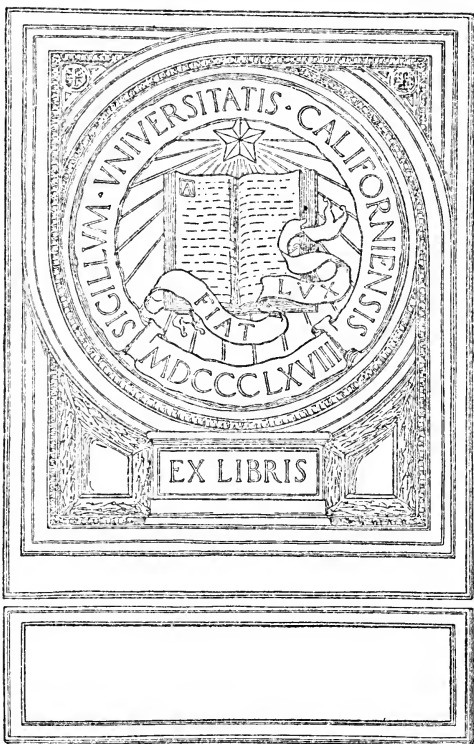
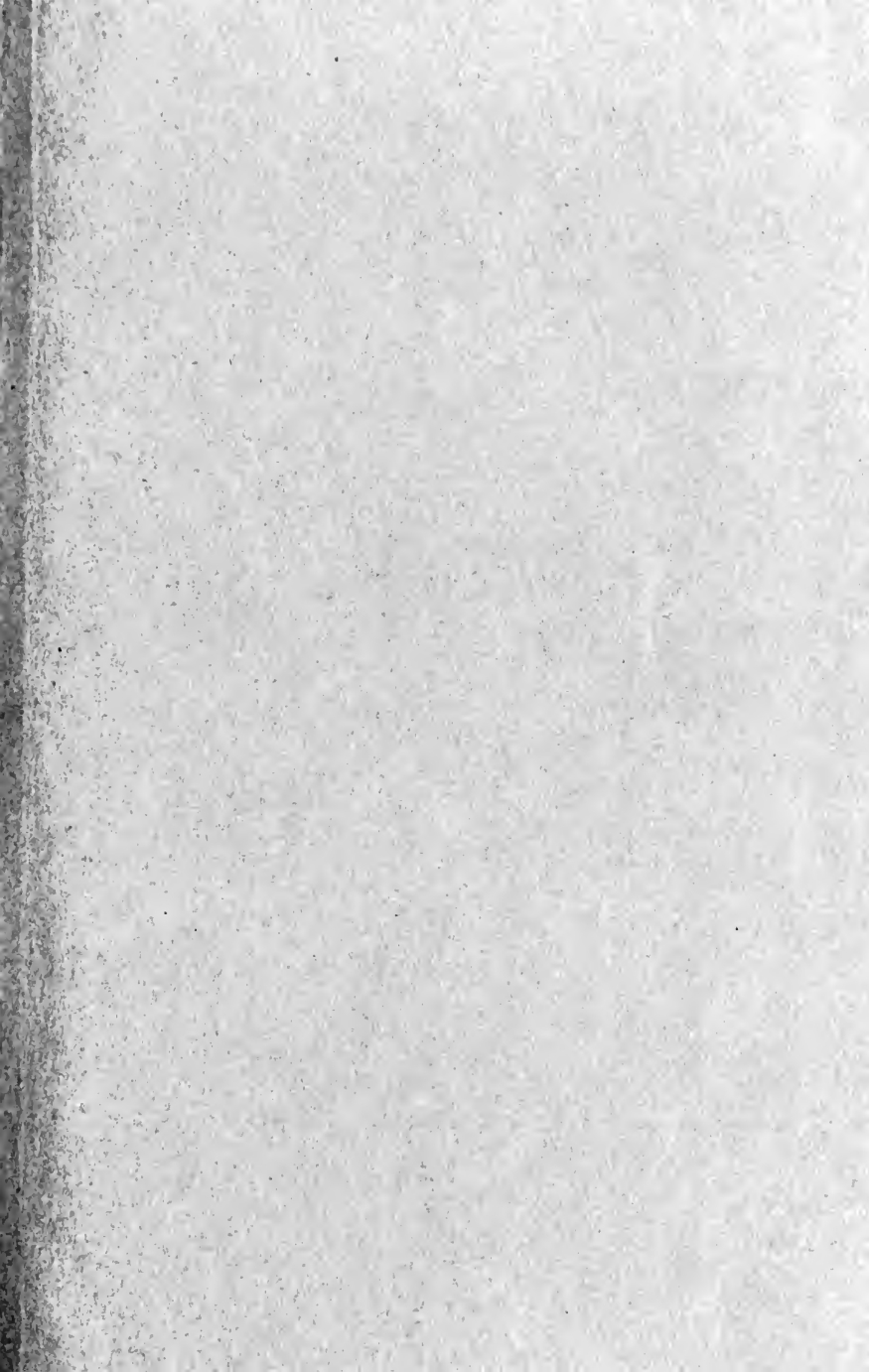


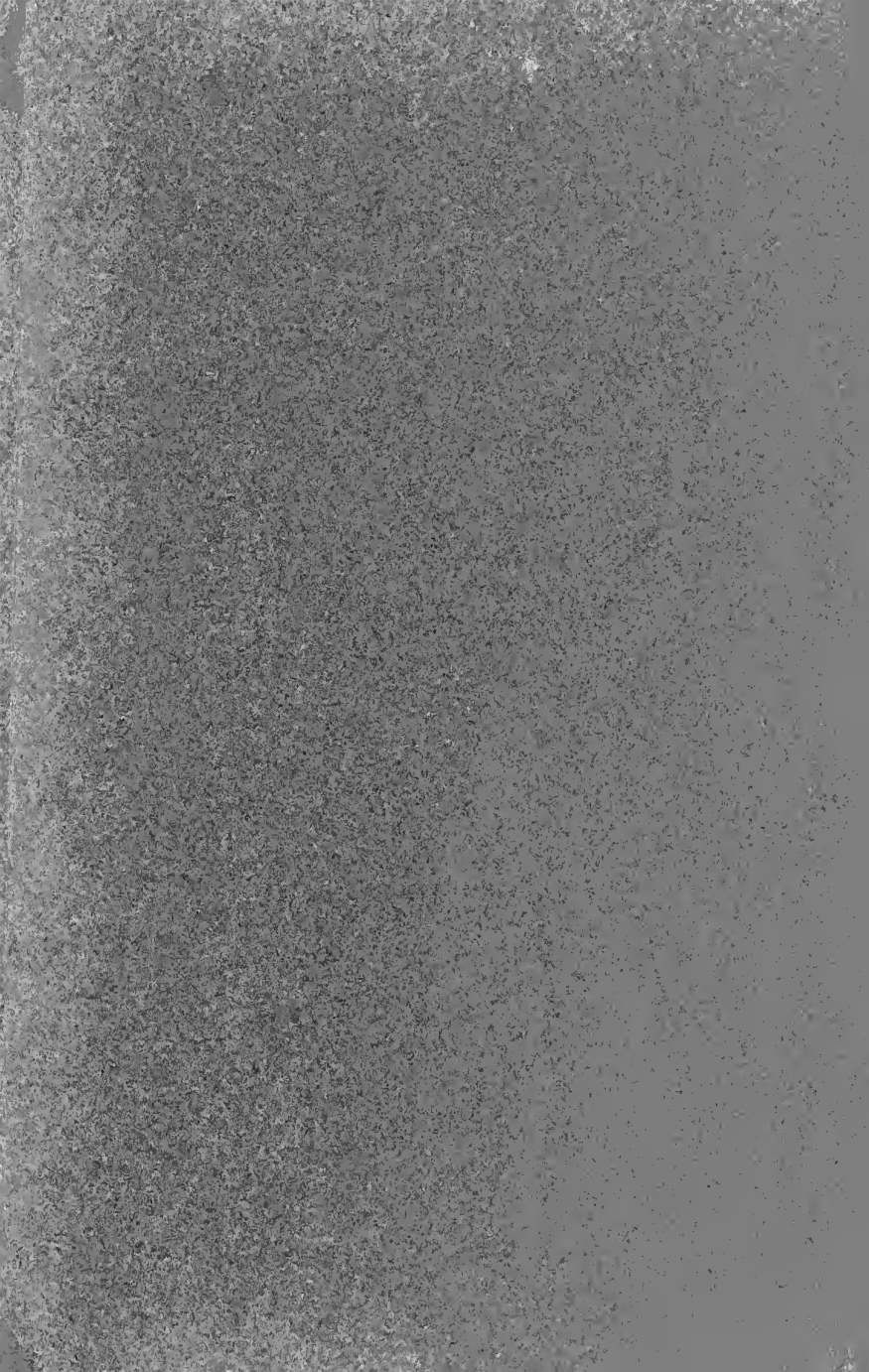
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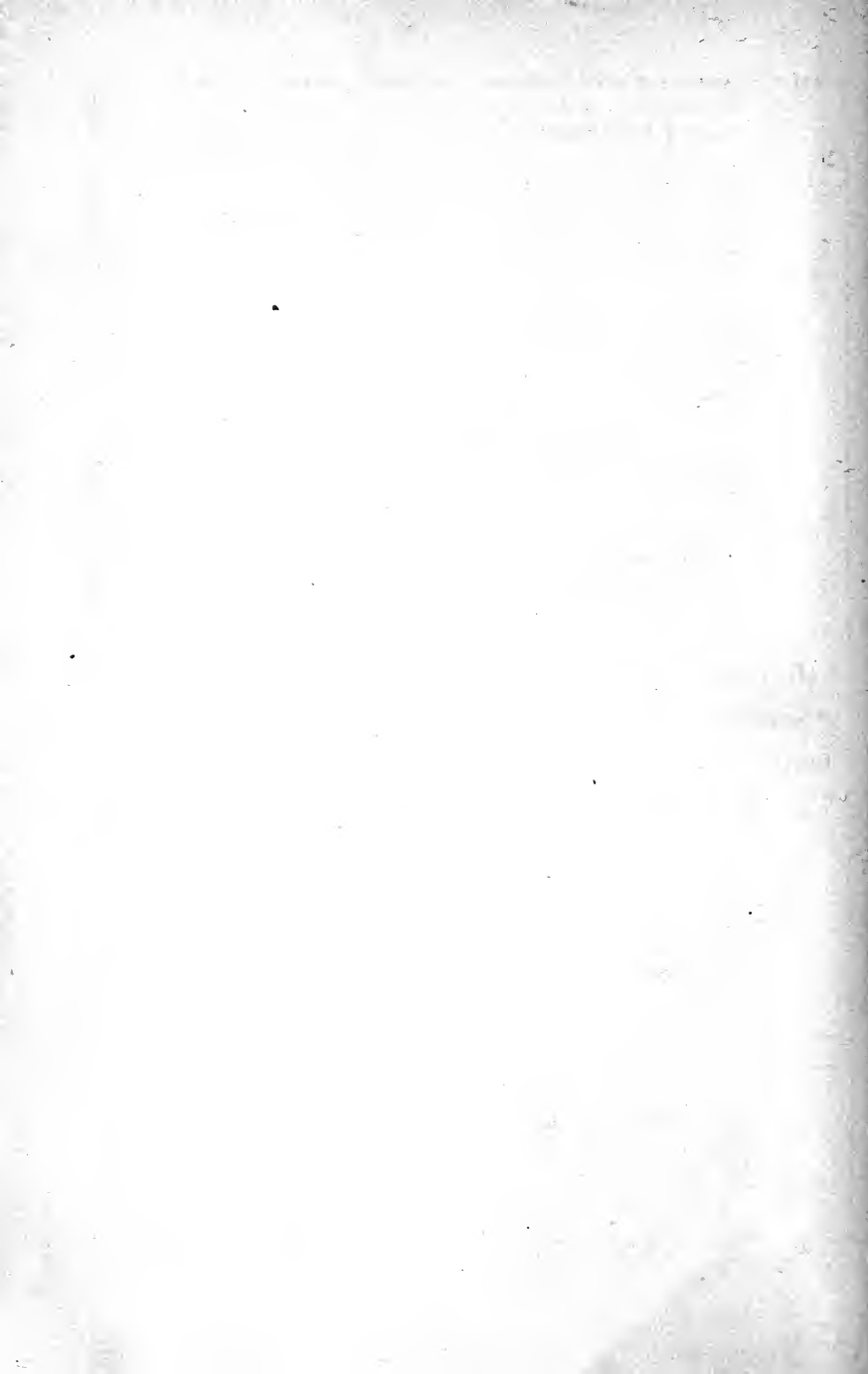








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# A LEAGUE *of* NATIONS

Vol. IV, No. 1

*DOUBLE NUMBER*

February, 1921

## The First Assembly of the League of Nations

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**  
40 Mt. Vernon Street, Boston

Price, 10 cents per copy; 25 cents per year

# World Peace Foundation

Boston, Massachusetts

•FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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Published Bimonthly by

WORLD PEACE FOUNDATION

40 MT. VERNON STREET, BOSTON, MASS.

The subscription price is 25c. per year in advance, or \$1.00 for five years. Prices in quantities on application.

General Secretary, Edward Cummings.

Corresponding Secretary, and Librarian, Denys P. Myers.

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## PREFACE

Said Léon Bourgeois in the debate on mandates at the 30th plenary meeting of the Assembly of the League of Nations on December 18, 1920:

"Let us not be skeptical and let us not be impatient. Remember that the League of Nations is a new-born child and wants time in order to acquire strength for the tasks of the future. . . . There are many men in the world who are looking upon this Assembly and looking upon us now with a hypercritical view so that not a single point of difference of opinion between any of the Members is missed by those men. As soon as they suspect any little difference of opinion they immediately start to write to the world's press and distribute hundreds of telegrams to the various countries saying that the League of Nations is in danger and that it is in process of dissolution. I say that the League of Nations is not in process of dissolution. On the other hand, these writers, when they are faced with a unanimous vote, make little count of it, and they much prefer to emphasize our tiny, insignificant points of difference. Let the skeptics smile; but let us be sure that the fruit of our deliberations will soon be placed before the public, and then the number of people that have confidence in us will increase."

This publication, quite independently of the distinguished Frenchman's knowledge, aims to do what he anticipated. It gives an adequate account of the problems before the first Assembly of the League of Nations and the substance of the more important debates. Every effort, consistent with clearness, has been made to present the facts as nearly as possible in the actual words of the participants. All resolutions and recommendations of the Assembly—complimentary ones omitted—are given textually, being printed in solid 10-point type, as distinguished from the leaded 10-point type of the regular text and the leaded 9-point employed for quotations.

Aside from the narrative necessary to bind the discussion together or to summarize it, the entire work is taken exclusively

from official sources. There have been used in its preparation 267 Assembly Documents, referred to by the abbreviation A.D.; the Provisional Verbatim Report of the 31 plenary meetings; the 21 numbers of the Procès-Verbaux of the Committees; and the 36 numbers of the Journal of the First Assembly. The permanent Record has not yet reached us, and on that account references are omitted. The material has, however, been carefully assigned to its proper session, to facilitate finding the original passage in the permanent print, should the reader have occasion to do so.



# THE FIRST ASSEMBLY OF THE LEAGUE OF NATIONS

## I. INTRODUCTION

The first Assembly of the League of Nations was held at Geneva November 15 to December 18, 1920. Since May, 1919, the League had been in being under the auspices of an Organization Committee of the Paris Peace Conference; and since January 10, 1920, it had been in legal existence by virtue of the entrance into force of the treaty of Versailles. The Council had met ten times and together with the Secretariat had organized the League so far as possible. In addition, the Council had done a great amount of work within its competence.

The Assembly had before it the task of completing the organization of the League, making itself a reality along parliamentary lines and of handling various questions within its competence and incident to the world situation. The meeting of the Assembly was the first gathering of nations under a permanent agreement made in advance; it was the first direct contact of the majority of the member states with the League which they had joined. The work outlined for the Assembly was, consequently, to depend upon how 41 states—big and little—would work together; and the question thus brought forward was of importance because the bulk of the Assembly's work was the building of the structural framework within which the League would develop in the future. How many rights would states intrust to the League; would big and little states harmonize their interests for the general good?

The answer was satisfactory; the framework, as set up, left each state its right to decide essential questions, but at the same time built for the general interest. Africa, the Americas, Asia and Europe met in the common forum and produced, with a minimum of friction, decisions which made the League of Nations an all but universal instrument "to promote international co-operation and to achieve international peace and security" by organic means agreeable to them all.

But let the Assembly speak for itself. Paul Hymans of Belgium presided at the first meeting and then voiced the purposes of the Assembly and of the League:

"Our aim is in the first place to establish frequent and friendly intercourse between independent states and to form ties which will lead to mutual understanding and sympathy.

"By the good offices of the Council and the Assembly, by arbitration and conciliation, and by the establishment of a regular and permanent international jurisdiction, by a series of organizations within which, as it were in laboratories, financial, economic and commercial problems, the conditions of labor and questions of health will be subjected to an impartial and objective investigation, the League of Nations will be able to play a powerful part in preventing dangerous crises, in the settlement of disputes which, if prolonged, run the risk of becoming more bitter and more acute, and in improving the moral and material lot of the peoples by wise co-operation.

### *The Common Life of Nations*

"In a word, our ambition is to create by degrees within ever widening spheres a certain common life of nations, ruled by the principles of justice, swayed by good faith and loyalty, and inspired by an international spirit. By an international spirit I mean the spirit which places general interests above individual interests, the spirit of fraternity which strives to alleviate the sufferings of peoples and the difficulties under which the Governments labor, to co-ordinate their action and to appease the hates and rivalries which sometimes suddenly give rise to those great outbursts of madness which shake the world to its foundations and threaten to ruin the work of centuries.

"Thus it is that we are not working together for the accomplishment of a work of practical utility only, but we are pursuing a lofty ideal to which our hearts and thoughts aspire.

"In spite of criticism—sometimes very severe criticism, which comes from far away and precisely from that quarter from which we hoped and continue to hope for fruitful collaboration—we have the conviction that the League of Nations responds to a need and an appeal which comes from the soul of the peoples

after the frightful drama from which we have just emerged, an appeal and a need for justice, harmony and peace.

"In every national entity morality imposes upon each individual duties toward others and duties toward the nation as a whole. There is a moral law for nations as for individuals, and nations, like individuals, have necessarily relations one with another. They have their mutual duties as well as their mutual rights, and they also have their duties to the whole of human society.

"Without destroying the features which distinguish our nationalities and our races, without denying or attempting to diminish the individual character of the different peoples, their special gifts and vocations, let us endeavor to insure their collaboration in the work for the common good. Working together, let us seek to prepare and step by step to achieve the reign, so long awaited, of international morality and human right."

*"It Works; It Acts; It Lives"*

Mr. Hymans in his closing address as President of the First Assembly summed up its work in words continually applauded by the representatives of 45 states. Among apt tributes to place and personnel, to work done and foundations laid, he gave voice to many general verdicts, of which the following are notable:

"It was said five weeks ago, at the opening of this session, that we were making a great experiment. To-day I think I can say that the experiment has succeeded. The League of Nations has found itself; it works; it acts; it lives, and it has the will to live. For five weeks now we have been engaged in work and discussion. The Assembly has been divided into numerous committees, and into even more numerous subcommittees. In these committees, in which all the states were represented, and in the subcommittees, care was taken to secure the presence of all the most expert and competent men. The work undertaken by these bodies has been painstaking, thorough, conscientious; and all the questions considered have been submitted to the most searching investigation. Let me quote only one instance, that of the committee intrusted with the scheme for an International Court of Justice. This committee held 22 meetings.

"It is well to recall these facts, when we reflect, Gentlemen,

that when we met we were to some extent in an inorganic state. . . . Our methods of discussion, our means of action, were all uncertain. With a promptitude which does it credit, and which has certainly surprised many parliamentarians and perhaps many Parliaments, the Assembly determined its rules of procedure in two sittings, it determined clearly its relations with the Council, it fixed its budget. It was wise enough—if I may express an opinion now that my presidency is terminating—it was wise enough to decide not to revise the Covenant immediately. It wished to put it to the test, to set it in motion; it wished to let time pass, so that it might allow the schemes to mature, rejecting nothing, being ready to examine all, to discuss all, and submitting to a commission to be nominated by the Council the carefully studied schemes dictated by experience, so that in the fullness of time, after a year, the Assembly may at length give its decisions and modify, if it thinks fit, the original plan.

*"Built the Temple of Right"*

"But we share one hope and one purpose—Peace. And there is no one who desires it more than we do; we upon whom a glorious destiny laid the duty of fighting for the right and liberty of the world. The greatest task of this Assembly, and its principal achievement for Peace was the constitution of the International Court of Justice. This idea has been germinating for many years. To-day we see its fruition. Jurists, who were among the most eminent in the world, prepared the draft scheme at The Hague; the Council investigated and considered it thoroughly and at length. After the Council came Committee No. 3, then a subcommittee of specialists, and finally we have been privileged to witness that after a long day of important deliberations, in which the most eminent members of this Assembly took part, the proposed resolutions were unanimously adopted.

"We have built for you, Gentlemen, what I may call the Temple of Right, the Palace of Peace. In this draft, now submitted to the Governments, is a clause to which I wish to draw the attention of public opinion. It is this new clause of Article 36, permitting the states by a simple unilateral declaration, with whatever methods or reservations they prefer, to admit its

obligatory competence for all disputes of a juridical nature. Here, Gentlemen, we have made a considerable step forward. The progress we have made will leave its mark on the history of Right: it is opening the road to obligatory arbitration.

"I think I may say that a spirit of fraternity and sincerity has dominated our personal relations. One of the characteristics of this great Assembly, where so many men hitherto unknown to each other have met together, has been the cordiality of their relations, and this is to be explained not only by their character and their sociability, but also by a profound uniformity of thought. . . . There have been differences of opinion, but we have always felt agreed upon our aim, and in truth, we have been divided merely by shades of opinion and not by principles. How could it have been otherwise? How could we avoid divergences between men assembled from all corners of the world; men from the north whose outlook is colder, men from the south of more ardent and spontaneous temper, men from Africa, Asia, America, representatives of young states and representatives of old civilizations. But, I repeat, on our aims, on the ideal which led us, on the desire for justice and peace, on these points there was no disagreement; we felt ourselves united all the time.

### *Equality of States Re-established*

"One of the features of this Assembly has been the recognition of the equality of states. It is a feature to which we must draw attention, the more particularly because we are emerging from a period which is still very recent when a strange and artificial distinction was still drawn between the states which were called states with limited interests, and those which were called states with general interests. The interest of humanity and the interest of the world is a general interest. The small states, whatever the size of their territory and whatever their population, have the same interest as large states in the safety of humanity. *Nihil humani a me alienum puto*. . . .

"I will not say that we are all old, but many of us are already the men of yesterday; some of us can still claim to be the men of to-day; but I appeal to the men of to-morrow. It is upon them that the great burden is laid, on youth, on the youth of all the

countries in the world, and especially on the youth which has fought and shed its blood, which has garnered the glories of the war and witnessed its horrors; it is to youth that I appeal to construct the new moral world which is indispensable to the full growth of the League of Nations. We must persevere in our task and proceed upon our way. Proud in our hope and the consciousness of our lofty duty, we must persevere in our path to our glorious destiny."

## II. COMMITTEES, ELECTIONS AND PUBLICITY

After the provisional adoption of rules of procedure at the second plenary meeting on November 15, President Hymans said "it will be obvious that the Assembly can never reach the successful end of its labors if it does not distribute the work between its members. On the other hand it has been thought advisable to insure to every state an equal share in the preparation of the final decision. Therefore, these two ideas have led us to suggest that your study of these questions should be divided among six commissions, it being understood that all the states are entitled to be represented on every one of those commissions. In deciding how the subjects should be divided among the various commissions, we have decided to group together questions which are connected with each other and which present a logical whole." He continued by describing the proposed division of work, which resulted in a motion to constitute the following committees:

1. General organization.
2. Technical organization.
3. Creation of a Permanent Court of International Justice.
4. Secretariat and budget.
5. Examination of applications for new admissions.
6. Reduction of armaments, economic weapon, and mandates.

The division of work makes apparent the extent to which the Assembly was engaged merely in setting up the framework of the League. Of the six committees, the first five were occupied with preliminary preparations which in the future should occupy scarcely the time of a single committee.

### ELECTION OF OFFICERS

The presiding officer for the first plenary meeting had been designated as the president of the Council, who at the time happened to be Paul Hymans of Belgium. He was immediately, and practically unanimously, elected permanent president by the delegations.

At the third meeting on November 16, after considerable discussion, the Assembly resolved that:

- There shall be 12 vice-presidents of the Assembly;
- Each committee shall elect its own chairman;
- These chairmen shall be vice-presidents of the Assembly;
- The Assembly will elect by ballot six other vice-presidents.

Balloting for the six vice-presidents occurred at the sixth plenary meeting. Before the vote, on motion of M. Tittoni (Italy), M. Motta, President of the Swiss Confederation, was unanimously chosen honorary president of the Assembly as a tribute to a democracy which more than any other "has understood how to combine liberty and equality of her citizens with respect for law." On the first ballot, 39 states voting, the following were elected by a clear majority (A.D. 104):

Viscount Ishii, 32; Jhr. van Karnebeek, 31; M. Pueyrredon, 28; Dr. Benes, 26; Sir George Foster, 22. The other figures were: M. Octavio, 18; M. da Cunha, 8; Sir Saiyid Ali Imam, 8; Dr. Nansen, 8; Lord Robert Cecil, 8; and sundry other votes of lesser amounts.

On the second ballot the poll was: M. Octavio, 22; Lord Robert Cecil, 6; Sir Ali Imam, 5; Dr. Nansen, 3; M. da Cunha, 2; M. Viviani, 1.

The chairmen of the committees were announced at the same meeting and the General Committee was therefore declared to be constituted as follows:

Giuseppe Motta, Switzerland, honorary president; Paul Hy-mans, Belgium, president; Mr. Balfour, Great Britain, chairman of First Committee; Mr. Tittoni, Italy, chairman of Second Committee; M. Bourgeois, France, chairman of Third Committee; M. Quiñones de León, Spain, chairman of Fourth Committee; M. Hun-eeus, Chile, chairman of Fifth Committee; M. Branting, Sweden, chairman of Sixth Committee; Viscount Ishii, Japan; M. Karne-beek, Netherlands; M. Pueyrredon,<sup>1</sup> Argentine Republic; M. Benes, Czecho-Slovakia; Sir G. Foster, Canada; M. Octavio, Brazil.

<sup>1</sup>The resignation of Honorio Pueyrredon was received on December 8, as a consequence of the withdrawal of the Argentine delegation. The ballot to elect a vice-president to fill the vacancy was taken on December 11. Thirty-seven states voted, majority 19. M. Blanco, delegate of Uruguay, received 24 votes, and was therefore elected. Other votes were given for Prince Charoon, M. Jonescu, Dr. Nansen, Mr. Rowell, M. Spalaikovich, Mr. Wellington Koo, M. Zahle, and Zoka ed Dowleh.



## PUBLICITY

The question of publicity elicited a great deal of interest in and out of the Assembly because it was supposed to have a bearing upon "secret" diplomacy. There had already been a certain amount of criticism in Europe respecting the practice of the Council's holding its discussions in private, and only rendering its decisions at public meetings. There has never been any question in the League as to the publicity of decisions arrived at, and it is really very difficult to decide whether publicity of all stages of discussion is an aid or a deterrent to public understanding. The League's practice has been to subject a matter to study first by the Secretariat, the results being set forth in a memorandum. This memorandum has gone to the Council or to the Assembly as a basis of discussion. Eventually a report and a resolution are prepared by a rapporteur and adopted by the appropriate body. As a matter of fact, the reports made and the decisions reached in all of the League's activities have accurately summarized the discussions.

The question of publicity was raised before the Assembly respecting the committees, respecting the Council and respecting the very complicated dispute pending with the Council between Poland and Lithuania. At Geneva from the outset it was apparently taken for granted that the proceedings of the Assembly should all be public.

In the course of the third plenary meeting, Lord Robert Cecil inquired "at what stage should the delegation of South Africa bring up a proposal as to the publicity of the proceedings of the committees." The President ruled that the question would be in order after two items on the agenda had been disposed of. M. Viviani (France) rose to say that this suggestion proposed that the meetings of the committees should be public, "which is a proposal contrary to custom up to now." On behalf of the French delegation he emphatically insisted upon the discussion of the proposal immediately.

Lord Robert Cecil replied that "Article 15 of the provisional rules, reading: 'unless the committees decide otherwise, their meetings shall be held in private and no minutes shall be kept of their discussions,' " was unworkable in practice. "Minutes must

be kept of discussions," he said, "because it is impossible that every member should be present at every meeting." English parliamentary practice, unlike the French, called for public committee meetings. "The only way you can secure the support of the public opinion of the world is by taking the world into your confidence as often and as freely as possible." He continued: "I concede, every one must concede, that a committee be entitled to sit in private, because evidently there must be many discussions which can only take place in private, but the rule, I venture to submit, should be that the discussions should be held in public and that only when there is good reason should the public be excluded." He moved:

Each Committee shall decide what portions of its deliberations shall be held in private, the general rule being that the sittings shall be in public unless there is a special decision to the contrary. Full minutes shall be kept of the proceedings of the public sittings, and such minutes of the proceedings at the private sittings as each committee shall direct.

M. Tittoni (Italy) wanted to be liberal, but would point out, "that the committees are going to present reports to this Assembly, and their reports will be published. We should be guided by the consideration that we need not prolong our discussion indefinitely." He was afraid they might have too many public discussions, leading to undue prolongation of the sessions so that people would become tired. M. Viviani (France) proposed a compromise amendment:

The Committees shall keep a register of their discussions and minutes, which shall be published, and which shall always be accessible to any member of the Assembly.

He stated that he would have raised the question if Lord Robert Cecil had not. Sir James Allen (New Zealand) supported and seconded the Cecil motion. Mr. Fisher (Great Britain) felt that M. Viviani's proposal was in the right direction. He believed that full minutes should be kept and given to the public. On the other hand he felt that "the Assembly would be judged not by its words but by its achievements." Lord Robert Cecil stated that he was willing to accept M. Viviani's proposal, with-

drawing his own, if the French delegate would insert the words "as soon as possible" after the word "published." M. Viviani accepted this change and the motion was agreed to.<sup>1</sup>

### *Practice of the Committees*

The resolution, of course, controlled the practice of the committees, for which a special publication was issued, carrying the extended minutes of meetings as soon as they had been approved for publication. The degree to which the press was to be allowed to attend the committee meetings was discussed in three of those bodies, the others following the procedure outlined without further consideration of the matter.

In the course of the first meeting of the Sixth Committee, Reduction of Armaments, Economic Weapon and Mandates, Mr. Fisher proposed that the sessions dealing with general topics should be held in public, details being considered afterward in private by subcommittees. The Chairman (M. Branting) expressed his agreement with the suggestion as being in accordance with the true spirit of the League. The press reporters were, therefore, frequently present during the actual meetings of that very important committee.

At the first meeting of the Second Committee, Technical Organization, the Canadian delegate (Mr. Rowell) proposed that representatives of the press should be admitted to the meetings, unless in particular cases the committee should otherwise decide. The Chairman (M. Tittoni) replied that this proposal was contrary to the spirit of the decision already taken in the Assembly. He added that the final report of the committee would be publicly discussed by the Assembly. He therefore saw no reason for adopting the Canadian delegate's proposal, which, it seemed to him, would render the committee's discussions longer and more difficult. He put the question to the committee, and the proposal was rejected.

