIC WORKS.

The question of public works had in 1931 been studied by the Organisation in one of its international aspects. At the fourteenth session of the Assembly, the Organisation pointed out the interest attaching to a continuous study of such works when undertaken by States on their own initiative without making an appeal to foreign capital. In this direction, experiments of many kinds have been made by various countries, particularly since Governments have been seeking remedies for unemployment.

The importance of the question prompted the Assembly to order an enquiry from all Governments concerning national public works recently executed or in course of execution.

The particulars elicited by this enquiry have been published in a volume to which is added a supplement of almost equal size, and represent unquestionably one of the most valuable

results of the work of the Organisation for Communications and Transit. Thirty-eight countries have replied. Twenty of this number give a favourable answer as to the influence of public works on the economic recovery of the country and on unemployment. One reply is in the negative and the others express no opinion on the subject.

In accordance with the Assembly's recommendation, the Communications and Transit Committee decided to refer these documents to a small number of experts, who will draw from them conclusions of general interest. If the information thus acquired is systematically grouped and analysed, it is certain to be of interest. In any case, a certain number of general principles and perhaps practical conclusions that might be of value to States are likely to be found in such a report.

VIII. — INTERNATIONAL TOURIST TRAFFIC.

The Committee of Experts on Tourist Traffic which was appointed by the League's Economic Committee referred to the Advisory and Technical Committee certain questions of passports, traffic documents, Customs formalities for motorists and facilities for railway travel.

The Advisory and Technical Committee observed with satisfaction that the Committee on Road Traffic had already taken up such of these questions as fell within its province. It referred to its permanent Committee for Transport by Rail the question of facilities for railway travel. On the subject of passports, it asked the Secretariat to enquire of Governments as to the manner in which the recommendations of the Passports Conference of May 1926 are now applied.

IX. — CO-ORDINATION OF TRANSPORT.

The co-ordination of transport, and more especially of railway and road transport, is particularly occupying the attention of Governments at present. As a result of the rapid growth of new methods, such as motor-cars and aircraft, a large number of countries have to bear a growing burden on

the public finances. In order to obviate disorder in the transport system within their frontiers, certain Governments have found it necessary to take measures of various kinds, partly on economic grounds, but partly also on account of financial, social or national defence requirements.

The Assembly, noting the importance of the question for a great number of countries, asked the Communications and Transit Organisation to study the situation and the measures taken, on the understanding that the problem of transport co-ordination should be viewed in its widest aspect — technical, economic and financial.

In accordance with the Assembly's instructions, the Advisory and Technical Committee instructed the Secretariat to collect the necessary information, limiting itself for the moment to rail, road and inland waterway transport.

X. — CO-OPERATION BETWEEN THE CHINESE NATIONAL GOVERNMENT AND THE COMMUNICATIONS AND TRANSIT ORGANISATION.¹

The technical co-operation between the Chinese National Government and the Communications and Transit Organisation is proceeding normally. The Chinese representative on the Committee stated at the last meeting how much his Government appreciated the assistance afforded it and the great services rendered to China by the experts sent out by the League, who have been helping the Chinese authorities with useful advice, especially on roads, hydraulic works and the co-ordination of the various technical schemes now in operation in the country.

Mention must also be made of the report submitted to the Secretary-General of the League by the late M. Robert Haas, who was Director of the Transit Section and secretary of the Council Committee on Technical Co-operation between the League and China, on his mission to that country in January-May 1935.²

¹ See also chapter XV, page 193.

² Document C.410.M.206.1935.VIII. This report contains a full account of the position in China as regards public works, national economy and similar problems.

XI. — LEGAL QUESTIONS.

1. *Petitions forwarded to the Council by Various Railway Companies in accordance with Article 320 of the Treaty of St. Germain and Article 304 of the Treaty of Trianon.*

With a view to the reorganisation of the private railway companies of the former Austro-Hungarian Monarchy, whose systems are now, owing to the change of frontiers, in the territory of several States, the companies are, in virtue of the above articles of the Peace Treaties, entitled to apply to the Council to appoint arbitrators to decide any question in regard to which an agreement has not been possible between themselves and the Governments territorially concerned. The Council, following the usual procedure, refers these requests to the Advisory and Technical Committee, for conciliation in the first place, and, if need be, for an opinion that will furnish the Council with full information with a view to a decision by it as to the applicability of the articles in question.

In accordance with this procedure, two cases are now before the Advisory and Technical Committee — those of the Radkersburg-Luttenberg and the Noskovci-Slatina-Nasice railway companies. Thanks to the mediatory action of the Communications and Transit Organisation, these cases seem to be approaching a settlement.

2. *German Representation on the International Commission of the Danube.*

The Advisory and Technical Committee was informed of the dispute that had arisen in the International Commission of the Danube concerning German representation on that Commission, which dispute had been brought before the Committee by the United Kingdom, French, Italian and Czechoslovak Governments, in accordance with Article 376 of the Treaty of Versailles and with the resolution of the League Assembly of December 9th, 1920, for the purpose of securing mediation by the Communications and Transit Organisation. The Treaty of Versailles provided for the

presence on the International Commission of the Danube of two representatives of German riparian States — Bavaria and Württemberg. Owing to changes in the Reich Constitution, these two former riparian States have ceased to exist as international legal persons. Their powers as regards international waterways were transferred to the Reich in virtue of a Law of January 30th, 1934. There is thus only one German riparian State on the Danube — namely, the Reich.

The question is whether the Reich Government is entitled to have one or two representatives on the International Danube Commission, or whether a new diplomatic agreement is necessary to determine this representation, as the Treaty did not provide for any representation of the Reich itself.

The Committee observed that the German Government had not complied with the invitation sent it by the Secretary-General of the League to submit observations and to be represented during the consideration of the dispute with a view to conciliation.

In spite of the German Government's absence, the Committee decided that it had competence to examine the substance of the question and gave the opinion that, in view of the special circumstances, the dispute could not be settled by conciliation.

After the meeting of the Committee at which the above decision was taken, the Roumanian Government informed the Secretary-General by letter that it agreed with the action of the United Kingdom and French Governments in regard to the dispute. The Committee, which was consulted on this subject, said that it had nothing to add to the decision taken by it at its last meeting.

XII. — LEAGUE WIRELESS STATION.

By providing for rapid communication, especially with countries at some distance from Geneva, the League wireless station has rendered particularly valuable service in connection with the Italo-Ethiopian dispute and the co-ordination of measures under Article 16 of the Covenant. The

Co-ordination Committee's proposals and the replies received from Governments were transmitted to Governments of States Members by the station, at the request of the Committee of Eighteen. This system began working on October 14th, on which date a telegram was sent to all States Members, except the parties to the dispute, announcing that the Co-ordination Committee's proposals would henceforth be communicated to them officially by means of the League wireless station. Governments were informed of the time-table and of the technical details concerning this transmission and made the necessary arrangements for receiving the messages.

From the replies of Governments, it is clear that this transmission worked most satisfactorily, and considerable economies in telegrams and cablegrams have thus been realised.

The League wireless station has thus rendered the services for which it was established — namely, the maintenance of direct communications between the seat of the League and its Members in times of emergency, although it was not necessary to place the station under the special regime provided for such emergencies.

CHAPTER XI

HEALTH ORGANISATION

I. Epidemiological Intelligence Service. — II. Permanent Commission on Biological Standardisation. — III. Pan-African Health Conference. — IV. Malaria Commission. — V. Permanent Opium Commission. — VI. Collective Study Tours. — VII. Technical Investigations. — VIII. Treatment of Syphilis. — IX. The Problem of Nutrition. — X. Urban and Rural Housing.

In commenting on the work of the Health Organisation, the Rapporteur to the 1935 Assembly said that one of its characteristics was its continuity. It is well to mention this at the beginning of a chapter which is to deal with the Organisation's work during 1935 and which forms one of a regular series of annual reports.¹ What has been said in previous reviews of the Organisation's permanent activity, relating to the Epidemiological Intelligence Service, permanent commissions, liaison between health administrations, etc., may again be referred to and it will not be necessary to go into much detail.

I. — EPIDEMIOLOGICAL INTELLIGENCE SERVICE.

This service continues to supply administrations rapidly with information on the outbreak and frequency of the main infectious diseases. The information received by it now concerns 148 countries and territories with a total population of 1,436,000,000, or 72 % of the world's population. Reports on the chief epidemics are sent out almost daily to health authorities. The information is also collected and issued in several epidemiological publications : *Weekly Epidemiological*

¹ See previous issues of *The League from Year to Year*.

Record, Quarterly Report, Annual Statistics of Notifiable Diseases.

The Eastern Bureau at Singapore is an outpost of the Organisation in a part of the world where dangerous epidemics most often arise. It receives direct communications from 186 ports, 26 being in Africa, 109 in Asia, 49 in Australasia and 2 in America. This Bureau broadcasts a daily epidemiological bulletin from the Malabar station and it is repeated once a week by nine other wireless stations. If an epidemic of plague, malaria or smallpox appears in any Eastern port, the other countries and also ships at sea are immediately informed and enabled to take the necessary precautions.

II. — PERMANENT COMMISSION ON BIOLOGICAL
STANDARDISATION.

In its work of international unification of remedies, this Commission is dealing with medical preparations whose effect and specific activity can only be judged by comparative tests in the laboratory.

For more than ten years it has been fixing international standards and units for certain therapeutic agents, and it has now standardised twelve sera and bacterial products, five glandular hormones, four vitamins and five other remedies. Accordingly, the Council decided, in January 1935, to complete this work by summoning an International Governmental Conference to discuss measures for putting it into practical application.

This Conference met at Geneva from October 1st to 4th, 1935. Twenty-four States sent delegates, and also the Office international d'Hygiène publique. The Conference expressed the wish that the use of the international standards adopted by the Health Organisation should be made compulsory and, accordingly, recommended that each country should have one or several official national centres to take charge of samples of these standards and to supervise their use. Countries will be invited to conform to these

recommendations, which, it is already certain, the vast majority of them will do.

III. — PAN-AFRICAN HEALTH CONFERENCE.

The year 1935 was marked by the summoning of another inter-Governmental conference : the Pan-African Health Conference, which met on November 20th at Johannesburg. Its purpose was to continue and extend the work begun by the first of such conferences which met at Cape Town in 1932. It considered the best means of preventing the spread of yellow fever and plague, protective measures against malaria and typhus, and hygiene and medical services in rural areas. The Conference's report lays stress on the advantages of these discussions between representatives of neighbouring countries on health problems that are of equal concern to them all. It therefore suggested that the League should summon the Conference at regular intervals about every four years, and, in general, that the Health Organisation should endeavour to co-ordinate the efforts of various African countries and territories to combat epidemics and protect public health.

IV. — MALARIA COMMISSION.

Another permanent commission has been doing a very useful work for ten years : the Malaria Commission. The ravages of malaria in tropical and sub-tropical countries and even in Europe are well known. Each year more than 20,000,000 malaria patients are treated, while vast tracts of country are rendered uninhabitable by the malaria-conveying mosquito.