In the Fourth Committee, Secretariat and Budget, on November 23, Mr. Barnes (Great Britain) said he was more than ever convinced of the advantage of not admitting the press to the meetings of the committee and asked that a final decision be taken on this

<sup>1</sup>The resolution in its final form is Rule 14, 6, of the rules of procedure, page —, above.

question. Sir James Allen (New Zealand) favored giving the press a summary of the proceedings. The Chairman (Señor Quiñones de León) informed the committee that, in view of the delicate character of the questions to be dealt with, he was of opinion that it was impossible to admit the press to the debates, but that the minutes would be communicated to the press as soon as they had been adopted. No one opposing this recommendation, it was decided that the press would not be admitted to the meetings of the committee.

### *Meetings of the Council*

Another phase of publicity which attracted attention in the Assembly was with reference to the Council's practice. The Council, of course, makes its own rules of procedure, but the Assembly met with the feeling that it was in reality paramount to that body on account of its complete representation of states Members of the League, and that as a consequence it was quite within its competence to express its opinion of any practice of the Council.

Lord Robert Cecil (South Africa) raised the point in a speech during the fifth plenary meeting of the Assembly on the Secretary-General's report on the work of the Council. He then suggested "that the arrangements for publicity made by the Council have not been in practice adequate and workable," and asked the Council "to consider very carefully whether some at any rate of their actual working sessions should be held in public." In the words of M. Tittoni: "It is upon the confidence of the world that the power of the League depends." He introduced a motion. Lord Robert, speaking to this motion at the tenth meeting of the Assembly, said:

I understand that I am fortunate enough to have obtained the assent of the Council to this proposition, and that they are prepared to accept the suggestion that they should consider what steps can be taken to insure greater publicity for their proceedings. I am sure that the Council, in assenting to that motion, have taken a very wise action. I have had an opportunity of hearing from many sources during the past few months complaints of the difficulty of knowing what is going on in the Council. I quite recognize the immense difficulties and even dangers of the situation, but I will venture very respectfully to urge upon the states which compose the Council that it is very desirable indeed that their proceedings, which in many respects must be, for the greater part of the year, the most important actions of the League, should be given the utmost pub-

licity. . . . I am sufficiently bold and revolutionary to trust that the Council will even consider the possibility of having some of their real debates held in public—as many as possible—so that the peoples of the world can watch what is actually going on.

The President observed that “Lord Robert Cecil has correctly stated that the Council is entirely willing and ready to discuss the matter which he has raised. As there are no remarks, I conclude that there are no objections.”

The following motion was therefore declared to be adopted:

That the Council be requested to take into consideration the means for securing greater publicity for their discussions and decisions.

### *Polish-Lithuanian Dispute*

The third phase of the publicity question established a precedent of great importance respecting the peaceful settlement of international disputes by the League. On September 5, 1920, the Polish Government had requested the intervention of the Council to prevent war between Poland and Lithuania on account of the parlous and highly complicated situation in the vicinity of their boundary territory. The Council acceded, and since then had been conducting extensive negotiations with both parties, while having its own mission on the ground. The developments from day to day were much discussed in the news and several decisions of the Council regarding current happenings had been published. In general, however, the Council was following the customary practice of holding the documents for publication as a whole after a settlement had been reached. Governments, in cases of dispute, have usually given out carefully selected documents with a view to misinforming the public in their own favor, but have regularly withheld the complete dossier. The Council's practice differed only in the fact that published documents were not intended to influence public opinion one way or the other.

Referring to this dispute as summarized in the report of the Secretary-General on the work of the Council, Lord Robert Cecil in the fifth plenary meeting of the Assembly said it was a “matter of great importance that the Assembly should know in full what had happened,” and cited Article 15 of the Covenant to support

the contention that publicity should be given to the documents already exchanged between the disputants and the Council. He hoped that the Council would see no objection to the full publication of these.

At the tenth meeting of the Assembly, Lord Robert Cecil brought up the motion, which he did not consider it necessary to discuss since he had been informed that the Council saw no objection to it. But he would like to draw the Council's attention

to the various statements that have recently appeared in the press to the effect that very large forces, apparently belonging to one of the disputants, have been moved into the country of the other, that the forces are equipped with aeroplanes and cannon and I know not what. I ask the Council whether they could in the course of their statement as to documents let us know what is really going on. I understand that they have representatives in that part of the world, and I think the Assembly would be glad to know what are the reports on the subject of these alleged hostilities which have been made by the representatives of the Council. It is an exceedingly serious matter, because if it should turn out that there has been a breach of Article 16, as the Assembly are aware, the penalties provided by the article automatically come into force.

President Hymans, who was also president of the Council, stated on its behalf:

The Council has already considered the question and a certain number of documents concerning the conflict have already been circulated. I am allowed to tell the Assembly that the Council entirely agrees that every document shall be circulated. In addition, the Council is now examining in substance the position of the conflict between Poland and Lithuania, and we expect to meet again here, in Geneva, and any communications with the delegates of Poland and Lithuania will be duly made known. Lord Robert Cecil may be sure that, in the broadest manner possible, his wishes will be met.

Lord Robert declared himself as fully satisfied with this statement and the motion was immediately seconded by M. Askenazy for Poland. "Poland wishes to hide nothing," he said. The resolution was adopted without objection:

That any statements of their case made by Poland and Lithuania, together with all the relevant facts and papers be forthwith published.

The application of the resolution was a surprising incident to most of the delegates to the Assembly. The question at issue between Poland and Lithuania during the days immediately following the passage of the resolution was at white heat and both delegates and newspaper correspondents were very anxious to get the latest facts concerning it. As soon as possible after the Assembly's action the Secretariat announced that the documents would be published in a special number of the Official Journal as soon as possible, their bulk and the congestion of available printing plants being reasons for delay. The Secretary-General announced, however, "that five complete sets of the papers had been placed in the Library of the Secretariat where they will be available for the use of all delegations." (A.D. 147.) A list of the documents so posted was carried in the Journal of December 1. Notwithstanding these announcements, both delegates and correspondents spent a great deal of time prying about in search of private and exclusive information. It became rather a joke around the Secretariat to refer these confidential inquirers to a pile of documents about a foot high already placed at their free disposal.

### *Report on the Work of the Council*

Another publicity precedent set in the first Assembly was the report of the Secretary-General on the work of the Council.<sup>1</sup> This document gave the delegates of Members of the League an opportunity to discuss what the Council had accomplished, and also gave rise to the resolutions discussed above and others. The debate on the report lasted several days, resulting in suggestions of which a single striking selection is here given.

Speaking of the work of the Council Mr. Hagerup (Norway) at the fifth Assembly meeting suggested that in the future "the minutes of the meetings of the Council should be circulated among the Members of the League in time to enable the Governments to study them to give their delegates [to the Assembly] the instructions which seemed necessary." He also thought that the general report for the future should be submitted to a committee of the Assembly for examination.

Lord Robert Cecil (South Africa) shared the Norwegian's

<sup>1</sup>For text see *League of Nations*, III, No. 6, December, 1920.

view. He thought that the report "forms a complete reply to those who have said in some countries that the League of Nations is dead. The report shows that the League of Nations is very much alive." The manner and form, arrangement and clearness of the report "reflect the very greatest possible credit upon the Secretariat." He mentioned that the main divisions of work had been between the work of organization and the political and other constructive activities of the Council. He regarded it as inevitable that during the first months of a great association such as the League, the great part of its energy must be devoted to matters of organization, which had been "of the greatest possible excellence." It does not, however, make a great appeal to popular sympathy. He believed that the League must get its machinery in order before it can cope with the vast problems which will come before it and believed that this stage was now practically completed, leaving the way open for constructive activities. And he concluded:

We have an English proverb—Well begun is half done. That is a proverb which we may apply to the labors of the League of Nations with confidence and with hope. Undoubtedly we have begun well. . . .

I am here to represent South Africa because the prime minister of South Africa was good enough to think that I could more adequately than any one else present to the Assembly the views which he held. . . . General Smuts, not so many years ago, was one of the most redoubtable and successful commanders of the forces of the Boer Nation when they were in arms against the British Empire, and I was the son of the prime minister who conducted the war on behalf of the British Empire. And yet it now comes about that the general of the Boers goes to the son of the British prime minister and asks him to appear before the League of Nations as the best exponent of the general's views on international subjects. How has that result come about? Not by timidity, not by shrinking from a bold action, but by a great act of trust in the Boer people, an act which . . . has more than justified itself by its results. Surely that is an example to us. Do not let us be afraid.

### *Registration of Treaties*

Dr. van Karnebeek (Netherlands) raised the question of the legal interpretation of Article 18 at the seventh meeting of the Assembly while the report on the Council's work was under discussion. He stated the problem:



You will remember that the registration of treaties and international engagements is referred to in the report and it was also the subject of a memorandum of the Council at Rome, in which there is much useful information.<sup>1</sup> Here the principle of the question is treated rather from the point of view of publicity and also from the administrative point of view; but there is another side to the question which is not there referred to, namely: What are the judicial effects of its dispositions? The article says: "No treaty shall be binding until it is registered." That seems clear enough, and yet questions arise. Does it mean that states are not bound until the registration is completed, that is to say, that states between the time of signing and the time of registration might consider themselves not bound by the treaty; or, secondly, does it mean that states are so bound, but that the parties can not demand execution before registration; or, thirdly, does it mean that the treaty can be executed but that the parties can not rely upon the treaty in making their appeal to the League of Nations? There then are the three points of view. You may say that one or other of them is not justified. I think the most rigorous application of all is the one which is best. The English text says that no such treaty shall be binding until it is registered. I ask, should we not have the exact interpretation of this determined by the Assembly?

The Dutch delegate spoke to his resolution again at the tenth meeting of the Assembly at the request of the President. He added some points needing to be cleared up, saying in part:

For instance, difficulties might arise in the case of treaties between states which are Members and states which are not Members of the League of Nations. I think if the Assembly does not adopt a most rigorous interpretation of the Covenant, that is to say, that the parties are not bound until the registration is completed (which is the strict text of the Covenant) then perhaps the Covenant will have to be modified. Again, as M. Tittoni asked the other day, what is to happen if the parties are bound, the treaty is capable of being put into execution, yet is not recognized by the League of Nations? What does that mean? If the treaty is executable, what do the parties gain by registration? My answer is that the whole object of Article 18 is to secure publicity. It is the commandment of publicity I may say, and if you take away from states the interest to publish their treaties you strike at what is one of the most important articles of the Covenant.

The motion was finally passed in the following form:

That the Council should be called upon to intrust the examination of the scope of Article 18 of the Covenant from a legal point

<sup>1</sup>Cf. Treaties Series, I, 8-13.

of view to a special committee, which would prepare for the Council all relevant proposals. The Council would then report on the question to the next General Assembly, and place before it the proposals of the special committee.

### *A Chinese Declaration*

The first Chinese delegate made this announcement at the 30th plenary meeting of the Assembly:

I have the honor to inform the Assembly that there are several subjects of vital interest to China, affecting international relations, which, under the provisions of the Covenant of the League of Nations, the Republic of China intends to bring to the attention of the Assembly or of the Council. In view, however, of the fact that at this first session of the Assembly its time has been devoted, and rightly so, in the opinion of the Chinese delegation, to perfecting the organization of the League, and its rights and duties as set forward in the Covenant, the Chinese delegation will not bring these subjects before the Assembly at the present session. . . . I reserve full right of the Republic of China, as a Member of the League, to present the subjects to the Assembly or the Council at a more appropriate time in the future. We do not waive any right to which we may be entitled.

### *Effort to Favor Esperanto*

At the 19th plenary meeting the following proposal (A. D. 194) was made by MM. Octavio, Restrepo, Doret, La Fontaine, Huneeus, Wellington Koo, Lord Robert Cecil, Schanzer, the Maharaja of Nawanagar, Benes and the Emir Zoka ed Dowleh, and referred to the Second Committee:

The League of Nations, well aware of the language difficulties that prevent a direct intercourse between the peoples and of the urgent need of finding some practical means to remove this obstacle and help the good understanding of nations, follows with interest the experiments of official teaching of the international language Esperanto in the public schools of some members of the League, hopes to see that teaching made more general in the whole world, so that the children of all countries may know at least two languages, their mother-tongue and an easy means of international communication, and asks the Secretary-General to prepare for the next Assembly a report on the results reached in this respect.

At the final meeting of the Assembly the previous question was moved by M. Hanotaux and carried, so that the motion was defeated.

### III. GENERAL ORGANIZATION

#### RULES OF PROCEDURE

The first duty of a deliberative body is the passage of rules of procedure. In preparation for the Assembly, the Secretariat-General prepared provisional rules which had been printed and circulated as Assembly Document 1, and had been subjected to some discussion in the Council. At the afternoon session on November 15, after complimentary resolutions had been passed, the President reverted to the rules with a comment that "they would require a thorough and careful study." The question would have to be referred to a special committee which would be requested to report the final rules as quickly as possible. However, it seemed very difficult to await the report of the committee before having any rules; "therefore until they are ready I take the liberty," said President Hymans, "that only provisionally and just temporarily we should pass as a whole the rules of procedure suggested provisionally by the Secretariat-General." After some discussion this was done.

The First Committee, General Organization, immediately set to work studying the permanent rules under the chairmanship of Arthur J. Balfour, with Mr. Wellington Koo acting as vice-chairman.<sup>1</sup>

Dr. Maggiorino Ferraris read the report from the First Committee at the 11th plenary meeting. The rapporteur began by naming the subcommittee which had prepared the draft: France (M. Viviani, Chairman); South Africa (Sir Reginald Blankenberg); Brazil (Dr. Rodrigo Octavio Langaard de Menezes); Japan (Viscount Ishii); Sweden (Baron Marks de Wurtemberg); Uruguay (Dr. Juan Carlos Blanco); and Italy (Dr. Maggiorino Ferraris, rapporteur).

<sup>1</sup> The First Committee held meetings as follows: 1, November 19; 2, November 22; 3, November 24; 4, November 26; 5, November 27; 6, November 28; 7, December 2; 8, December 7; 9, December 8.

The draft provisions had been examined by the First Committee, and almost all had been adopted either unanimously or by large majorities. The draft was principally based upon the following:

1, The Covenant; 2, the provisions of the rules of procedure of the Council, adopted at Rome, on May 17, 1920 (*Official Journal*, No. 5, July-August, 1920); 3, the provisional rules of procedure, which were distributed at the beginning of the session; 4, the provisions of rules in force in several Parliaments; 5, the draft amendments submitted by the Delegations of Sweden, Switzerland, Australia, Portugal, and China, and by the Hon. N. W. Rowell, Delegate of Canada. M. Ferraris continued in substance:

It is only by experience that future Assemblies will learn what improvements are required in their rules of procedure. What we need to-day, is to draw up rules of procedure of an almost definite character, which may serve as a guide both for our discussions and for the work of future Assemblies.

Another object which we have endeavored to attain is the immediate definition of the respective positions and powers of the Members of the League, of the delegates who represent them, of the Council of the League, and of the Secretariat-General. Our guiding principle throughout has been, that the Members of the League are the origin and the source of the whole organization; that the Assembly is the sovereign but intermittent power of the League; that the Council is the permanent power; that the Secretariat-General is its permanent executive organ.

### *Powers of the Organs*

Hence, from these data, it is a majority of the Members of the League, which can at any time summon a session of the Assembly, settle the place of its meeting, propose the questions to be placed on its agenda, and name their representatives and their substitutes in the Assembly (Rules 1 and 5); but, once the Members of the League have exercised this power, the Assembly, according to our draft scheme, enters into the supreme exercise of its sovereignty. Thus, it is stated (Rule 1), that the Assembly shall meet by right once a year on the first Monday of September; that it shall be able to designate its place of meeting (Rule 2); that it shall choose its president and vice-presidents (Rule 7); that it alone is competent to verify the credentials of its representatives (Rule 5); and that it shall draw up its agenda as it wishes, as well as the composition

and work of the committees (Rule 14). To the president, who is raised by the Assembly to this unique position, and who will feel all the responsibility and all the authority which his high position confers upon him, will fall the task of expressing and realizing the powers of the Assembly, the rules of procedure giving him the necessary means (Rules 8, 15 and 19). With respect to the direction and the management of the work intrusted to the president and to the various officers, the rules of procedure have been inspired by the principles which are in force in different countries of the world and which have in their favor the experience of centuries. . . .

During the time in which the Assembly is not sitting there falls to the Council the task of performing these functions, above all, that of carrying out the results of these deliberations. It is the Council which may convene the Assembly (Rule 1), which summons it (Rule 3), which approves the agenda prepared by the Secretary-General (Rule 4), which presents its reports to the Assembly (Rule 4), and which can always intervene in the debate through one of its members in order to make an explanatory statement (Rule 15).

Finally, the Secretary-General, as an executive officer, has to collect the opinions of the Members of the League with regard to the summoning of an extraordinary session of the Assembly (Rule 1). It is he who has to communicate the order convening the session to the different Members (Rule 3), who has to prepare the agenda (Rule 4), who has to register the names of the representatives and of their substitutes (Rule 5), and who has to present his report to the Assembly and to execute the decisions taken either by the Assembly or by the Council (Rules 9 and 10). We have promptly complied with the desire expressed by our colleagues of trans-oceanic countries, that for any urgent or important question the cable should be employed. . . .

### *Language Question*

A very delicate and important question has been raised with reference to the languages used by the League.<sup>1</sup> Our Spanish-speaking colleagues both in Europe and America are justifiably proud of the intellectual and economic expansion of their race throughout both continents, and have requested that their tongue should be used on equal terms with French

<sup>1</sup>At the eighth meeting of the Assembly, the delegates of Spain, Cuba, Venezuela, Colombia, Nicaragua, Argentina, Denmark, Chile, Haiti, Great Britain, Switzerland, Belgium, Uruguay, Panama, Bolivia, Salvador, Guatemala and Paraguay concerted in presenting the following motion:

"The undersigned delegates have the honor to propose to the Assembly to decide that the Spanish language should be considered as one of the official lan-

and English, which are now in use in the League. No one can raise any objection to their wishes or hopes except in so far as they bring us face to face with practical difficulties which to us seem very serious. . . . Your committee, being animated by the principle of absolute impartiality, has, however, felt the force of practical requirements, and has recognized that its duty was to provide the Members of the Assembly with the requisite means of understanding one another, of discussion and of deliberation. From this standpoint no one can gainsay that there are two languages in the world which are in general use in intellectual and economic intercourse between nations, languages which obtained official recognition from the fact that the Covenant and the treaty of Versailles were drafted in French and English. . . .

In every society, the noblest and highest expression of union and fraternity is the sacrifice of particular interests and of our dearest ambitions to the common good and for the interests of all. In this relation your committee is sure that it faithfully expresses the unanimous sentiment of the Assembly in presenting its profound acknowledgments to the representatives of Spanish-speaking countries, who, in a spirit of self-sacrifice and devotion to the common welfare, have agreed not to insist on their proposal at this session, although making reservation with respect to the future.

It is, however, our duty to remember that, at one of the most recent meetings of the Assembly, one of the most distinguished Spanish-speaking representatives told us (in the purest French) that some of his colleagues would be better able to express their thoughts in their native tongue, and, as the same possibility might arise in the case of other nationalities, we have decided, in accordance with the provisions of the provisional rules of

guages of the Assembly, and that the General Organization Committee should be intrusted with the practical application of this principle."

The proposal came on the agenda of the 8th meeting. Mr. Tittoni objected to its consideration, to which Señor Quiñones de León (Spain) replied with an argument respecting procedure. M. Branting (Sweden) hoped that the official languages would not be increased and that the matter would be investigated by the committee. Señor Aguero (Cuba), speaking in French so precisely and fluently as to be congratulated by the President, supported the motion most heartily. He urged that the proposition was intended not merely to flatter fifteen Spanish-speaking nations constituting 36 per cent of the League members. It was put forward to insure greater co-operation between the various countries and to secure the greatest possible understanding between them. He said that Spanish-speaking delegates sometimes had difficulty in making use of other tongues. They only suggested that they have the full right to make use of the Spanish language in addressing the Assembly without requiring minute and constant translation. On motion of Señor Blanco (Uruguay), the matter was referred to the committee, in view of the fact pointed out by the President that the rules made it permissible to speak Spanish in the Assembly.

procedure, to allow every representative to speak in whatever language he may prefer, furnishing either a French or an English translation.

In addition, each country may circulate the documents published by the League in its own language. The rules of procedure provide for these two contingencies, and, by the adoption of a system of absolute equality and impartiality, enable all Members of the League to publish the documents of the League in any language they think fit. For obvious reasons of convenience and expense, however, each representative or Member of the League must provide for the translation and publication (Rule 16).

Some delegates have expressed a wish that the various nationalities should be taken into account in the choice of vice-presidents and members of committees. This principle has, however, been applied with such complete impartiality at this session of the Assembly, and is inspired by motives which find expression so naturally, that we thought it superfluous to mention it in the rules of procedure, being convinced that the Assembly will always take a pride in applying this principle in its labors.

Mr. Balfour (Great Britain) spoke as chairman of the First Committee, appealing to the Assembly not to deal with questions of detail in any controversial spirit and emphasizing both the care of the committee and its support of the subcommittee conclusions by votes for the most part unanimous. He paid tribute "to the admirable taste, temper, ability and eloquence, which marked the debates on" the very difficult question of a third language, and concluded:

I hope you will adopt the proposals we have laid before you; I hope you will remember they are the product of careful thought, and long and arduous labor, and I trust they will be adopted with little modification and will long serve to regulate our proceedings. I now propose the resolution, which will ask your assent to these draft rules of procedure.

### *Japan to Raise Equality Issue Later*

Viscount Ishii (Japan) followed, beginning with felicitations to the Assembly on having before it the first product of its labors: and then turning to a point on which "we have to differ from our colleagues, although the matter in question is not so much one of principle as a question of material feasibility," he said:

I shall succinctly state the case before the general meeting, so that

Japan's standpoint may be elucidated, and incidentally I shall be able to renew to you in the name of my country the assurance of her profound belief in the League of Nations and of her very sincere solicitude to play her proper share in bringing the unprecedented organization of peace to the consummation devoutly wished for. It is the question of the fourth article of the draft regulations, which orders the holding of the Assembly once every year. In principle Japan is in full accord with that proposal, but in actual practice she has difficulties which are perhaps undreamed of by many of my colleagues in this Assembly. Even in these days of steam and electricity Japan is a far cry from the seat of the League of Nations. A voyage through the China Sea, the Indian Ocean and the Mediterranean Sea will take us more than seven weeks. We must count at least four months for the trip from Japan to Geneva and back through the most convenient route in these days. If we add one month for the duration of the Assembly, the Japanese representatives must be prepared to be away from their country for five months in the most favorable circumstances. . . . In view of the physical infeasibility of sending Japanese representatives from the far country, it may often be necessary to elect our delegates from among those who may be staying at the time in Europe or its vicinity. I desire to take this opportunity to anticipate by requesting that any such eventuality should not be considered as a mark of scanty interest on the part of the Japanese Government in the work of the world parliament. Nothing is, and will ever be, farther from the thought of Japan and her people.

Japan has a firm determination, and has often shown it by action, that she would always abide loyally by her international engagements. In her enthusiastic efforts to carry out, in co-operation with her sister-members, the sublime spirit embodied in the Covenant, she is prepared to make all necessary sacrifices and offerings, being firmly convinced that the promotion of the cause of this League of Nations is the most effective of endeavors in ushering in an age of enduring peace. . . .

Japan had an opportunity, when the Covenant of the League of Nations was originally formulated, to declare her firm belief that equality before the law should be assured to all men irrespective of their nationality, race or religion. . . . It was to the poignant regret of the Japanese Government and people that the original framers of the Covenant found themselves unable to accept the Japanese proposal in this matter, and the Japanese delegates declared that they would continue in their insistence for the adoption of their just demand by the League in the future. In view, however, of the present circumstances, Japan is strongly persuaded that the League is as yet in a stage where the consolidation of its organization and its actual working based upon the present Covenant should



be accorded greater attention and deeper deliberations than the questions relating to the fundamental principle which might involve the revision of the Covenant and the deliberation of which should be deferred for some time yet. From that point of view, Japan is refraining from making any concrete proposal at this Assembly as to the question of equal opportunity and treatment, and will patiently bide her time until the opportune moment will present itself.

### *Rules Adopted*

After remarks by Señor Garay (Panama), Mr. Rowell (Canada), Senator Millen (Australia), Lord Robert Cecil (South Africa) and a few others some amendments were effected in the text of the draft rules and Mr. Balfour's resolution was put and carried in the following form (A. D. 151):

The Assembly of the League of Nations, having examined the draft rules of procedure presented by the First Committee, and having heard the report made by the rapporteur of the committee, Signor Ferraris, representative of Italy, resolves that the draft rules of procedure, as amended by the Assembly, be hereby adopted as the rules of procedure of the Assembly of the League of Nations.

### RULES OF PROCEDURE OF THE ASSEMBLY<sup>1</sup>

RULE 1. 1. The Assembly shall meet every year, at the seat of the League of Nations, commencing on the first Monday in September.

2. Sessions may also be held at such times as the Assembly at a previous meeting decides, and at such times as the Council, by a majority vote, decides.

3. If a Member of the League considers a Session to be desirable, it may request the Secretary-General to summon a Special Session of the Assembly. The Secretary-General shall thereupon inform the other Members of the League of the request, and inquire whether they concur in it.<sup>2</sup> If within a period of one month from the date of such communication of the Secretary-General, a majority of the Members concur in the request, a Special Session shall be summoned.

<sup>1</sup>Revised to accord with 20/48/143 of January 6, 1921.

<sup>2</sup>Notification by telegram, if necessary (Procès-verba. of First Committee, fifth meeting).

**RULE 2.** The Sessions of the Assembly shall be held at the seat of the League, or, in exceptional circumstances, at such other place as is designated by the Assembly or by a majority of the Council, or by a majority of the Members of the League.

**RULE 3. 1.** The Sessions of the Assembly shall be summoned by the President of the Council, acting through the Secretary-General.

2. The summons shall be addressed to the Members of the League not less than four months before the date fixed for the opening of the Session. In exceptional circumstances, however, the Council, by a majority vote, may sanction a shorter period.

3. Nothing contained in paragraph 2 of this Rule shall affect the provisions concerning special cases contained in the Covenant.

**RULE 4. 1.** The agenda shall be drawn up by the Secretary-General with the approval of the President of the Council. The complete agenda shall be circulated as nearly as possible four months before the date fixed for the opening of the Session.

2. The agenda of a General Session shall include:

a. A report upon the work of the Council since the last Session;  
b. A report by the Secretary-General upon the work of the Secretariat and upon the measures taken to execute the decisions of the Assembly;

c. All items whose inclusion has been ordered by the Assembly at a previous session;

d. All items proposed by the Council;

e. All items proposed by any Member of the League; and

f. The budget for the next fiscal period and the report on the accounts of the last fiscal period.

3. Any Member of the League may, at least one month before the date fixed for the opening of the Session, request the inclusion of additional items in the agenda. Such items shall be placed on a supplementary list, which shall be circulated to the Members of the League at least three weeks before the date fixed for the opening of the Session. The Assembly shall decide whether items on the supplementary list shall be included in the agenda of the Session.

4. The Assembly may in exceptional circumstances place additional items on the agenda; but all consideration of such items shall, unless otherwise ordered by a two-thirds majority of the Assembly, be postponed until four days after they have been placed on the agenda, and until a committee has reported upon them.

**RULE 5. 1.** Each Member shall communicate to the Secretary-General, if possible before the opening of the Session, the names of its Representatives, of whom there shall be not more than three. The names of Substitute-Representatives may be added.

2. Each Representative shall, as soon as possible, and preferably before the opening of the Session, present his credentials to the Secretary-General.

3. A committee of eight members for the examination of the credentials shall be elected by the Assembly by secret ballot. The committee shall report without delay.

4. Any Representative to whose admission objection has been made shall sit provisionally, with the same rights as other Representatives unless the Assembly decides otherwise.

**RULE 6. 1.** In addition to the Substitute-Representatives mentioned in paragraph 1 of Rule 5, the Representatives of a Member of the League attending the Assembly, acting together as a Delegation, may appoint substitutes. Any such appointment shall be communicated in writing to the President.

2. A Substitute-Representative appointed by a Member of the League may take the place of a Representative without having been nominated by the Representatives.

3. A Substitute-Representative or substitute may take the place of a Representative who is absent from a meeting of the Assembly, or is temporarily prevented from taking part in its deliberations, but if the Representative is present at the meeting the Substitute-Representative or substitute is only entitled to assist him.

4. A Delegation may appoint for service on a committee a deputy or technical adviser other than those referred to in the above paragraphs of this Rule; but a deputy or adviser so appointed shall not be eligible for appointment as Chairman or Rapporteur, or for a seat in the Assembly.

**RULE 7. 1.** The officers of the Assembly shall consist of a President and of six Vice-Presidents, together with the Chairmen of the main Committees of the Assembly, who shall be *ex-officio* Vice-Presidents of the Assembly. These officers shall form the General Committee.

2. The President and the six Vice-Presidents shall be elected at the beginning of each Session.

3. Until the election of the President, the President of the Council shall act as President of the Assembly.

**RULE 8. 1.** The President shall announce the opening, suspension and adjournment of the meetings of the Assembly, direct the work of the

Assembly, insure the observance of the Rules of Procedure, accord the right to address the Assembly, declare the debates to be closed, put questions to the vote, and announce the result of the voting.

2. In the general direction of the work of the Assembly, in the constitution of such committees as the Assembly decides to create, in deciding on the communications to be made to the Assembly,<sup>1</sup> in the framing of the agenda for each meeting, and in the determination of the order of priority for its various items, the President shall be assisted by the General Committee.

**RULE 9.** 1. The Secretary-General shall be responsible for the organization of the Secretariat of the Assembly and of the Secretariat of any committees set up by the Assembly.

2. The Secretary-General may be assisted or replaced at the meetings of the Assembly by a deputy or deputies. The Secretary-General, or one of his deputies, may at any time, on the invitation of the President, bring before the Assembly reports concerning any question which is being considered by the Assembly, and may be invited by the President to make verbal communications concerning any question under consideration.

**RULE 10.** 1. It shall be the duty of the Secretariat, *inter alia*, to receive, print, circulate and translate documents, reports and resolutions; to translate speeches made at the meetings; to draft, print and circulate the Minutes of the Session; to have the custody and proper preservation of the documents in the archives of the Assembly; to publish the reports of the meetings; and, generally, to perform all other work which the Assembly thinks fit to intrust to it.

2. All documents emanating from the Assembly shall be circulated to the Governments of the Members of the League.

**RULE 11.** 1. The public shall be admitted to the plenary meetings of the Assembly, by cards distributed by the Secretary-General.

2. The Assembly may decide that particular meetings shall be private.

3. All decisions of the Assembly upon items on the agenda, which have been taken at a private meeting, shall be announced at a public meeting of the Assembly.

**RULE 12.** A list of the attendance at each meeting of the Assembly shall be kept by the Secretariat.

**RULE 13.** At the beginning of each meeting the President shall

<sup>1</sup>Drafting of important communications to be by the President and General Committee (Procès-verbal of First Committee, fifth meeting).

present<sup>1</sup> to the Assembly all communications addressed to the Assembly or to the League, the importance of which appears to him to warrant such action.

**RULE 14. 1.** The Assembly shall establish such committees as it thinks fit for the consideration of the items on the agenda. Items of the same nature will be referred to the committee.