The Commission has made investigations with a view to finding a remedy as effective as and less costly than quinine, and recommended the use of a preparation based on quinine, called *tolaquina*. But other medicines have appeared on the market. Synthetic remedies (atebrine, plasmoquine, etc.) have been produced by chemists ; their action is not yet

known so exactly as that of quinine, but they will certainly be of importance. In 1935, the Malaria Commission decided to investigate their efficacy by means of experiments on uniform lines covering several countries where malaria is rife. The effect of the new remedies is compared with that of quinine as regards protection, cure, and prevention of relapses. The experiments, which will last eighteen months, are now in progress in Algeria, Italy, the Federated Malay States, Roumania and the Union of Soviet Socialist Republics.

The Commission is also co-ordinating other researches — especially into the biology of hæmatozoic parasites — the results of which may be of value to health administrations in their campaign against malaria.

The extent of its resources and its ten years of work have supplied the Malaria Commission with a wide experience which it places at the service of administrations by organising courses in malaria reserved for Government specialists. These courses took place in 1935 in Rome (June 18th to August 17th) and in Singapore (April 28th to end of June).

V. — PERMANENT OPIUM COMMISSION.

The Permanent Opium Commission has to consider questions on which the Health Organisation is asked for expert advice. It will be remembered that Article 23 of the Covenant entrusts the League with the general supervision of international agreements in regard to the traffic in opium and other dangerous drugs. Articles 8 and 10 of the 1925 Convention and Article 11 of the Convention on the Limitation of Manufacture of Narcotics (1931) assign to the Health Committee two definite tasks : (a) to bring under the Convention such other products, new or not, as are likely, in its opinion, to lead to addiction ; (b) to remove from its purview such preparations as are shown to be inoffensive.

In 1935, it was decided, after careful enquiry, to place under the international Conventions certain solutions of morphine and atropine and certain solutions of eucodal and atropine and preparations based on extracts or tinctures of

Indian hemp. It was also decided that a new substance, paracodine, should be subjected to the same supervision as is provided for codeine in the 1931 Convention.

At the request of the Advisory Committee on the Traffic in Opium, several technical enquiries are proceeding, especially into the method of determining the morphine content of raw opium, into codeine addiction and into the treatment of drug addicts.¹

VI. — COLLECTIVE STUDY TOURS.

The Health Organisation endeavours to encourage liaison between health administrations by collective or individual study tours. Last November, the United States of America was good enough to receive such a tour. Six eminent health specialists from European countries took part and had an opportunity of studying the measures introduced by the American Federal Administration in regard to health and social welfare (housing, unemployment insurance, health insurance, maternity, child welfare, etc.). Visits were first paid to various federal services dealing with different aspects of health and social welfare — in particular, to the Federal Service of Public Health and the National Institute of Health in Washington. Those participating then went to the Tennessee Valley, where an interesting scheme for the economic, agricultural, social and health development of that area is being put into operation. They then visited Cincinnati, Chicago, Rochester, Albany, Boston, New Haven and New York, where they paid special attention to the teaching of medicine and hygiene, medical aid, and improvements in housing and nutrition.

VII. — TECHNICAL INVESTIGATIONS.

Without giving details of the various technical investigations directed by the Health Organisation, we may mention

¹ Reference may be made to "The Health Organisation and the Narcotics Problem", which deals with the Organisation's activity between 1921 and 1933 (*Quarterly Bulletin of the Health Organisation*, March 1934).

here the enquiry into the treatment of syphilis and the study of nutrition and of housing which has for various reasons taken a prominent place in the Organisation's work for 1935.

VIII. — TREATMENT OF SYPHILIS.

The enquiry into the treatment of syphilis has been going on for seven years and has covered more than 25,000 cases in the chief clinics of the United Kingdom, Denmark, France, Germany and the United States of America. Particulars of the treatment of and effects on each case are carefully noted on case-record cards. The results of the enquiry were published in the March 1935 number of the Organisation's *Quarterly Bulletin*.

The importance of the results of this enquiry will be appreciated when it is remembered that, during recent years, the campaign against syphilis has not been as successful as might have been expected, possibly owing to the fact that new methods of diagnosis and treatment have not been everywhere carried out as fully and promptly as one would wish. The enquiry was unprecedented. It has enabled the specialists who have examined the results to lay down general principles to be followed by doctors in the treatment of this disease and to formulate two plans of treatment which should both give satisfactory results in ordinary cases of early syphilis.

IX. — THE PROBLEM OF NUTRITION.

The question of nutrition has been on the Health Organisation's programme since 1925. The study has resulted in the publication in the *Quarterly Bulletin* for June 1935 of a general report entitled "Nutrition and Public Health", which indicates the importance of this factor in public health and preventive medicine. The subject is presented, not only as a physiological, but also as an economic, agricultural, industrial and commercial problem. The report deals with the following three main questions :

(1) What are the dietary requirements of a human being ? How may they be learnt, and how may it be known that they are satisfied ?

(2) What supplies are available to satisfy them ? (production, distribution, preservation).

(3) How can the requirements best be met with these supplies ?

The report shows that for many years Governments have had to concern themselves with nutrition and gives examples of organised feeding. It insists on the importance of the education, not only of the public, but also of doctors, health specialists and teachers.

Elsewhere in this volume an account is given of the discussions on nutrition in the 1935 Assembly, showing the interest taken in the subject by the delegates of almost all States represented. The discussion led to a resolution, one part of which specially refers to the Health Organisation, which was invited "to continue and extend its work on nutrition in relation to public health".

In accordance with this resolution, the Health Committee summoned an expert Committee, which met on November 25th. This Committee made a series of recommendations as to the food requirements of the individual during his development from the time of his conception until he is fully grown. The Committee's report (document C.H.1197) lays the physiological foundations for rational feeding. It defines an adequate diet as regards both quality and quantity, with due attention to the expenditure of muscular energy and the requirements of growth. It may be that this will serve as the groundwork for the labours of other technical international bodies and institutions on the economic and social problems raised by the question of nutrition.

The general principles of the report are destined for application in countries differing in race, customs and living conditions. It was therefore communicated for study to a number of representative scientific institutions, such as the National Research Council of the Academy of Science of the United States of America, the Medical Research Council of

the United Kingdom, the Academies of Medicine of France, Spain, Belgium and the Netherlands and similar institutions in Scandinavian countries and the Union of Soviet Socialist Republics, who were begged to consider the practical application of the report within the limits of the State, and further to take up the study of a number of problems which, the report suggested, were suitable for international research.

X. — URBAN AND RURAL HOUSING.

Early in 1935, the Health Organisation began the study of urban and rural housing, on which it had already accumulated considerable preliminary material.

Its first task was to classify the facts and to prepare statistics.

In regard to *town-planning*, information had been supplied by the national administrations of France, the United Kingdom, Italy, Netherlands, Poland and Sweden,¹ and show the urgency of the problem and its wide effects on health and social and economic welfare.

From this mass of information and from the enquiry of a special Committee, it seems clear that the Organisation might well make a study of building, housing and town-planning, and the control and inspection of dwelling-houses in relation to public health. The Council will therefore have before it at its January 1936 session a scheme for the investigation of these subjects.

In regard to *rural housing*, the collection of information is not yet complete. Several countries are giving assistance. In France, the Ministry of Public Health has opened an extensive enquiry on health, social and living conditions in country districts. In Hungary, a similar enquiry is in progress and is intended to lead up to the building of model dwellings, which will be shown at the Agricultural Exhibition in Budapest. In Czechoslovakia, Greece, Poland and Yugoslavia, preliminary studies have been made. Italy already has

¹ Monographs have already been published on :

- (1) Urban Housing in the Netherlands;
- (2) Urban Housing in France;
- (3) Urban Housing in Italy.

the results of the 1934 census for the purpose of deciding in individual cases if a rural dwelling is fit for occupation. This information will be brought up to date and completed. The Health Committee considered that the results of all these enquiries might be made available to the public in national exhibitions similar to that to be held in Hungary. Such exhibitions would be followed up by an international exhibition of rural housing, which might perhaps take place in 1937.

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The above statement is incomplete, as it only outlines the salient facts in the work done in 1935. But it allows us to see that the League's health work is of practical value to all five continents.

In Asia, reference has been made to the work of the Singapore Bureau and to the international course in malariology organised in that town. The Health Organisation is still supporting the work done in the reconstruction of China, as is set out in a special chapter of this volume.

The Organisation was represented at the second Health Conference in the South Pacific (Sydney, September 1935). In Africa, it summoned the second Health Conference already referred to, whose work was of interest to the whole African continent.

In America, besides the collective study tour to the United States, the Organisation aided the Chilian Government in studying the problem of popular feeding in that country, sending out an expert to Chile to study the question of malnutrition among certain classes of the population and to give technical advice. In Rio de Janeiro, it gives its support to the International Centre for Research on Leprosy, which has been placed under the auspices of the League. In 1935, it sent out an eminent chemist to help in the scientific work of that centre.

Continuity, practical utility and universality — these are the essential characteristics of the League's work for public health.

CHAPTER XII

INTELLECTUAL CO-OPERATION

I. International Relations. — II. General Questions of Intellectual Co-operation. — III. Teaching. — IV. Exact and Natural Sciences. — V. Libraries and Archives. — VI. Literature. — VII. Fine Arts. — VIII. Intellectual Rights. — IX. National Committees and State Delegates. — X. International Educational Cinematographic Institute.

The Intellectual Co-operation Organisation follows from year to year a fixed programme. Its methods of work are gradually improved as the result of experience. It deals with the scientific study of international relations and at the same time with the arts and letters, with teaching in its various grades, with the sciences and with all that tends to encourage an intellectual *rapprochement* between peoples.

As M. Edouard Herriot said last September in submitting his report on the Intellectual Organisation to the Assembly :

“ All work that is done to increase the spiritual capital of humanity and to contribute to the mutual enrichment of individuals and peoples by raising the general level cannot but assist in laying solid foundations for peace.”

I. — INTERNATIONAL RELATIONS.

(a) “ *Conversations* ” and “ *Open Letters* ”.

The “ conversations ” and “ open letters ” that have for five years been a feature of the Intellectual Co-operation Organisation’s work were continued during the past year. There was a “ conversation ” at Nice on “ The Training of

Modern Man and the Methods of Education ". This will be published by the Institute of Intellectual Co-operation in Paris, as has been the case with previous " conversations ".

Another volume of " open letters " has been published entitled " Civilisations ". It includes the letters exchanged between Professor Gilbert Murray and the Hindu poet Rabindranath Tagore on " East and West " and between Professor Strzygowski and Professor Henri Focillon on " The Northern and the Latin Mind ". The main value of the Intellectual Co-operation Organisation's " conversations " and of the volumes of " open letters " published by the Institute consists in the fact that eminent men and well-known authors take part in them.

" It is no small thing ", as M. Herriot said in his report to the Assembly, " for contemporary writers and poets, thinkers and philosophers, representing the most varied forms of national genius or the most divergent literary or philosophical opinions, to devote their attention to problems such as the causes of war, the part that can be played by the intellectual *élite* in the event of recourse to force, relations between Asia and Europe, or, again, to questions such as the future of our civilisation, of the European spirit, or, lastly, present-day education ".