2. The Assembly shall not decide items on the agenda in full meeting until the report of a committee upon them has been presented and circulated, unless the Assembly itself, by a two-thirds majority, determines otherwise.

3. Each Delegation may designate one member, and may nominate technical advisers for each committee.<sup>2</sup>

4. Each committee shall appoint its Chairman and Rapporteur.

5. Each committee may appoint subcommittees, which shall elect their own officers.

6. Each committee shall meet in private unless it decides otherwise. It shall keep a Register of its discussions, and Minutes, which shall be published at the earliest possible date, but not until they have been approved by the committee. They may at any time be consulted by any member of the Assembly.

7. Every Representative shall have the right to place before any committee any communication which he considers should be made to it, but no Representative may, without special leave from the Chairman, speak at a meeting of any committee of which he is not a member.

8. The Secretary-General or his deputies may make to any committee or subcommittee any report or verbal communication which he or they may consider desirable.

**RULE 15. 1.** No Representative may address the Assembly without having previously obtained the permission of the President.

2. Speakers shall be called upon in the order in which they have signified their desire to speak. The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of defending or explaining the conclusions arrived at by their committee. The same principle shall apply to any member of the Council.

3. The President may call a speaker to order if his remarks are not

<sup>1</sup>"The mere circulation of documents to individual Members of the Assembly did not constitute presentation. Documents must be formally brought to the attention of the Assembly."—Procès-verbal of First Committee, fifth meeting.

<sup>2</sup>Military advisers may be included, according to the opinion of the drafting subcommittee given in response to a question by M. Viviani at the 11th plenary meeting of the Assembly.

relevant to the subject under discussion. If necessary he may direct the speaker to resume his seat.

4. When a motion is under discussion, a Representative may rise to a point of order, and such point of order shall be immediately decided by the President in accordance with the Rules of Procedure.

5. The Assembly may limit the time allowed to each speaker.

RULE 16. 1. Speeches in French shall be summarized in English, and *vice versa*, by an interpreter belonging to the Secretariat.

2. A Representative speaking in another language shall provide for the translation of his speech into one of these two languages.

3. All documents, resolutions and reports circulated by the President or the Secretariat shall be rendered in both French and English.

4. Any Representative may have documents circulated in a language other than French and English, but the Secretariat will not be responsible for their translation or printing.

5. Any Member of the League or any group of Members, may require that all documents and publications of the League shall be regularly translated into and printed and circulated in a language other than French or English; but shall in such case defray all the necessary expenses.

RULE 17. 1. Resolutions, amendments and motions must be introduced in writing and handed to the President. The President shall cause copies to be distributed to the Representatives.

2. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all Representatives not later than the day preceding the meeting.

3. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

RULE 18. 1. During the discussion of any question, any Representative may move the previous question or the adjournment. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two Representatives may speak in favor of, and two against, the motion.

2. Parts of a proposal shall be voted on separately, if a Representative requests that the proposal be divided.

3. A Representative may at any time move the closure of the debate whether any other Representative has signified his wish to speak or not. If application is made for permission to speak against the closure, it may be accorded only to not more than two speakers.

4. The President shall take the sense of the Assembly on a motion for

closure. If the Assembly decides in favor of the closure, the President shall declare the closure of the debate.

5. When a number of proposals are before the Assembly, the proposal furthest removed in substance from the principal one shall be voted on first.

6. If an amendment striking out part of a proposal is moved, the Assembly shall first vote on whether the words in question shall stand part of the proposal. If the decision is in the negative, the amendment shall then be put to the vote.

7. When an amendment adds to a proposal, it shall be voted on first, and if it is adopted the amended proposal shall then be voted on.

**RULE 19.** 1. Except where otherwise expressly provided in the Covenant or by the terms of a treaty, decisions of the Assembly shall be taken by a unanimous vote of the Members of the League represented at the meeting.

2. All matters of procedure at a meeting of the Assembly, including the appointment of committees to investigate particular matters, shall be decided by a majority of the Members of the League represented at the meeting.

3. All decisions taken in virtue of these Rules shall be considered as matters of procedure.

4. A majority decision requires the affirmative votes of more than half of the Members of the League represented at the meeting.

5. For the purposes of this Rule, Representatives who abstain from voting shall be considered as not present.

**RULE 20.** The Assembly shall vote by "Appel Nominal," except when the Members of the League represented at the meeting agree that the method of voting shall be by heads of Delegations rising in their seats, and except in the cases provided for in Rule 21. The "Appel Nominal" shall be taken in the following manner:

The Delegation of each Member of the League represented at the meeting shall be provided with two voting tickets, on which the name of the country is written, one red and one blue, the former being "Aye," the latter "No." The voting tickets shall be deposited in an urn placed near the President's platform. When all the votes have been collected, the President shall declare the ballot closed and the General Committee shall proceed to count the votes. The individual votes shall be communicated to the Assembly and the result shall be announced by the President.

**RULE 21.** 1. All decisions relating to individuals shall be taken by a secret ballot.

2. If, when one person only is to be elected, no one person obtains at the first ballot an absolute majority of votes, an entirely new ballot shall be taken; but on this occasion the voting shall be confined to the two candidates who obtained the largest number of votes at the first ballot. If there is at this ballot an equality of votes for the two candidates, the elder candidate shall be declared elected.

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

**RULE 22.** In case of equality in any voting other than that referred to in Rule 21, in which a majority is required, a second vote shall be taken in the course of the next meeting; this meeting shall be held within 48 hours from the date on which the first vote was taken, and it shall be expressly mentioned on the agenda that a second vote will be taken on the matter in question. Unless there is at this subsequent meeting a majority in favor of the proposal, it shall be considered as lost.

**RULE 23. 1.** The President may declare a meeting to be adjourned or suspended, if a proposal for adjournment or suspension made by him does not meet with objection from the Assembly.

2. The President shall declare an adjournment or suspension of the meeting upon a vote to this effect by the Assembly.

**RULE 24.** The General Committee, in cases where it deems it necessary, may revise the resolutions adopted by the Assembly, changing their form but not their substance. Any such changes shall be reported to the Assembly.

**RULE 25.** The verbatim report of each meeting shall be drawn up by the Secretariat and submitted to the Assembly after approval by the President.

**RULE 26.** The resolutions adopted by the Assembly shall be circulated by the Secretary-General to the Members of the League within fifteen days after the termination of the Session.



**RULE 27.** These Rules of Procedure shall apply to the proceedings of committees of the Assembly.

**RULE 28.** These Rules of Procedure may be altered by a decision of the Assembly; but no such alteration shall be made except upon a majority vote of the Assembly taken after a committee has reported upon the proposed alteration.

### RELATIONS BETWEEN THE COUNCIL AND ASSEMBLY

The relations between the Council and Assembly of the League were the subject of the third meeting of the First Committee. Mr. Rowell (Canada) thought that the legal statement on the competence of the Council and the Assembly which had been presented to the Assembly by the Secretary-General and the report on the same subject by Mr. Balfour showed that certain principles were pretty clearly established and could probably be accepted without much controversy. He proposed that the committee's report to the Assembly should recommend the recognition of six principles taken from the documents, with the exception of one:

Under the Covenant the members of the Council exercise their functions as such members as the representatives of their respective states, and they have no standing on the Council except as such representatives.

This was intended to fix upon the states represented upon the Council the responsibility for the action of that body. In his opinion it was of vital importance for the future of the League that the states represented on the Council should be held accountable, not the individual delegates. In the view of M. Viviani (France), a representative could not have any opinion different from that of his Government, for one must either agree to represent one's Government or refuse to do so. A person who agreed to act as a representative must obey the instructions given in his mandate.

M. Usteri (Switzerland) put forward amendments providing for continuance of committees appointed by the Assembly to the next session of the Assembly.

The Chairman pointed out that a question of great difficulty and importance had been raised. The League of Nations acted

through three organs: the Council which was permanent, the Assembly which was a temporary body, and the committees nominated by the Assembly. According to the Swiss proposal these committees would continue to sit in the interval between sessions of the Assembly. He considered that this suggestion constituted so complete a change in the machinery of the League that it must be most seriously examined.

*Neither Parliament nor Government*

M. Viviani agreed with the Chairman. It must be decided whether the League of Nations was a parliament and the Council a government. If this were the case, permanent committees would be admissible; but it was not the case. Until that had happened representatives were the representatives of their respective Governments, and in the absence of formal instructions could take no decision without previous reference to their Governments. The Council was the executive organ when the Assembly was not in session. If a permanent committee of the Assembly was established, there was danger of its coming into conflict with the Council. If such conflict arose, the question would have to be referred to the Assembly, which would mean that the Governments would meet to find a mediator. What was being done at the moment was to democratize the ambassadorial system; representatives came with appropriate powers; but it would be wrong to establish permanent committees which might exercise authority over the Council. If the Assembly desired, it might nominate Members to sit with the Council for discussion of the budget.

M. Usteri (Switzerland) in reply admitted that the Assembly was not a parliament, but contended that his proposal would assist the conduct of business during the interval between two Assemblies, facilitate the work of the opening meeting of the next session, and permit the committees to continue a task intrusted to them, which could not be completed in the time available during a session of the Assembly. The Swiss proposal did not conflict with M. Viviani's view that it would be wrong to establish permanent committees in the proper sense of the word, but merely meant that committees which had commenced their task should carry it to its conclusion, even if the Assembly came to an end in the interval.

Delegates of the Argentine Republic, Brazil and Cuba developed the propositions that a permanent committee would deprive the Council of executive authority; that a representative attending the Assembly could not depart from the instructions which he had received; and that it was impossible to understand how members of a committee could continue to consider themselves as delegates after the Assembly had risen, seeing that their mandate terminated with the session of the Assembly. In their opinion, if a committee had not concluded its work during the Assembly, it was for the Council, which was permanently in session, to complete the work.

The Chairman considered that the question appropriately be referred to a rapporteur, and proposed that M. Viviani and Mr. Rowell should be asked to draw up a report. At the sixth meeting of the committee, the rapporteurs read their report, which was highly commended and unanimously adopted.

This report was read at the 14th plenary meeting of the Assembly and extensively discussed.

### *Competence of Each Discussed*

Sir William Meyer (India) proposed that "where a subject, which the Council would otherwise be efficient and competent to deal with, has been referred by the Council to the Assembly, the latter thereby obtains competence to suggest, if need be, alterations in any scheme submitted by the Council." Sir Ali Imam urged the same point in a detailed argument after Mr. Rowell had replied to the Indian's colleague and Sir William Meyer withdrew his motion on the understanding expressed in Mr. Rowell's second explanation that "if the Council submits a matter to the Assembly, the Assembly has a perfect right to suggest whatever in its judgment would be the right and the wise course to take, and that as a matter of sound public policy the Council should act upon it."

M. Politis (Greece) proposed an amendment to the report to this effect: "That during the session of the Assembly the Council should not begin to deal with any matter belonging to the common competence of the Assembly and the Council without first referring the matter to the Assembly." But he withdrew it on

the strength of M. Viviani's argument that "the proposal would practically mean an amendment to the Covenant."

The report was adopted with the exception of a single point.

The Greek delegate had proposed the following change: "The Assembly has no power to reverse or modify a decision which falls within the *exclusive* competence of the Council." The significance of the proposal was well stated by Mr. Doherty (Canada) in the course of the debate:

With that word used, the Assembly is asked to declare that it has no power to reverse or modify decisions which fall within the exclusive competence of the Council. By striking out the word "exclusive," we are asked to declare that the Assembly has no power to reverse or modify a decision which falls within the competence of the Council, and that statement will come, following on a report which establishes that there are matters which are within the competence of both bodies. It therefore follows, if we adopt this amendment, this Assembly will have declared that wherever a matter is to be dealt with by both bodies, the action of one shall be final, and we shall be committed to this position, that in a matter in which jurisdiction is conferred upon both these bodies, the Assembly may find itself absolutely impotent as the Council had acted first.

The decision reached at the 15th plenary meeting after the rapporteurs had examined with Mr. Balfour, the Chairman of the First Committee, whether it was possible to find a formula conciliating all opinions, to suggest to the Assembly the suppression of Paragraph (b) from Article 10 of the report. The rapporteurs thought that it expressed the same principle as the preceding Paragraph (a), and that its suppression would not modify the substance of the report. This left the whole matter of concurrent jurisdiction open, and the report was adopted without a formal vote.

The report (Assembly Document 159/20/48/159/1) was as follows:

I. We propose to seek in the Covenant the rights and duties attributed to the Council and the Assembly respectively. Before proceeding to this analysis, and in order to throw light upon it, we will attempt to take account, from the constitutional point of view, of the legal position of the League of Nations. We can not

attain a definite opinion until we have eliminated from the discussion certain hypotheses on which we must dwell for a moment.

*a.* It is impossible to consider the Assembly as a Chamber of Deputies and the Council as an Upper Chamber. The objections to this view are that, while in certain matters the Council and the Assembly have identical rights, in others they have each their special rights; and that the two bodies are not called upon to discuss and decide exactly the same points. If the Assembly was the Chamber of Deputies and the Council a sort of Upper Chamber, the same subjects would come first before the one and then before the other body.

*b.* It is equally impossible to consider the Council as invested with the executive and the Assembly with the legislative power. The conclusive objection to this view is that the Assembly possesses executive prerogatives.

The truth is that the League of Nations has no analogy in ordinary constitutional law. Article 2 of the Covenant provides that the action of the League shall be effected through the instrumentality of an Assembly and a Council. It follows that the League is a single organism which has at its disposal two organs, whose distinct or similar attributes must now be considered.

II. Competence of the Council.—The Council has rights and duties which are special to it; for example, those mentioned in Article 4 of the Covenant.<sup>1</sup> The Council has the approval of the appointments made by the Secretary-General (Article 6) and may decide that the seat of the League shall be elsewhere than at Geneva (Article 7). The Council shall formulate plans for the reduction of armaments and must give its consent to armaments exceeding those limitations (Article 8). It shall advise as to the evil effects attendant upon manufacture of arms by private enterprise (Article 8). The Council shall advise, in case of aggression (Article 10). It must formulate and submit proposals for the establishment of a Permanent Court of Justice (Article 14), and it may act as a Council of Mediation (Article 15). It must make recommendations to the Governments as to military contribution to the armed forces to be used to protect the covenants of the League (Article 16). It will define the conditions of the mandates if they have not been previously agreed upon by the Members of the League (Article 22, paragraph 8). Its consent is required for the co-operation of the Secretariat with international bureaus and commissions (Article 24, paragraph 2).

<sup>1</sup>Inserted in the Assembly on motion of Serb-Croat-Slovene State.

The Council furthermore derives clearly defined functions from the peace treaties (see Article 48, Article 50, Annex 17, Article 213 of the treaty of Versailles; Article 159 of the treaty with Austria, Article 104 of the treaty with Bulgaria, etc.).

III. Competence of the Assembly.—The Assembly also has duties and rights which are peculiar to it; for example, admission of new Members (Article 1); election of representatives on the Council (Article 4); approval of additional members on the Council (Article 4); approval of the Council's nomination for the office of Secretary-General (Article 6); hearing of disputes referred from the Council to the Assembly, etc., etc. We find that on these very important matters the final decision rests with the Assembly and not with the Council.

IV. While, as we have seen, the Council and the Assembly have each their distinctive rights and duties, there are matters the decision of which is left to the League of Nations without it being specified to which organ of the League the right of decision belongs (Articles 23 and 24 of the Covenant; Articles 103, 336, 338, 376 of the treaty of Versailles).

V. Finally our account of the provisions of the Covenant in regard to the powers of the Council and the Assembly should be completed by setting out the relevant provisions of Articles 3 and 4. The former provides:

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

The latter article provides:

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

#### *No Need to Define Functions Now*

VI. In the opinion of the Committee it would not seem to be desirable or necessary to formulate in explicit language at the present time what are the precise functions which the Council and the Assembly are respectively expected to perform. In the report presented by Mr. Balfour and approved by the Council the following conclusion is reached:

"The moral I would draw from these broad considerations is that the less we attempt to formulate in explicit language the precise functions which the Council and the Assembly are respectively expected to perform, the better for the future of the League. . . .

"Let us substitute for any such formalism of our respective duties a resolve to deal with any difficulties between the Assembly and the Council, not according to prearranged rules, but according to the dictates of tact and common sense, treating each case as it arises on its merits."

The Committee recommend the Assembly to accept and act upon this conclusion.

VII. In the report by Mr. Balfour already referred to, a proposal is made for the appointment of mixed committees to determine questions of doubtful competence between the Council and Assembly. While appreciating the purpose of this proposal, we think it is not necessary at the present time to decide this question.

VIII. It remains to solve a very important question: What is the nature of the executive effect of decisions of the Council and the Assembly? In our opinion the Assembly and the Council should be considered to have complete authority in all matters which the Covenant or the treaties have committed to them for decision. There are, however, matters referred to in the Covenant which are not within the competence of these organs, but require the concurrence and action of the Governments concerned in the form of international conventions, such as the serious questions contemplated by Article 23, paragraphs *a, b, e, f*. In these matters one must not forget that the responsibility of the Governments represented at the Assembly, which is external to the Assembly, can not be engaged. The action of the Assembly should accordingly take the form of a recommendation or invitation leading up to agreement between the Governments.

### *Principles Rejected and Those Adopted*

IX. Two further questions were discussed in the committee.

*a.* The first question was whether a member of the Council, in rendering his decisions on the Council, represented the Member of the League which appointed him or acted in an independent capacity. Representatives on the Council and the Assembly are responsible to their own Governments and to those Governments alone. The Assembly has no right to interfere with the choice which a Member of the League may make of persons to represent it, nor to prevent a representative from saying what he pleases; but it is essential that it should be thoroughly understood that, when a representative votes, the vote is that of the Member which he represents, whether the vote be cast in the Council or the Assembly. (*See Article 5.*)

b. The idea was suggested not of permanent committees continuing to function after the Assembly had risen, but of allowing committees which have failed to complete their labors in the course of a session of the Assembly to retain their mandates until their discussions are completed. The Committee is unable to accept this proposal. Practical reasons render it unrealizable. As each committee consists of one representative from each state, it would be impossible to keep the members of a committee in Geneva after the Assembly session was over.

X. At the close of this purely juridical discussion, and as an assistance toward reaching a working basis for the time being, the Committee suggests the adoption of the following principles, which it has framed after close examination of the investigations upon the subject in question already made by the Secretary-General and Mr. Balfour:

a. The Council and the Assembly are each invested with particular powers and duties. Neither body has jurisdiction to render a decision in a matter which, by the treaties or the Covenant, has been expressly committed to the other organ of the League. Either body may discuss and examine any matter which is within the competence of the League.<sup>1</sup>

b. Under the Covenant representatives sitting on the Council and the Assembly render their decisions as the representatives of their respective states, and in rendering such decisions they have no standing except as such representatives.

c. The Council will present each year to the Assembly a report on the work performed by it.

#### NONPERMANENT MEMBERS OF THE COUNCIL

No question before the Assembly was given more careful or serious attention than that relating to the selection of the four Members of the League which, with the great powers, make up the Council. An equitable scheme of apportioning four places on the Council among ten times that number of Members, of determining lengths of service, of properly distributing representation geographically, etc., in effect raised the same problem which has proved a difficulty in international organizations from the outset. The Assembly, while not committing itself to decisions of principle on its first examination of the question, successfully passed

<sup>1</sup>Added at the 14th plenary meeting of the Assembly on the motion of Lord Robert Cecil (South Africa).



resolutions fulfilling its duty to make appointments, and thereby created precedents which will facilitate the later establishment of principles acceptable to all states.

The First Committee studied the problem in all its details during several meetings in which all the debatable questions were put to a record vote. These were all close. They resulted in a series of five draft resolutions which were presented to the 19th plenary meeting of the Assembly in a report (172B) by Mr. Balfour, chairman of the First Committee, who explained that all the important proposals were the subject of very sharp discussion and marked differences of opinion, with votes showing no very substantial majority. "All the important differences that declared themselves among the members of the committee," he said, "really turned on this—whether we should endeavor to lay down rules with regard, for example, to nonre-eligibility." The report related succinctly what had passed in committee, and stated:

II. . . . The French text of Article 4, paragraph 1, lays down that the four nonpermanent Members of the Council *sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir*, while the English text reads: "shall be selected by the Assembly from time to time *in its discretion*."

Part of the Committee was of opinion that this provision should be understood as follows: The plenary Assembly should remain free to choose as Members of the Council those Members of the League whom, at the time the selection is made, it considers best fitted to carry out their duties as such, that is to say, to watch over the interests intrusted to the Council. The selection of the four Members is, therefore, to be free and not subject to any regulations on the part of the Assembly, either in respect of apportionment of seats or of the progressive limitation of choice. Such regulations are alone admissible as are confined to the method of selection and the duration of the mandates or are intended to guarantee freedom of choice. In other words, only regulations exclusively affecting the actual procedure of selection can be considered as compatible with the Covenant.

On the other hand, however, other members of the Committee are of opinion that Article 4 gives the Assembly of the League absolute liberty not only to regulate at will the method of election and the duration of mandates, but also to introduce any system of apportionment of seats or of rotation calculated to increase the prestige of the Council and to

enable it to watch over the common interests of the whole world in the best possible manner.

### *Obligatory Rotation Rejected*

III. Part of the Committee was of opinion that the fundamental principle to which the Assembly should always adhere in selecting the nonpermanent Members of the Council, is that those Members should be chosen who are best fitted to carry out, in conjunction with the permanent Members, the duties intrusted to the Council; the election must always be a selection. With this object in view, especial consideration should among other things be given to international political, economic, social and financial relations of every sort, as well as to the respective situations of the various states at the time of the election.

Other Members consider that, in order to insure that the composition of the Council is satisfactory, it is essential to guarantee to Members of the League the certainty of obtaining a seat in turn, since without this certainty there would be a risk that they would gradually cease to take an interest in the work of the Council, and that the spirit of co-operation would be weakened. For these reasons, they proposed that the duration of the mandate of nonpermanent Members of the Council should be reduced to a short period—for example, two years—in order to accelerate the rotation as much as possible, and to require that a Member who had sat on the Council should not be re-elected until all the other Members had also sat on the Council. This system has been called the system of obligatory rotation.

Part of the Committee believes that this is incompatible with Article 4 of the Covenant. The system of free selection provided for in this article would thus be replaced by the system of obligatory rotation. The latitude of choice would be restricted from year to year, and would indeed finish by disappearing altogether, because the Assembly would ultimately only be able to appoint to the Council those Members who had not yet been elected.

It was urged that justice, as well as expediency, requires that all the Members of the League of Nations should in turn obtain a seat on the Council, in order to be able to represent their views on matters of international policy, and to utilize their special knowledge concerning the actual situation in different parts of the world. The majority, however, considers that the appreciation of these elements should always be left to the Assembly. The latter can not therefore adopt a rigid system, which is foreign to the Covenant, nor can it be bound by any such principle as that of obligatory rotation. The Committee has accordingly not adopted this system.

IV. In order to insure a wiser apportionment and a more enlightened choice at the election, the Committee preferred the system of voting for one name at a time to the "scrutin de liste," and although the election is one of states and not of persons, the Committee unanimously declared itself in favor of a secret ballot.

V. As regards the duration of the mandates, part of the Committee is in favor of as short a period as possible, in order to give the Members of the League the greatest possible chance of being represented on the Council within a reasonable time. Another part of the Committee, however, considers that the four nonpermanent Members of the Council will not be able to exercise an appreciable influence by the side of the permanent Members, unless they sit for a sufficiently long period to enable them to become familiar with the course of business. They, therefore, proposed four years as the period of the mandates. The Committee decided by 14 votes to 13 in favor of the period of two years, 15 members being absent or abstaining from voting.

VI. The Committee further declared itself in favor of partial renewals of the nonpermanent Members and fixed upon two as the number of Members to be selected each year. Any system involving the simultaneous renewal of the four seats was rejected.

VII. The Committee was further of the opinion that a system of qualified nonre-eligibility should be adopted with a view to preventing the growth of a species of customary right to re-election. The majority thought that it would be possible to allow a Member, who had held his seat upon the Council for two years, to be selected for a further two years, but felt the necessity of stipulating that, subsequently, retiring Members should be ineligible for a period of four years. Even when a Member was not re-elected after sitting for two years, he should not be able to sit again on the Council until a period of four years had expired.

### *Distribution of Council Membership*

VIII. The Committee proposes, firstly, that two of the four Members should be selected at each annual meeting of the Assembly, and, secondly, that all four Members should be selected during the present session. As a temporary measure, therefore, the Committee suggests that two of the mandates should be for one year and two for two years. The respective length of the mandates could be decided at the election, but the Committee prefers that this question should be decided by drawing lots, after the selection of the Members.

A proposal to distribute the four nonpermanent seats upon the following geographical basis—three seats to the European and American

Members of the League, and one seat to the Members from Asia and the other parts of the world—was thoroughly discussed by the Committee.

On the one hand, it was urged in support of this idea that—due regard being given to the main branches of humanity, the great currents of civilization, the principal sources of wealth, and the commercial arteries of the world: (1) The Members of the League of Nations who are not permanently represented on the Council naturally fall into three groups: the European Group, the American Group, and a third group including Asia and the other parts of the world; (2) These three groups of Members of the League with their respective problems, conditions and capabilities should all be represented on the Council, the permanent embodiment of the spirit of the League, inasmuch as universal co-operation is essential for the effective maintenance of world peace and the advancement of the common interests of humanity; (3) The proposed system of apportionment is equitable and is designed to obviate the preponderance of any one part of the world, to the exclusion of other parts, with regard to nonpermanent representation, a preponderance which would be possible in the absence of any system of apportionment; (4) The nonrepresentation of any one of these three groups of Members might jeopardize friendly relations between them, and even weaken the League itself, since the nonrepresented group would gradually lose interest in the League; (5) Such a system of apportionment is desirable, since it would tend to enhance the prestige of the Council and to inspire confidence in its deliberations and decisions among all the Members of the League; (6) An equitable system of this kind is entirely in harmony with the spirit of the Covenant and does not constitute a restriction on the discretionary power conferred upon the Assembly, by the Covenant, but is rather an enlightened use of that power.

On the other hand, it was urged that any hard and fast system of apportionment would be contrary to the Covenant since it would involve restriction of the freedom of the Assembly by introducing a system of representation foreign to the Covenant, as has been already explained; that neither the Asia-Africa-Oceania group nor even Asia or Africa separately can be considered from any point of view entities sufficiently homogeneous to supply a legal basis for representation on the Council; that the universal co-operation necessary for the effective maintenance of world peace and for the advancement of the common interests of humanity must be achieved by the Assembly of the League rather than by the Council; that in order to obtain equitable representation, and to avoid the undue preponderance of any part of the world, among the nonpermanent representatives of the Council, we must rely rather on the spirit that animates the League than on any predetermined regula-

tions; that Europe is at present in the throes of a crisis, and that in consequence the composition of the Council must offer guaranties which will meet the requirements of this situation; that later on a crisis may develop in some other part of the world, creating new requirements; and that at any rate until peace has been finally re-established, there can be no restriction of the freedom of choice of the Assembly as regards the selection of the four nonpermanent Members of the Council.

A motion proposing to adopt experimentally at the election in the present session of 1920 the system of distribution of seats mentioned above was accepted by 13 votes to 12, two Members abstaining from voting, and 15 being absent.

IX. The Committee finally considered whether the regulations which it recommends are or are not matters of procedure within the meaning of Article 5, paragraph 2, of the Covenant. Certain Members of the Committee urged that at least Resolution IV could not be regarded as a question of procedure, but was a question of substance. The Committee, however, adopted by a majority the view that all the resolutions proposed deal with matters of procedure.

### *How Should Vote Be Held?*

After the debate had proceeded for some time, M. Aguero (Cuba) proposed that voting should take place on the resolutions in order. This plan was about to be followed when M. Urrutia (Colombia) suggested that the question of whether the vote was to require unanimity or only a majority, as a matter of procedure, should be previously decided. Mr. Millen (Australia) objected that this would "trespass upon the sovereign rights of the sovereign states." Mr. Balfour supported the Colombian suggestion. Signor Schanzer (Italy) urged that deciding what was a question of procedure was a question of substance, for which unanimity was required. As to the proposed resolutions, he felt that, for instance, No. 2 could be decided by majority vote but No. 4 required unanimity.

M. Benes (Czecho-Slovakia) agreed with the Italian and therefore proposed this motion:

That we proceed this year with the selection of the nonpermanent Members of the Council only for the duration of one year, without any restrictions at all, that the different proposals and the resolutions which the committee has worked out be referred to the Committee on Amendments to the Covenant to report to the Council.

This brought both opposition and support, but the debate was brought to a close by Mr. Balfour proposing his resolutions, amended to conform to this suggestion. M. Benes expressed approval and Mr. Wellington Koo seconded the Balfour motion, which was put to a vote item by item. All votes were without objection, except that the recommendation vote stood 27 to 4. The text as passed follows (A. D. 218):

1. The mandates of Belgium, Brazil, Spain and Greece as Members of the Council, as provisionally conferred by Article 4, paragraph 1, sentence 3, of the Covenant, shall expire on December 31, 1920.

2. In execution of Article 4, paragraph 1, sentence 2, of the Covenant, the nonpermanent Members of the Council shall, at the present session of the Assembly, be selected one at a time and by secret ballot for a period of one year. If no Member obtains at the first ballot an absolute majority of votes, a new ballot shall be taken, but on this occasion the voting shall be confined to the two Members who obtained the largest number of votes at the first ballot. If at this ballot the two Members obtain an equal number of votes, the President shall decide by lot.

3. The various proposals considered by the First Committee on this subject shall be sent to the Committee to be constituted by the Council for studying amendments to the Covenant, which shall report on them to the next Assembly.

### *Recommendation*

The Assembly is recommended to vote for the four nonpermanent Members to be selected by the Assembly in 1920 so that three shall be selected from among the Members of the League in Europe and the two American Continents and one selected from among the members in Asia and the remaining parts of the world.

### ELECT MEMBERS OF COUNCIL

In accordance with these resolutions, balloting for the four nonpermanent Members of the Council took place at the 25th plenary meeting. Ballots resulted as follows:

39 states voting, Honduras and Liberia not voting.

1. Thirty-five in favor of SPAIN; 2 in favor of Brazil, and 2 in favor of China. Spain designated as a Member of the Council.

2. Thirty-three in favor of BRAZIL, 3 for Portugal, 2 for China and 1 for Sweden. Brazil declared the second nonpermanent Member of the Council.

3. Nineteen voted for China, 16 for Belgium, 1 for Holland, 1 for Sweden, 1 for Czecho-Slovakia and 1 for Portugal. According to the rules, a second ballot between the two states at the head of the ballot, China and Belgium, was necessary.

4. BELGIUM 24 votes, China 14, and Rumania 1. Belgium declared the third nonpermanent Member of the Council.

5. CHINA received 21 votes, Rumania 7, Sweden 5, Czecho-Slovakia 2, Portugal 1, Greece 1, Switzerland 1 and the Serb-Croat-Slovene State 1. China proclaimed a nonpermanent Member of the Council.

#### IV. AMENDMENTS TO THE COVENANT

The First Committee's discussion of amendments to the Covenant began at its first meeting. On motion of M. Politis (Greece) that the question should not be taken up until a subcommittee had first examined it, the meeting adjourned. At the second meeting the amendments proposed by the Danish, Norwegian and Swedish Governments were before the committee. These, with the exception of a lengthy proposed procedure for commissions of inquiry,<sup>1</sup> were in substance identical with the Danish suggestions, which read:

Art. 3, par. 2. The Assembly shall meet *each year at the time fixed by its rules of procedure* and from time to time, as occasion may require, at the seat of the League, or at such other place as may be decided upon. *On the demand of ten members of the League, the Secretary-General shall immediately summon a meeting of the Assembly at the seat of the League.*

Art. 4, par. 1. The Council shall consist of representatives of the *United States of America, the British Empire, France, Italy and Japan*, together with representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly *at its annual meetings, by a majority of the Members of the League represented at the meeting, and for a period of four years dating from the first of January of the following year. A member who has been appointed for one period may not be appointed for the following period. On the occasion of the first appointment, the four members shall be appointed respectively for periods of three, four, five and six years.*

Art. 13, par. 2. Omit the word "generally."

Art. 16, add after par. 1. *At the request of a Member for whom the application of the above provisions might entail serious danger, the Council may authorize this Member to maintain intercourse, in such measure as the Council shall decide, with the covenant-breaking state.*

Baron Marks von Wurtemberg (Sweden), introducing the amendments, referred to the careful study which had been given to the question of a League of Nations by the Scandinavian

<sup>1</sup>For full text see *Official Journal*, No. 6, 353-357; Assembly Document 10.



Governments, both before and since the framing of the Covenant. He urged that the Covenant inevitably contained defects and obscurities; and while he recognized that important changes must raise questions of great delicacy and ought not unduly to be pressed at the present moment, he considered that the Scandinavian amendments were immediately necessary.

Sir Ali Imam (India) thought the committee should lay down the principle that they would not consider any amendments inconsistent with the explicit terms of the Covenant. M. Viviani (France) proposed that the committee should, on principle, refuse to consider any amendment of the Covenant. The first Assembly of the League must not take any action which could appear to reverse the provisions of the treaty of Versailles. He thought, moreover, that the committee were not competent to deal with amendments to the Covenant.

#### *Committee Is Suggested*

M. Lange (Norway) urged that the committee had a mandate to deal with the amendments. The purpose of the amendments was merely to render explicit the provisions in the Covenant and fill up its lacunae. They were in no way contrary to the provisions of the treaty of Versailles. The Assembly must not take a formalistic view and fall short of what was demanded by public opinion. He proposed, as a subsidiary measure, the appointment of a committee of jurists to report on the amendments at the next session of the Assembly. M. Struycken (Netherlands) considered that the committee should discuss the first two Scandinavian amendments, reserve the third until Assembly Committee No. 3 had presented its report, and refuse to discuss the remaining amendments which touched the substance of the Covenant.

Viscount Ishii (Japan), referring to the safeguards against ill-considered amendments in the constitutions of most states, was strongly of opinion that any proposal to amend the Covenant was premature. The Chairman agreed that amendment of the Covenant at this moment would be premature. There was as yet hardly any experience of its working as originally drafted. He recognized that the Scandinavian amendments did not go to the

root of the Covenant or conflict with its essential principles, and that the Covenant would one day require amendment, but he thought that a little delay was advisable.

The representatives of Norway and Denmark again appealed to the committee to discuss the principle of the amendments, or to take steps to secure appointment of a committee to report upon them to the next Assembly. M. Spalaikovich (Serb-Croat-Slovene State) and M. Jonsescu (Rumania) appealed to the committee to do nothing to invalidate the treaty of Versailles, which was the charter of their national freedom.

### *Vote Not to Consider Amendments*

The Chairman proposed a vote upon whether the amendments should be considered. M. de Alvear (Argentina) rose to support the appointment of a special committee to consider amendments. After an exchange of views between the representatives of France, Norway, China and Argentina, the Chairman said that the question of such a committee would arise if it was decided to consider the amendments. The Chairman then put the following question: "Whether the amendments referred to the committee should at this moment be taken into consideration by the Assembly or not."

The committee, by 20 votes to 8, decided against consideration of the amendments.

The following countries voted with the majority: South Africa, Australia, Belgium, Brazil, British Empire, Canada, China, Czecho-Slovakia, France, Guatemala, Haiti, India, Italy, Japan, Poland, Rumania, Salvador, Serb-Croat-Slovene State, Spain, Switzerland.

The following countries voted in the minority: Argentina, Cuba, Denmark, Netherlands, Norway, Panama, Siam, Sweden.

Three countries did not vote.

At the fourth meeting of the First Committee, the Chairman announced that the Netherlands proposed that the Council be invited by the Assembly to appoint a committee to study the amendments to the Covenant presented to the Assembly. The committee shall report to the Council, which shall in its turn place their conclusions before the Assembly at the next meeting. He thought that this proposal was perfectly consistent with

the general scheme of the League and would give great satisfaction to the Scandinavian countries and Switzerland, and probably form a useful precedent. If it was accepted, he did not think the Council would be hostile to the proposal. On the recommendation being voted on, it was carried, 18 states voting for and none against.

Mr. Balfour (Great Britain), Chairman of the First Committee, acted as rapporteur at the 12th plenary meeting of the Assembly. He said in part:

"After some discussion we decided that the moment was inopportune for making any amendment at all, and I should like briefly to explain our reasons for the course we then adopted. Let me say in the first place that one reason was not that we thought the Covenant inspired from Heaven, immutable, perfect in all its parts, never to be changed, modified or improved. No such idea entered into the mind of any member of the committee. We know perfectly well the extreme difficulties under which the Covenant was drawn up. It was drawn up in Paris in the year 1919 by statesmen of the greatest eminence, but who were at that moment overwhelmed with responsible work; it was carried through with marvelous unanimity and rapidity. . . . Admirable as is the Covenant, we all recognize that certainly in details, and possibly as time goes on even in matters which can not be described as matters of detail, changes will be desirable, and will indeed be inevitable. Our view was, and is, that those changes must come, and ought to come, but they ought not and properly can not come at the present moment. If our first reason for deferring amendments was not because we think the Covenant perfect, neither was it because we think the amendments proposed by the Scandinavian countries were not in themselves worthy of the most careful consideration, and indeed showed the utmost industry, skill and ingenuity on the part of those who drew them up. That is not our view. . . .

### *Postponement Discussed*

"Our motive was twofold, and the first motive was this: If you change the Covenant, you change the treaty of Versailles. The Covenant . . . is an integral part of the treaty, and we thought

it very undesirable at this moment and in the circumstances in which we find ourselves, that the Assembly should set to work to pull to pieces that great international instrument which gave a seal to the peace of the world. . . . Our second motive was this. We remembered that the League of Nations is yet very young, that it has been in existence less than a year, less, indeed, than eleven months, that its experience and the experience of its Members is necessarily imperfect because it has been inevitably short, and we thought, and still think, that before beginning to amend the instrument which has brought us into being, and by which we exist and work, we ought to have behind us somewhat more experience than could have been afforded us by ten months' working of the Council, and a fortnight's work of the Assembly.

"These reasons which I have briefly indicated were sufficient to convince the committee that the work of amending the Covenant was one which, though inevitable, ought to be somewhat deferred. The question then remains, granting that broad principle is accepted, how are we to deal with the carefully thought-out amendments which have been laid before us by the Scandinavian countries?"

The speaker read his resolution and ended with this comment:

You will observe that the amendments are not withdrawn from the Assembly, or indefinitely shelved or put on one side, but that they are handed over to a committee which will carefully and maturely consider their provisions, and after such careful and mature consideration report to the Council, who will in their turn report to the next Assembly. Therefore, when in September next the Assembly comes together again in this town, they will be in a position fully to consider and finally to decide whether those amendments shall be accepted.

Dr. F. Hagerup (Norway): I wish to express my thanks to the President of the First Commission for the kindly terms in which he has referred to the resolutions of the Scandinavian countries. Also I desire to express my satisfaction with the resolution which he has proposed to the Assembly. I wish to emphasize the point that the amendments have not been rejected, but are to be submitted to a special examination. That is exactly what we desire.

The Swedish and Danish delegates expressed themselves in the same sense. The Dutch delegate spoke much to the same effect. M. Affonso Costa (Portugal) next spoke:

I am one of those members who consider that the question of amendments to the Covenant could be carried out at this Assembly. I feel very much that the Covenant is not perfect. . . . The Covenant is not in itself the treaty of Versailles, and it can be modified by Article 26 according to necessity. But the First Committee decided that it would be premature to effect any amendment now. There will be another Assembly of the League on September 5 next, and the time between now and then is not too long for us to study these questions and even to present other amendments. Perhaps between now and then other states will have become Members of the League and we want to have those states here before we start any modifications of the Covenant. I accept the short delay in making any modifications to the Covenant. But, with regard to the second part of the motion, I propose to add words to this effect: That the committee will study the Scandinavian proposals and also such proposals as shall be submitted to it within a period which the Council shall determine.

He then read out certain amendments to the Covenant which the Portuguese Government wished to propose for the consideration of this committee.

Mr. Balfour, in reply to a question by Mr. Rowell, stated that the resolution about to be voted upon did not cover the method of allocating financial quotas.<sup>1</sup> He added that it seemed to him desirable, as the delegate of Portugal had suggested, that amendments might be with advantage submitted to and considered by that committee, so that "when we meet next year, we shall meet with a considered opinion on the merits of the various proposals for changing the text of the Covenant. My own advice would be to accept, not merely the resolution in the form I read it out, but also the amendment which the representative for Portugal desires to add to it."

Eventually, the Balfour motion as amended by M. Costa was put to a standing vote as a whole.

MM. Pueyrredon (Argentina) and Velasquez (Paraguay) rose against the proposal. The President suggested that a vote by

<sup>1</sup>See page 124.

ballot would satisfy the dissidents. M. Pueyrredon replied that he had voted against because the proposal prevented consideration of amendments at the present session. M. Viviani rose to the point of order that this was a question of procedure capable of decision by a majority. The President so ruled. "I agree," said M. Pueyrredon. "Under these conditions the proposal is adopted," declared the President, and the meeting, assenting, adjourned. The resolutions as adopted follow (A. D. 158):

The Assembly of the League of Nations resolves:

*a.* That the amendments to the Covenant proposed by the Danish, Norwegian and Swedish Governments shall, at this moment, not be taken into consideration by the Assembly; and

*b.* That the Council be invited to appoint a committee to study the said proposals of amendment, together with any which may be submitted by a Member of the League within a period to be fixed by the Council.<sup>1</sup>

This committee shall report to the Council, which shall place the conclusions before the Assembly at its next session.

### ARGENTINA'S WITHDRAWAL

The President opened the 14th plenary meeting by reading correspondence, which follows in part:

ARGENTINE DELEGATION,

ASSEMBLY OF THE LEAGUE OF NATIONS, GENEVA.

*December 4, 1920.*

SIR,

In the course of the Plenary Session of the 2nd instant, the Assembly was notified of a motion proposing to adjourn the discussion of amendments to the Covenant by various nations until the next session of the League. . . .

We should have consented to the postponement of questions of secondary importance, but we can not do so in the case of important motions capable of completing and strengthening the institution which is the fruit of the Covenant

<sup>1</sup>At the final session of the Assembly it was announced that the Council had fixed March 31, 1921, as the date at which the proposals for amendments to the Covenant should be sent in to the Secretariat, in order to be examined in time by the committee.

We are ready to respect the opinions which are represented in the vote which we are discussing, though they are at variance with our own. We recognize that these opinions are inspired by the desire to help forward the noble aims pursued by the League of Nations; but we should be lacking in consistency if, after having firmly upheld the same principles in our declarations and in the committees, we failed to adopt the only course which appears to us to be reconcilable with the convictions which induced the adhesion of our Government to the great idea of a League of Nations.

The chief aim of the Argentine Government in sending the Delegation, of which I have the honor to be head, was to co-operate in the work of drawing up the charter by means of amendments to the Covenant, in which we hoped that it would be possible to embody the ideals and principles which Argentina has always upheld in international affairs, and from which she will never deviate.

When once this aim has disappeared, owing to the postponement of the amendments, the moment has arrived for Argentina's co-operation in the work to cease. The adoption or rejection of the lofty principles contained in the amendments which have been presented to the League would have served to demonstrate to our country, and to public opinion, by what permanent rules of conduct the League of Nations was likely to be guided.

For the above reasons, and in accordance with the instructions received from my Government, I have the honor to inform the President, and through him the Assembly, that the Argentine Delegation considers its mission at an end.

I beg you, Sir, to be so good as to accept and to transmit to the eminent representatives of the states composing the Assembly our most respectful greetings.

The President read his reply expressing regret on behalf of the Assembly at the action of the Argentine Delegation. He then accorded the floor to Lord Robert Cecil who after a graceful tribute to the personality of Señor Pueyrredon said that the latter's "proposals were never discussed here. I hoped they would have been discussed, and had the Argentine Delegation remained, they would undoubtedly have had full opportunity of discussion, and after that discussion we could all have made up our minds as to the value and opportuneness of those proposals." And he added:

But I am bound to add this, for fear of misunderstanding—that if every Member of the Assembly were to take the line which the Argentine

Delegation has taken, no progress would have been possible. No Assembly can exist; no Assembly can function, if, because some decision as to the procedure on a particular resolution is arrived at, the author of that resolution withdraws all his assistance from the deliberations of the Assembly, and I can not help feeling that our Scandinavian colleagues have shown a much higher appreciation of what is required when they have co-operated in the decisions of the Assembly, even though the effect of them was to postpone the adoption of the proposals they have laid before us. In any case, the attitude of the Assembly and the League is unchanging; wherever criticism may come from, the League will continue to discharge its duties. No one who has had the privilege of taking part in this Assembly can fail to realize the gigantic step forward which has been made in international co-operation.

### PROPOSAL TO ELIMINATE ARTICLE 10

The Assembly next turned to amendments proposed by the Argentine delegation and by Charles J. Doherty (Canada). It is worthy of note that the Argentine amendment bore the same date as the letter of withdrawal.<sup>1</sup> The Canadian motion follows:

That Article 10 of the Covenant of the League of Nations be and is hereby struck out.

M. Branting (Sweden): "As the representative of one of the countries which suggested changes in the Covenant, I now ask that the Assembly should deal with the proposals before them in the same way that they dealt with the Scandinavian proposals."

Mr. Doherty began by recognizing the desirability of applying the same principle in all perfectly analogous cases, but argued

<sup>1</sup>The Argentine proposal read:

"The strength of the League of Nations depends on its including the greatest possible number of states; the fewer the states outside it the greater will be the number of the Members pledged to carry out its discipline and to perform the duties which it imposes. The non-admission of a number of states might lead to dangerous antagonisms, be the cause of the formation of a league of states outside the League in rivalry to it, and lead to constant anxiety for the peace of the world.

"The Argentine Delegation therefore proposes:

"That the sovereign states recognized by the community of nations be admitted to join the League of Nations in such a manner that if they do not become Members of the League, this can only be the result of a voluntary decision on their part."



such analogy did not follow from the fact that motions were amendatory of the Covenant. He continued:

Our hope has been that the motion of which we gave notice might be referred to the Second Committee, in order that opportunities might be given for considering what would be the best method of dealing with it.

I understand, however, through our representative on the Bureau, that the suggestion made by M. Branting expresses the unanimous view of the Bureau as to the manner in which the motion which I have the honor to submit should be dealt with. . . . Our proposal, which, for reasons that need not be gone into here, did not come before this Assembly in its opening days, is not the result of any afterthought on the part of Canada or her representatives. It represents the view which Canada entertained at the time the Covenant was under discussion, and which she endeavored to cause to prevail. That view, however, did not then prevail; but Canada, notwithstanding that, in view of the great importance of the League being brought into being, accepted the Covenant as it stood with this clause. She did so in the hope and expectation of opportunity for amendment of the Covenant, which the Covenant itself provides for, and she looked forward to having that opportunity to make her best endeavors, at all events, to bring about this improvement. We fully recognize that the motion is one of importance, and that there is much to be said in support of the view that there should be the most careful consideration. We further realize that no action upon it, favorable to the view we entertain, can be taken and be effective without the co-operation of both Council and Assembly. That being so, and in view of the fact that it is the view of the Bureau that we could not expect to obtain unanimity upon this question of the best method of procedure, we feel we have no other course open to us than to yield as gracefully as may be, to the inevitable.

The two amendments were referred to the committee to be appointed by the Council.

## V. TECHNICAL ORGANIZATIONS

The Second Committee, Technical Organization, met for its first meeting<sup>1</sup> on November 19, with M. Tittoni (Italy) presiding. The Chairman stated that "in conformity with the letter and the spirit of the Covenant, and, even more, in view of the general purposes for which the League was established, the latter is called upon to perform a number of duties of an international character, which, from their nature, may be called duties of a technical order—such as those dealing with health, transit and communications, economic and financial questions. These duties are of importance, not merely because they form an integral part of those other duties which appear at first to appertain more particularly to the League, such as its political duties and those which aim at securing international justice, but also because it is by means of these technical functions that the League of Nations, in this the initial stage of its existence, will be able to consolidate its structure and do justice to the importance of its mission. It is precisely in the field of these questions, more even than in the political field, that states may now be more disposed to renounce the individualistic point of view and more inclined to act in the general interest, since the results are more immediate. The International Labor Office, which was the first technical organization established by the League, has in this way increased the credit of the League by being a practical and vital institution, that has secured the aid of that public opinion which undoubtedly constitutes the most powerful support of the League itself.

"The war, which divided the majority of the states into two groups, has made it clear that common dangers demand common action. It is evident that many questions, if they are regarded and treated in an individualistic manner, may disturb international harmony, and, on the other hand, if they are approached

<sup>1</sup>Meetings were held as follows: 1, November 19; 2, November 20; 3, November 22; 4, November 24; 5, November 26; 6, November 29; 7, December 1; 8, December 3; 9, December 6; 10, December 8; 11, December 10; 12, December 16.

from the point of view of common interest, may contribute to the peace of the world. A great number, indeed, of these questions, which up to a few years ago bore a purely national aspect, have now crossed the frontiers and assumed a definite international aspect. In view of this phenomenon, brought into contact with our own time by the internationalization of ideas and conditions, we must guide our conduct by the endeavor to secure collective effort and the co-ordinated action of the greatest number of those interested.

"It is precisely in the consideration of universal points of view in the search for a basis of equilibrium, and in the adoption of an average international opinion, that the League of Nations, without becoming in any way a superstate may fulfil its functions. To a certain degree the League must proceed to analyze conflicting opinions in every field, and to apply tests to discover how far the time is ripe for proposed reforms. By establishing contact with technical experts in all countries and utilizing their aid, the League must hasten to establish the organizations necessary for uniform and sanitary action in the general interest. The activities of these technical organizations should be closely co-ordinated with the work of the Council, and on this point the Council is submitting to the Assembly the draft resolution which it passed at its meeting in Rome."

The ten subjects on the agenda of the Assembly which had been referred to the committee for study were assigned to its members for special reports at the first meeting, M. Tittoni taking the first which dealt with relations between technical organizations and the Council and Assembly.

This important subject was much debated when the statement respecting it was brought before the third meeting of the committee, a proposal regarding the permanent committees for each subject occupying the bulk of attention. The committee finally decided to set up only organizations advisory in character, except in the case of health, which was already the subject of an international convention. The decision as to permanency was therefore left to the Governments of states.

## RELATION TO ASSEMBLY AND COUNCIL

M. Hanotaux read the committee's report (A. D. 171) at the 16th plenary meeting of the Assembly. After describing the organization of the committee's work and the previous action of the Council and after referring to Articles 23, 24 and 25 of the Covenant, he said that the foundations had been established and that the decision as to permanent procedure was due.

The second chapter of the report dealt with relations between the technical organizations and the Council and Assembly. After a brief introduction, it contained the following self-explanatory resolution:

With a view to defining the relations between the Technical Organizations of the League of Nations and the Council and the Assembly of the League, the Assembly, after having noted the resolution of the Council of the League of Nations, dated May 19, 1920, submitted to it by the Council, adopts the following resolution. The resolution will be forwarded to the secretariat of all technical organizations, and those secretariats must in all cases be administered by the Secretary-General of the League.

The technical organizations of the League now in process of formation are established for the purpose of facilitating the task of the Assembly and the Council by the setting up of technical sections on the one hand and on the other to assist Members of the League, by establishing direct contact between their technical representatives in the various spheres, to fulfil their international duties.

With this double object, they must keep enough independence and flexibility to make them effectively useful to the Members of the League, and yet they must remain under the control of the responsible organizations which conduct the general business of the League, with a view to verifying whether the proposals are in conformity with the principles and spirit of the Covenant, in accordance with Articles 19 and 20.

The two following principles will serve as a guide:

*a. The interior working of the various organizations should be independent.*

They will prepare their own agenda, and communicate it to the Council of the League before discussion thereon takes place.

In exceptional cases in which it is necessary to add to the agenda during the progress of a conference of a technical organization, and time does not admit of the communication of the addi-

tional item to the Council, any decision arrived at thereon shall be provisional only until the Council has had an opportunity of exercising its control.

*b. Their relations with the Members of the League should be under control.*

Before any communication of the results or proposals of the technical organizations is made to the Members, and before any action concerning a Member is taken, the Council of the League must be immediately informed in order that they may be able to exercise their power of control, if necessary. In this case, the Council may decide that the communication or action in question shall be postponed and request the technical organization concerned either to withdraw the question from its agenda or to submit it to further consideration.

The technical organization may, however, request that the decision taken by the Council shall be discussed at the next meeting of the Assembly.

The Assembly of the League should be informed of all questions dealt with in the interval between its meetings by the Council in the exercise of its power of control defined above. It may either be informed of such questions by the Council on its own initiative, or on the proposal of any one of its Members, or at the request of one of the technical organizations of the League.

A debate on these declarations of principle followed. Dr. Nansen thought that it was "very important that it shall be expressly stated that it would be desirable to draw in the aid and co-operation of non-Members of the League," especially in scientific and humanitarian fields. Mr. Rowell (Canada) cited Article 23 of the Covenant and held that "the setting up of the organization itself should be a matter covered by the international convention in which the Governments themselves are entitled to express their opinion through the action they would take by agreeing to an international convention." He objected to the multiplication of international conferences on the scores of expense and the difficulty of non-Europeans attending them. Mr. Millen (Australia) ratified these remarks, especially with reference to the expense involved.<sup>1</sup> M. Ador appealed to Mr. Rowell to

<sup>1</sup>The total indicated expense of such activities for 1921 is almost \$400,000 for 48 states!

approach these important and vital questions in a spirit of cordial understanding and Lord Robert Cecil, in a conciliatory move, proposed to adjourn the discussion to permit of friendly consultation.

Mr. Rowell accepted this suggestion as in accord with his own desire in a speech in which he said:

It is because I have such confidence in the League as a means of international co-operation, and such faith in its possibilities to avert the catastrophes through which we have been passing, that I do not wish the League to make what I believe would be a very serious mistake and imperil its usefulness for the future. It is in the spirit of international co-operation and with a view of making the League the most effective instrument possible that I have approached the consideration of the question. That is the whole attitude of Canada. . . . Conferences may be held, various actions may be taken, but this League and the Council are quite competent to form the conferences. It is not necessary to set up an international organization, a new organization, in order to call conferences. This League is quite competent to call conferences to consider any of these matters. Let us do everything that is necessary to meet the situation in the spirit of co-operation. Do not let us tie our hands for the future before we have had sufficient experience to know what is the wisest course to take.

After an explanation by M. Hanotaux and a compromise proposal by M. da Cunha (Brazil), the session adjourned. At the 17th plenary meeting, M. Hanotaux announced "that an agreement has been come to in a conciliatory spirit," the formula involving "not a question of principle, but one of definition of terms," which related principally to the Economic and Financial Organization, under which head they are set forth in detail.<sup>1</sup> He accordingly suggested the adoption of the resolution, which was unanimously adopted in the terms given above.

"Once these principles of our internal administration had been established, the Second Committee considered the creation of the technical organizations which have just been referred to," continued M. Hanotaux's report.

"In connection with all these subjects the League of Nations must be acquainted with the needs and wishes of the peoples, and the scientific treatment of various subjects; it must prepare

<sup>1</sup>See page 71, below.

the text of any agreements or conventions which may be necessary or useful; it must approach its labors with the assistance of those concerned, whether Governments or groups of Governments, or even individuals; in a word, it must keep in constant touch with laboring humanity, and by holding aloof from all special points of view and private interests, it must strive to unite, to conciliate, and to pacify them so that, their claim as far as possible satisfied, they may thus by their voluntary adherence contribute to the general pacification and to universal well-being.

"It thus proposes to set up three technical organizations which are immediately necessary—an Economic and Financial Organization, an Organization for Communications and Transit, and an Organization of International Health."

### ECONOMIC AND FINANCIAL ORGANIZATION

M. Ador (Switzerland) made a statement on the Economic and Financial Organization, which had been proposed, at the third meeting of the Second Committee. After having recalled the work of the Brussels Financial Conference, he expressed the view that the Assembly should not only establish the basis of an economic and financial organization, but should also express its approval of the proposals of the Brussels Conference, particularly the proposal relating to the necessity for states to restrict such of their expenses as are not productive in character.

As a consequence, he proposed the adoption of the following resolution:

In view of the resolutions of the Brussels Financial Conference<sup>1</sup> and the decisions of the Council of the League for their execution, the Assembly recognizes the necessity of constituting a Permanent Economic and Financial Committee.

The duties of this committee shall include, among others:

The preparation of a general Economic and Financial Conference in 1921.

The examination of the institution of a Credit Organization.

And, on the basis of the principles set forth in Article 23 of the Covenant, which assures to all states equitable treatment, the examination of measures for preventing monopolies of raw materials and of the means of controlling distribution of raw materials.

<sup>1</sup>See League of Nations, III, No. 5, October, 1920.

The Assembly insists on the urgent necessity of employing all natural wealth in strictly productive channels, and as a consequence it invites all Governments to make a considerable reduction in their expenses incurred by armaments and in preparations for war, in accordance with the provisions of Article 8 of the Covenant.

Mr. Millen (Australia) and Sir William Meyer (India) did not agree with M. Ador's interpretation of the resolutions of the Brussels Conference. Sir William Meyer maintained also that the terms of Article 23 of the Covenant could not be extended to raw materials. The Chairman (M. Tittoni) replied that the "equitable treatment for the commerce of all Members" provided in Article 23 of the Covenant could not be reconciled with monopolies of raw materials. Sir William Meyer (India) then asked that M. Ador should distinguish between resolutions which were textual reproductions of the decisions of the general conference and those which rested on his own inferences.

M. Ador presented three resolutions at the fourth meeting, the first of which concerned the resolution of the Council submitted for the approval of the Assembly, on which the committee was called upon to pronounce an opinion, and after some discussion of textual corrections, there was adopted a resolution in which "the Assembly recognizes and proclaims the urgent necessity of a permanent economic and financial organization," and in which it was provided that "the Council of the League of Nations shall summon, during 1921, a first Economic and Financial Conference, one of the duties of which shall be the organization of a Permanent Economic and Financial Committee."

M. Ferraris raised the question of whether the conference would present a report, and, if so, would it be sent to the Council or to the Assembly. The committee decided to refer this question to the Council.

The resolution formed the subject of Chapter III of M. Hantaux's report to the Assembly, to which he stated that "important agreements are in course of preparation in respect of the international organization of credit" as a result of the Brussels conference.

Referring to the compromise which had taken place between the



16th and 17th meetings in regard to the general resolution respecting technical organizations he added in substance:

It was said that the organizations would incur large expenditure, and that their setting up would open the door to formidable expense. The Second Committee had not had time to go thoroughly into this matter, but it took into consideration yesterday amended estimates submitted by the Secretariat for expenditure for these organizations, and the amendment of Sir William Meyer was adopted and has been forwarded to the Fourth Committee, which deals with the budget. The general trend of that amendment is to limit the total maximum yearly expenditure of the organizations in question to 2,000,000 gold francs, with power to transfer such sums from one organization to another as it may seem necessary and desirable.

There was a second difficulty. A certain anxiety was demonstrated concerning the activities of the organizations which it was proposed to set up, the so-called "Standing Committees"—the "Comité Permanent." There was a sort of apprehension lest it might gradually evolve into a super-world wide ministry of the finances and economics of all nations. It was therefore necessary clearly to establish that each Government, under the terms of the present report, in the organizations which would be set up would retain its full right and independence to accept or reject such proposals as might be put forward. In point of fact, it has always been understood that these organizations, or so-called "Standing Committees," never were intended to have anything but an advisory power. It was never intended that they should have an executive power.

### *Discussion as to Raw Materials*

The question of raw materials and their control was raised by M. Ador's second resolution. This subject had not been discussed by the International Financial Conference, but had been referred to in a resolution brought forward by the representative of Italy on the Council which, after a postponement, had passed a resolution at its Brussels meeting, which read as follows:

The Council has fully considered the difficulties experienced by numerous countries in assuring the import of raw materials essential to their welfare and even to their existence, and has requested the Economic Section of the Economic and Financial Committee to study:

(a) The extent and nature of their requirements.

(b) The causes of those difficulties (other than those arising from the lack of credit or fluctuation in the rate of exchange, which have already

been considered by the Brussels Financial Conference); the effects of the existence of monopolies will be very specially considered.

The Council invites the committee to submit to it at the earliest possible moment a report on the results of its inquiry—a report which is indispensable for the further deliberations of the International Economic and Financial Conference.

This matter was the occasion for a marked difference of opinion at the eighth plenary meeting of the Assembly, while the report on the work of the Council was under discussion. In his address then, Henri La Fontaine (Belgium) made a statement which attracted attention at the time in cable dispatches and which is accordingly given in full:

I am anxious to say how I and my friends look upon this most important question. We consider that the earth is a vast territory, unique in its entirety, from which humanity as a whole must derive full profit and advantage in equal manner. But this territory does not find itself dowered in every part with the same resources, and with the same amount of resources, and raw materials will be found in certain parts that are not found in other parts. Certain nations have the advantage of possessing these raw materials, others have not; and, in my opinion and in the opinion of my friends, I think some arrangement should be come to by which no one nation should have a prior right to these materials, nor that they should have any priority over the rest of humanity at large, but that those materials should be equally disposed of among all the nations for their mutual benefit.

The economic question is not only one of raw material *per se* but also of its transformation, circulation and distribution. Transformation has been taken in hand by the Labor Organization; circulation by the Committee on Circulation and Transit, and distribution is to be taken up by the special committee, the formation of which has been requested.

Newton W. Rowell (Canada), who emphasized the importance of distinguishing between the primary and secondary functions of the League, urged that they should not seek to promote proposals which were unrealizable because of being outside the scope of the Covenant. "If," he said, "there is one idea held more tenaciously than another on our side of the Atlantic it is that we must retain control of our own internal affairs. You can never expect the great nation south of Canada to become a party to this League so long as there is any suggestion or contention that

you are going to interfere with the domestic affairs of that country. Therefore, I think it is unfortunate to throw out to this Assembly and to the public any proposal to the effect that the Covenant of the League covers the question of raw materials. I submit, with respect, it is clear beyond peradventure that it does not. It is a question of tremendous importance to all the nations of the world. Everyone recognizes that. But to introduce it here and obscure the primary function of the League is only to militate against its efficiency and impair the position it should hold in the public estimation of the world."