(b) *Scientific Study of International Relations.*

Under the influence of the Permanent International Studies Conference, of which the International Institute of Intellectual Co-operation forms the secretariat, national institutions are springing up for the study of contemporary events. Side by side with the existing institutions in the United Kingdom and the United States, other study centres are appearing or improving their organisation in Scandinavia, Italy, Spain, France and Central Europe and in the Dominions. Increasingly regular co-operation has been established between them by means of the League and of the International Institute, which has developed the opportunities of contact and discussion offered to those institutions by the International Studies Conference.

The last of these meetings took place in London in June 1935 and was devoted to the problem of the collective organisation of security. It was attended by about a hundred persons. Owing to the number of scholars present and of countries represented and to the high standard of the papers submitted, it marked a great advance on previous conferences.

The next meeting will be in 1936, and the subject will be "Methods of Peaceful Settlement applied to Certain Special Cases".

(c) *Broadcasting and Peace.*

The International Institute of Intellectual Co-operation prepared, on the request of the League Assembly, a draft Convention on the Use of Broadcasting in the Cause of Peace. This draft was subjected to a first study by Governments in 1934. It was amended in accordance with observations made by them. Since its presentation to Governments for the second time, about forty replies have been sent in. The Committee therefore decided to submit the draft Convention to the Assembly, leaving it to select the most expeditious method of obtaining signatures.

In so doing, the Committee stressed the fact that it had always given special interest to the problem of broadcasting and peace, with a view not only to preventing abuses of this means of communication and consequent harm to international relations, but also to improving such relations by talks on the subject of closer communication between peoples. It was glad to observe that these efforts had already proved of assistance to certain South-American Governments — in particular, in drafting special Conventions on the subject.

The Assembly shared the Committee's view and decided to place the conclusion of this agreement on the agenda of its next session. It held that the problem could be examined in 1936 by an *ad hoc* Conference constituted during the Assembly by delegates provided with the necessary powers.

(d) *Intellectual Agreements.*

At the present time, more than eighty intellectual agreements have been noted by the Institute of Intellectual

Co-operation. Twenty-five such treaties have been signed since the war. The others concluded previously relate especially to exchanges of university teachers and students, to the practice of the liberal professions, to the enforcement of compulsory school attendance, the creation of professorships, the equivalence of university degrees, etc.

More recent agreements show a tendency towards regulating all intellectual relations between the contracting countries.

The Intellectual Co-operation Committee emphasised that it was desirable that such agreements should not be limited to two States or to a group of States, but should, as far as possible, remain open to accession by others, and it asked the Institute to consider the possibility of publishing a collection of intellectual agreements in the true sense of the term and, if possible, to show the results obtained.

(e) *International Co-operation in Social and Political Sciences.*

Professor Shotwell drew the Intellectual Co-operation Organisation's attention two years ago to the necessity for promoting international collaboration in the social sciences. It seemed to him that these questions, which had been the subject of much study in the nineteenth century, when nationalist tendencies were prevalent, were looked at differently in different countries and that, if the methods and work were co-ordinated, they should also afford a valuable contribution to the world organisation of to-day.

The Intellectual Co-operation Committee agreed with Professor Shotwell and outlined a scheme of work, comprising an enquiry, not only into the research institutions of the various countries, but also into the principles and methods applied in the social sciences, and, lastly, the joint examination of a specific problem.

The Committee defined this, its first subject of study, as follows : *The Adaptation of Mechanisation to the Conditions of Human Labour ; or, Man and the Machine.*

The work will be carried out by the Intellectual Co-operation Institution in collaboration with the International Labour Office. It may be necessary to supplement it by a kind of "conversation", similar to those organised by the Intellectual Co-operation Committee during the last few years in various European cities on subjects of general interest.

II. — GENERAL QUESTIONS OF INTELLECTUAL CO-OPERATION.

(a) *Intellectual Rôle of the Cinema.*

The enquiry undertaken by the Paris Institute into the intellectual rôle of the cinema followed on the enquiry into the intellectual rôle of the Press and of broadcasting. Thus it forms part of an *ensemble* which might be called the intellectual rôle of modern methods of information. Each of these enquiries has formed the subject of a publication.

A certain number of authors, scenario writers, producers, critics and cinema experts in Austria, the United Kingdom, France, Germany, Hungary, Italy, the United States of America and the Union of Soviet Socialist Republics were consulted. The Committee will be informed later of the replies, which will afterwards be collected and published.

(b) *Documentation.*

The Institute of Intellectual Co-operation is now preparing an "International Guide to Documentation". The Intellectual Co-operation Committee, after looking through the manuscript, considered that the work should be proceeded with and published.

(c) *Collaboration with China.*¹

Pursuing its programme of collaboration with the Chinese National Government, the Institute has endeavoured to give

¹ See also chapter on Technical Co-operation between the Chinese National Government and the League of Nations.

all assistance to the International Employment Bureau for Intellectual and Technical Workers, which has been operating in Nanking since November 1934, and to ensure that this new organisation shall have the support of the universities in Europe and America.

(d) *Ethnographical and Historical Works on the Origins of American Civilisation.*

The 1934 Assembly was apprised of a proposal put forward by M. Levillier (Argentine) that the Institute of Intellectual Co-operation should arrange for the publication of a series of original works on the native civilisations of America and on the discoveries in the fifteenth and sixteenth centuries.

Having approved of this proposal, the Assembly instructed the Institute to draw up, in collaboration with specially qualified personalities, a scientific and a financial plan for the work in question.

Accordingly, the Institute convened a Committee of Americanists, who considered that the successful carrying-out of an undertaking on this scale would greatly assist the promotion of a knowledge of American culture and its origins and would dissipate ignorance and misunderstandings.

This Committee also prepared a provisional plan in two sections. The first is ethnographical and relates to the native civilisation of America before the discoveries and conquests. The second section (historical) deals with the history of Europe and the New World before Christopher Columbus, the discoverers of the islands and coastline from Columbus to Magellan, the important expeditions into the mainland, the extension of discoveries and conquests and the progress of civilisation and, lastly, Europe and the New World at the beginning of the seventeenth century.

The Assembly, on receiving this proposal, emphasised the great value and the importance of the scheme for a better mutual comprehension between America and the other continents and considered that the suggested publication should be further examined by competent persons appointed

to draw up the final plans for the collection, in such a way that it may provide a wide survey of the period envisaged in a comparatively small number of volumes.

This collection will be placed under the patronage of a committee of distinguished men of letters and science ; this in itself will be a guarantee of success.

The work will be carried out by the international collaboration of experts from a number of countries.

III. — TEACHING.

(a) *Liaison Committee of Major International Associations.*

For the first time since its foundation in 1925, the Liaison Committee of Major International Associations, concerned with the spread of the peace spirit amongst the young and with the organisation of peace itself, met at Geneva.

The main purpose of this Committee is to promote an exchange of views among its members, to encourage the pursuit of studies in common and to suggest practical methods of carrying them out. The Committee dealt, in particular, with the extension of its relations in the Near and Far East, and decided to institute an enquiry into the activities of the international associations in those parts of the world, the connections they have established and their means of action. It considered the possibility of inviting members of Eastern organisations to its meetings and of developing its relations with national Intellectual Co-operation Committees in Eastern countries, and especially in China, India and Japan.

(b) *League of Nations Teaching.*

The programme of the Advisory Committee on this subject for the past year was the study of international relations and League teaching.

The Committee discussed the fundamental principles of such teaching and insisted on the necessity for giving young people a practical knowledge of the reality of international

life and an insight into the international aspects of various contemporary problems and, still more, for developing the notions of justice and solidarity. The Committee considered that, besides promoting instruction in the organisation and activity of the League of Nations, it should strive to create a certain spirit, an "international sense", which should pervade instruction as a whole.

(c) *Teaching of International Relations in Universities.*

The Secretariat of the League has already made an enquiry into the teaching given on international relations in universities. The various bodies consulted in twenty-two countries have supplied information, from which Professor S. H. Bailey, of the London School of Economics, has undertaken to prepare a comparative study.

(d) *Study Tours of Educational Experts.*

The Intellectual Co-operation Organisation, benefiting by the experience gained from exchanges of health personnel organised by the Health Section and from the visit of Chinese educationists to Europe, proposed to arrange study tours in which qualified administrators or teachers appointed by national administrations would take part. Each group would be invited by a particular country, after previous agreement with the responsible authorities of that country.

Such a step would facilitate the Secretariat's work on behalf of League of Nations teaching and international co-operation.

(e) *Revision of School Text-books.*

Last year, the Institute of Intellectual Co-operation was instructed to make an enquiry into history text-books in use in a number of countries, to collect and publish chapters or passages showing the progress already made in history teaching. It applied for this purpose to various National

Committees. Those of Denmark, Finland, Netherlands and Sweden have replied.

Although there are marked differences in the manner in which the National Committees have made their selection, it is already certain that this enquiry will have valuable results.

M. Emile Borel, Member of the French Institute, further proposed to the Intellectual Co-operation Committee (which instructed the Institute of Intellectual Co-operation to carry out the suggestion) that a model bilateral agreement should be prepared, which the Committee would make available to such States as might announce that they were ready to "remove or at any rate diminish the occasions of dispute that might arise out of the interpretation given to certain events of history by the educational text-books in use in their country". This draft was referred to lawyers and to historians for their opinion.

The Intellectual Co-operation Committee decided this year to submit to the Assembly a draft "declaration" that might readily gain acceptance. The declaration provided for the issue by Governments of instructions recommending the competent authorities :

(a) To devote as much time as possible to the teaching of the history of other nations ;

(b) To endeavour to exclude from history text-books any unfriendly criticism of other nations ;

(c) To lay stress in general history on facts tending to encourage a good understanding and co-operation between nations.

The Assembly, noting the persevering efforts of the Intellectual Co-operation Committee for the purpose of ensuring the impartiality of school text-books, and especially of history books, recognised that Government action would give the most effective support to these efforts, and accordingly requested the Council to communicate to the States Members of the League of Nations and to the non-member States the declaration prepared by the Institute.

IV. — EXACT AND NATURAL SCIENCES.

Relations between the Intellectual Co-operation Organisation and the International Council of Scientific Unions.

The general meeting of the International Council of Scientific Unions, held in Brussels in July 1934, appointed a Committee to study the possibility of undertaking the duties of an advisory body on scientific questions within the Intellectual Co-operation Organisation.

A mixed Committee, consisting of representatives of the International Council and of the Intellectual Co-operation Committee, met in July 1935, and prepared a draft to serve as a basis for negotiations between the two bodies.

According to the draft, the Council of the Unions might become one of the advisory organisms of the League.

Co-operation between science museums continued in 1935 as in the past, and the Institute is still issuing its monthly review, *Science Museums*. The co-ordination of scientific terminology is also still being studied.

V. — LIBRARIES AND ARCHIVES.

The Institute of Intellectual Co-operation has issued the results of its investigation into the duties and professional training of librarians.

The Institute was also asked to make a further study of the question of the building and equipment of libraries. The Intellectual Co-operation Committee, being desirous of promoting a better organisation of libraries and of reading by the general public, recommended that an enquiry should be undertaken in regard to the former, similar to that successfully carried out in the case of museums and resulting in the publication of two volumes of general museography.

As regards archives, a work of general interest has been published through the Institute, entitled "International Guide to Archives". This is the first volume of the work and is devoted to Europe.