Referring to this Canadian *non possumus*, M. Tittoni, who as the Italian representative on the Council, had first raised the economic question, said:

I should have liked the Canadian representative to have expressed himself in a less categorical manner and in a manner which did not immediately shut the door to all possibility of discussion and arrangement. We must all be inspired with the conciliatory spirit and allow the supreme interests of justice and of humanity to have precedence over the interests of our individual states. In my opinion, on the solution of this economic question depends the future of peace or war. The relationship between the different states has become much more difficult since the war than it was before, all the more so, because all kinds of barriers have been raised up between states from an economic standpoint since the war, and if this is persisted in and these barriers maintained and increased they will inevitably lead to tremendous economic war, and eventually to war itself. I do not intend to propose any method of solving these tremendous problems. I only appeal to those powers who are the fortunate possessors of raw materials, to those powers who are rich, not to wait for the request from the poorer powers and the powers who are dependent on them, but to come before this Assembly and say that they will waive their national interests and national egoisms in the general interests of humanity, justice and equality.

M. Ador at the fourth meeting of the Second Committee thought that the Assembly would wish to indorse the efforts made by the Council to obtain the most complete information possible on the question of raw materials. For this reason he asked the committee to adopt his resolution, which did not involve the question of principle, and had no other object but the recommendation of the most complete examination possible

of the problem. The delegate of India (Sir William Meyer) expressed the view that the Council's resolution was not within the terms of the agenda. The committee was only called upon to pronounce on the creation of permanent and temporary financial and economic organizations. In any case, he questioned the extensive interpretation given by M. Ador to Article 23 of the Covenant, which, in his view, no more referred to raw materials or tariff questions than to the injustices of nature. As a consequence, he proposed the rejection of M. Ador's motion, which he regarded as quite useless. M. Ador maintained that his resolution did not involve any question of principle, but merely asked for an exhaustive inquiry into the questions which the Council had already considered.

The delegate of Canada (Sir George Foster) feared that the terms of the Council's resolution might cause apprehension in the countries which disposed of raw materials, such as Canada and the United States. The resolution did, in fact, appear to introduce a new economic doctrine, which permitted interference in the free disposal of the natural wealth of the various nations. In his view Article 23 of the Covenant did not refer to raw materials.

### *No Resolution Reported*

The Chairman (M. Tittoni) asked the committee to return to the question at issue. They were, in fact, merely concerned with the ratification of the establishment of a committee of inquiry, which the Council had already established. The delegate of Italy (M. Ferraris) said the committee was not called upon to pronounce on principles, but simply to associate itself with the program fixed by the Council for the provisional Economic and Finance Committee. The delegate of Sweden (M. Trygger) supported the Delegate of Italy. In his view, if the provisions of Article 23 of the Covenant concerning equitable treatment of commerce were not observed commercial wars would be inevitable, and these in their turn would lead to other wars.

The delegate of Colombia (M. Restrepo) declared that the discussion which had just taken place involved political and moral principles as well as political economy. He regretted that the representatives of the British Dominions appeared to abandon

the principles of economic liberalism which had been the basis of the greatness of the United Kingdom and the development of the British Empire. Free trade was a guaranty of international peace. The delegate of France (M. Hanotaux) appealed to the committee to abandon discussions of principle, and remember the countries which had been devastated and exhausted by the war.

In spite of the efforts to secure a vote on the question of raw materials, the committee confined itself to passing a resolution referring the Council pronouncement to the proposed conference, adding an interpretative paragraph to secure unanimity.

### *What Italy Sought*

At the 17th meeting of the Assembly, while the report was under discussion, M. Ador in summarizing the work of the financial conference made a brief reference to the matter and exhorted the Assembly not to discuss it. M. Schanzer (Italy), having in mind the passage at arms in an earlier meeting of the Assembly between the Belgian, Italian and Canadian delegates, made this explanation of his country's attitude:

We have no intention of intervening in any way in the internal affairs of any nation, nor do we intend to correct nature or to correct geography. But, on the other hand, we ask for liberty and justice in economic policy, in the same way as liberty and justice are found in all the other principles which inspire the Covenant. What we ask is that artificial barriers and differential prices should not be set up. What we do not want is an economic system which will necessarily lead to reaction, and necessarily lead, in the end, to the most terrible conflicts that have ever occurred. Further, how can the working classes be raised to a higher social standard if industries are not enabled to live?

Mr. Rowell (Canada) referring to M. Ador's remarks on the economic crisis said:

I am sure everyone will agree that for the future of Europe and of the world it is of the utmost importance that expenditure for military purposes should be reduced to the lowest possible point at the earliest date practicable, and that men should learn that this war can not be paid for except by work and increased production. We can not have a world-wide war and not expect to pay the penalty in years of labor. For years we will

earn bread by the sweat of our brow because of the luxury of a great war, and that should make us appreciate the League of Nations all the more.

The speaker made reference to the raw materials resolution which was not passed by the committee, but, on inquiry, stated that he accepted the second resolution then under discussion. This resolution did not refer to raw materials, but authorized the Economic and Financial Organization to consider the resolution of the Council already referred to it by the latter body.

M. Ador's third resolution was read at the sixth meeting of the Second Committee when he stated that he was ready to omit a last paragraph concerning the reduction of armaments, as this question had been allocated to Committee No. 6. After discussion it was agreed that the paragraph should be omitted from the final text, but on the proposal of the delegate of Poland (M. A. Doerman) it was decided that the committee should inform Committee No. 6 that it considered the reduction of armaments to be indispensable from the point of view of the economic rehabilitation of the world.

M. Ador's third draft resolution was adopted unanimously. It brought forth no discussion in the Assembly.

### *Resolutions as Adopted*

The three resolutions were unanimously adopted at the 17th plenary meeting of the Assembly in the following form (A. D. 171 and 171 A):

*First Resolution.*—The Assembly recognizes the necessity of an advisory economic and financial committee, and adopts as a consequence the following resolution:

In order that the League of Nations may proceed without interruption with the working out of measures of an economic and financial nature which have been submitted for adoption by Members of the League in accordance with the Covenant of the League, an advisory economic and financial committee shall be constituted. As soon as this committee is constituted, it shall replace the provisional technical economic and financial committee appointed by the Council.

The Council of the League of Nations may summon an economic and financial conference to consider economic and financial

problems as circumstances may require, with power to constitute the advisory economic and financial committee above referred to.

In the regulations to be prepared by the Council for the holding of the conference, due regard shall be paid to the general principles governing the relations between the technical organizations of the League and the Council, and also to the general provisions that may be adopted for the other organizations, at the same time making such modifications as may be required in view of the object for which the conference is being called.

*Second Resolution.*—The Assembly having noted the resolution taken by the Council at its meeting in Brussels, October 27 last, considers it indispensable that the Economic and Financial Committee should continue its work without delay in the manner indicated by the Council.

It is understood that this resolution is voted as an interpretative clause to Annex 1A of the report of the International Financial Conference presented by M. Bourgeois to the Council at Brussels.

## ANNEX 1A

### *Resolution with regard to the Provisional Committee*

Pending the coming into operation of a definite organization for the preparation of which some time will be necessary, it is essential that the Council should immediately form a limited Provisional Committee to advise it:

- a. In considering the immediate application of the recommendations of the Brussels Conference;
- b. In preparing the agenda for the next General Economic and Financial Conference;
- c. In examining the economic and financial problems submitted to it by the Council. For this purpose a committee should at once be appointed by the Council.

*Third Resolution.*—The Assembly associates itself with the opinion expressed by the Council in its note addressed to all the Governments following on the Brussels Conference; it considers, in fact, that in the present conditions of Europe, there is urgent need for the different Governments to apply the principles laid down by the Brussels Conference as completely as possible within each of their countries. The Assembly particularly

emphasizes the urgent necessity, unanimously expressed by the Brussels Conference, that all national wealth should be employed in strictly productive channels.

### COMMUNICATIONS AND TRANSIT

The question of freedom of transit was the subject of a report by M. Loudon (Netherlands) at the seventh meeting of the committee. The rapporteur said that the question has its origin in Article 23 of the Covenant, which states that Members of the League will make provision to secure and maintain freedom of communications and of transit. He recalled the work of the committee which, at the invitation of France, met last autumn in Paris to study the manner in which the League of Nations could execute these duties. This committee was an examining committee, composed of delegates of the same powers which were represented on the Committee of Ports, Waterways and Railways of the Peace Conference and of certain others more particularly interested in questions of communication and transit.

On February 13 last, the Council of the League of Nations formally invited the committee to present to it proposals for the establishment within the League of a permanent organization, and to prepare the advance drafts of general international agreements on transit, waterways, ports, and, if possible, railways. The Council further invited the committee, pending the establishment of the organization, to inform it on questions relating to ports, waterways, railways, at its discretion. On March 17, the committee accepted this invitation. At the request of the Council it immediately established itself as a "Provisional Committee on Communications and Transit." Soon after, it presented to the Council its report and the documents which it had prepared, which recommended the establishment of a double organization: an assembly to be called "a general conference," and a "permanent committee."

The "general conference" was to include representatives of *all* states Members of the League of Nations, that is, from all quarters of the world. Such an assembly should possess the quality of adaptability essential for a body which has to establish a practical system of liaison between the various states in all



matters concerning communications and transit. This conference would have to prepare international agreements, recommendations suitable for embodiment in the form of national laws, and draft resolutions to be submitted to the Assembly.

The report contemplates in addition a smaller organization which would always be available. This body, the permanent committee, would also act both as a permanent bureau for the general conference, and would have the task of preparing the work for the conference in the intervals between the sessions, and of supervising the results following upon its resolutions. It would be a technical advisory body. It would assist the Council of the League. It would call attention to anything which it thought necessary to insure freedom of communications by means of proposals or recommendations. It would exchange all requisite information with the appropriate technical ministries of Members of the League. It would try to find a solution for budding technical disputes, and to prevent such disputes from becoming embittered, or assuming a political character. In this way it is more than probable that many disputes would be settled before it had become necessary to have recourse to the compulsory jurisdiction provided for in the treaties of peace and in the draft conventions prepared by the examining committee.

The Council's resolution of May 19 last laid it down that the rules and regulations of the conference must be adopted by the representatives of the Members of the League represented on the Council, and by two-thirds of the other Members of the League. The question here arises as to whether it would not be preferable to decide that this two-thirds majority should include *all* representatives on the general conference, instead of making a distinction which would have for a consequence that the veto of any one of the countries represented on the Council would be sufficient to nullify the draft regulations.

In view of the draft resolution presented by the delegate of the Argentine Republic relating to the composition of permanent committees of all technical organizations, it would seem preferable to reserve consideration of this subject until the general principle has been formulated, and consequently not to allude to it in a resolution referring to the constitution of one only of the technical organizations.

*Duties of Conference and Committee*

It was decided to vote on the resolution in detail and after some amendments were accepted, the resolution was adopted in this form:

I.—The Members of the League of Nations are hereby invited to send special representatives to a general conference on freedom of communications and transit to meet at Barcelona<sup>1</sup> as soon as possible after the meeting of the Assembly. This conference shall be invited to:

1. Draw up, under conditions laid down in the resolution regarding the relations between the Technical Organizations and the Council and the Assembly of the League of Nations, the measures which may be taken by the Members of the League in fulfilment of that part of Article 23, *e*, of the Covenant which concerns freedom of communications and transit, as well as the general conventions on the international régime of transit, of ports, of waterways, and of railways referred to in Articles 338 and 379 of the treaty of Versailles.

2. Determine under the same conditions whether the measures which it elaborates shall take the form of draft conventions to be ratified by the Members of the League or of "recommendations" to the various Governments, or of draft resolutions, to be adopted by the Assembly of the League.

3. Regulate its own procedure, and make suitable arrangements for any subsequent meetings which may be called by the Council, by means of special rules and regulations to be adopted by two-thirds of the representatives of the Members of the League, including two-thirds of the representatives of the Members of the League represented on the Council.<sup>2</sup>

4. Hold its subsequent meetings convened by the Council of the League of Nations at Geneva unless the Council of the League decides otherwise, for special and exceptional reasons.<sup>3</sup>

II.—The conference shall likewise be invited to organize an advisory and technical committee, the headquarters of which shall be in Geneva. This committee shall be a consultative and technical body to consider and propose measures calculated to

<sup>1</sup>On motion of M. Loudon.

<sup>2</sup>Last clause on motion of M. Loudon, as a compromise.

<sup>3</sup>On motion of the French and Indian delegates. The Italian delegate proposed the reference to the Council.

insure freedom of communications and transit at all times, and to assist the Council and the Assembly of the League in discharging the functions intrusted to the League by Article 24 of the Covenant, and by Articles 342, 377 and 378 of the treaty of Versailles, and the corresponding articles in the other treaties.

The committee may arrange for any future conference and prepare its agenda; it will exchange all requisite information concerning communications and transit with the appropriate technical ministries of the Members of the League; it will be intrusted with the investigation of any disputes which may be referred to the League under Articles 336, 376 and 386 of the treaty of Versailles, and corresponding articles in the other treaties of peace, and will endeavor to adjust such disputes whenever possible by conciliation between the parties; in the event of such disputes being brought before the Permanent Court of International Justice, the committee may be called upon to assist the court.

The committee will be composed of members appointed by the Members of the League represented permanently on the Council, one representative for each of those Members, together with Members to be appointed as determined by the conference, taking into account as far as possible technical interests and geographical representation. The total number of members of the committee shall not exceed one-third of the Members of the League of Nations.<sup>1</sup>

III.—The Secretary-General of the League of Nations will render every possible assistance to the general conference and to the committee; he will, with the assistance of the existing committee of inquiry on freedom of communications and transit, take the necessary measures for the meetings of the conference, and he will designate members of the International Secretariat to act as secretaries of the conference and of the advisory and technical committee.

IV.—The general expenses of the conference and of the committee, and the traveling and subsistence allowance of the members of the committee only, shall be defrayed out of the general funds of the League.

<sup>1</sup>This paragraph was voted on separately on the proposal of M. Hanotaux, who accepted an amendment by the Chilean delegation to it, after which it was passed without objection. The Chilean motion provided for eight members to be appointed by the conference (A. D. 189).

The delegate of Great Britain (Mr. Barnes) proposed an addition which it was decided should figure in the minutes as a recommendation to the committee for the organization of the conference, as follows:

I, 2 (a). Take such steps, if any, as it may think expedient to consult with representatives of any state which, though not a Member of the League of Nations, will be directly affected by any conventions that may eventually be adopted.

The report containing the resolution was read at the 17th plenary meeting of the Assembly and adopted, *nem. con.* with the changes indicated.

### JUDICIAL FUNCTIONS RESPECTING TRANSIT

A little later in the same session of the committee, M. Loudon read a report on the judicial functions of the League as regards transit, resulting in the adoption of this resolution:

All disputes brought before the League of Nations, under Articles 336, 337, 376 and 386 of the treaty of Versailles, and under analogous articles of the other treaties of peace, which are not settled by the procedure provided in the resolution relating to the organization of transit, shall be brought before the Permanent Court of International Justice. Until the Permanent Court of International Justice is in a position to deal with such disputes, they shall be brought before a court of arbitration of three members, appointed as follows:

One member appointed by the plaintiff or plaintiffs, one member appointed by the defendant or defendants, one member appointed by the Council of the League of Nations, who shall act as president of the court.

The resolution was adopted without discussion or objection at the 17th plenary meeting of the Assembly.

### INTERNATIONAL HEALTH ORGANIZATION

The Second Committee did not find it necessary to formulate decisions concerning the health organization, being already provided with elaborate reports. Special commissions had met on July 29-30, 1919, and April 13, 1920, in connection with the already established International Office of Public Health (1907),

and the report of the second, accepted by the Council, had been passed on to the Assembly (A. D. 14 and 14 A). Mr. Barnes (Great Britain) acted as rapporteur on the subject at the 18th plenary meeting of the Assembly. He began by saying:

We are now dealing with a matter which has already been the subject of international organization. An organization actually exists, and we propose now to continue it and to strengthen it under the auspices of the League. The aim of this organization is the prevention of epidemic disease and the preservation of public health, or where disease exists the aim is to combat it with the very best medical knowledge and skill, aided and supported by the very wisest administrative experience. It will continue to be the aim of the organization now under the League to link up and co-ordinate the separate efforts that are now being made in different countries. All countries are now recognizing the importance of health and vitality. All nations are realizing that life must be maintained at its fullest efficiency and vitality. Some countries are organizing public ministries of health and for some years these have been more or less in contact with each other. Administrative projects have been prepared to combat epidemics and to arrange proper safeguards to deal with diseases, to exterminate verminous matter carried on ships, so as to prevent diseases spreading from country to country, but there is still an absence of proper co-operation, and it is for the purpose of better co-operation between nations that it is now proposed that the existing office at Paris should be strengthened and brought under the League, and its personnel added to by setting up a secretariat here at Geneva.

Amendments having been made to make the resolution conform to the decision taken at the 16th plenary meeting to avoid setting up permanent organizations, and a Chilean amendment respecting the composition of the committee having been withdrawn, the establishment of an International Health Organization was finally decreed by the Assembly at its 19th plenary meeting under the following essential conditions:

In pursuance of the Covenant of the League of Nations, and in order to facilitate the discharge by the League of Nations of the responsibilities which may be placed upon it by provisions of the various treaties of peace, the Assembly of the League of Nations resolves as follows:

That in accordance with the provisions of Article 24 of the Covenant, the Assembly approves of the Office International

d'Hygiène Publique being placed under the direction of the League of Nations, and that an International Health Organization as hereinafter provided (of which the Office International d'Hygiène Publique shall be the foundation) shall carry out the provisions of the international agreement signed at Rome, December 9, 1907, and also advise the League of Nations on all questions arising out of Articles 23, f, and 25 of the Covenant of the League.

### *Duties of the Organization*

It will be the task of the organization to deal with such matters as affect individual countries only in their relation to other countries.

The main functions of the organization may be summarized under the headings which follow, and their exercise shall be determined by the Standing Committee:

a. To advise the League of Nations in matters affecting health.

b. To bring Administrative Health Authorities in different countries into closer relationship with each other.

c. To organize means of more rapid interchange of information on matters where immediate precautions against disease may be required (*e. g.* epidemics) and to simplify methods for acting rapidly on such information where it affects more than one country.

d. To furnish a ready organization for securing or revising necessary international agreements for administrative action in matters of health, and more particularly for examining those subjects which it is proposed to bring before the Standing and General Committees, with a view to international conventions.

e. In regard to measures for the protection of the worker against sickness, disease and injury arising out of his employment which fall within the province of the International Labor Organization, the International Health Organization will co-operate with and assist the International Labor Organization, it being understood that the International Labor Organization will on its side act in consultation with the International Health Organization in regard to all health matters.

f. To confer and co-operate with International Red Cross Societies and other similar societies under the provisions of Article 25 of the Covenant.

g. To advise, when requested, other voluntary organizations in health matters of international concern.

h. To organize missions in connection with matters of health at the request of the Council of the League of Nations and with the concurrence of the countries affected to the extent authorized in subsection (a) or under the international convention signed at Rome, December 9, 1907.

The International Health Organization shall consist of: (1) The Office International d'Hygiène Publique, which, with certain additions set out below, will become the General Committee; (2) a Standing Committee; and (3) an International Health Bureau. In carrying out its duties the organization shall conform to the general principles laid down in the resolution of the Council, as to the relations between the technical organizations and the Council and the Assembly of the League of Nations, passed at Rome, May 19, 1920.

### *The Office International d'Hygiène Publique*

The Office International d'Hygiène Publique changed as indicated below shall, subject to the approval of the Governments signatory to the international agreement signed at Rome, December 9, 1907, form the foundation of the International Health Organization. The headquarters of the Office International d'Hygiène Publique shall remain in Paris.

Members of the General and Standing Committees and of the staff of the International Health Bureau shall have the right to use the Library of the Office International d'Hygiène Publique, and its rooms in Paris shall be available for special meetings if required.

The Office International d'Hygiène Publique shall undertake such duties of a technical character as may be assigned to it by the Standing Committee, in accordance with the resolution agreed to by the Committee of the Office International d'Hygiène Publique at the meeting held in Paris on October 30, 1919.

The Office International d'Hygiène Publique will, subject to the consent of the Governments signatory to the international agreement signed at Rome, December 9, 1907, agree to such alterations as may be found necessary in the "Statuts Organiques" of the Rome Convention of 1907 (especially Article 15) and in the rules governing the internal administration of the office, especially Article 8 of Part I of these rules, but no alteration shall be made in Part II with regard to the "Caisses de Retraite et de Secours," which is prejudicial to any person entitled to benefit therefrom.

*The General Committee*

The General Committee shall consist of the Delegates to the Office International d'Hygiène Publique now holding appointments in accordance with the international agreement signed at Rome, December 9, 1907, or who may hereafter be so appointed by any country party to that agreement, together with delegates appointed by countries not parties to the agreement of 1907 but Members of the League of Nations. . . .

*The Standing Committee*

The Standing Committee shall consist of Delegates of the states permanently represented on the Council of the League of Nations, of five members elected by the General Committee—having regard to their scientific attainments and to geographical representation,—of the President of the General Committee, a representative of the League of Red Cross Societies and of a representative chosen by the Governing Body of the Labor Conference. . . .

*The International Health Bureau or Personnel of the Standing Committee at the seat of the League of Nations*

This shall consist of: (a) a Medical Secretary; (b) personnel. . . .

Subject to the approval of the Council of the League, the personnel of the International Health Bureau at the seat of the League of Nations shall be appointed by the Standing Committee in consultation with the Medical Secretary, and, as far as possible with due regard to the efficiency of the work of the office, shall consist of persons of different nationalities.

The headquarters of the International Health Bureau shall be at the seat of the League of Nations.

*Conventions*

The Standing Committee shall be empowered to draw up and draft new conventions or revise existing ones.

These conventions must, however, be submitted to the General Committee for consideration and approval, and a majority of two-thirds of the votes of the General Committee will be required on the final vote for the adopting of the draft convention.

In framing any convention, the committee shall in all cases consult with the Economic and Transit Organizations of the League of Nations where the matter is in any way likely to affect



international commerce, communications or transit. If it be decided that the draft convention shall be adopted, it shall be signed by the President of the General Committee and the Medical Secretary of the International Health Bureau, and then be deposited with the Secretary-General.

This draft convention will be submitted by the Council of the League of Nations to the Governments concerned with an invitation that if they approve the convention, the convention should, within as short a time as possible and without further examination, be signed by plenipotentiaries.

Each country will be invited to ratify a draft convention thus signed and deposited before one year has passed, or to signify to the Secretary-General, before the expiration of that period, the reasons for its decision not to ratify, and each Member of the General Committee will be invited to keep the question of the draft convention before the authority within whose competence the matter lies, with the object of obtaining a decision as soon as possible from the country which he represents.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the country which ratifies it.

Each member of the General Committee agrees to make special or annual reports on the measures the country he represents has taken to give effect to the promises of the convention to which it is a party, and these reports shall be made when and in such form as the Standing Committee may prescribe. Similar reports shall be requested from countries not signatory to the convention concerned on matters affecting the subject-matter of the convention.

These reports shall be circulated to all members of the General Committee, and shall in addition be given publicity in the press if necessary.

### *Expenses*

The expenses of the International Health Organization not provided for by the international convention of Rome (1907) shall be paid from the funds of the League. . . .

Until otherwise determined, the expenses of the Office International d'Hygiène Publique shall be paid as at present by contributions according to the apportionment of the international agreement signed at Rome, December 9, 1907. . . .

The Secretary-General of the League of Nations shall render all possible assistance to the International Health Organization.

## TRAFFIC IN WOMEN AND CHILDREN

At the 24th plenary meeting of the Assembly, M. Jonescu (Rumania) acted as rapporteur regarding traffic in women and children. Repression of this nefarious traffic was begun in Europe by international co-operation in 1899. A conference was held in 1902 and on May 18, 1904, a convention was signed at Paris establishing an official system for tracing and returning to their native countries women and girls who were victims of criminal traffic. The United States did not participate in the earlier moves in controlling this immoral business, but eventually adhered to the convention of Paris, this action obligating it to pass the so-called Mann White Slave Act. A second conference was held at Paris on April 18 to May 4, 1910, which resulted in an additional convention, to which the United States is not a party. A third conference was held at Brussels, October 21 to 24, 1912. Private organizations held a conference in London in 1913 and additional plans for improving the system of control were about to be made effective by the participating nations when the outbreak of the war interfered. The general supervision over the execution of these and subsequent agreements on the subject is intrusted to the League of Nations by Article 23 of the Covenant. The Council on May 15, 1920, had passed a resolution appointing a special officer respecting this subject:

The Council of the League of Nations having examined the memorandum by the Secretary-General on the suppression of the traffic in women and children, and the report by his Excellency M. da Cunha, the Brazilian representative, agrees to the appointment of an officer, attached to the Secretariat, whose special duty it will be to keep in touch with all matters relative to the white slave traffic. No immediate steps will therefore be taken by the League till the recommendations of the international conference for the suppression of the white slave traffic have been submitted.

Mlle. Henni Forchhammer (Denmark) expressed her great satisfaction that the League was assuming responsibility in this very grave question. She proposed the insertion of the word "especially" in the resolution so as to provide for aid to "the women who have been deported during the War, especially the Armenian women, but also Greek women, Syrian women and women of other nationalities have been in captivity since 1915."

In reply M. Jonescu explained that, "This point was raised in the committee. The reason the inquiry was limited to Asia Minor and Armenia was that under the treaty of peace with Turkey we have the right to institute an inquiry in Asia Minor and Armenia, but in other countries we have not the right to do so. Therefore the inquiry was limited to those countries where it was expressly authorized by treaty."

Prince Zoka ed Dowleh (Persia) made a plea for the inclusion of his country, and eventually the rapporteur accepted a phraseology suggested by Sir George Foster to meet the issue.

*Interested Governments Only to Attend*

Dr. Nansen proposed that "all recognized Governments" be invited to be represented in the contemplated conference. "I think," he said, "it is quite clear that those who have not signed the conventions of 1904 and 1910 should be asked to attend, because it is very important to convince them of the necessity for action in the matter. . . . I do not think it would be fair to send a questionnaire to all Governments, and afterward not invite some of them to be present at the conference where these questions are going to be discussed." The rapporteur in reply stated:

The reason the present text was inserted was that we wished to be certain we should get a reply, and that we should get representatives from the countries we asked. The countries which signed those agreements have shown their interest in the matter. Other countries have not as yet shown that interest. Therefore we wish at present to limit the first conference to those countries which have already shown their goodwill and desire to participate in this matter. After we have made a beginning, other countries can come in.

Dr. Nansen withdrew his motion.

The resolution was carried without objection in the following form (A. D. 239):

The Assembly resolves that:

1. The Secretariat of the League of Nations shall issue a questionnaire and the Assembly shall authorize the Secretariat to send this questionnaire to all Governments. The Govern-

ments shall be asked what legislative measures have been taken by them to combat the traffic, and especially what additional measures they are proposing to take in the future.

Also that the Governments signatory to the 1904 and 1910 conventions be immediately urged to put such conventions into operation.

The Assembly shall request the Council to invite the countries signatory or adherent to the international conventions of 1904 and 1910 to send representatives to an international conference to be held before the next Assembly.

This conference would co-ordinate the replies to the questionnaire received by the Secretariat and would endeavor to secure a common understanding between the various Governments with a view to future united action.

2. The Council be invited to constitute a committee of inquiry with a view to informing the Council as to the present situation in Armenia, in Asia Minor, in Turkey and in the territories adjoining these countries, regarding deported women and children.

This committee should be composed of three members selected from among the persons best qualified residing in the districts in question. At least one member shall be a woman.

The expenses of this inquiry will be borne by the League of Nations.

The Secretariat shall receive, in addition to the information furnished by this committee, all relative information from other countries.

The Council will report to the Assembly.

### TRAFFIC IN OPIUM

In reporting the proposals of the Second Committee on the control of the traffic in opium, Sir William Meyer (India) discussed the current status of the question. The Hague convention of 1911-12 sifted and expanded the preliminary conclusions that had been arrived at at Shanghai in 1909, and formulated them in definite and carefully conceived terms, marking a great step in advance. It indicated the precious principle of international co-operation, which is specially necessary in regard to opium and kindred drugs, since these, being of small compass and great value, can be very easily smuggled. The country, therefore, which desires to keep out opium, for example, must obtain the assistance of those countries where opium is produced.

This has been laid down definitely by Article 3 of the Hague convention, which says that where a country has forbidden the import of opium, opium-producing countries shall not permit the export of opium to that country. Similarly, too, if a country, though not absolutely forbidding the import of opium, only allows it under very severe restrictions, the producing countries, in allowing their opium to be exported, are bound to see that these restrictions are complied with.

The entire convention marked an enormous step in advance, but as the conference that drew it up, which had been summoned by the United States Government, contained representatives of only 12 powers, in order to make the arrangements which it had approved really effective, it was necessary to obtain a world assent. By Article 295 of the treaty of Versailles and the corresponding articles in other treaties, signatories which had not already adhered to the convention undertook the obligation to do so, thus practically solving the difficulty of world co-operation, the only powers still outside being Soviet Russia and other states which have arisen from the ruins of the old Russian Empire.

As to the best method for the League to carry out its functions in controlling the traffic, Sir William Meyer said there are two alternatives: (1) That it should work through the Council and the Secretariat; (2) That the Council and the Secretariat should be assisted by an advisory committee, consisting of the Members most closely interested in the opium traffic. After full discussion in No. 2 Committee, the latter alternative was adopted.

### *China Seconds Resolution*

Mr. Wellington Koo dwelt upon the fact that "China has, within the comparatively short period of 10 years, succeeded in eliminating the opium habit from among her people," and seconded the resolution, which was passed without objection in the following form (A. D. 240):

That having regard to the duty placed on the League by Article 23 of the Covenant to supervise the execution of arrangements with regard to the traffic in opium and other dangerous drugs, the Assembly concurs with the Netherlands Government in its view that it will be preferable for the League to undertake

the duties placed upon the Netherlands Government by the opium convention with regard to the collection of data and dealing with disputes:

That for this purpose and for the purpose of enabling the League to exercise its general supervision over the execution of arrangements with regard to this traffic, the Secretariat of the League is intrusted with the duty of collecting information as to the arrangements made in the various countries for carrying out the opium convention, the production, distribution and consumption of the drugs, and other necessary data.

That in order to secure the fullest possible co-operation between the various countries in regard to the matter, and to assist and advise the Council in dealing with any questions that may arise, an Advisory Committee be appointed by the Council which shall include representatives of the countries chiefly concerned, in particular Holland, Great Britain, France, India, Japan, China, Siam, Portugal, and shall, subject to the general directions of the Council, meet at such times as may be found desirable.

That in view of the importance of the co-operation of states which have ratified or may hereafter ratify the opium convention, but which are not yet Members of the League, the Netherlands Government be requested to invite their concurrence and co-operation in the arrangements indicated above, and that in the event of such concurrence being given, the Council be authorized to add to the Advisory Committee in the capacity of member or assessor, a representative of any such country which is specially concerned in the traffic, and that a special invitation be addressed to the United States of America.

That the Council be authorized, if and when they think it necessary, to add as assessors to the committee not more than three persons not representatives of Governments, having special knowledge of the question; and that the traveling expenses and allowances of such members shall be paid out of the funds of the League.

That the Advisory Committee shall, three months before the beginning of every session of the Assembly, present to the Council for submission to the Assembly a report on all matters regarding the execution of agreements with regard to the traffic in opium and other dangerous drugs.

That the Assembly welcomes the action of the Netherlands Government in endeavoring to secure the signature and ratification

of the opium convention by countries which have not yet done so, and invites it to inform the Secretariat of the League of the results of its action.

### CO-OPERATION WITH INTELLECTUAL LABOR

At the 21st plenary meeting of the Assembly, a motion with regard to the international organization of intellectual labor was introduced by Messrs. Negulesco, Rumania, Poulet, Belgium, and Ferraris, Italy.

This proposition was referred to the Second Committee whose report (A. D. 254) was presented at the final meeting of the Assembly. The rapporteur, M. La Fontaine, one of the founders of the Union of International Associations, discussed the purpose of the motion:

"The Council has already shown marked sympathy with the efforts of the world for the collaboration of thinkers and investigators in the progress of humanity, and in the forwarding of the advancement of civilization by creating bonds of union between all thinkers. Great progress has been made during the past 75 years. While nations have been striving one with another, thinkers have been crossing the frontiers of their various countries and meeting one another in conferences, and since 1840 a real and extraordinary development of international relations has been apparent. From 1840 to 1850, there were only 10 international conferences called, but between 1900 and 1910, there were no less than 1,600 such conferences, and during the four years preceding the war there were 500.

"These were conferences of all kinds, dealing with matters of every nature, and the men taking part in them came from all parts of the world. This movement should be assisted and co-ordinated and rendered more effective. Groups of international bodies have already been united into 400 international associations, and an International Union of 230 associations of various kinds has been formed or rather already formed just before the war. The object was to give more precision and method to the formidable work carried out by those who labored with their heads and not with their hands. To-day we ask the League of Nations to do for these workers the same as they have already done for

manual workers. An International Labor Office has been established for manual workers, and a budget was recently voted for that office of 7,000,000 gold francs. We ask that the same may be done for the intellectual workers but we do not ask for the same amount of money; we shall not even ask for many hundred thousand francs to complete the work of such an organization. The resolution, therefore, which I wish to put before you is as follows:"

*Passes After Discussion*

The Assembly of the League of Nations, approving the assistance which the Council has given to works, having for their object the development of international co-operation in the domain of intellectual activity, and especially the moral and material support given to the Union of International Associations on the occasion of the inaugural session of the International University and of the publication of the list of Recommendations and Resolutions of the International Congresses:<sup>1</sup>

Recommends that the Council should continue its efforts in this direction, and should associate itself as closely as possible with all methods tending to bring about the international organization of intellectual work.

The Assembly further invites the Council to regard favorably the efforts which are already in progress to this end, to place them under its august protection if it be possible, and to present to the Assembly during its next session a detailed report on the educational influence which it is their duty to exert with a view to developing a liberal spirit of goodwill and world-wide co-operation, and to report on the advisability of giving them shape in a technical organization attached to the League of Nations.

The English labor leader opposed the motion, moving the previous question for various reasons:

I am opposed to it in the first place because of the form in which it has been put before you. It is here said that 7,000,000 gold francs have already been given to manual labor, and we are asked, therefore, to give our support in gold francs to intellectual labor. I think that is a very unfortunate way of putting it. Moreover, I think it is very unfortunate that a distinction should be drawn between manual and intellectual

<sup>1</sup>Cf. Report on the Work of the Council, IV.



labor at all. For my part, I think that the technical organizations are the best part, or one of the best parts, of the League of Nations. I believe that they will, to a large extent, attract the mass of mankind to the League, and strengthen the League in many respects. But you can have too much of a good thing. If and when the time may come when intellectual labor has to be assisted, if and when the time comes there is still a difference between one and the other, then I suggest that that will be the time for considering the natural and logical development of the activities of the Labor Office. I object to it, also, from a practical point of view. Everyone knows that there has been a great deal done already to assist intellectual labor in many phases of its activity, and if it gets abroad that the League of Nations is going to enter the field and subsidize intellectual labor, there is at least a chance, I think it is more than probable, that other sources will dry up. Lastly, why encourage intellectual labor to come begging at all? It seems to me that the proper course is for intellectual labor to assert itself, as manual labor has done.

The President called on M. La Fontaine to reply and he said:

I think my friend, Mr. Barnes, who, like myself, represents the working classes here, has not understood the exact intention of this proposal. The organization of manual labor specially aims at solving problems where conflicts arise between capital and labor. The function of the labor organization is to examine questions of hours and conditions of work for the worker; but the intellectual organization which I desire to see established is rather for providing the means whereby men of learning of every nation can collaborate, and by which the results of their work can be collected and published. It is quite possible that the intellectual workers of the world might wish to organize themselves in the same way as the manual workers have done, and such a matter would be the concern of the International Labor Office, but what we want here, and what I propose, is to give more force and more power to human thought.

Mr. Barnes insisted on the previous question, which motion was lost. The committee's motion was then put and carried, amid applause.

#### CHILDREN AFFECTED BY THE WAR

The Swiss Delegation submitted a resolution on behalf of the children affected by the war on December 2 (A. D. 160) which at

the 13th plenary meeting was read and held over under the rules governing the inclusion of new items in the agenda. The resolution, which was accompanied by an explanatory memorandum, follows:

The Assembly of the League of Nations, bearing in mind the misery and hardships endured by children in the countries affected by the war and the efforts made by both American and European organizations to come to their assistance, invites the Council of the League to appoint a high commissioner who shall be instructed to consider the best means of furthering and assisting, in collaboration with existing international organizations, all charitable work undertaken on behalf of these children.

The motion was referred for report to the Second Committee at the 15th plenary meeting. M. Loudon (the Netherlands) read the report at the final meeting of the Assembly. M. Viviani expressed himself in favor of the motion; Sir James Allen told in detail of New Zealand's charitable gifts; M. Ador spoke gratefully on behalf of the Red Cross, explaining that "the reason we did not ask for the nomination of a high commissioner was that, like M. Viviani, we feared lest there might be some confusion in the minds of certain people and they might think that the League of Nations was taking over the whole of this work from those at present occupying themselves with it." The resolution was carried in the following form:

The Assembly, being desirous of giving its support to the urgent work of rescuing children in the countries affected by the war, invites the Council to consider as soon as possible the means by which the moral authority of the League of Nations might best assist this work which is being done in the cause of humanity.

### CAMPAIGN AGAINST TYPHUS

Typhus in Poland<sup>1</sup> was the subject of a statement by the delegate of the Argentine at the second meeting of the Second Committee, which on his motion voted to await the return of the Typhus Committee from Poland. This body of medical experts was heard in a public meeting, and the committee considered the resulting report presented by the delegate of Canada (Sir George

<sup>1</sup>Cf. Report on the work of the Council, III, 1.

Foster) in the course of its sixth meeting. The report stated that the subcommittee had heard the report<sup>1</sup> of the medical mission on November 24 and 26, from which it appeared

1. That the epidemic condition of typhus in Poland and Galicia is very grave and constitutes a distinct menace especially to Eastern Europe and in general to the world at large.

2. That the resources of mechanical and medical equipment of Poland, though hitherto employed in an excellent manner, are altogether insufficient to successfully cope with the conditions in Poland itself.

3. That the infection of typhus is widely distributed in Russia and other countries adjoining Poland and opportunities for its distribution are constant and continually increasing.

4. That urgent necessity exists for an immediate and adequate effort, participated in by the nations of the world, to successfully combat a menace which is international and world-wide.

After relating the results of the Council's efforts to raise funds, the report<sup>2</sup> concluded with two recommendations, which on motion of Sir George Foster, were adopted at the seventh meeting of the committee for presentation to the Assembly.

Sir George Foster discussed the report at the 15th plenary meeting of the Assembly. After paying tribute to Poland's own efforts to fight the plague, of which there were 3,600,000 reported cases in Russia alone and 300,000 deaths annually in Poland, he said:

The world is interested as well as Poland. Not only neighboring countries, but countries which are more distant are interested, and it is with reference to them that I make the appeal to the Assembly this morning. Infection knows no national boundaries. Insidiously, silently, remorselessly, it creeps from man to man, from family to family, from village to village, from country to country. It passes all boundaries, and makes its way, carrying desolation and distress to neighboring countries which are still more distant. So we are called upon in a world capacity to contribute our resources to the aid of the resources of Poland itself. What is lacking? Almost everything. The food which is necessary to sustain and invigorate the bodies of those who may become the victims of disease; resources for the sanitary and medical equipment which are necessary in order to fight the disease. Hope itself, which grows lax and faint if it be not supported from without, when the difficulties are

<sup>1</sup>Assembly Document 124.

<sup>2</sup>Assembly Document 152.

so great, has overpowered this country, and I make my appeal therefore to you on three grounds:

First, I appeal for sympathy for Poland itself. . . . Peace must be restored in those parts of Europe before peace can be made certain for the world, and peace can not be fully restored in those sections of Europe unless it has been cleansed of the virus of infection, and until the mental malady has been held, until the moral *malaise* has been remedied and chased away, by hope that comes springing from the distant nations of the earth to help those spirits which are sadly drooping in these sections themselves.

These two interests appeal to this Assembly and to the world, and I am sure will not be unanswered. But there is something higher than that. The spirit of humanity itself appeals to the great mass of mankind the world over for the helping hand and the guiding spirit toward the renovation of this portion of the world's afflicted community. Was not this war fought for humanity's sake? Was it fought simply for Belgium, for France, for Britain, for Italy or for Poland? No! If it had been simply for these, the sacrifice would have been too great. War was but the agent of humanity, working to free humanity, to give it peace and to give it a future when justice should prevail and when liberty should be predominant. Now that the agency of war has been laid aside humanity is still there, and its appeal from every afflicted community comes strong and clear and vibrant, and will not be denied.

### *Political Effect of Epidemics*

The Maharajah of Nawanagar warmly supported the Canadian and made a plea for action in one of the most notable speeches of the Assembly. In part he said:

I beseech you to rise again now in aid, not of one people alone, but of many peoples attacked or in danger of being attacked by a more terrible and more destructive foe than a rebellious brigand, attacked by a fell pestilence and by all the train of social and economic perils which accompany such a pestilence. Let us not be under any misconception. It is not a matter alone of the disease and death of unhappy men, women and children in a central plague spot in Europe. It is a matter of grave and enduring social unrest and economic disruption in the very corridor of Europe, a region vital to the peace of Europe and of the world. Let me emphasize this social and economic danger. As I have said before, India is disinterested in this matter, but India is by no means ignorant of its bearings and its consequences. My country, nearly equal to all Europe in area, with its 315,000,000 inhabitants, with its 100,000,000

of laborers and industrials, with its scores of great and populous cities, has had terrible experiences of the social and economic consequences of plague and pestilence. . . . I know the aftermath of political, social and economic dangers and difficulties. Famine and pestilence are close allies, and both of them are bosom friends of political turmoil. India in the past has had many experiences of such dangers and difficulties, but we have countered and overcome them. Prompt, energetic and skillful action has always conquered.

Dr. Nansen, asserting that "whatever work the League takes up must be a success, proposed a motion to appoint a committee on financing the campaign." M. Hanotaux for France stated that the conditions had been removed from her original gift and a bill was now pending for an appropriation of a million francs. Mr. Balfour for Great Britain announced the removal of restrictions from her gift; Zoka ed Dowleh (Persia) offered £2,000; the Netherlands made her gift unconditional; China contributed £2,000, and Spain £40,000. Rumania, herself beset by typhus, promised aid. The meeting closed with the unanimous passage of this resolution (A. D. 186):

The Assembly resolves:

1. That it will address an urgent and immediate appeal to all the countries of the world for an adequate fund for prosecuting an effective campaign against epidemic disease in eastern Europe, beginning with Poland as a center, and that the Office International d'Hygiène Publique, the Comité International de la Croix-Rouge and the League of Red Cross Societies,<sup>1</sup> be earnestly asked to co-operate in the matter.

2. That the President be empowered to nominate a committee of not more than three Delegates of the Assembly to examine the question of the funds necessary for the campaign against typhus, and to take any steps possible before the end of the session of the Assembly to secure these funds.

3. The Assembly approves of the action taken by the Council and the reports submitted by the various committees and sub-committees of the Assembly which have considered the subject, and, pending the result of the appeal feels that it is imperatively necessary to make at once such a beginning of the campaign as may be possible within the limits of the funds already promised.

<sup>1</sup>Cf. resolution of 27 of the 31 societies belonging to the League, Assembly Document 212.

Sir George Foster (Canada), M. Loudon (Netherlands) and M. Restrepo (Colombia) were appointed as the committee on finance. Sir George Foster's report for this committee was read and adopted without discussion or objection at the final meeting of the Assembly, embodying the following conclusions:

Mr. President, the committee appointed by the President on the authority of the resolution passed by the Assembly on December 7, 1920, in respect of the Campaign against Typhus and kindred epidemics in Eastern Europe, beg to report as follows:

1. They have made the fullest inquiry possible and are of the opinion that the sum of £2,000,000 should be asked for as a contribution to the war against epidemics in eastern Europe, in addition to whatever may be raised by the League of Red Cross Societies, and that the organization of the work should be left with the Council of the League, working through the media of the chief medical commissioner of the Typhus Campaign of the League of Nations, and of the corporation of the above-mentioned society. The telegram of the Assembly has been presented with the signatures of the chairman and the three members of the committee to the Governments of all nations of the world.<sup>1</sup>

<sup>1</sup>The text of the telegram follows:

"At the meeting of General Assembly of League of Nations, the Assembly resolved to address urgent and immediate appeal to all countries of the world for adequate funds for prosecuting effective campaign against typhus epidemic disease in Eastern Europe beginning Poland as center. Assembly in addition invited League of Red Cross to continue to give its invaluable assistance, and requested certain other International Red Cross and Health organizations to co-operate in this work. Assembly empowered President to nominate committee of three delegates to examine question of funds necessary and to take any steps possible before end of session of Assembly to procure these funds. Assembly approved action taken by Council and reports submitted by Assembly committees and subcommittees, which have considered subject, and, pending the result of appeal, feel it is imperatively necessary to make at once such a beginning of campaign as may be possible within limits of funds already promised. We therefore urge in view of these resolutions and in name of General Assembly that

Government may make every possible effort to contribute generously and immediately to fund in order that the two million pounds required irrespective of money raised by voluntary organizations may be forthcoming. Contributions payable to League of Nations Typhus Commission Account, Lloyds Bank, Westminster House, Millbank, London.

HYMANS, President,

General Assembly League of Nations.

Sir GEORGE FOSTER, Canada.

J. LOUDON, Holland.

RESTREPO, Colombia.

Delegates'

2. A copy of this telegram, together with the letter signed by the committee, has been placed in the possession of the heads of all the delegations represented at the League, asking them to present the same to their Governments on their return to their respective countries, and to urge upon their Governments a speedy and favorable reply.

3. An appeal in more extended form has been prepared and will be at once forwarded to the Governments of all the nations presenting the pertinent facts of the case and the urgent necessity of generous and immediate contributions.

4. An interview was held with Dr. Norman White, chief medical commissioner of the Typhus Campaign of the League of Nations, and his views were ascertained as to the work to be immediately undertaken and the general plan of the campaign to be adopted with extensions as necessary funds are made available.

5. Measures have been taken to procure from the press of the world a sympathetic and wide publicity to the end that popular sentiment may be enlisted in the prosecution of a great world effort to eliminate the epidemic from among the malign forces of world disintegration.

#### PASSPORTS

On the invitation of the Council, the Secretary-General submitted to the Provisional Committee for Communications and Transit a memorandum on the question of the application of passport formalities to the officials of the League with reference to the provisions of Article 7 of the Covenant which lays down that officials of the League shall enjoy diplomatic immunities and seems to imply that the officials of the League should hold passports of a diplomatic character. The Secretary-General pointed out that the issue, in the usual form, of diplomatic passports by the various states to officials of the League is attended by serious disadvantages both of a practical and a general nature. From a practical point of view, the necessity for officials of the League—who often have to undertake at short notice journeys to different countries on special missions with which they are intrusted—for obtaining a diplomatic visa on every occasion would have a detrimental effect upon the normal working of the Secretariat, and especially now, since the League of Nations has been installed at Geneva. On the other hand, it would be contrary

to the spirit of a purely international institution such as the Secretariat of the League of Nations, if the fact that these officials were intrusted with missions of an international character should imply the consent—in the form of passports—of the state to which the members belonged.

With this memorandum before them, the Conference on Passports, Customs Formalities and Through Tickets, decided in October last to accept the conclusions of the memorandum and to propose that the Secretary-General should be delegated by states Members of the League to issue special passports to members of the Secretariat and to officials of the League.

At the second meeting of the Second Committee, Ladislav Polich (Serb-Croat-Slovene State) expressed the opinion that officials of the League on duty ought, doubtless, to enjoy diplomatic privileges and immunities, in conformity with Article 7 of the Covenant, but that the proposal, as it stood, could, if not modified, raise some legal and political difficulties. After discussion, a subcommittee consisting of the delegates of France, Serb-Croat-Slovene State, Spain and Uruguay was appointed by resolution to submit a definite proposal to the committee. The final draft was unanimously adopted at the sixth meeting of the committee.

M. Polich read the report at the 24th plenary meeting of the Assembly. He said the formula proposed by the communications committee presented difficulties of both a practical and legal nature, continuing:

From the legal point of view the issue of a passport is an administrative act, an act of sovereignty and authority. Now, it is evident that the League of Nations is not a state possessing sovereignty of its own, as it is obvious that there can be no "national" of the Secretary-General. On the other hand, it is not possible for states to delegate one of their rights of sovereignty to the Secretary-General by means of a resolution passed by the Assembly; this would necessitate a new international agreement which would have to be submitted for ratification by the Governments concerned.

The Assembly adopted without objection the following resolution (A. D. 245) proposed by the committee:

The Secretary-General of the League of Nations shall deliver to members of the Secretariat and officials of the League an



identity card certifying the identity of the holder and the nature of his official duties. On presentation of this card and at the request of the Secretary-General, the Government of which the holder is a national shall deliver or cause to be delivered by any of its diplomatic representatives or by its consular agent at Geneva, a diplomatic passport permitting the official to carry out the mission with which he is intrusted with the benefit of all privileges and immunities provided for in Article 7 of the Covenant, and valid for the duration of such mission in the limits indicated by the Secretary-General.

Diplomatic visas will be given gratuitously—whenever necessary—on the request of the Secretary-General of the League of Nations by the diplomatic or consular agents of the powers in whose territory the official will be traveling in accomplishment of his mission.

#### INDIA AND THE INTERNATIONAL LABOR ORGANIZATION

The claim of India to be represented on the Governing Body of the International Labor Office as one of the states of "chief industrial importance" was on the Assembly agenda. By Article 393 of the treaty of Versailles any question on this point is to be decided by the Council. The Second Committee of the Assembly during its second meeting heard a report on the matter and adopted a resolution expressing the opinion "that the Assembly is not competent to deal with India's claim." The report from that committee read at the 24th plenary meeting of the Assembly recorded that fact. Sir William Meyer for India at that time voiced a protest against the inclusion of Belgium and Switzerland among the eight states of chief industrial importance entitled to representation on the Governing Body and reviewed the reasons given by the Council for its decision not to overrule the selection made by the Washington labor conference, which did not select India for the Governing Body. No resolution was reported to the Assembly.

## VI. PERMANENT COURT OF INTERNATIONAL JUSTICE

At the 20th plenary meeting of the Assembly the report of the Third Committee<sup>1</sup> was presented for consideration. M. Bourgeois made a preliminary statement:

“In February last the Council, whose duty it was in accordance with Article 14 of the Covenant to consider the proposal for a Court of International Justice, decided to constitute a Committee of Jurists, and it selected the most eminent jurists in the world to prepare a Draft Scheme. I am happy to say that a certain number of these jurists are here among us to-day, in particular, M. Hagerup. This committee met at The Hague, because it was thought that it should be pointed out we had not forgotten the memories of 1899 and 1907. It was considered both just and useful not to break the connection between The Hague and the League of Nations. The two works, the work of the Hague tribunal and the work of the Court of the League of Nations, are continuous one with the other. Our jurists at The Hague examined the whole problem and drew up a unanimous report, which is a work of considerable importance, and which succeeded in solving certain difficulties which, up till then, it had been impossible to solve, and it produced a proposal which was an organic whole. This was forwarded to the Council, and the Council considered this Draft Scheme in the following way.

“The Council did not consider itself to be a second committee of jurists; it did not pretend to possess the same scientific and judicial knowledge, and all it did was to mark certain points which might give rise possibly to a general discussion and to add certain finishing touches to the scheme, in particular that relating to the compulsory jurisdiction of the court. The Council then approved the scheme with certain modifications; then it came

<sup>1</sup>Meetings were held as follows: 1, November 22; 2, November 24; 3, November 26; 4, December 8; 5, December 9; 6, December 10; 7, December 17. Other meetings were held by the committee on December 1, 7, 11, 14, 15 and 16.

before the Assembly and it was given to the Third Committee for consideration. The Third Committee also considered that the Hague proposal was the fundamental basis for this discussion, and it nominated a subcommittee of ten members, five of whom had previously served on the committee at The Hague, and five eminent jurists who had not served on that committee. This subcommittee of ten we thus see provided means for close collaboration between those who were present at The Hague and those who were not. By the same good fortune unanimous conclusions were reached. Certain points were discussed by the whole committee, in particular again the question of compulsory jurisdiction, and we reached agreement.

### *Essential Task of League*

“The constitution of the court is an essential task of the League of Nations. A complete scheme is now for the first time placed before the world. All previous difficulties have been successively overcome—the organization, the permanence of the court, the duration of the period of office of judges, the form of procedure, the competence and the method of nominating the judges. A successful solution has been found for all those problems, and the result is a tribunal which is above and outside political influences. A permanent court will now be established in the world, with absolute independence. As regards the connection between the court and the League of Nations, this is very simple. The League of Nations establishes the court and draws up the rules which constitute it, but once established and so far as not modified by the Assembly, the Court is independent, and to it all those whose rights and privileges have been violated, all those weak states who fear the power of the strong, can refer for assistance, and the method of obtaining international justice conceived by the Covenant is now open to all.”

M. Hagerup (Norway) as rapporteur introduced the subject by calling attention to the solutions of the problems connected with the court as presented to the Assembly. He remarked:

The first point refers to the system of nominating judges. There hitherto all previous attempts at establishing a Permanent Court have failed. In 1907 when the question was discussed no unanimity was reached owing to an irreconcilable divergence of views between the

great and the small powers. The system which we propose is to use the organization of the League of Nations, giving to the Council and the Assembly the right and the duty to elect conjointly and on the same footing of equality the judges. Here the Hague proposal, the modifications introduced by the Council and our own scheme all agree. But I would point out that it is thanks to the League of Nations that we are on the eve of at length realizing this great idea, and this is a great tribute to pay to the League of Nations. . . .

There was a difference of opinion here as to whether it should be the Governments who should nominate or others. It was decided not to leave the nomination to the Governments, because we wanted to avoid political considerations as much as possible, and also because the Governments are going to vote here for the judges. If they also nominated them the delegates would arrive here with their hands already tied to the nominations already made. Therefore it was decided to leave the nominations to the national groups of the Hague Court of Arbitration already existing. There was a small difficulty which arose here because certain Members of the League are not signatories of the arbitration convention at The Hague. We therefore decided to give them the faculty of forming the same groups of persons under the same conditions, . . . and those national groups, when formed by the nations, would nominate in the same way as the other national groups.

In the former proposal the Third Committee has modified the scheme in so far that in submitting the proposals there were only two candidates to be included in each group. We have increased the number to four so that each group might represent not only its own nationals, but foreigners of well-known reputation and confidence, and these might make a plebiscite for the appointment of the most suitable candidates.

As regards my second point, there was a difference of view between the Brussels scheme of the Council and the scheme as presented now. It refers to the incompatibility of the judges, that is to say, the fact that it is not admissible for a judge to hold certain other employment beside his position as judge. . . . The present scheme says that persons who exercise administrative or political functions shall be ineligible, or that the position of judge should be incompatible with the holding or exercising of political or ministerial functions.

The third alteration made by the latest scheme refers to disputes of a special technical nature which may arise—in the first place disputes in connection with labor questions. There are certain special international functions regulating labor, and therefore on the proposal of the International Labor Office and the British Delegation, we have made certain provisions. It is essential in these cases that the court should have the

assistance of special technical assessors, who are not to be merely experts, but who are to sit with the judges and take part in discussions of the case, and in fact to have exactly the same power as the judges, except that they will not actually give a vote in deciding a case, but will give the judges the benefit of their expert knowledge right up to the last moment.

### *Solution Respecting Competence*

I now come to the last and most essential point of difference, which refers to the competence of the court. We thought that we should not radically modify the alteration introduced by the Council, which restricted the jurisdiction of the court to cases where it was accepted by both parties, thus excluding for the most part compulsory jurisdiction. We have slightly modified the article in order to make the idea clearer, but we have introduced no essential alterations, though we have made a very important addition to which I would draw special attention. If we were obliged to exclude a general compulsory jurisdiction, we thought we might leave open to such states as were inclined to accept such a system, the method of admitting a larger measure of compulsion in the jurisdiction of the court; and we therefore have adopted, on a proposal of the Brazilian Delegate, M. Fernandez, a scheme which was advocated by the Swiss delegate at The Hague in 1907. It consists in enumerating in the article concerning competence the cases to which compulsory jurisdiction may be applied. . . . It has not been possible thus to establish compulsory jurisdiction for all for the moment, but we have established compulsory jurisdiction for all those who are disposed to accept it.

An important question I must mention is that of the form under which this statute should be adopted by the Assembly. There was a difference of opinion on this point. Some, among whom I myself must be included, maintained that in accordance with Article 14 of the Covenant the statute establishing the court could be adopted here by a unanimous vote of the Assembly, and thus come definitely into existence. Others, however, maintained that in accordance with the terms of Article 14 of the Covenant a vote of the Assembly was not sufficient, and that a special protocol must be signed by the Governments, and their signatures must be ratified. In order to obtain the necessary unanimity, we have here presented a resolution which gives satisfaction to both opinions. We propose a resolution which gives approval to the scheme which we have submitted, and secondly we state that the statute composing the court will be speedily submitted to the Members for due ratification, and that the Council shall deal with the execution of this plan.

The fourth point of this resolution, to which I would refer, is that the protocol remains open to the signature of all states mentioned in the

Annex to the Covenant. In this way it will be possible for the United States of America to enter the court eventually if it so desires. You will remember that a representative of the United States, Mr. Root, took part in the discussion of the scheme at The Hague. If that party in the United States which will soon come into power has not accepted the League of Nations, at any rate it has said it could accept the Court of Justice, and this in itself would be a very desirable result for the League of Nations to obtain.

### *South American Point of View*

M. Loder (Netherlands) followed with an eloquent eulogy of the ideal now so near realization. M. La Fontaine (Belgium) delivered an impassioned appeal to the nations to accept the compulsory jurisdiction protocol. Dr. Blanco (Uruguay) said in part:

My country agrees with this scheme, and in that is in accord with most of the South American states. But I must make one reservation, and express one wish. I thank the eminent statesmen who have worked out this scheme, and in the present situation it is difficult for them to go further than they have done, but I think the organization is capable of elaboration in the future, and herein I hope that all the countries of the world will join. I am sure that is the wish of South America as a whole. In South America we have an important tradition as far as compulsory arbitration without reserve is concerned, and I am in favor of a system of arbitration with no reservations. . . . We vote for the proposal as it is, but we intend to try and better it, and herein we hope we shall have the co-operation of both the great and small states of the world.

Raoul Fernandez (Brazil): "I wish to point out that a satisfactory solution of the main problem involved in the establishment of the Court of Justice has not yet been reached, because compulsory jurisdiction has been denied to the court. On the other hand, in accordance with the Covenant, the Council has compulsory jurisdiction in matters where vital interests of countries are concerned. The states who signed the Covenant have thereby surrendered their interests in matters of vital importance to the Council. I am not sure that the Council is qualified to give judicial decisions on certain matters; there will always be an element of politics in its decisions, an element which will tend

to dominate over the claims of justice. This is a great danger, especially now that we have established provisions for enforcing decisions such as the arrangements for blockade. We have done that, and yet we have not established the best method possible of preventing conflicts and preventing the necessity for the use of such blockade. Furthermore, we have established a system of financial co-operation between nations, and we have agreed to a system of compulsory jurisdiction in matters concerning labor disputes, and yet we refuse the same compulsion in the case of matters which are still more grave; that is to say, questions where the interests of nations are vitally concerned."

M. Negulesco (Rumania) spoke to the same effect, and Dr. Arias (Panama), referring "to the lack of any sanction in regard to a state which refuses to comply with the decisions of the court," proposed a new article, to read: "In the event of any failure to carry out the decrees, the Court shall propose what steps should be taken to give effect thereto"; but this was subsequently withdrawn.

M. Zolger (Serb-Croat-Slovene State) at the 21st plenary meeting regretted the form the statute of the court was to take, desiring to see the draft made effective by the vote of the Assembly. M. Urrutia (Colombia) said:

The statute does not fully answer to the aspirations of the American countries, who wished very much to go further. The principle of compulsory arbitration is not only a principle of international justice, but it is also a democratic principle, for it comes from the juridical equality of all states. It is deeply rooted in the history, traditions, and the institutions of the American peoples. . . . In spite of these observations, I must acknowledge that some very great progress has been accomplished. That progress is the juridical equality of states, now recognized officially. We hope it may be followed by further steps until we reach the real ideal of the League of Nations.

### *"To-morrow We Shall Go Further"*

Mr. Wellington Koo (China) wished to associate himself with those voicing the sentiment in favor of compulsory jurisdiction. M. Politis (Greece) paid tribute to the spirit which had marked the elaboration of the draft; sacrifices had been made, but "it is

only a question of time before the desires of the more advanced party will be realized." M. Cornejo (Peru) thought progress had been slow, but "we must only hope that to-morrow we shall go further." M. Schanzer (Italy) expressed the hope that the court would be speedily accepted, and added:

If, as it is not possible to doubt, this court will rapidly acquire by the wisdom and impartiality of its decisions universal authority and the confidence of all peoples, in such a case, I am convinced, we shall rapidly achieve the complete object to which we aspire, and transform the competence of the court into one of absolute obligations to refer to its decision.

M. Costa recalled that Portugal had always supported the principle of compulsory jurisdiction. He expressed doubt as to the efficacy of the protocol on that subject, but "I have confidence in the amendments to the Covenant which are proposed and which are to be studied—the amendments to Articles 12 and 13 proposed by the Scandinavian Government, and the amendments to Articles 12, 13 and 15 proposed by my own Government—and it is my hope that these amendments may be the means of the principle of compulsory jurisdiction being introduced. That is my wish, and in this sense I accept the resolution of the committee."

Mr. Balfour (Great Britain) replied to the proponents of immediate compulsory jurisdiction:

It is quite true that we are ardent supporters of the idea of an International Court of Justice. It is quite true that we desire to see the applications to that Court made voluntarily and not compulsorily. That is not because we desire to discourage the movement in which we have taken part, not because we desire to check its extension to the furthest practicable fields, but because we are convinced . . . that if these things are to be successful they must be allowed to grow. If they are to achieve all that their framers desire for them, they must be allowed to pursue that natural development which is the secret of all permanent success in human affairs, and not least in that part of human affairs which deals with politics. Remember that this Court is set up to administer a system of international law. International law itself is a changing and a growing subject. There is no provision—fortunately, perhaps—within the limits of the Covenant, for changing and reforming international law, and this Court is brought into existence not to change it or to reform it, but simply



to administer it. Therefore you may find yourselves, or some nation in the course of time may find itself, in the position that a rigid interpretation of what may be an antiquated system of international law, which would never be accepted or embodied in any authoritative code or authoritative work if all the circumstances were understood, nevertheless has to be administered by a Court which, in administering it with strict regard to the laws with which it has to deal, but without any power of achieving that larger vision which is sometimes given to statesmen and politicians, may involve interests so profoundly affecting the very existence of that state, that your whole machine will be destroyed rather than that state should submit itself voluntarily to legal destruction. I do not think such cases are likely, but who among you will venture to say that they are impossible? . . . More and more you will find that as this court gains the public confidence, the confidence of nations in all parts of the earth, more and more classes of cases will be brought within its jurisdiction; more and more readily will the various countries of the world be glad to put their disputes before it, whereas if in a spirit too hasty and too impetuous you try and force into this mold, as yet imperfectly framed, the whole fabric of what you conceive to be a completed and perfect system, the result will be that the mold itself will break under the stress of new circumstances and changing conditions. So far from having served the interests of international justice, you will have inflicted what may prove to be a fatal blow upon the greatest instrument which the world has ever yet been able to contrive for seeing that international justice is being carried out.