VI. — LITERATURE.

In accordance with the programme approved in 1934, the Institute has arranged for the publication of two new volumes in the Latin-American collection : “ Don Casmurro ”, by Machado de Assis, and “ Essays ”, by José Martí.

The publication of other similar collections is being considered. Professor Anesaki proposed the publication in English and French of certain works to enable the literature of Japan and various aspects of Japanese culture to become known. The Institute accordingly got into touch with Japanese intellectual circles and has selected for the first volume the “ Hai Kai ” of Basho and his followers.

The Roumanian representative also asked that the Institute of Intellectual Co-operation should publish, through an international committee assisted by national advisory committees, a selection of translations, into one or more of the worldwide languages, of representative classical works from the literatures of the various European regional languages. The Assembly approved the proposal and transmitted it to the Intellectual Co-operation Committee for investigation by the Institute.

VII. — FINE ARTS.

(a) *International Museums Office.*

The satisfactory results obtained by the Office for a number of years enable an idea to be formed of the nature of its work, the international contacts which it has established and the services it is capable of rendering. The Conferences held in Rome (Preservation of Paintings), in Athens (Preservation of Artistic and Historical Monuments) and in Madrid (General Museography) mark successive stages in the Office's development, constituting in each case a step forward in international co-ordination as applied to works of art and historical monuments.

As regards the Madrid Conference, the results are to be found in two volumes which the Institute has just published

and which form the first international treatise on museography. This work is the fruit of experience acquired in a large number of countries and by a still larger number of conservators of museums. The next Conference will deal with the questions of domestic administration that arise in institutions like museums.

A sympathetic reception has been given by most Governments to the draft international Convention on the repatriation of palæontological, archæological, historical or artistic objects of interest that have been stolen, or illicitly alienated or exported.

Many requests have reached the International Museums Office for the conclusion of an international agreement providing international regulations for art exhibitions and taking into consideration the necessity for the conservation and security of the works of art exhibited and of avoiding overlapping in the organisation of international exhibitions.

(b) *International Office of Institutes of Archæology and of the History of Art.*

More than a hundred university or similar institutes have already become members of the Office, although it has not yet been two years in existence. The interest shown in this new form of international collaboration has extended to countries outside Europe. Numerous accessions have been received — in particular, from the United States of America.

The *Bulletin* published by the Office serves as a means of communication and endeavours to supply members with information on the organisation and equipment of existing Institutes and on their programme of work.

(c) *Popular Arts.*

In continuation of its enquiry into popular music and songs, the Paris Institute, in 1934, published the first volume of information collected by it. This deals with the following countries : Belgium, United Kingdom, Czechoslovakia,

Estonia, Finland, France, Germany, Italy, Latvia, Luxemburg, Mexico, Netherlands, Netherlands Indies, Norway, Poland, Roumania and Sweden. The information relates solely to the work done by experts in each country to preserve treasures of popular music and songs.

A second volume is being prepared, and will give the same information concerning Australia, Austria, Bulgaria, Denmark, Greece, Hungary, Switzerland, Syria, United States of America and certain other countries. The vast amount of material available in the important international collections of Berlin, Paris and Vienna, which are particularly rich in foreign music, will also be made known.

VIII. — INTELLECTUAL RIGHTS.

The Committee on Intellectual Rights met at Brussels in May 1935. In view of the approach of the Diplomatic Conference which, in 1936, is to revise the Berne Union Convention, it considered that the Intellectual Co-operation Organisation might use its influence for the development of certain legal principles that are not yet established : moral rights, payment for the reproduction of works no longer protected by copyright, *droit de suite*, the authors' rights of journalists, etc.

The preliminary study made by the Institute of Intellectual Co-operation, with the help of the Rome International Institute for the Unification of Private Law, has shown that further efforts and investigations are still necessary as regards the harmonising of the Berne and Havana Conventions on the protection of literary and artistic property.

Accordingly, the Assembly asked the two Institutes, acting in concert, to pursue their studies and efforts to promote, by bringing into harmony the Berne and Havana Conventions, the conclusion of a general agreement affording effective protection to intellectual works in the countries of both continents.

The Assembly also requested the Governments signatories of the Paris Convention on Industrial Property, as revised

in London, to expedite their ratification of this Convention as far as possible, and to introduce, if necessary, into their municipal law provisions for maintaining, for at least a certain period, the patent rights in respect of discoveries divulged by their own authors in the form of scientific communications.

IX. — NATIONAL COMMITTEES AND STATE DELEGATES.

In 1934, the Intellectual Co-operation Committee recommended that a National Committee should be set up in all countries. This has already been done in Europe, but not in America, where there is a single Committee (that of the United States) for the northern continent, three (Cuba, Mexico and Salvador) for Central America, and three (Bolivia, Brazil and Chile) for South America.

The position is more favourable in Asia. The Chinese Committee is very active. In India, relations are maintained through the Educational Commissioner in Delhi. Further, the International University Board has decided to perform the duties, at least in part, of a National Committee. In Japan, the National Committee is still working, despite the withdrawal of Japan from the League.

On several occasions, the Intellectual Co-operation Committee has insisted on the desirability of holding general conferences of all National Committees at regular intervals. It has therefore decided to summon a Conference of representatives of all these Committees at Paris in 1937, during the International Exhibition of Technical Arts in Modern Life.

X. — INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC INSTITUTE.

The Institute's work has mainly been based on the results of the International Congress on Instructional and Educational Films held at Rome in April 1934. The Congress's resolutions opened up a vast programme which the Institute has been methodically carrying out. It has given particular attention

to its monthly publication, which has been completely transformed. The *International Review of Educational Cinematography* has become *Interciné*. This publication, without neglecting in any way the present-day problems of the cinema in training and in education, is endeavouring to place the general question of cinematography on a high intellectual level. The Institute has completed its general encyclopædia of the cinema, which is the first work of this kind entirely devoted to cinematography.

The Cinematographic Institute decided, in May 1935, to extend the scope of its activity and to set up an advisory committee and a centre for questions relating to television. This centre, which is to act as executive organ of the Committee just mentioned, will be provided with an experimental transmission station. Its annual budget has already been guaranteed by the Italian Government.

The Institute has also taken note of the coming into force of the International Convention for facilitating the Circulation of Educational Films and has taken the necessary steps to ensure the putting into effect and the satisfactory working of the system adopted by signatory Governments.

CHAPTER XIII

SOCIAL AND HUMANITARIAN WORK

- I. Traffic in Opium and Other Dangerous Drugs. — II. Traffic in Women and Children. — III. Child Welfare. — IV. Assistance to Indigent Foreigners. — V. Treatment of Prisoners. — VI. International Relief Union.

I. — TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

The system of general statistical information and the ever stricter supervision of the manufacture of drugs have had the effect of adapting authorised manufacture to legitimate needs. The escape into the illicit traffic of large quantities of drugs originating from lawful sources has ceased, but the illicit traffic has nevertheless continued, obtaining its supplies from clandestine manufacture. This is a serious situation and one of special anxiety to the Advisory Committee on the Traffic in Opium, which considered the remedies to be applied.

(a) *Universal Application of the Conventions.*

The universal application of the International Opium Conventions is indispensable for the final success of the campaign against the abuse of narcotic drugs, in view of the development of clandestine manufacture and persistent illicit traffic. The Assembly therefore addressed another appeal to Governments that have not yet acceded to these Conventions.¹

¹ These Governments are : 1925 Convention : Albania, Iceland, Liechtenstein, United States of America, Guatemala, Haiti, Mexico, Nicaragua, Panama, Argentine, Paraguay, Peru, Afghanistan, Sa'udi Arabia, China, Iran, Ethiopia, Liberia ; 1931 Convention : Albania, Denmark, Finland, Iceland, Latvia, Liechtenstein, Luxemburg, Yugoslavia, Argentine, Bolivia, Paraguay, Sa'udi Arabia, Ethiopia, Liberia, South Africa.

(b) *Co-operation of Governments.*

Most of the Governments Members of the League have for several years been giving their unreserved support in the narcotics campaign. The Assembly, however, noted with special interest this year the declarations of several delegations, especially the Union of Soviet Socialist Republics, Bulgaria and Turkey, assuring the League of their full assistance.

(c) *Annual Reports.*

The parties to the 1931 Convention are bound to supply reports each year on the manner in which they are applying the opium Conventions. In spite of this obligation, certain Latin-American countries do not forward these reports. The Assembly requested them to extend to the League the same co-operation in this respect as other Governments.

(d) *System of Import Certificates and Export Authorisations.*

The Opium Advisory Committee sent a memorandum to all Governments on the application of the system of import certificates and export authorisations which is essential to the supervision of the legitimate drug trade. The Committee asked them to state whether, both in the mother-country and in their dependencies, protectorates and colonies, they were fully conforming to the system laid down and to acquaint it with the administrative provisions in force, mentioning the points on which differences of procedure existed.

At the same time, the Committee forwarded to Governments a number of remarks and recommendations, pointing out the desirability of unifying as far as possible the forms used for import certificates, export authorisations, changes of destination, placing in bond, etc. It also made recommendations as to the languages in which these forms should be made out, the number of original copies, the persons authorised to fill them in and the precautions adopted against falsification.

(e) *Preparations for a Conference to consider the Possibility of limiting the Cultivation of the Opium Poppy and the Coca Leaf.*

For some years the Advisory Committee has been studying the question of limiting the production of raw opium and coca leaf. A reduction in the output of raw materials would, if effectively applied, be a valuable step towards the final suppression of illicit traffic and drug addiction.

The Secretariat has not yet been able to obtain the indispensable information from the principal producing countries. The Assembly therefore asked Governments concerned to forward full information to the Secretariat with the least possible delay.

The prospects of securing an effective limitation of production are now much more favourable than a few years ago. Some of the opium-producing countries — *e.g.*, India, Yugoslavia and Turkey — have already taken measures to reduce cultivation. The programme which is being put into effect in China is an important new factor which would seem to give hopes for the negotiation of an agreement for the limitation of raw materials.

(f) *Clandestine Manufacture.*

Despite a strict control and the perfection of the administrative machinery for applying the 1925 and 1931 Conventions, the illicit traffic has not diminished. This is due to the appearance of clandestine factories in the East and in the West. In 1934, the police of the Shanghai International Concession discovered and closed six such factories or laboratories manufacturing heroin, and twenty producing narcotic pills. In the first quarter of 1935, four new heroin factories and five establishments producing pills were similarly treated.

Other cases have been mentioned at Tientsin in the British municipal zone and in the Chinese town, at Dairen and Hong-Kong, and in Turkey, Greece, Bulgaria, France and the United States of America.

This situation caused some concern to the Advisory Committee, which decided to place on the agenda of its next session the question of measures for tracing and preventing such manufacture.

(g) *Illicit Traffic.*

Despite the measures adopted by most Governments, the illicit traffic continues and constitutes a menace of which the gravity demands that a further effort at co-operation should be made. Such an effort can only be directed through an international Convention. The Fifth Committee of the Assembly, realising its responsibilities, expressed the hope that a conference might be held during 1936 and an agreement thus reached for the co-ordination of activities in the prevention of this traffic. A draft Convention has been prepared for the purpose and twice submitted to Governments. In December it was revised by a Committee of Experts.