### *Statute Voted Marks Gains*

M. Motta (Switzerland) made three points: The project proclaims the great principle of equality of states. As to Article 36, which was the best possible solution, "we had two systems before. One was to make the agreement that all states should be obliged to have recourse to the international tribunal. This idea is not yet possible. We can not do it. The second alternative was a system which has been followed up to now by certain states, namely, to have recourse by their own conventions to obligatory arbitration. We had to choose an intermediate solution, . . . by protocols between these states that enabled them to declare themselves ready to submit to obligatory arbitration." Third, the commission decided that it was necessary that the principle of ratification should be embodied and safeguarded in the project.

M. Hagerup, the rapporteur, himself a supporter of compulsory

jurisdiction, pointed out that "the amendment introduced by the Council into the scheme of The Hague prevents the application of the principle of compulsory jurisdiction":

Article 37 you will note points out that "when a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal." Already a certain number of general conventions have been provided for the submission to arbitration of certain questions, questions relating to the interpretation of a treaty, or the rights of minorities, labor questions or questions with regard to communications and transport. . . . There are many conventions existing already between states, and we recognize here the great part played by South America. . . . Several states, even some of the great powers, have already entered into treaties involving compulsory settlement of disputes. I would point out, however, that it will not be possible to substitute this proposed Court for a Court of Arbitration without entering into some new convention providing for this. . . . It is therefore important that states which have such treaties should amend them in favor of the new Court to be constituted, and this will extend the obligatory jurisdiction of the Court.

After a speech by M. Bourgeois, the President put the first resolution, which read:

The Assembly unanimously declares its approval of the Draft Statute of the Permanent Court of International Justice, as amended by the Assembly, which was prepared by the Council under Article 14 of the Covenant, and submitted to the Assembly for its approval.

The procedure was to adopt in advance the text chapter by chapter. Only one amendment was made. The President then said:

If there is no objection on the part of the Assembly, I will proclaim as being passed the first of the Draft Resolutions proposed by the Committee.

M. Hagerup: I suggest, considering the importance of this matter, that it would be advisable to proceed to take a vote by a roll call.

The President: I am quite ready to proceed with the roll call, but that is a somewhat lengthy procedure. The resolution itself states "the Assembly unanimously declares its approval," and I think we can consider that as being a vote solemnly and unanimously expressed by the Assembly.

Applause confirmed this opinion.

The other resolutions were immediately and unanimously passed:

2. In view of the special wording of Article 14 the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.

3. As soon as this protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or states which have ratified, as well as between the other states, to which the Court is open under Article 35, paragraph 2, of the said Statute.

4. The said protocol shall likewise remain open for signature by the states mentioned in the Annex to the Covenant.

#### INDEPENDENT PROPOSALS OF JURISTS

The Advisory Committee of Jurists, in addition to working out the draft scheme for the Permanent Court of International Justice, which they were commissioned to do, drew up at the suggestion of certain members four recommendations which were, under the circumstances, sympathetically considered by the Council and transmitted to the Assembly for its decision. The Third Committee, according to the statement by M. La Fontaine at the final meeting of the Assembly, disposed of three of the recommendations by adverse decisions. He said:

As to the fourth recommendation, the Committee were of opinion that this question has been settled by Article 36, which refers to the establishment of compulsory jurisdiction.

The third recommendation asks the Assembly to provide for the establishment of an Academy of International Law, but the view of the Committee is that this is a private association, and that it is not necessary for the Assembly to intervene; that it is quite sufficient for the Assembly to acknowledge the existence of the Academy of International Law, in which the Carnegie Foundation has taken the initiative.

The second recommendation was with regard to the establishment of a high court of criminal justice, but the opinion of the Committee is that such a court is not required apart from a Court of International Justice.

Therefore, there is only one recommendation left, and that is of considerable interest. For a long time international jurists have been asking for an international code which would bring together all the conventions arrived at between the states, but some jurists want to go further, and desire the establishment of a real international law, codified in order to unite their relations as to one another. The Committee of Jurists desired that such a body should be re-established at The Hague to carry on the work which was initiated in 1899 and 1907 in the Hague Peace Conference. The Committee think now that such a body would be useless. Besides, it is the Assembly of the League of Nations whose business it is to deal with this matter. The Committee, however, retained the suggestion that the more important Institutes of International Law—for instance, the Union Juridique Internationale, the American Institute of International Law, the Institut de Droit International and the International Law Association—should be asked to point out how far they could collaborate in the preparation of an international code, and in this respect I consider that the recommendation of the Committee of Jurists may be voted by this Assembly.

The proposed motion read:

The Assembly of the League of Nations invites the Council to address to the most authoritative of the institutions which are devoted to the study of international law a request to consider what would be the best method of co-operative work to adopt for the more precise definition and more complete co-ordination of the rules of international law which are applied to the relations of states.

Lord Robert Cecil (South Africa) took the floor in opposition. "To my mind," he said, "we have not got to a stage yet where it is desirable to consider the codification of international law. This is really the first step toward codification. It is a request, unless I have misunderstood it, to a variety of learned societies to devote their attention to the codification of international law. I think that a very dangerous project at this stage in the world's history. I hope that we shall not proceed with it at the fag end of this Assembly, or without very much more consideration. I beg to move the previous question."

On this motion being put, it was adopted, so that the recommendation was lost.

## VII. SECRETARIAT AND BUDGET

The Fourth Committee, Señor Quiñones de Leon, chairman, dealt with the organization of the Secretariat and the budget in 12 meetings which were quite the most lengthy gatherings of the Assembly. Nothing much happened as a result of interminably critical discussions and crossquestionings of Sir Eric Drummond and Sir Herbert Ames, chief of the Financial Section. The real accomplishments of the committee were, first, the request to the Council to appoint a committee of experts for preparing a thorough report on the organization of the Secretariat; and, second, the preparations toward establishing an equitable method of apportioning financial quotas. For the rest, after much detailed discussion, the committee voted the obvious and perfectly proper recommendations made by the Council on the suggestion of the Secretariat.

The attitude which has been described was confined to the representatives of comparatively few Members of the League and was chiefly manifested respecting the budget, on which the discussion was characteristically captious. The third financial period called for an expenditure of about \$4,100,000, divided into quotas ranging from some \$8,040 to nearly \$201,000 according to the classification of the paying state. Yet states spending millions on armaments without thought of an apology to a tax-payer solemnly introduced motions reducing the entire budget by \$100,000 on the allegation that the peace machine was costing too much.

When the organization of the Secretariat was under discussion, the salary of the Secretary-General of the League of Nations, an international officer receiving the stipend of a second-class ambassador of a principal power, was the biggest game stalked by the economy hunters, who eventually gave up the chase.

Speaking of the work of the Fourth Committee at the 28th plenary meeting of the Assembly, when its reports first came before that body, Señor Quiñones de Leon (Spain), chairman of the committee, said:

The task intrusted to us was of a very delicate and complex nature. It referred entirely to the organization and the administrative life of the

League of Nations and the organization and functions of the budget. The provisions of the Covenant placed us under the obligation of creating, or of defining all these various organizations without our being able to rely on any constitutional indications in carrying out this most important task. Over and above this we had the obligation laid upon us of defining very clearly the relationship which exists on various points between the League of Nations and the International Labor Bureau. There is silence on the part of the Covenant on all points relating to these questions and therefore we were deprived of any definite indications as to how to solve these problems. More than once we have found ourselves in a difficulty, especially when we have tackled questions in connection with the relations between these two organizations and that of the subdivision of expenses between the various Members of the League, as well as certain fiscal questions. We found isolated precepts, which, without establishing complete solutions, have impeded us in deciding freely. The discussions have sometimes been extremely long, but I am glad to be able to state that all of us, without in any way surrendering our convictions and without in any way giving way to other points of view, which were often quite opposite and distinct, have found that we were inspired with a great spirit of conciliation when it was a matter of arriving at definite solutions, even when entirely different interests were involved.

#### STAFF AND ORGANIZATION

Introducing the report on the staff and organization of the Secretariat, Sir James Allen (New Zealand), who as rapporteur had been one of the most critical members of the committee, commented:

I suggested in my original report that an independent inquiry should be held in order to ascertain whether the staff was properly paid, whether there were sufficient members, and whether it was efficient. At that time the Committee did not think it wise to adopt this suggestion; but later on, after further examination of the facts, the Committee did come to the conclusion that it was essential that a body of experts should be set up to inquire into the organization and pay and allowances, and so on. . . . It has, practically speaking, been replaced in the report on the budget.

The other portion which was excised dealt with the question of pensions. I believe that it is most important that this League should conserve, if it can, any pension rights that any of its officers have earned during their previous service, whether in other Governments or elsewhere, in order that when they retire from the service of the League they may retire with something in the way of a competence. . . . The Committee did

not see their way to adopt this proposal; but I am quite certain that later on it will be necessary for the League to consider retiring or pension allowances for their servants. It is to my mind essential that no one should come into the service of the League without feeling that either he himself is able or that we are able and willing to make some provision for him when he retires because of old age after long service. There are only, of Government civil servants in the employment of the League, some twenty-eight, nineteen in the Secretariat and nine in the Labor Office. It seems to me that in the course of time these numbers will increase, that the numbers drawn from civil services in other countries will grow, and that therefore the question of pension rights will become a more prominent one.

The question of nationalities was raised during the course of the debate. I desire here to congratulate the staff, the directors, and the Secretary-General and the Director of the Labor Office upon the extraordinary way in which they have been able to secure the services of so many members of different nationalities. There are no less than eighteen nationalities represented in the Secretariat, and there are sixteen different nationalities represented in the Labor Office. I think that this is a very great result to achieve. Indeed the whole organization is a magnificent piece of work both on the part of the Secretary-General and on the part of the Director of the Labor Office. I do not say that it is by any means perfect. We shall know more about that after the experts have reported.

With regard to the cost of living, the cost of living is higher in Geneva, so far as I have been able to ascertain, by some 35 per cent than it is in London. In that cost of living there is included not only rents and rates, but food, lighting, heating and cooking and certain miscellaneous things like pleasure and traveling.

The rapporteur suggested an amendment to his fourth clause, making it read as follows:

Members of the staff of the Secretariat and the staff of the International Labor Office, and certain temporary employees, shall be appointed for a period not exceeding five years; at the termination of each employment period, they may be appointed for a further period not exceeding five years, due regard being given to efficiency, and to the retention of sufficient officers to enable the work of the League and of the International Labor Office to be effectively maintained.

### *Discuss Tenure of Office*

Mr. Millen (Australia) suggested that this should be dropped because the recommendations respecting the budget now

contained a proposal for a committee to inquire into all matters relating to the Secretariat. The rapporteur accepted the suggestion and withdrew the motion.

This was pleasing to Mr. Barnes (Great Britain) who, however, criticized the first resolution on the ground that it referred to appointments for a period of five years. "I want," he said, "in the staff a promotion of international solidarity. I want the promotion of a spirit of internationality. You will not get it by this. On the contrary, the men whom you take on for five years will have in their minds all the time that at the end of that five years they may have to go back to the offices of their own particular national, and during the five years they are with you they will have the interest of their own country at heart rather than the interests of the League of Nations. It is for these reasons that I think we ought to delete all reference to the question of termination of office and really begin to build up a staff which will be attached to the League of Nations and which will feel that they have here a life office, if they like to stop at it, providing always they are efficient."

Sir James Allen had previously presented the other view:

There is good reason for appointing officers in the first instance for five years, and making subsequent appointments for five years, because it is essential that the idea should not be allowed to grow up on the part of officers that they are there for a life-time, an evil which exists in the civil service and in the offices of many Governments, and also that there should be an opportunity for officers, if they wish, to dispose of their services elsewhere; also, which is a very important thing, it would enable us to get rid from the civil service of any inefficient officer.

Sir William Meyer (India) satisfied Mr. Barnes by securing the consent of the committee to making the phrase in the first resolution read "for a period of five years or more." He also obtained acceptance of the suggestion that the three resolutions should apply to the International Labor Office. The resolutions were then passed, Australia opposing the first, in the following form (A. D. 260):

1. That all members of the Secretariat and of the International Labor Office appointed for a period of five years or more by the Secretary-General or the Director of the International Labor



Office shall, in the case of dismissal, have the right of appeal to the Council or to the Governing Body of the International Labor Office, as the case may be.

2. That a list of the staff of the Secretariat and of the International Labor Office, showing nationalities and salaries and allowances by classes be published yearly, with the addition to the first and second issues of a list containing an account of the previous services of certain of the higher officials; and that a further list be prepared and attached to the annual budget, showing the nationality, salary and allowances of each individual member of the staff, and containing a schedule showing the traveling allowances for each class with the amounts paid.

3. That information regarding vacancies on the staff of the Secretariat and of the International Labor Office be made as public as possible and that, in filling the various posts, while having special regard for efficiency, at the same time consideration be given to the international character of the League.

## BUDGET

Sir George Foster (Canada) acted as sole rapporteur on the budget, owing to the absence of M. Van Eysinga (Netherlands), at the 29th plenary meeting of the Assembly. His discussion of a difficult and much-debated problem was so lucid that it gives a better idea of the questions involved than the debates in the Fourth Committee, which were both fragmentary and characterized by many pointless inquiries. Sir George said in part:

In the first place, with reference to the financial foundation of the League of Nations, everyone will agree that this financial foundation is a very important element, and, in fact, is the main factor as a moving power in the operations. It is a different financial basis from that of Governments; it has some advantages; it has very many disadvantages. It is, in fact, a contribution allocated on a certain basis to the different nations who are Members of the League. That allocation becomes in the end a voluntary contribution to be voted under the auspices of the Governments by the legislatures to which these Governments are responsible. It is therefore of the utmost importance that the Members of the League, from the very start, should consider that this contribution which is asked should be promptly and loyally paid at the very earliest possible moment. It constitutes the only fund that the League has at its disposal for its operations. If the contributions come

in tardily, funds are not there at the time they are required, and consequently banking operations have to be undertaken and interest has to be paid, and in that way those who are prompt in their payments have to bear the proportion of the burdens of those who are lax. It is therefore of primary importance, or should be, in this League of Nations, that the contributions which are distributed should be promptly paid and loyally given. I am convinced that as this League progresses in its work, that will come to be the opinion of its Members, and that in a short time difficulties due to tardiness of payment will entirely disappear.

With reference to the allocations paid for the first period, all have been paid except for three countries. Paraguay has not yet had her allocation received by the League, but it is on the way at the present time. Salvador has not yet paid hers, but that has arisen from certain defects in communication. These have been made right, and her contribution is expected in a very short time. There remains one country which has not yet paid any of the first allocation, and that is the Argentine. Argentina is being communicated with, and has received through her Government four different applications. She acknowledged one of them in April last. She has acknowledged no application for payment from that time until the present, and her quota remains still unpaid for this first period.

For the second period the accounts stand in this way, that whereas about 10 millions of gold francs, in round numbers, were allocated, only about  $4\frac{1}{2}$  millions have as yet been paid in. That leaves  $5\frac{1}{2}$  millions still to be paid. Of the Members of the League 7 have paid all their subscriptions; 8 have paid part of their subscriptions; 28 have as yet paid none of their subscriptions. That makes up a total of 43 Members, the whole of the League. The Council having been advised of this, it seems to me it is necessary for the Council to take such steps as are required to establish a rule which shall hold with regard to Members of the League who are lax in their payment of the allocations made to them, and it is the opinion of the rapporteurs that the matter should be left in that way.

### *Problem of Fair Payments*

Having established the principle that the funds of the League are to be made up by allocations and votes of the different Governments of the states Members of the League, it becomes of the first importance that the basis of allocation should be a fair and just one. For whatever reason the present existing basis of apportionment was chosen, it is acknowledged generally, I think, to be an unreasonable and an unfair one. We will never have accordant and prompt payments until we get a basis of allocation which is generally acknowledged to be a fair and reasonable basis. . . . At present, under Article 6 of the Covenant,

the basis of allocation is that which has been adopted by the Universal Postal Union. We seem to be tied to that unless there is an amendment to the Covenant. The mode which is proposed in the report is that a committee of five be appointed, that this committee pursue the negotiations already initiated with the Universal Postal Union, that they prepare a schedule for the approval of the Council, and that that schedule be passed on to the Universal Postal Union with a request that they should adopt it as the basis of allocation for their expenses. If they do, and the matter is finished by July 1 next, then it becomes the basis of allocation for next year. If it is not perfected by July 1 next, or if any Members of the League object to the proposal, which shall have been distributed to all the Members of the League previously, then the whole matter will be placed on the agenda of the Assembly for the year 1921, and will be there authoritatively settled.

The Committee and the rapporteurs were up against an organization already formed, an organization formed outside of the will or the mandate of the Assembly, in actual operation. It was absolutely impossible for that Committee or the rapporteurs to make themselves absolutely and certainly acquainted with all the workings of the Secretariat and of the Labor Organization under the system which already obtains. Consequently, after having arranged that these controls should be established for the future, it is recommended that a small committee of experts shall make a thorough examination into the organization, methods of work, the efficiency, the number, the salaries and allowances and the general expenses at the Secretariat and Labor Organization and report to the Council, and that this report shall be in the hands of the Members of the League by June 1, 1921. And in the opinion of the Committee the Assembly should reserve its perfect, uncontrolled right to make such changes as may be deemed necessary in accordance with and after the reception of the report of these experts upon the various operations of the Secretariat and of the Labor Organization. Mind you, Gentlemen, in making this recommendation there was no effort and no thought of passing a vote of censure upon the work which has already been carried out under either the Secretariat or the Labor Organization. But it was felt that the Assembly had a perfect right, and must insist on that right, to have a thorough examination made by these experts into the working of the whole machine in order that if there were weaknesses they might be detected, and that if there were better methods which might be applied such methods might then be put into operation.

Swedish and South African delegates urged the importance of changing the scheme for allocating expenses, and Sir James Allen

announced his intention of opposing the system by his vote, beside launching an attack for the third time at the salary of the Secretary-General. Mr. Balfour closed a defense of this salary with these words: "I venture to say that those criticisms are ill-founded, and it will be a very evil day for this Assembly if they pronounce to the world that the salary it gives its chief official is too high, though it is far lower than that which great firms, great men of business, give to the brains which make those businesses profitable."

The Maharajah of Nawanagar in a speech read at the previous session by Sir Ali Imam had proposed treasury officers appointed by the Assembly to supervise expenditures. Sir William Meyer, also of the Indian delegation, had introduced seven amendments to the committee's report which he now proceeded to discuss.

He withdrew his first inquiring for information respecting 1,725,000 gold francs allocated "for the creation of working capital or reserve" in the latter part of 1920, and being applied to other objects because of the statement of the rapporteur that the tardiness of receipts from the Members of the League really explained what took place with reference to that amount.

He postponed till the next Assembly the proposal embodying the idea of the Maharajah of Nawanagar. Another reducing the budget by 500,000 gold francs in respect both of the Secretariat and of the Labor Organization was retired in view of the contemplated appointment of a committee and the Assembly's reservation of the right to cut the budget.<sup>1</sup> The fifth related to

<sup>1</sup>The Fourth Committee voted down at its eighth meeting a proposal by Sir James Allen, Delegate of New Zealand, "That the budget estimate of expenditure, 20,955,000 gold francs be reduced by 500,000 gold francs as an indication that (a) the salaries, wages and allowances of the higher paid members of the staff of the Secretariat and of the International Labor Office should be reduced; and (b) the expenditure of the International Labor Office on publication is too great." Voted for: India and New Zealand; abstained: Australia, South Africa, Panama and Siam; voted against: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay and Venezuela.

Also, after much discussion of detail, the committee defeated a motion by the Maharajah of Nawanagar: "That the Committee is of opinion that the total expenses of the Secretariat are too high and can be usefully reduced." Voted for: South Africa, Australia, India and New Zealand; abstained: Siam; voted against: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Panama, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay, Venezuela.

the expenses of technical organizations, stipulating that they should not exceed 2,000,000 gold francs altogether. On Sir George Foster's assurance that this would not occur, the Indian proposal was withdrawn.

The committee accepted Sir William Meyer's amendment to its first recommendation respecting measures regarding states dilatory about paying quotas.

The last Indian amendment came to a vote and was lost:

That the special committee appointed to consider amendments to the Covenant shall also consider an amendment to Article 6 which shall make future contributions of states to the League expenditure depend not on the quotas adopted for the purpose of the Universal Postal Union but on some independent principle such as net revenue.

If this had passed it would have superseded Article 13 of the committee's resolution. The question of allocation had been discussed at the International Financial Conference at the request of the Council and had been the subject of studied resolutions (A. D. 41). The principles there laid down were applied in a memorandum (D. 18) by the Secretary-General to the allocations, and this document had been much discussed in committee. Sir Reginald Blankenberg (South Africa) now moved as amendment to the committee's Article 13:

The demands for the year 1921 should be based as a provisional measure on Document No. 18.

The motion was lost and the whole report was then carried without objection, except for Sir Reginald Blankenberg's adverse vote on Article 13, in the following form:

#### FIRST RESOLUTION

The Assembly of the League of Nations hereby adopts the general budget of the League for the first financial period ending June 30, 1920, together with the budget for the second financial period ending December 31, 1920.

## SECOND RESOLUTION

The Assembly of the League of Nations hereby adopts the annexed general budget for the year 1921.<sup>1</sup>

## RECOMMENDATION 1

The Assembly of the League of Nations requests the Members of the League to take the necessary measures to insure that their contribution should be paid at the earliest possible date. Each Member should in any case inform the Secretariat on January 1, 1921, on what date it may expect payment to be made.

The special committee to be appointed to consider modifications in the Covenant should also consider what steps should be taken with reference to states which have not paid their quotas within a specified period.

## RECOMMENDATION 2

The Assembly of the League of Nations requests the Council to be guided by the principles embodied in the following articles in regard to the financial administration of the League, and, if experience proves that this could be strengthened and improved, to prepare a draft resolution upon this subject for the annual session of the Assembly of 1921.

Article 1. Three months at least before the annual session of the Assembly, the Secretary-General shall submit to the Council a general draft budget of the League for the following year (expenditure and income), as provided for in Article 399 of the treaty of Versailles, and this shall be at once communicated to each Member of the League.

Article 2. Draft budgets for the Labor Office and for other organizations, offices and commissions, etc., of the League, and also detailed explanations, lists of officials, their salaries, allowances, and nationalities shall be attached to the general budget as annexes. The Secretary-General shall notify the organizations, offices and commissions, etc., referred to, of the date in each year on which these data are to be received.

<sup>1</sup>Sir George Foster (Canada) moved the approval of the 1921 budget at the eighth meeting of the Fourth Committee, the motion prevailing by the following vote: Voted for: Belgium, Brazil, Canada, China, Colombia, Czecho-Slovakia, Denmark, France, Italy, Japan, Netherlands, Nicaragua, Norway, Panama, Siam, Serb-Croat-Slovene State, Spain, Sweden, Switzerland, Uruguay, Venezuela; abstained: South Africa and Australia; voted against: India and New Zealand.

Article 3. The Council shall see that the budget, as approved by it, with detailed explanations, shall be in the hands of the Members of the League of Nations at least one month before the annual session of the Assembly.

Article 4. Upon the adoption of the budget by the Assembly, with or without amendment, the budget shall be operative up to the limit of each appropriation for the purposes and services, and for the period specified therein.

Article 5. Supplementary estimates, which may become necessary from any cause, shall be submitted with explanations and lists, as provided for in Article 2, at the earliest practicable moment to the Assembly, which during the session then current, shall consider and approve the same, subject to such amendment and alteration as it deems proper.

Article 6. Expenditure can only be incurred by virtue of a warrant signed by the Secretary-General or one of his deputies, duly authorized thereto. This warrant shall mention the fiscal period and the appropriation to which the expenditure is charged. Unforeseen expenditure can only be incurred under the last item of the second Chapter (item 27) if it is authorized by a special resolution of the Council, which must be immediately communicated to all the Members of the League of Nations.

During the year 1921, transfers from one item to another of the same Chapter can be effected by virtue of a special resolution of the Council, which must be immediately communicated to all the Members of the League of Nations. This action is not to be taken as establishing a precedent.

Article 7. Except as regards recoverable advances, expenditure which has not been provided for in the general budget can not be paid from the special working capital fund.

Article 8. At the beginning of each year, the Council shall engage the services of the auditors of a Government chosen by it from the Members of the League.

Article 9. The Secretary-General, or in the case of the Labor Organization, the Director of the International Labor Office, shall, at the latest three months after the close of the budgetary period, submit to the auditors all documents necessary for their reports.

Article 10. Three months at least before the annual session of the Assembly, the auditors shall present to the Council, or in the case of the Labor Organization to the Governing Body, a report on the correctness of the accounts and of the bookkeeping. These reports shall be circulated to all the Members of the League.

Article 11. The Director of the International Labor Office shall transmit the audited statement of his accounts, together with a copy of the

auditors' report, to the Secretary-General of the League (Art. 399 of the Versailles treaty), who will submit this, together with the accounts of the Secretariat, to the Assembly.

Article 12. The Assembly shall finally pass the accounts for expenditure and income.

Article 13. *a.* While the existing allocation must from a juridical point of view be observed for the year 1921, the Assembly recommends to the Council the immediate appointment of a special committee of five members, including the Swiss delegate to the Universal Postal Union, to investigate the question of the allocation of the expenditure of the League, with a view to an equitable scheme of allocation being devised.

*b.* The committee shall at the earliest possible moment, and in any case not later than March 31, 1921, report to the Council the scheme of allocation which it recommends. The Secretary-General shall, as soon as possible, transmit a copy thereof to each Member of the League.

*c.* The committee shall place itself in communication with the authorities of the Universal Postal Union, in order to bring into force at the earliest possible date the scheme of allocation which, with the approval of the Council, it recommends.

*d.* If the scheme of allocation recommended by the committee is not adopted by the Universal Postal Union prior to the 1st July next, or if any of the Members of the League express disagreement with it, the question of the allocation of expenditure shall be placed on the agenda of the Assembly of 1921.

*e.* The allocation for 1922 shall be so arranged by the Assembly of 1921 that Members, who shall have contributed in 1921 more than they would have done if the new scheme had been in force, will in 1922, pay a corresponding amount less than their quota, and *vice versa*.

### RECOMMENDATION 3

The Assembly of the League of Nations requests the Council to take the necessary steps to appoint, as soon as possible, a small committee of experts to consider all factors connected with the organization, methods of work, efficiency, number, salaries, and allowances of the staff, and with the general expenditure of the whole organization, as well as with all other points necessary to enable the Assembly to form a fair judgment in respect thereto, both as regards the Secretariat and the International Labor Office. The report of this commission should be in possession of the Members of the League by June 1, 1921.



## AUDITED ACCOUNT FOR THE FIRST FISCAL PERIOD

(May 5, 1919—June 30, 1920; Doc. 20/31/81, p. 11)

## EXPENDITURE

<i>Direct:</i>	£	s.	d.
To salaries, wages and allowances.....	90,978	2	9½
To traveling expenses.....	10,850	10	6½
Meetings of Council.....	388	9	10
To maintenance account in London.....	6,499	13	11½
To office expenses.....	3,822	16	10
To Official Gazette.....	104	14	6
To unforeseen expenses.....	522	0	11
Loan interest charges, bank charges, check books, etc.....	286	3	0
To depreciation.....	219	9	2

*Indirect:*

## To advances:

International Labor Office.....	60,305	19	2
International Financial Conference.....	1,244	14	5
Russian Commission of Investigation.....	602	2	11
International Health Conference expenses.....	53	17	10
International Court of Justice expenses.....	59	9	9
Commission for the Repatriation of Prisoners of War.....	868	18	6

To balance, being excess of income over expendi- ture for the first fiscal period ended June 30, 1920.....	114,271	11	8½
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£291,078    15    10

## INCOME

*By contributions received:*

	£	£	s.	d.
Class I (25)—Canada, France (£5,000), Great Britain, India, Italy, Japan, Poland, South Africa.....	16,234	each	118,638	0 0
Class II (20)—Spain.....	12,988	"	12,988	0 0
Class III (15)—Belgium, Brazil.....	9,740	"	19,480	0 0
Class IV (10)—Denmark, Norway.....	6,494	"	12,988	0 0
Class V (5)—Chile, Peru.....	3,247	"	6,494	0 0
Class VI (3)—Bolivia, New Zealand, Siam, Uruguay.....	1,948	"	7,792	0 0
Class VII (1)—Liberia.....	648	"	648	0 0

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Total contributions received .....£179,028    0    0

<i>By contributions receivable:</i>				£	s.	d.
Class I (25)—Australia, France (£11,234)	16,234	each	27,468	0	0	
Class III (15)—Netherlands, Rumania, Sweden, Switzerland.....	9,740	"	38,960	0	0	
Class IV (10)—Czecho-Slovakia, Portugal, Serb-Croat-Slovene State .	6,494	"	19,482	0	0	
Class V (5)—Argentine Republic, Colombia, Greece.....	3,247	"	9,741	0	0	
Class VI (3)—Cuba, Ecuador, Guatemala, Panama, Paraguay, Persia, Salvador, Venezuela	1,948	"	15,584	0	0	
Class VII (1)—Hedjaz.....	648	"	648	0	0	
Total contributions receivable .....				£111,883	0	0
To bank interest to date.....				167	15	10
				£291,078	15	10

**BUDGET FOR THE SECOND FISCAL PERIOD**  
(April 1<sup>1</sup>—December 31, 1920; Doc. 20/48/83)

**EXPENDITURE**

<i>I. Direct:</i>	Gold francs
1. Salaries, wages and allowances.....	1,600,000
2. Traveling expenses of League officials:	
a. Ordinary.....	80,000
b. Attendance at Council meetings .....	160,000—240,000
3. Expenses of Council sessions.....	15,000
4. Meeting of Assembly.....	500,000
5. Property Account:	
a. Installation at permanent seat (nonrecurring).....	100,000
b. Maintenance at temporary seat.....	150,000
c. Furniture and fittings.....	200,000

<sup>1</sup>The Council of the League decided at the Rome meeting on May 19, 1920, that "the first or preliminary period of the work of the Secretariat should be regarded as having ended on March 31, 1920." Thereafter it was determined to make the fiscal year of the League of Nations coincide with the calendar year, as this is the practice followed by the majority of the Members. Consequently the budget for the second fiscal period covers the period from April 1 to December 31, 1920.

Owing to the delays in the coming into force of the treaty of Versailles, less money was spent up to March 31 than was anticipated when the first budget was prepared, and it was decided to add to the budget for the organization period an estimate covering the first three months of the second period. The expenses of these three months were incorporated in the second budget, and this procedure will enable the League to carry forward a certain sum of money from year to year. This was believed to be very necessary, as states are often not in a position, owing to unavoidable delays in passing a vote of credit through Parliament, to make their contribution immediately when the request is received.