During the past year, important seizures of raw and prepared opium, morphine, heroin, cocaine and Indian hemp have been made in almost all parts. The illicit traffic is intense, especially in the Far East and in the United States; but it covers the whole world.

In view of this situation, the Assembly, like the Council, held the view that there must be more active co-operation between Governments, police forces and the League, with a view to a systematic campaign against the evil. The delivery of passports to notorious traffickers must be supervised and ocean liners watched.

The Advisory Committee, in considering the illicit traffic, paid special attention to that carried on by aircraft and through the post.

(h) *Situation in China.*

The Chinese Government has taken very severe measures against the abuse of opium and narcotics.

As regards the traffic in and use of manufactured drugs, on May 11th, 1934, the Nanking Government issued new regulations, involving even the death penalty. This sentence has actually been inflicted in 263 cases (18 for illicit

manufacture, 213 for sale, 26 for transport and 6 cases of cured addicts who had relapsed into addiction).

In 1935, the Government adopted new regulations completing those of 1934 and providing severer penalties for certain offenders. Drug addicts are subjected to a compulsory treatment. If, in 1936, there are any who have not undergone this treatment, they will be imprisoned for five years at least, in addition to the compulsory cure. After 1937, the penalty for non-medical use of manufactured drugs will be death, or imprisonment for life. By this scale of punishments, China hopes that addicts will be led voluntarily to undergo adequate treatment and thus be cured, and that the illicit manufacture and traffic will cease before 1937.

All smokers of opium must, under the new law, be registered. After 1935, no further registration will be permitted, and all those who are registered will be subjected to compulsory treatment. By means of this regulation, the Chinese Government reckons that, at the end of 1940, all smokers registered in 1935 will be cured. Kiangsu Province, for instance, has taken steps to provide that the use of prepared opium in the province shall end by 1938.

Special hospitals for smokers and addicts have been set up by the Chinese Government throughout China. There are more than 600 of these. Statistics show that over 80,000 cures have already been effected; but the figure is in reality much higher, because many hospitals have not supplied data.

In certain provinces, poppy cultivation has been prohibited. In others, it is authorised, but the amount must gradually be reduced each year.

In six years' time it should be completely abolished.

Lastly, the Chinese Government has decreed a series of educational measures against the use of narcotics: lectures, public meetings under the direction of high officials, instruction in schools, distribution of posters and tracts, publicity in the Press, etc.

General Chiang Kai Shek himself has recently been appointed Inspector-General for the suppression of opium, and he holds the view that the abolition of this scourge is an essential condition of Chinese reconstruction.

(i) *Anti-narcotic Education and Propaganda.*

The necessity for attacking the problem of drug abuse through education and propaganda formed the subject of an important discussion in the 1935 Assembly's Fifth Committee. Such a campaign was essential, owing to the development of clandestine manufacture and also to the intensity of the illicit traffic.

The experience gained by the Chinese, French, British and Netherlands Governments in China, Indo-China, Malaya and the Netherlands Indies shows that the use of opium is considerably decreasing amongst the younger generation that has received some education.

The Assembly expressed the hope that the Advisory Committee would discuss this question and prepare for a campaign of education against the abuse of narcotics. Such a plan should be of an international character.

(j) *Enquiry into Drug Addiction.*

The extent of drug addiction and the amount of drugs consumed annually by addicts in different countries are unknown factors. The Assembly, appreciating the difficulties encountered, asked the Secretariat to collect data and begged Governments to supply such information as they possessed.

(k) *Application of the 1931 Limitation Convention.*

The Committee gave interpretations of certain articles of the 1931 Convention. It defined the scope of Article 10, relating to exports and imports of diacetylmorphine. It also interpreted Article 13, paragraph 2 (b), in such a way that its application might avoid abuses due to a non-medical employment of codeine. It further gave instructions as to the application of Article 20, with a view to the drawing-up by the Secretariat of a list of factories in accordance with notifications made by Governments.

(l) *Indian Hemp and its Derivatives.*

The Committee noted with regret some time ago that the number of Indian-hemp addicts was increasing, and was especially concerned with the spread of this evil in the United States of America and Egypt.

The cultivation of hemp has recently been prohibited in Bulgaria, Egypt, Greece, Iraq, Turkey and Yugoslavia and in the French mandated territories of Syria and Lebanon. But certain members of the Committee thought that more general measures were essential. A plan was therefore prepared with a view to securing the assistance of medical and chemical experts in determining the presence of Indian hemp in a drug, the extent to which this substance leads to addiction, the causes and effects of its abuse and the methods of treatment.

(m) *Work of the Supervisory Body.*

The Supervisory Body set up by the 1931 Convention examined the estimates of Governments' medical requirements in narcotics for 1936 and prepared a table of these, which was communicated by the Secretary-General to Governments. On November 1st, 1935, fifty-nine States and eighty-nine territories had furnished estimates. In the case of eleven countries and nine territories for which information had not been supplied, the Supervisory Body made the estimates itself. The Supervisory Body's statement forms a foundation for applying the system of national and international supervision introduced by the 1931 Convention.

World requirements of the following drugs for 1936 were fixed as under : morphine, 44,126 kgs. (including quantities required for transforming into other drugs, chiefly diacetylmorphine, codeine and dionine); diacetylmorphine (heroin), 803 kgs.; methylmorphine (codeine), 28,177 kgs.; ethylmorphine (dionine), 3,577 kgs.; dihydrohydroxycodineone (eucodal), 243 kgs.; dihydrocodeineone (dicodide), 204 kgs.; dihydromorphinone (dilaudide), 90 kgs.; acetyldihydrocodeineone (acedicone), 68 kgs.; N-oxymorphine (genomorphine), 8 kgs.; thebaine, 574 kgs.; cocaine, 4,600 kgs.

(n) *The Permanent Central Opium Board.*

The work of the Permanent Central Opium Board has brought out the fact that the amount of morphine manufactured throughout the world in 1934 exceeded the quantity authorised for manufacture by 1,023 kgs., or about 4 %. The total manufacture of diacetylmorphine and of cocaine also exceeded the limits fixed under the Convention.

The production of diacetylmorphine has diminished everywhere except in three countries : Netherlands, Union of Soviet Socialist Republics and Belgium. The decrease is not so general as regards cocaine, for manufacture has increased in five States : Union of Soviet Socialist Republics, United States of America, Belgium, Czechoslovakia and Poland.

The world totals of morphine, heroin and cocaine manufactured in 1934 were lower, not only than those of 1933, but also than the figures for any previous year for which statistics are available.

In its report to the Council, the Board drew attention to the difficulties met by it in the first year of applying the Limitation Convention. These are due to the complex nature of certain of the essential provisions.

II. — TRAFFIC IN WOMEN AND CHILDREN.

(a) *Further Ratifications of the Conventions.*

In spite of present difficulties throughout the world, progress has been shown in international legislation on the repression of the traffic in women and children by an increasing number of ratifications to the Conventions. That of 1921, on the suppression of the traffic in women, and that of 1923, on the suppression of the circulation of and traffic in obscene publications, have been almost universally accepted. That of 1933, on the suppression of the traffic in women of full age, came into force on August 24th, 1934, and has been ratified by fifteen States.

(b) *Suppression of the Activities of Souteneurs.*

This question has been under study since 1931 and a draft Convention has been prepared and submitted to Governments, who have for the most part stated that they are favourable in principle to an international Convention providing penalties for such offences.

On the basis of these observations, a Legal Sub-Committee made fresh proposals, in collaboration with the International Bureau for the Unification of Penal Law.

These suggestions in their turn were considered by the Traffic in Women and Children Committee, which reached the conclusion that it would be premature to prepare a new draft Convention, as various matters still required consideration. The Committee therefore decided to continue its study of the problem, in co-operation with the International Bureau for the Unification of Penal Law and of the International Criminal Police Commission.

(c) *Abolition of Licensed Houses.*

The Austrian Government abolished such houses in 1921 and intends to maintain this abolition. The Yugoslav Government, on March 28th, 1934, promulgated a law prohibiting prostitution and the keeping of licensed houses. In the Province of Santa Fé, in the Argentine, the abolition of these houses and the regulation of prostitution effected in 1933 in the city of Rosario de Santa Fé had been extended in 1934 to the whole of the province, with the exception of the capital. The Union of South Africa, Denmark, Liechtenstein, Monaco, Sweden and the Union of Soviet Socialist Republics have reported that the system of licensed houses had either never existed or had been abolished within their territories.

(d) *Measures of Prevention and Rehabilitation.*

In accordance with the wishes which have been expressed in recent years that means should be found of helping women who are obliged to leave licensed houses to regain their self-respect, the Committee insisted on the necessity of a study

of methods of rehabilitation, and an investigation was ordered for the purpose.

This was carried out in Austria, the United Kingdom, Czechoslovakia, Denmark, France, Germany, Hungary, India, Italy, Netherlands, Norway, Poland, Roumania, Switzerland, Uruguay and the United States of America.

The questionnaire related to the methods adopted for the rehabilitation of prostitutes and of protecting women and girls who were in danger of taking to prostitution; the measures taken to discourage women and girls from entering upon or continuing in such a life and to help those who were giving up prostitution after living in licensed or tolerated houses; free treatment for venereal diseases, and better provision of care and accommodation for mental deficient.

The results of the enquiry have shown that the problem of the rehabilitation of girls and women presents itself in a different light according as the prostitutes are minors or women of full age. Wide differences of opinion exist in regard to the older prostitutes. There were those who thought that any rehabilitation work with regard to them was a waste of time. Others did not consider such cases to be hopeless.

Pending the drafting of the final conclusions, the Committee on the Traffic in Women emphasised the necessity of continuing the investigation and collecting further information from charitable organisations, especially in countries from which no information was forthcoming. The Committee decided on this occasion to apply also to Governments.

(e) *Position of Women of Russian Origin in the Far East.*

The position of women of Russian origin in the Far East has been before the League for several years. The Commission of Enquiry into Traffic in Women and Children drew the Assembly's attention to the unfortunate position of these persons, and a further enquiry was decided on. This showed that matters had grown worse since 1931. During the past five years, there had been a migration of women refugees from Manchuria to Shanghai and other large cities of Central and Southern China. This movement was

chiefly due to the economic situation in Manchuria. Reports from one source stated that about 22 % of the Russian women in Shanghai were engaged in professional or casual prostitution. The question had assumed the dimensions of a social problem.

Suggestions for preventive work and direct help were put forward by various organisations and individuals on the spot. But the Committee on the Traffic in Women considered such efforts must be guided and co-ordinated by the municipalities in consultation with one another. The most hopeful way of attacking the problem would be to increase considerably the social measures available for women of Russian origin in Harbin and other places in Manchuria, so as to prevent their drifting into prostitution. The Committee was convinced that the authorities in the countries concerned should be asked to give attention to the large number of women of Russian origin who fall into the hands of traffickers, and take steps to frustrate the activities of these latter. It made an appeal to the generosity of the municipalities and the public to supply the necessary funds for combating an evil which has aroused general sympathy.

The Assembly ratified its Committee's proposals and instructed the Secretary-General to appoint a League agent to encourage and co-ordinate efforts on behalf of these women of Russian origin.

(f) *Conference of Central Authorities in Eastern Countries.*

The 1934 Assembly, after receiving the report of the Commission of Enquiry into Traffic in Women and Children in the East, considered the desirability of summoning a Conference of authorities in Eastern countries charged with the enforcement of measures for the repression of the traffic in women and children, to exchange information and to examine the Commission's report. A circular letter was sent to Governments to ask whether they approved of this suggestion. The United Kingdom, China, France, Netherlands, Portugal, and the United States of America were favourable to the proposal. Iraq and India declined the

invitation. The Japanese delegate made a declaration to the effect that Japan might probably participate.

This Conference will most likely take place at the beginning of 1937. Steps have already been taken for drafting the agenda and arranging a plan of work.

III. — CHILD WELFARE.

(a) *Institutions for Young Offenders and Children in Moral Danger.*

The Child Welfare Committee has been dealing with this question since 1926.

It has observed that most countries allow children in certain cases to be sentenced to imprisonment or to be kept in prison under preventive arrest. In its view, confinement of children in prisons should be absolutely forbidden, and, in cases of delinquency, the treatment applied to them should be prompted by a desire for their education and training and not for their punishment.

The Committee therefore expressed the wish that all countries that have hitherto tolerated the imprisonment of children in any form whatsoever should aim at abolishing this system, replacing it in the case of delinquent minors by suitable measures of a purely educative character.

Furthermore, the maximum age at which minors are regarded as criminally responsible does not always correspond to the age at which a boy or girl is mentally mature, and in many cases is several years below the age at which a child attains its civil majority. In the majority of cases, the serving of a sentence of imprisonment by delinquent minors offers danger to their immature mentality.

Steps should therefore be taken to see that young persons are only sent to prison in absolutely exceptional cases, and that the competent authorities have the power to apply to young persons who have committed an offence, instead of sentences of imprisonment, other measures, such as confinement in correctional institutions of a Borstal type.

But institutional training is one, and only one, of the methods which are available for the assistance of these young people. Many institutions have developed high standards in training and re-education. In the general opinion, such institutions can serve the community well, provided it is not forgotten that their young charges, and especially those who will shortly be sent out into the world, have never had an opportunity of taking responsibility or of showing initiative, that they have never been taught to be thrifty, and that the main point in their education should be the development of their personality in surroundings as close as possible to those prevailing in happy homes.

(b) *Recreational Aspect of the Cinematograph for Young People.*

The enquiry made from its members and assessors by the Child Welfare Committee as to the recreational aspects of the cinema for young people has only resulted in the collection of fragmentary and incomplete information. The Committee was therefore unable to draw any definite conclusions or make recommendations. But it held that the recreational aspect of the cinema is of international importance from the point of view of child welfare. It therefore asked States Members for precise data on the subject, to enable a general investigation to be made.

The cinema has rapidly developed as a form of popular amusement ; but producers have so far given more attention to adult audiences than to children and young people. This is due to financial considerations. But the situation might be remedied by arranging for special performances for children and by increasing the number of films suitable for that purpose. The question has therefore two aspects : one negative — namely, the ascertaining of films that might have a harmful effect on children ; the other the positive aspect — namely, the endeavour to arrange for recreational performances suitable to the age and mental development of young audiences.

(c) *Detection of Blindness in Children.*

In considering the means whereby the existence of blind children might be ascertained with a view to early treatment and education, the Committee realised the difficulty of the problem. Discovery through the census was not a very reliable method; for it is difficult to apply a satisfactory definition of blindness at an early age and, on the other hand, parents are often reluctant to admit the fact of blindness. Thus, a valuable period for the child's training is often lost.

It was therefore suggested that a compulsory declaration should be made by parents or guardians, or by such officials as came in contact with the children between birth and school age, such as midwives, doctors, ministers of religion, infant welfare centres, health visitors, etc. But the Committee held that this declaration would be useless unless it were accompanied by provisions for assisting parents in the education of blind children, such as grants to indigent parents, special nursery schools, health visitors, etc.

(d) *Effects of the Economic Depression and Unemployment upon Children and Young People.*

In April 1934, the Child Welfare Committee discussed the effects of the economic depression and unemployment upon children and young people. The discussion was continued in 1935, and the reports of about twenty Governments and several private organisations were considered. As a result of this discussion, the Committee, after insisting on the necessity for maintaining the unity of the family and for regarding the problem from its moral as well as its material aspect, made the following recommendations with a view to the meeting of the International Labour Conference which was to consider this question :

“ The economic depression has had serious effects, not only on the young manual workers, but also on young persons belonging to other *milieux*, many of whom have suffered severely from the crisis. The unfortunate position of these young people deserves equal consideration with that of the manual workers.

“ In connection with the proposal to raise the school age, the needs of the industrial and agricultural worker call for special consideration. It is desirable that the education given during the extended period should have special reference to their future occupation.

“ In the case of the young industrial workers, some attempt should be made in the later years of education to prepare for the use of leisure, so as to compensate for the physical and mental effect of mechanised work and to develop in them, by practical methods of civic instruction, a realisation of their obligations towards the community.”

IV. — ASSISTANCE TO INDIGENT FOREIGNERS.

In 1934, the Assembly asked the Secretary-General to request States who had not yet sent in their remarks on the draft Convention for Assistance to Indigent Foreigners to do so as soon as possible. Thirty-eight replies have so far been received. The Assembly therefore recommended a further meeting of the expert Committee which had drafted the Convention, to continue the efforts to improve the lot of indigent foreigners.

V. — TREATMENT OF PRISONERS.

The 1934 Assembly approved a body of rules for the treatment of prisoners and recommended Governments to consider adapting their present system to these rules. It also asked the Secretary-General to beg Governments to send in their remarks as to the application of these rules as a whole or the reforms that had been effected.

In 1935, the Assembly took note of the replies of twenty Governments and of the declarations of those States that had been unable to send in their replies in due time.

The Assembly considered that persons deprived of their liberty should not be subjected to treatment inconsistent with the “ Standard Minimum Rules for Prisoners ”, and instructed the Secretary-General to request Governments to give all possible publicity to the rules. It also drew their attention

to the existence in different parts of the world of various reprehensible practices, which are not only inconsistent with the Standard Minimum Rules, but also contrary to the principles of rational treatment of prisoners.

VI. — INTERNATIONAL RELIEF UNION.

The Assembly took note of the activity of the Executive Committee of the International Relief Union for the period from July 12th, 1933, to December 31st, 1934.

It was gratified to learn that thirty States had acceded to the Union, and expressed the hope that its authority and resources would be increased by further accessions.

It also expressed its satisfaction at the first steps taken by the Union on the occurrence of certain calamities. For instance, a sum of £1,000 had been taken from the initial fund and had been sent to the Indian Red Cross for first-aid work after the earthquake that occurred in Bihar and Orissa in January 1934. When another earthquake occurred in Baluchistan in 1935, the Union made an appeal to States Members and obtained the following donations : from the Bulgarian Government, 10,000 leva ; Italian Government, £1,000 ; Swiss Government, 2,000 Swiss francs ; Roumanian Government, 20,000 lei ; German Government, 1,500 Reichsmarks ; New Zealand Government, £1,000 ; Egyptian Government, £E200.

CHAPTER XIV

SLAVERY

The Advisory Committee of Experts on Slavery set up by the League Assembly in 1932 held its second ordinary session at Geneva in April and considered the documents sent in by various Governments and memoranda prepared by some of its members. After this session, the Committee drafted its report to the Council, giving information to Governments that would enable them to co-ordinate their efforts and take practical steps for the genuine abolition of slavery.

The various chapters of this report relate to slavery and the legal status of slaves ; slave-raiding and similar acts ; the slave trade ; slave-dealing (including transfer by exchange, sale, gift, inheritance or occasional sale of persons previously free) ; practices restrictive of the liberty of the person and domestic or predial servitude.

The report states that slavery as a legally recognised institution has ceased to exist save in Ethiopia, Sa'udi Arabia, the Yemen, the Sultanates of Hadramaut, Oman and the Sultanate of Koweit.

The Committee stated that slavery in all its forms was prohibited by the Constitution of the Liberian Republic. A Law of 1930 further prohibited domestic slavery and pawning, subject to the penalties applicable to slave-trading.

It expressed the hope that the Liberian Government would inform it of the measures taken in pursuance of this legislation and of their economic and social effects.

In Ethiopia, besides a bureau for the repression of slavery, established at Addis Ababa in August 1932, the number of bureaux or courts set up for the application of the provisions

of the laws of 1924 to 1931 has been increased from twelve to sixty-two. Between September 1933 and August 1934, 3,647 slaves were liberated and 293 sentences were passed in respect of offences against the slavery laws.

Slave-trading and slave-raiding are still reported in the districts on the edge of the Ethiopian Empire subject to other authorities.

The Committee observed that it would be well if the Ethiopian Government could keep the League informed of measures taken by it and of the obstacles encountered in its campaign against slavery.

As regards the slave trade, the Committee observed that, in spite of the steps taken by the United Kingdom, French and Italian Governments to suppress the trade in slaves from Africa, and especially Ethiopia, to Arabia across the Red Sea, it was quite possible that human beings in limited numbers were still shipped to Arabia as slaves or were reduced to slavery after entering the country as free men.

The hope was expressed that the three European Powers possessing territory on the African coast would consider the possibility of a special agreement with a view to a more effective prevention of the slave trade across the Red Sea.

On the subject of "Mui Tsai",¹ the Committee noted the laws in force in Hong-Kong, the Straits Settlements and the Malay States. It also expressed the hope that the Chinese Government would give additional information on the steps taken to enforce recent legislation on the subject.

The Committee held the view that the "lobolo" system existing in Africa (under which a sum is paid to a woman's parents by her future husband or by his family) constituted an essential guarantee that a husband and wife would respect their duties and thus tended to give a certain stability to the family life. But abuses must be prevented.

The Committee had not sufficient information as to the system of peonage, which appears to exist in certain countries

¹ "Mui Tsai" is a system under which poor families without the means of bringing up their female children either give them, generally in return for payment, to families who adopt them, or place them in rich families where, in exchange for their keep, they serve as waiting-maids or do housework.

of Central and Southern America, to enable it to say whether this system should be regarded as slavery or not. Moreover, certain of these countries are not parties to the Slavery Convention and have therefore supplied no information to the Committee.

The system of domestic or predial servitude takes many forms, some of which are certainly abuses. But the documentary information available to the Committee did not seem sufficient for it to draw definite conclusions.

As regards accession to the 1926 Slavery Convention, the Committee trusted that the Government of India would be good enough to consider the advisability of withdrawing for Burmah the reservation accompanying its signature of this Convention. The authorities in Burmah seemed to have made progress with the campaign against slavery and seemed, moreover, to have the means of abolishing it completely, so that the reservations made in 1926 no longer appear to serve any purpose as regards slavery in that territory.

The Committee thought that it might also be possible to obtain from the Indian States under British suzerainty, in which slavery may still exist, a declaration of their intention of taking action as soon as possible for its suppression. Since 1926, the only information furnished is the interesting news of the abolition of slavery in the State of Kalat. States which, in 1926, had attained the standard aimed at by the Slavery Convention and States in which, in that same year, steady progress was being made may perhaps wish their position and policy in regard to slavery to be made public.

Lastly, the Committee asked itself whether the League would not agree to address to the Governments of Nepal and the Yemen an invitation to accede to the Slavery Convention.

As the results of its investigations, the Committee laid the following recommendations before the Council :

The 1926 Slavery Convention should be ratified at an early date by those States which, having signed it or acceded to it subject to ratification, have not yet ratified.

Members of the League and non-member States who were invited at that time to accede and are not yet parties to the Convention should consider the possibility of acceding thereto.

Countries not Members of the League who were not invited at the time to accede to the Convention should have a copy sent to them.

Governments should continue to supply full and accurate information on the basis of Article 7 of the Convention and of the various resolutions of the Assembly. Further information should be furnished on points arising in the documents supplied by Governments.

Lastly, the Committee suggested that the Council should bring to the notice of the Governments concerned, for any action they might think fit to take, the resolutions and recommendations contained in the report.

The Council incorporated the Committee's recommendations in its report and decided that the latter should be sent to Members of the League and to such non-members as are parties to the Slavery Convention of 1926. The Council also decided that an extraordinary session of the Advisory Committee should be held in 1936.

The necessary financial provisions for the purpose were subsequently voted by the Assembly of the League.

CHAPTER XV

TECHNICAL CO-OPERATION BETWEEN THE LEAGUE AND CHINA

I. Health. — II. Communications. — III. Hydraulic Works. — IV. Rural Economy. —
V. Education. — VI. General.

The technical co-operation between China and the League, which began in 1930, went on satisfactorily in 1935.¹ The Secretary of the Council Committee on Technical Co-operation between the League and China, M. Robert Haas, Director of the League's Communications and Transit Section (who has recently died), was instructed at the end of 1934 to go to China to do all that was necessary for continuing and developing the League's work.

In the report made by M. Haas on the results of his journey and duly communicated to the Council, M. Haas speaks as follows of the means by which the League can render assistance to the Chinese Government.

"The technical organisations of the League take only a very modest part in the work of reconstruction. Not to over-rate or overestimate its bearing is one of the essential conditions of the success of the League's co-operation . . . For the near future, so far as can be foreseen, the League will probably be called upon to co-operate chiefly in road transport, hydraulic works, co-operative development, public health and technical agricultural development, as well as in certain questions of industrial technique, it being clearly understood, however, that, within the scope of the co-operation as defined by the resolutions of the Council and the Assembly, the technical organisations

¹ See the volumes on *The League from Year to Year*, 1933 and 1934.

of the League would be at the disposal of the Chinese Government in any field of work and for any help which might be within their competence, whether it be to submit to the Government candidatures of foreign specialists which the Government might desire to engage in its services or . . . to facilitate the work of Chinese specialists sent on mission or for study abroad."

The work that is being done either by or through the Economic Council bears chiefly upon public health, communications, hydraulic work, rural economy and education.

I. — HEALTH.

As regards health, the organic body consisting of the Central Station of Applied Hygiene, the National Health Administration, the Central Hospital of Nanking, the Central Laboratory of Hygiene, the Central School of Nurses, the Central School of Midwives, and the Municipal School of Hygiene of Nanking is now firmly established. This body forms, as it were, a Ministry for the regulation and administration of public health, a centre of technical studies and a school for the training of health officers. Its efforts will, it seems, henceforth be directed principally towards the development of means of action in the interior of the country, in conjunction with the provinces, and especially in rural districts.

One of the most important functions of this health service is the training of personnel. During 1934, the training courses were given : for medical officers of health, for sanitary inspectors, for public health nurses, on health education for school-teachers, for pharmacists, on midwifery and for *internes* and assistant residents at the Central Hospital. A total of 517 persons received training.

The courses for medical officers of health, public health nurses, sanitary engineers and sanitary inspectors are unique, in that no other institution in the country is at present able to give similar instruction. Practical field instruction in public health and medical work, both municipal and rural, has been particularly emphasised. In addition, the Central

Field Health Station extended its co-operation to the Department of Public Health of the National Medical College in Peiping, Hsiangya Medical College in Changsha, the Department of Health Education of the Central University, the Army Medical College, and the Mongolian and Tibetan School in Nanking.

In the laboratories at the headquarters, practical research programmes were simultaneously carried out. Noteworthy among the important studies were : the occurrence of cholera-phage in water from different sources in relation to case incidence, the comparative study of strains of typhoid bacillus isolated from different parts of the country, bio-assay of such drugs as digitalis and strophanthus, study of a number of Chinese drugs and synthetic products, their pharmacological actions and clinical application, the activated-sludge sewage-disposal plant, delousing and fumigation methods, infant mortality, etc.

The Laboratory of Pharmaceutical Products has been preparing over a hundred different drugs, including two new products — viz., lecithin cakes for treatment of opium addicts and painless bismuth injection.

In the field, investigation units and research stations have been operating.

Diagnostic services, which during 1934 consisted of 13,972 bacteriological, 13,989 serological and 260 pathological examinations, were offered free of charge to hospitals, physicians and medical institutions in Nanking and its vicinity.

Analysis and control of patent medicines, drugs, biological products and water were carried on similarly as during the previous year, except that the number of analyses undertaken was double that of last year. Towards the end of 1934, a National Bureau for the Control of Narcotic Drugs was established.

As regards sanitation, simple water-supply systems were constructed for Tangshan and other rural areas in Kiangsi Province. An extensive programme of sanitation work, involving the renovation and organisation of sixteen hospitals,

was carried out. Detailed plans for sewage-disposal plant were made for the Nanking Municipality.

No serious epidemics of acute disease occurred during the year. However, in view of the high incidence of beri-beri, malaria and dysentery in the newly recovered districts in Kiangsi and Fukien, several units were sent to the area to investigate the situation. Nearly 3,000 cases in different hospitals were observed and stool and blood specimens examined. Recommendations were submitted to the authorities on improvement in nutrition. A small epidemic of meningitis which broke out in Tangshan in March was quickly put under control by a unit sent from the station; 2,500 villagers were vaccinated against the disease.

The work of the Tangshan Health Station, launched in 1931, was enlarged and extended to other districts of Kiangnan.

An extensive programme of popular health education was carried out; 744 models, 2,111,816 posters and pamphlets and 12,723 lantern-slides were prepared and distributed during the year. Health exhibits, accompanied by public talks, lantern-slides and motion pictures, were given in different "hsiens". The preparation of transparent specimen and motion-picture films was started. One film on "The Field Training of Sanitary Inspectors" is nearly completed.

During the year under review, rapid development of health work in Kansu, Ninghsia, Shensi, Tsinghai, Kiangsi, Hunan and other provinces, supplemented by emergency medical relief for the Yellow River flood refugees, represented a tremendous task for the station. Much effort was spent in recruiting personnel for many new institutions, providing supplies, drawing up plans and supervising technical matters. Eleven field units with forty-three clinics were organised in connection with the health service of the Yellow River Flood Relief Commission.

II. — COMMUNICATIONS.

In the matter of communications, the Economic Council has concentrated its endeavours almost exclusively on roads. Without directly undertaking (with the one exception of the

North-West) any road construction, the Economic Council had contributed, at the end of 1934, to the construction of a system of roads of more than 16,000 kilometres, more than 8,000 of which are macadamised and accessible at all times to motor traffic, in the provinces of Kiangsu, Chekiang, Anhwei, Kiangsi, Hupeh, Hunan, Honan and Fukien, and in the North-West.

The Ministry of Communications is also steadily pursuing the improvement and development of the system of telegraphic communications ; in particular, it has inaugurated new wireless telegraph and telephone communications between the south and centre of China, and between China and Europe, and proceeded further to a methodical administrative and financial reorganisation of the telegraph and postal services. In addition, it is responsible for the remarkable development of aviation. Regular lines already connect Shanghai with Peiping in the north, Lanchow in the north-west, Chung King in the west, and southwards with Canton and Nanning in Kwangsi.

III. — HYDRAULICS.

In the matter of hydraulic works, to which, owing to the physical and hydrological conditions of the country, serious attention is being given in almost all regions of China, the most noteworthy progress consists perhaps less in the work which is still being carried out than in the effort recently made to group and systematise it under the direction of a National Hydraulic Commission. The organisation of this Commission will doubtless make possible a more rational utilisation of specialists and financial resources.

At the beginning, the National Economic Council confined itself almost entirely to finishing work which the National Flood Relief Commission had left incomplete.

The chief hydraulic work done by the Bureau of Hydraulic Engineering in 1934 and early in 1935 was on the Hupeh dyke, the Hai Ho Palliative Works and Tientsin Harbour,

repairs and improvements of the Weipei irrigation system, the Lo Ho irrigation scheme, the improvement of Tao Ho, Tung Ho and Yung Ting systems, and the Hu Tuo Ho system in South-West Hopei ; finally, a vast scheme of flood prevention, navigation, irrigation and reclamation on the Hwai Ho.

IV. — RURAL ECONOMY.

Apart from the work successfully carried out by the Cotton Commission and the Silk Commission of the Economic Council and the co-operation of the Central Government with the reconstruction in Kiangsi and the provinces of the North-West, the outstanding facts appear to be the definite organisation of the Central Agricultural Station of the Ministry of Industry and the measures recently adopted by the Government, in accordance with the recommendations of a special conference of co-operative organisations, to facilitate the development of the co-operative movement on a sound basis.

Agricultural questions have recaptured in public opinion the preponderating importance which they deserve. The Economic Council has devoted itself to rural reconstruction problems in the North-West and Kiangsi and selected for the purpose certain crops of special importance to public economy — tea, cotton and silk.

V. — EDUCATION.

In July 1934, the Intellectual Co-operation Committee considered the assistance that could be given by national and international organisations to the Employment Bureau for Intellectual and Technical Workers which the Chinese Government had decided to set up at Nanking and in the West. The main purpose of this Bureau is to facilitate the training of Chinese students in Europe or the United States and to adapt it to the present requirements of economic reconstruction in China.

For the moment, the Government has confined itself to organising the Nanking Bureau, which will afterwards have branches in Europe.

The International Institute of Intellectual Co-operation was instructed to consider what direct assistance the various national and international organisations might afford to Chinese students in the West and what means of co-operation might be established between these organisations and the Nanking Bureau.

VI. — GENERAL.

In almost all branches of national reconstruction, in spite of the economic crisis, unremitting efforts are being made, sometimes in the face of political difficulties and uncertainties.

"It is not enough", said M. Haas, "to describe the work in progress and its results; an account ought also to be given of the encouraging state of mind of the collaborators of the Central Government associated in it, with whom I have been able to establish direct contact. I do not, of course, speak of all, but of many, and no doubt a growing number, among the specialists and the modest technical workers. Witness must be borne to their zeal — a zeal devoid of illusions but nevertheless confident — and to their perseverance in acquiring the necessary skill. The value of their services is not always sufficiently appreciated outside China or even in their own country. In this connection, only one question suggests itself: Would not a greater concentration of individual effort and a better co-ordination of activities produce still better results? Are there not still too many watertight compartments, too much overlapping between commissions, departments and institutions sometimes entrusted with almost identical or at any rate kindred tasks? Certainly, in the present state of Chinese Governmental organisation, nothing should be done, simply out of a desire for logic or for co-ordination on paper, which might hamper the freedom of action and research possessed by many enthusiastic groups of workers, even when these are operating almost independently or are actually in competition with each other. But even semi-independent or competitive groups must not go so far as to ignore one another. Everything must be done to weld the fragmentary efforts of these workers into one common endeavour."

CHAPTER XVI

ASSISTANCE TO AND SETTLEMENT OF REFUGEES

- I. Work of the Nansen Office. — II. Work on Behalf of German Refugees. —
III. International Assistance to Refugees.

I. — WORK OF THE NANSEN OFFICE.

At the present time, there are more than 1,000,000 refugees under the protection of the Office in various parts of the world. Of this number, about 700,000 are Russians, 200,000 Armenians, 7,000 Assyrians and Assyro-Chaldeans, 3,300 from the Saar, and 60 Turks. Amongst these are not counted the many thousand refugees in North and South America and in certain European countries, in regard to which exact statistics cannot be obtained. Of these, a very small percentage has succeeded in obtaining naturalisation, especially in Europe. On the other hand, several overseas States are more disposed to offer, not only facilities of this kind, but also possibilities of settlement in the form of grants of land, seed and cattle. A representative of the Nansen Office went to South America for the purpose of looking into these offers. So far, 70,000 Russian refugees in Europe alone have expressed a desire to profit by them.

During the year, the Nansen Office has afforded assistance to 117,900 refugees. The steps taken for the purpose were of many kinds : Consular assistance in obtaining passports and visas ; the making out and certification of various documents ; legal aid ; intervention on behalf of expelled refugees ; relief from taxation ; assistance in various forms ; settlement and employment for refugees ; applications for exemption from

restrictions on foreign labour ; admission of sick refugees to hospitals and of children to schools, etc.

The Office established more than 30,000 Armenian refugees in Syria with the help of loans amounting to about 12,000,000 French francs. It also offered its assistance to the mandatory Power for the purpose of settling the Assyrians from Iraq in the plain of the Ghab.

In Turkey, 1,300 Russian refugees were able to obtain naturalisation on condition that 150 other refugees were transferred elsewhere.

The Office gave help to about 3,000 refugees from the Saar. A scheme has been submitted to Governments for the extension to these persons of the Nansen passport system that has been recognised by more than fifty States. About twenty countries have already agreed to this.

Fifteen hundred Armenians now in France will shortly be able to be admitted into the Soviet Republic of Erivan, and the Office made the necessary arrangements for their transfer and contributed to the cost of their assembly and transport. The French Government is also considering the payment of a share of these expenses.

To supply the Office with sufficient funds to extend its work in the settlement and employment of and granting a minimum of support to the ever-growing number of aged or sick refugees and of children, the Assembly recommended that the system of the Nansen stamp should be generalised and that postage stamps should be issued with a surcharge for the benefit of the refugee fund. France and Norway agreed to carry out the suggestion regarding surcharged postage stamps.

II. — WORK ON BEHALF OF GERMAN REFUGEES.

The High Commissioner for German Refugees has had to deal with about 80,000 persons who have left Germany since the coming into power of the National-Socialist Government. Of this number, 25,000 emigrated directly to overseas countries, mainly to Palestine and to the United States ; 36,000 others have also been settled overseas since May 1933. A

further 18,000 were repatriated to Central and Eastern Europe and from 5,000 to 10,000 placed elsewhere. There thus remained about 25,000 refugees awaiting settlement, most of them simply tolerated and without hope of being absorbed into the country in which they reside.

Funds are being steadily collected. The amount obtained and distributed since April 1933 is estimated by the High Commissioner at nearly £2,000,000 sterling. This has mostly come from Jewish organisations (especially in the United Kingdom and the United States). The organisations for assistance to refugees of the intellectual class have obtained more than £300,000, with the help of the Rockefeller Foundation.

The work of assistance in the first year accounted for a considerable proportion of the sums received, but last year the greater part was devoted to the constructive purposes of emigration and settlement, or to vocational readaptation with the same object.

But assistance is still necessary in countries bordering on Germany for refugees without funds or means of obtaining a livelihood.

The High Commissioner has been endeavouring to secure a regular status for the refugees in different countries and, in particular, to obtain residence and labour permits for those in Europe. But the prevalent economic depression has seriously handicapped his efforts.

The High Commissioner and the President of the Governing Body of the High Commissariat take the view that the problem could only be satisfactorily dealt with by the establishment of an organisation supported by the full authority of the League of Nations.

III. — INTERNATIONAL ASSISTANCE TO REFUGEES.

A proposal was laid before the Assembly by the Norwegian Government for the setting up, within the League and under its authority, of a central organisation to perform, on behalf

of all refugees to whom the League may decide to give help and protection, the duties now performed by the Nansen Office.

In the Norwegian Government's view, this new body is very necessary, owing to the impossibility of allowing the present situation to continue without the risk of serious economic, social and political disturbances and without a lamentable increase in human suffering. The position has been summed up by the Norwegian Government as follows :

(a) The Nansen Office will be closed in a few years and its disappearance will deprive refugees of valuable and indispensable means of assistance ;

(b) The High Commissioner for German Refugees is not under the League and receives no help from Governments ;

(c) No provision is made for a large number of refugees ;

(d) There are about 100,000 Stateless persons in Europe, and their political and economic situation is extremely unstable.

The Assembly, after mentioning that it had made arrangements for the winding-up of the Nansen Office within a specified time-limit, nevertheless considered that the question of the refugees already cared for by the Nansen Office and the High Commissioner in London should be considered by a small Committee which would present a report to the Assembly.

This Committee met during December and unanimously reached the conclusion that no solution could be found without close collaboration between Governments and the parties concerned.

The problem is twofold — national and international — and for the moment relates to the securing for refugees of a minimum of rights to enable them to live and work in a country until a final solution be found.

In the Committee's view, this solution will be obtained by applying the following principles : (1) assistance to States that are most heavily burdened ; (2) help to secure the gradual reabsorption of refugees ; (3) the problem must be prevented from taking a more acute form.

CHAPTER XVII

MISCELLANEOUS

I. Budget of the League. — II. Financial Situation. — III. Contributions in Arrears. — IV. Allocation of Expenses. — V. Staff Pensions Fund. — VI. New League Buildings.

I. — BUDGET OF THE LEAGUE.

The sum approved for the 1936 budget was 28,279,901 francs, being 2,359,763 francs less than the figure for 1935.

It is divided up as follows :

| | Gold francs |
|--|------------------|
| Secretariat | 14,591,635 |
| International Labour Office | 6,699,450 |
| Permanent Court of International Justice | 2,321,200 |
| Permanent Central Opium Board | 119,463 |
| Nansen International Office for Refugees | 270,000 |
| Buildings | 2,334,000 |
| Pensions | 1,544,153 |
| Assyrians of Iraq | 400,000 |
| Total | <hr/> 28,279,901 |

The budget was first fixed at 29,090,856 francs, which was a reduction of 4,597,138 francs as compared with 1932. But, at the request of the French Government, and despite a further credit of 400,000 francs for the settlement in Syria of Assyrians of Iraq, the Assembly was able to make a reduction in the total by forming a special guarantee fund to make good any deficiencies in the credits voted for the Secretariat, the Permanent Court of International Justice and the International Labour Office. This fund will be made up of a portion of the

surplus for 1934 and of the amount received in respect of arrears due up to December 31st, 1932.

Thus, in spite of the loss of subscriptions from States leaving the League, the proposed contribution for 1936 will be slightly reduced as compared with that for 1935, in consequence of further savings, and States Members will be spared the necessity of making good the share of the States leaving the League. The reduction will be equivalent to 8 % of their contributions.

II. — FINANCIAL SITUATION.

In spite of the universal depression, the League's financial position may be looked at with optimism. As regards the current year, by December 31st, 1935, the expenditure estimates had been covered to the extent of 35,828,404 francs by receipts, representing 88 % of the current contributions and 29 % of the arrears. At the same date last year, the total contributions received amounted to 28,829,570 francs, including 23 % arrears.

By means of strict economies and the limitation or suspension of certain of the League's activities, the 1934 financial year ended with a surplus of 3,878,641 francs. Revenue was 30,198,115 francs and expenditure 26,319,474 francs.

The figures for the 1935 contributions (excluding arrears) were 27,047,853 francs, as compared with 22,186,191 in 1934 and 24,269,067 in 1933.

Sums received in respect of contributions in arrears rose from 3,248,391 in 1933 to 8,780,551 in 1935.

While the Assembly succeeded in substantially reducing the charges imposed on Members of the League, it maintained the League's administrative organisation intact, providing reasonable funds for its main activities and meeting considerable extra expenditure on a new humanitarian work, the settlement in Syria of the Assyrians of Iraq.

III. — CONTRIBUTIONS IN ARREARS.

Thanks to the efforts of the Committee which the Assembly set up in 1934 and to the spirit of co-operation shown

by the Governments concerned, great progress has been made during the year in the collection of contributions in arrears.

Following on the Committee's recommendations, contained in two reports, the Assembly approved of arrangements with ten States (Bolivia, Bulgaria, Chile, China, Cuba, Honduras, Hungary, Liberia, Peru and Uruguay) for the payment of the balance of their overdue contributions. In approving these arrangements, the Assembly emphasised that they were made on the understanding that failure to pay the current contribution as well as an instalment under the arrangement for settlement of arrears would *ipso facto* cancel the arrangement and revive the debt in full.

The Assembly invited the special Committee to continue its efforts to reach agreements with States with whom as yet none had been concluded.

The Committee is composed of : M. C. Hambro (Norway), Count Carton de Wiart (Belgium), Sir F. Phillips (United Kingdom), M. Štefan Osuský (Czechoslovakia), M. César Zumeta (Venezuela), replacing M. Castillo Najera.

IV. — ALLOCATION OF EXPENSES.

The terms of reference of the Committee on Allocation of Expenses set up by the Assembly were to recommend a scale of allocation for the 1936 financial period. But, owing to the short time at its disposal, the Committee, after hearing the representatives of Bolivia, Bulgaria, Chile, Cuba, Ecuador, Peru, Uruguay and Venezuela, decided that it was not possible to make any change for 1936 in the scale at present in force.

But it proposed that the contribution of Ecuador should be reduced by one and that of China by four units.

The Committee will meet during 1936 and will examine the problem in all its aspects, in order to place before the Assembly at its next session a revised scale which it hopes may constitute a satisfactory settlement of this question.

V. — STAFF PENSIONS FUND.

The Staff Pensions Fund of the League is placed under an Administrative Board responsible to the Assembly. During recent years, this Board announced in its reports to the Assembly that the fund has not been earning the $4\frac{1}{4}\%$ interest reckoned on by the actuaries in their basic estimates. The Board drew the Assembly's attention to the depreciation that had occurred in securities during the same period. The regulations of the fund provide for a valuation every three years; but the Assembly decided last session, on the Board's recommendation, that there should be an annual valuation. Accordingly, the actuary of the fund was requested to submit a complete statement to the Assembly at its next session, to enable it to take the necessary decisions.

VI. — NEW LEAGUE BUILDINGS.

The League of Nations will move into the part of its new premises that is already finished — in particular, the quarters for the Secretariat — at the beginning of 1936.

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