	Gold francs
6. Branch office, Paris.....	50,000
7. Removal to permanent seat.....	50,000
8. Office expenses, printing, stationery and small stores....	160,000
9. Library account, books, periodicals, etc.....	70,000
10. Official Gazette: Publication and distribution.....	30,000
11. Interest charges.....	10,000
12. Unforeseen expenses of the Secretariat.....	100,000
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Total direct expenditure.....	3,275,000

## II. *Indirect, Under Control:*

1. Administrative commissions and minorities questions (advances reimbursable).....	200,000
2. Commission of inquiry to Russia.....	5,000
3. General Conference on Freedom of Communications and Transit: Preliminary action.....	80,000
4. International bureaus and commissions (Art. 24).....	80,000
5. International Financial Conference and subsequent action.....	575,000
6. International Statistical Commission: Preliminary action.....	100,000
7. Permanent Advisory Commission for Military, Naval and Air questions: Secretariat and meetings of commission.....	100,000
8. General bureau for the regulation of the arms traffic.....	25,000
9. Permanent Court of International Justice: Hague advisory committee and subsequent action.....	150,000
10. Permanent International Health Organization: Executive committee and secretariat.....	40,000
11. Permanent Mandates Commission: Secretariat, cost of meetings of commission.....	50,000
12. Repatriation of prisoners of war: Expenses of Dr. Nansen, etc.....	75,000
13. Campaign against typhus in Poland: Organization expenses (reimbursable).....	20,000
14. Unforeseen expenses.....	250,000
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Total indirect expenditure.....	1,750,000

## III. *International Labor Office:*

Total of advances to be made by Secretariat to International Labor Office.....	3,250,000
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## IV. *Working Capital:*

Amount required for reserve.....	1,725,000
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Total budget.....	10,000,000

## INCOME RECEIVABLE

(478 units of 20,920 gold francs each, or 9,999,760 gold francs)

	Gold francs
Class I (25)—British Empire, Canada, Australia, South Africa, British India, China, France, Italy, Japan and Poland.....	523,000 each
Class II (20)—Spain.....	418,400 “
Class III (15)—Belgium, Brazil, Czecho-Slovakia, Netherlands, Rumania, Sweden and Switzerland..	313,800 “
Class IV (10)—Denmark, Norway, Portugal, Serb-Croat-Slovene State.....	209,200 “
Class V (5)—Argentine Republic, Chile, Colombia, Greece, Peru.....	104,600 “
Class VI (3)—Bolivia, Cuba, Guatemala, Haiti, New Zealand, Panama, Paraguay, Persia, Salvador, Siam, Uruguay, Venezuela.....	62,760 “
Class VII (1)—Liberia and Hedjaz.....	20,920 “

## THIRD BUDGET

(Annex to Assembly report; Assembly Document 213)

I. *Direct expenditure of the Secretariat:*

	Gold francs
1. Salaries, wages and allowances:	
a. Secretariat.....	4,200,000
b. Household staff.....	200,000
2. Traveling expenses of officials of the League.....	150,000
3. Meeting of Assembly at Geneva.....	750,000
4. Property account:	
a. Installation at permanent seat of League.....	25,000
b. Maintenance.....	219,420
c. Expenses of offices in London and Paris.....	100,000
5. Traveling and subsistence expenses of auditors.....	5,000
6. Further removal expenses (nonrecurring).....	25,000
7. Publication department.....	100,000
8. Office expenses, printing, stationery, cablegrams, telegrams, postage, etc.....	550,000
9. Official Journal: Publication and distribution.....	100,000
10. Interest charges.....	75,000
11. Unforeseen expenses of the Secretariat.....	55,580
12. Inquiry as to the organization of the Secretariat $\frac{1}{2}$ of 20,000	10,000

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 Total of Chapter I.....6,565,000

II. *Indirect expenditure under the control of the League of Nations:*

Gold francs

13. Administrative commissions and minorities questions (recoverable).....	
14. Freedom of Communications and Transit Organization: General conference at Barcelona and subsequent expenses arising therefrom.....	500,000
15. International bureaus and commissions.....	100,000
16. International Financial and Economic Organization.....	760,000
17. Permanent Advisory Commission for Military, Naval and Air Questions.....	200,000
18. Central Bureau for the Regulation of Arms Traffic.....	50,000
19. Permanent Court of International Justice.....	650,000
20. Permanent International Health Organization.....	400,000
21. Permanent Mandates Commission: Cost of meetings of commission.....	100,000
22. Repatriation of prisoners of war: Expenses of Dr. Nansen, etc.....	150,000
23. Organization for the supervision of the opium traffic.....	50,000
24. International Blockade Commission.....	75,000
a. Armaments.....	100,000
b. International co-operation on traffic in women and children.....	100,000
c. Commission of inquiry as to the situation in Armenia.....	50,000
25. Unforeseen expenses: Special commissions of inquiry, etc. (subject to special vote of Council).....	500,000
Total of Chapter II.....	3,785,000

III. *Capital Expenditure:*

Swiss francs

26. Payment on account of balance of purchase price of Hotel National, Geneva.....	1,332,000
27. Payments to maintain the options on adjoining Properties <sup>1</sup> .....	21,667
28. Furniture.....	500,000
29. Library installation.....	235,000
30. Printing office (if installed by League).....	250,000
31. Additional installations of permanent character.....	48,477
Total in Swiss Francs.....	2,387,144=2,000,000

<sup>1</sup>This amount to be deducted from price should it be decided to buy within 3 years.

IV. *Balance:*

Gold francs

32. Balance required for special working capital fund.... 1,890,000

V. *Labor Organization:*

33. Estimated expenditure for 1921 according to budget passed by International Labor Office (resolution of October 7, 1920)..... 7,000,000

34. Expenses for inquiry ( $\frac{1}{2}$  of 20,000)..... 10,000

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Total gold francs..... 21,250,000

## INCOME RECEIVABLE

[510 units of 41,666 $\frac{2}{3}$  gold francs (\$8,039.72) each, or 21,249,996 $\frac{2}{3}$  gold francs (\$4,100,262.20).]

	Gold francs	Dollars
Class I (25)—South Africa, Australia, British Empire, Canada, China, France, British India, Italy, Japan, Poland.....	1,041,666 each	200,993.00
Class II (20)—Spain.....	833,334	160,794.40
Class III (15)—Belgium, Brazil, Netherlands, Rumania, Sweden, Switzerland, Czechoslovakia.....	625,000	120,595.80
Class IV (10)—Denmark, Finland, Norway, Portugal, Serb-Croat-Slovene State.....	416,666	80,397.20
Class V (5)—Argentine Republic, Austria, Bulgaria, Chile, Colombia, Greece, Peru.....	208,333	40,198.60
Class VI (3)—Bolivia, Costa Rica, Cuba, Guatemala, Haiti, Honduras, Luxemburg, New Zealand, Nicaragua, Panama, Paraguay, Persia, Salvador, Siam, Uruguay, Venezuela.....	125,000	24,119.16
Class VII (1)—Albania, Liberia.....	41,666 $\frac{2}{3}$	8,039.72

## VIII. ADMISSION OF NEW STATES

The chairman of the Fifth Committee, Señor Huneeus of Chile, prefaced the Assembly's discussion of admission of new states with a summary statement:

"In their work, the Committee was imbued with the spirit that all further states which offered adequate guaranties and determination to observe international obligations should be admitted. It is fundamental principles which enable the League to grow and not to weaken, and this is the true spirit in which the Committee has worked and which it has applied to the application of every state, whether ex-enemy state or otherwise. We have not been arrested in our work by purely juridical conditions, but we have taken the widest outlook in every possible way in each consideration and decision we have taken.

"We commend to the Assembly the admission of five states, and in this connection, the Assembly will have to establish a date from which these states are to be considered Members of the League. I do not think it will be creating a precedent if we proceed in this manner. We then refer to a certain number of states, the admission of which the Committee thinks the Assembly should postpone, because certain of those states do not appear to have reached their full maturity and full personality, and we feel we can not admit them now. But on the other hand we feel very strongly that we must not, by rejecting or postponing them, discourage them in any way, and bring about perhaps a discouragement of their ideals. Therefore the Committee suggest and recommend to the Assembly that it should express in some form our sympathy with them.

"We have also taken into account the question of minorities and their rights.

"Let me say that in all our work we have been inspired by the loftiest motives and by the greatest of ideals; further, that our debates have always been of the most cordial nature, and I may say that most of our resolutions were practically carried unanimously. . . . Let me say in closing that all our

decisions have been inspired by principles of right and principles of humanity."

M. Benes (Czecho-Slovakia) supplemented these remarks with a detailed discussion of which the significant portion was that devoted to ex-enemy states. In that connection, he said:

We investigated the matter to try and find a fundamental criterion that might help us in this work, and we arrived at two fundamental factors: (a) Had they complied with their obligations; and (b) had they since the armistice shown any sincere desire to comply with them? It is very difficult in this connection to have a really objective criterion. We were able to verify that certain states had a really sincere intention of complying with their obligations. In order not to multiply instances, or make the discussion too lengthy, let me just take the example of Austria. Czecho-Slovakia was interested in seeing in what measure Austria had complied with her obligations. We were on the whole disposed to favor her admission, and yet certain obligations, such as those inherent to the rights of minorities, had not been fully honored.

In spite of this, we think that the admission carries with it, on the other hand, a responsibility for the state which is admitted, and, further, that the atmosphere of the League and of the Assembly and of the committees will naturally weigh upon the shoulders of any state that is admitted. This is a very important factor to be taken into account. There are also, in our opinion, other reasons why ex-enemy states should be admitted, reasons which are inherent to their positions and the relationships, especially their economic relationships, with neighboring countries. There are, of course, certain risks in admitting a state, but we must look upon the other side of the picture and see what the risks are, or would be, if the state were not admitted, and we must weigh the arguments for and against, and see in which direction the general interest lies. Having so weighed these various points, we have decided to recommend the admission of certain ex-enemy states, and I would advise the Assembly to adopt the report which is submitted to it by the Committee.

Sir Reginald Blankenberg (South Africa) reviewed the makeup of his country's population, and concluded: "We strongly feel, however, that the League must not rest until every state is fully represented in this body and we hope that the Assembly will give the most sympathetic consideration to Germany and also to other states who are capable of assuming membership when they submit their applications to this Assembly."

Prince Zoka ed Dowleh (Persia) pleaded for the admission of



additional states, especially Azerbaijan, which was part Persian, and closed with this declaration:

I wish to declare in the name of my Delegation that I will vote for the admission of the various states which have been recommended to us, and I would vote for many others, and I wish that next year I could welcome the representatives of all the states of the world.

#### MINORITIES IN STATES ADMITTED

Before the actual balloting a motion (A. D. 204) first proposed by Lord Robert Cecil at the 18th plenary meeting respecting guaranties for minorities was considered. This motion had been referred to the Fifth Committee, which had adopted a formula (A. D. 233). The author of the idea explained its purpose at the 25th plenary meeting:

As far back at any rate as 1878 at the Congress of Berlin it was laid down that before any new state could be recognized by the comity of nations or the selection of them that was assembled at the Congress of Berlin and before any existing state received any considerable accession of territory, they were to enter into obligations to respect the linguistic, religious and racial minorities in their states. I take a personal interest in that proposition because it was laid down on the suggestion of the late Lord Salisbury. It was supported by M. Waddington for France and by M. de Launay for Italy and in fact by Prince Bismarck for Germany. That principle was fully recognized at the recent Peace Conference. Obligations to protect minorities were agreed upon with the following states: Czecho-Slovakia, Serbia, Poland, Rumania, Greece, Armenia, and also Austria and Bulgaria. It seemed to the Committee that it was desirable not to make any break in that policy if it could be avoided and although they were not prepared to impose any new condition of admission, thinking that that would be of doubtful legality under the Covenant, and not advisable as a matter of policy, yet they were prepared to express a recommendation to any state that applied for admission to this League that they should enter into the same kind of obligation as had been entered into by the states whose names I have just read out. That was passed, not indeed absolutely unanimously, but by a very large majority in the Fifth Committee.

The recommendation (A. D. 244/1) was carried without objection, as follows:

In the event of Albania, the Baltic and Caucasian states

being admitted to the League, the Assembly requests that they should take the necessary measures to enforce the principles of the minorities treaties, and that they should arrange with the Council the details required to carry this object into effect.

New admissions of states occupied the full time of the Fifth Committee, of which Señor Huneeus of Chile was chairman. The committee began work with a general discussion of the problem of admission, resulting in a decision upon the tests to be applied and the division of work among subcommittees. The following subcommittees were appointed:

*Subcommittee No. 1.* The requests for admission of Finland, Estonia, Latvia, Lithuania, Luxemburg.

Chairman: M. Poulet. Members: Mr. Fisher, M. Max Huber, Baron Hayashi, M. van Karnebeek, M. Octavio, M. Zahle.

*Subcommittee No. 2.* The requests for admission of Austria, Bulgaria, Albania, Liechtenstein.

Chairman: Lord Robert Cecil. Members: M. Branting, Sir George Foster, M. Osusky, M. Pagliani, M. Viviani, M. Winiarski.

*Subcommittee No. 3.* The requests for admission of Georgia, Armenia, Azerbaijan, Ukraine, Costa Rica.

Chairman: Dr. Nansen. Members: M. Jonescu, Mr. Millen, M. Palacios, M. Politis, M. Spalaikovich, M. Tang-Tsai-Fu.

The following were the questions in respect of each applicant which the subcommittees must investigate:

- (a) Is its application for admission to the League in order?
- (b) Is the Government applying for admission recognized *de jure* or *de facto* and by which states?
- (c) Is the applicant a nation with a stable government and settled frontiers? What are its size and its population?
- (d) Is it fully self-governing?
- (e) What has been its conduct, including both acts and assurances, with regard to (i) its international obligations; (ii) the prescriptions of the League as to armaments?

#### ADMISSIONS GRANTED

##### *a. Austria*

At the second meeting of the committee, Lord Robert Cecil (South Africa) read the report of subcommittee B dealing with

Austria. The application<sup>1</sup> was in order, and the Austrian Government was recognized *de jure* by the other Governments almost without exception. It was a stable government established within well-defined frontiers. Austria had a free system of government; she had expressed her desire to observe her international obligations, and declared that she had given proof of this by her conduct. The neighboring Governments did not question her good faith. Her military forces had been reduced below the limits laid down by the treaty of St. Germain. The subcommittee had been informed of the motion put forward by M. Motta, proposing that the Vorarlberg, in the event of Austria being admitted to the League of Nations, should have the right "to determine freely its own future if at any time the Austrian state should undergo a fundamental transformation." The subcommittee considered that the admission of Austria into the League would not affect this question in any way. If the opposite view were taken it would imply a false interpretation of Article 10. It had to be remembered that Article 10 does not guarantee the territorial integrity of any Member of the League; it limits itself to condemning any foreign aggression upon the territorial integrity, or political independence, of a Member of the League, while making it incumbent upon the Council to recommend means for resisting such aggression.

M. Spalaikovich (Serb-Croat-Slovene State) drew attention to the widespread desire to see the abolition of the traces left by the War, and of the universal mistrust which the War had caused. In spite of the existence of feelings, the strength of which it was necessary to realize, the time had come, as far as Austria was concerned, to blot out the past. Even though her former Government had been responsible for terrible misfortunes, her present Government was doing all in its power to carry out the treaty. The Serb-Croat-Slovene State, for its part, had endeavored to assist the Austrian peoples, and looked forward to maintaining neighborly relations with them in the future. He would vote in favor of admission.

M. Benes (Czecho-Slovakia). Czecho-Slovakia was the country most concerned with the present situation of Austria in view of

<sup>1</sup>Assembly Document 20/48/53. Letter from the ministry of foreign affairs of the Austrian Republic, November 9, 1920.

the strife which had separated the two countries in the past. Having embarked upon a policy of reconstruction in Central Europe, the Czecho-Slovak Government had endeavored to lend economic and financial aid to Austria. A series of agreements signed in the preceding year with the Chancellor Renner had enabled them to send food and coal to Vienna, and partially to revive her trade, and by means of a private understanding they had forestalled the decisions of the Reparation Commission. To-day no rivalry existed between Austria and the Czecho-Slovak State. Austria had not yet begun to fulfil her obligations with regard to the treatment of minorities, but it was impossible to ignore the existence of real material difficulties. Moreover, in the interests of the minorities themselves, it was preferable that Austria should enter the League of Nations, as this would provide her with additional reason for respecting her engagements. M. Benes added that he only mentioned this point for purposes of information, and that he would vote for the admission of Austria in the interests of the pacification and consolation of Central Europe.

M. Zoka ed Dowleh (Persia) said the Persian Government associated itself with the opinions which had been expressed. The new Austria did not deserve to be treated as if she was responsible for the former misdeeds of that country. The Persian representative welcomed the mutual desire to extinguish old hatreds as an earnest of the advent of perpetual peace.

M. Motta (Switzerland) explained his point of view with regard to the Vorarlberg. He was quite satisfied with the declaration contained in Lord Robert Cecil's report with regard to Article 10. Switzerland wished to see the present Austrian state maintained, but they must not lose sight of the disagreeable possibility that its integrity might be endangered. The Vorarlberg immediately after the war expressed its desire of union with Switzerland in a plebiscite showing a majority of 80 per cent in favor of union. Switzerland had been touched by this result, although, if the Swiss people had been consulted by a referendum, it would undoubtedly have shown a majority against admitting the Vorarlberg into the Confederation. He only desired to insert a reservation with regard to the future of the Vorarlberg in case Austria underwent some fundamental

transformation. The interpretation given by Lord Robert Cecil to Article 10 of the Covenant was sufficient to insure that its future should not be prejudiced.

At the third meeting of the committee, Mr. Rowell (Canada) observed that according to the terms of the treaty of Versailles the Members of the League of Nations and of the International Labor Organization must be the same and that at the Labor Conference held last year at Washington,<sup>1</sup> Austria had been admitted, on the understanding that this admission was merely in anticipation of her admission to the League of Nations. Had Austria, he asked, fulfilled the conditions necessary for admission to the League of Nations? The subcommittee has replied in the affirmative. In consequence of the latter's report and of the decision taken at Washington, it appeared right to admit Austria at once. Mr. Rowell emphasized the importance of the declaration contained in the report with regard to Article 10 of the Covenant, which had been so incorrectly interpreted in America. It was clear that Article 10 did not guarantee the territorial integrity of all the states Members of the League, but that it merely promised them the assistance of the League in case of external aggression in the manner provided for by the Covenant.

M. Pagliano (Italy) said that the Italian Government felt bound to point out that Austria had not entirely fulfilled the military and aerial clauses of the treaty of St. Germain; nevertheless, the Italian Government considered that by her request for admission to the League of Nations, Austria was making a fresh promise to fulfil completely and promptly the engagements which she had undertaken in consequence of the treaty; and also that one of the clauses of this treaty, namely, *that relating to demobilization*, which from a political point of view appeared to

<sup>1</sup>The resolution of this conference of October 30, 1919, reads in part:

"The International Labor Conference, acting in full agreement with the decisions of the Allied and Associated Powers,

"Resolves that in anticipation of their admission into the League of Nations and in consideration of their clearly expressed desire to collaborate in the work of the International Organization of Labor, Germany and Austria shall at once be admitted as Members of the International Labor Organization, with the same rights and obligations as those which arise for the other Members of this Organization from the provisions of the treaties of peace signed at Versailles on June 28, 1919, and at St. Germain-en-Laye on September 10, 1919."

be one of the most important, and which was at the same time one of the fundamental conditions for admission into the League of Nations, was now being completely carried out. For these reasons the Italian Government felt sure that the Government of the Austrian Republic would issue the necessary orders to the authorities concerned, to insure that the clauses of the treaty of St. Germain should be carried out in their entirety. The Italian Delegation asked that the League of Nations would be good enough to communicate to Austria these observations. Subject to this reservation, the Italian Delegation declared itself willing to vote in favor of the admission of Austria.

M. Jonescu (Rumania). The essential difference between Austria of to-day and the ancient empire of the Hapsburgs was that Austria was now separated from Hungary, which had been the evil genius of the monarchy.

Mr. Millen (Australia) said the favorable testimony of the neighbors and former enemies of Austria had convinced him; but he would like to make one reservation; Germany appeared inclined to put forward claims to the Pacific Islands, which should, according to the treaty, be placed under an Australian mandate. Australia, who did not wish to take the risk of having enemies established at her door, would like to know what would be the attitude of Austria toward this question once she was admitted to the League. Subject to this reservation, Australia was entirely favorable to the admission of Austria.

M. Winiarski (Poland) said that Poland would vote for the admission of Austria and begged to point out that the reservations which certain members had made were expressions of individual opinion. M. Benes had complained of the failure to execute the minorities treaty; in their opinion that treaty did not apply to recent immigrants.

Before the motion was put, M. Benes (Czecho-Slovakia) asked that the reservations made by Czecho-Slovakia, Italy and Australia should be annexed to the text of the resolution or transmitted to Austria by the Secretariat. The Chairman expressed the view that, except where reservations were formulated as motions, they would be sufficiently recorded by inclusion in the minutes. M. Benes stated that he would be satisfied if an opportunity were given him of stating before the Assembly the reserva-

tion which he had made, so that public opinion in his country should be informed.

The following resolution, proposed by Mr. Fisher (Great Britain) and generally seconded, was unanimously adopted:

The committee, having received and noted the report of the sub-committee on Austria's request for admission to the League of Nations, refers this request to the Assembly, expressing itself at the same time in favor of this admission.

This recommendation, with a full report (A. D. 174), was placed before the Assembly at the 25th plenary meeting.

President Motta of the Swiss Republic in an eloquent speech found that the interpretation of Article 1 had been broad-minded and noted that the imminent admission of Austria did not prejudice the question of Vorarlberg. He also said:

We must be fearless; we must recognize that there are points which have not been quite met in the Covenant. The fact that the United States, Russia and Germany are not Members of the League is significant in this respect, and I trust that in a few months' time some measures will be found, some conciliations made and concessions arrived at, in order that these nations, or rather, especially, that opulent and great democracy the United States of America, should become a Member of our League. . . . As for Germany, Germany asked at the Peace Conference to be admitted, but the conference did not see its way to agree to this request. Let me say with all sincerity that if we understood the point of view that was adopted we did not agree with it. To-day we limit ourselves to expressing the hope that soon the moment may come when those most important questions will be considered in all equity. The League must be universal, and if it is not universal it will bear within itself the seed of slow but sure disintegration.

In an impassioned reply, M. Viviani said:

Is it possible that the United States shall not join the League of Nations? All will agree that the United States must eventually join the League of Nations. We appeal to the United States. We appealed before, and the United States came into the battle, and in their disinterested position raised the standard of Right. . . . We will give the United States any explanations which she may desire to enable her to come in. The United States represented force in the cause of right, and all her history shows it. . . . With regard to Germany, M. Motta spoke with great courage. As I have said before, in the eyes of France the League of Nations must be

universal. But let us be strictly accurate. The position of the League of Nations to Germany may be best defined by a legal parallel. We are the defendants and Germany is the plaintiff. It is Germany's duty to show that she is fit to come in, that she will comply with the terms of Article 1. That is for her to prove. She must have a free Government. She must be able to give guaranties of her sincere intentions of respecting her international obligations. How wise was Article 1? It not only demands sincere intentions—for who can prove those? It also demands effective guaranties. Germany will enter the League when she has given effective guaranties of her intentions.

The ballot resulted: 35 states voted; 35 states voted *aye*; 7 abstentions.

### *b. Bulgaria*

The subcommittee's report on Bulgaria, read at the third meeting of the committee, included the following observations:

Bulgaria's request is found to be in order. Her Government is recognized *de jure* by all the Governments. She has a stable Government and well-defined frontiers. Her near neighbors appear to entertain doubts as to her willingness to abide by her international undertakings, but the representatives of Bulgaria insist on the complete change of policy which has taken place in their country, the head of the Government, M. Stamboluski, having been imprisoned throughout the war on account of his opposition to the policy of King Ferdinand. Serbia complains of the non-execution of the reparation clauses and also of the clauses referring to punishment for crimes. Rumania complains of cruelty to prisoners. The Bulgarians reply that they have commenced to make reparations and to punish the guilty. The subcommittee is of opinion that Bulgaria is disposed to abide by her undertakings. Similar comments have been made with regard to the military clauses, but from information received from the Italian, French and English war ministers, and from the Conference of Ambassadors, it appears that Bulgaria is making every effort to execute the disarmament clauses loyally.

Mention should be made of the fact that according to the statement made by the Representatives of Rumania and Jugo-Slavia, opinion in these countries is unanimously against the admission of Bulgaria.

Recollections of the War should not cause us to deviate from the path of strict justice, which imposes upon us a duty to act as though we were judges intrusted with the task of administering the text of the Covenant. Naturally, indignation against the acts of cruelty committed by the Bulgarian armies or the treachery of their king should not alter our



judgment. The subcommittee is unanimously agreed upon the facts which form the subject of this report.

Mr. Fisher said that the British Government had considered with great care the application of Bulgaria, a state which had fought against the Allies. As a result his Government was inclined to favor the application for the reasons given in the report. He regretted the attitude taken by Serbia and Rumania, though it did not surprise him. Regarding the matter impartially, they must acknowledge the good faith of the new Bulgarian Government. The admission of Bulgaria would be in the interests of general peace. M. Zoka ed Dowleh (Persia) thought that Bulgaria, having got a democratic Government and having given good evidence of a change of heart, ought to be admitted to the League. Baron Hayashi (Japan) said that he would vote for the admission of Bulgaria.

M. Branting (Sweden) thought that Bulgaria fulfilled the required conditions. He hoped that the League would open its doors to a state which possessed the elements of peace and stability. Mr. Millen (Australia) regretted that he was again in opposition to what would most likely be a majority of the committee, but he was unable to vote for admission. The evidence collected by the subcommittee regarding the present attitude of the Bulgarian Government was not sufficient to show that the spirit of the people had changed.

At the fifth meeting of the committee, M. Spalaikovich (Serb-Croat-Slovene State) observed that the League of Nations ought to include all the nations of the world as soon as possible, and that the subcommittee had been guided by this view in its examination of Bulgaria's application. He was anxious not to bring up any accusations against the old Bulgaria, but asked the League of Nations to see that Article 1 of the Covenant was strictly carried out. He would have been glad to have taken the initiative in proposing the admission of Bulgaria, and he would vote for her admission as soon as he considered it possible; but the moment had not yet arrived. Out of the four questions which the Committee had to answer only two, in his opinion, should be answered in the affirmative. Bulgaria had a recognized Government, and she also had clearly defined frontiers. He considered it pre-

mature to say that Bulgaria had shown that she had given proofs of her sincere intention of fulfilling her international engagements.

With regard to this point, he was of opinion that the League should not be satisfied with declarations or evidence of a personal nature, but should appoint a committee of inquiry to carry out complete and detailed investigations. He regretted that the application for admission should have been received too late to permit them to collect the data necessary for a serious examination of the question. He, himself, was going to bring forward arguments against admission, but he did not ask the Committee to accept them on his word.

M. Spalaikovich urged his colleagues to be cautious. They had not yet had time to satisfy themselves as to the intentions and the good faith of Bulgaria, and the time for her admission to the League of Nations had not yet arrived. On behalf of his Government M. Spalaikovich asked the committee not to take a decision which would prejudice Serbia both materially and morally, and recommended that the Council of the League of Nations should be instructed to carry out investigations on the spot, at Sofia, and at the capitals of the neighboring states.

M. Politis (Greece), while paying homage to the impartiality of the subcommittee's report, thought it his duty to point out that it had been incorrectly informed. He therefore supported the motion of M. Spalaikovich. He maintained that Bulgaria had not given the guaranties provided for in Article 1 of the Covenant.

Dr. Nansen (Norway) protested that it was unjust to bring accusations without giving a hearing to the person against whom they were brought. If those states which had ill-treated their prisoners were to be excluded from the League of Nations, there were at the present time certain Members of the League to whom this act of exclusion would apply. The assertions made by M. Politis regarding the 300 children were correct, but these children would be sent back to their native land before the winter. The delay ought not to be imputed to any unwillingness on the part of the Bulgarian Government, but to its lack of efficient administration.

Dr. Nansen added that several accusations brought against the Bulgarian Government appeared to him unconvincing.

M. Stamboluski had been accused of being opposed to the war only because he was a Socialist, and not on account of his sympathies with the Allies. In his opinion, it would be preferable that M. Stamboluski should be opposed to war on principle. If Bulgaria were to be excluded for the reasons just put forward, the result would be deplorable as regards the prestige of the League. They should encourage Bulgaria to keep on in the right path: by acting thus, the League would exert a good influence on that country.

M. Jonescu (Rumania) declared that not a single Member of the League of Nations was animated by a spirit of hatred toward the vanquished. It was for quite other reasons that certain of his fellow-countrymen had asked that Bulgaria should not be immediately admitted to the League.

Lord Robert Cecil (South Africa) desired formally to support the admission of Bulgaria to the League. It had been proposed that the question be postponed, and that a committee of inquiry should be appointed to undertake fresh investigations. It would be preferable to refuse admission quite frankly, and to allow Bulgaria to re-submit her application. M. Politis reproached them for not having requested the inter-Allied military authorities to supply the information required; they had done so. The answer of the Conference of Ambassadors was as follows: "The Government so far appears to have co-operated loyally with the committees."

It was not possible to form any opinion from the study of details, but only by a general consideration of Bulgaria's intentions. The subcommittee was convinced that Bulgaria intended to carry out her international engagements. France was of the same opinion, as also was Great Britain. If Bulgaria did not carry out her engagements the League could always expel her. It was an undoubted fact that the Balkans had been a hotbed of turmoil in Europe for half a century, and he would ask the committee to facilitate the process of pacification. He called upon neighboring countries to aid in this pacification, and to make what was for them an undoubted sacrifice, by voting for the admission of Bulgaria.

M. Viviani (France) said that a system of jurisprudence was beginning to grow up with regard to the admission of states to

the League of Nations. The League was a new organism and its rules had yet to be drawn up. A nation could not be admitted regardless of its past history. It had been said that a state would be less dangerous in the League than outside it; the adoption of this point of view would create the following situation: at every session there would be interminable discussions between plaintiffs and defendants—to use legal language—instead of a united effort to reorganize the world on a basis of justice, and to safeguard the nations from the recurrence of the acts of violence of the past. Has Bulgaria given effective guaranties of her sincere intention? He admitted that on this point the situation was most confused.

Would it be possible to obtain accurate information during the present session? The speaker hoped to be able to come to an agreement with Lord Robert Cecil on this point: he did not ask that the matter should be adjourned until September.

The Chairman said that the committee had two proposals before it: First, the one presented by Lord Robert Cecil which contemplated admission; the second, presented by MM. Spalaikovich, Jonescu and Politis, read as follows:

The committee, having considered the conflicting arguments which have been presented to it regarding the fulfilment by Bulgaria of her international obligations, feels that it ought to obtain more complete information on this point by means of an inquiry which should be carried out under the authority of the Council of the League of Nations.

The Chairman proposed to vote first on the motion of MM. Spalaikovich, Jonescu and Politis.

The following motion, proposed by Lord Robert Cecil, was finally adopted unanimously:

The decision on this point is adjourned in order to allow the subcommittee to receive further evidence and to submit a report before the end of the present sitting of the Assembly.

At the seventh meeting of the Committee a memorandum was read stating that the subcommittee had received further information from the Conference of Ambassadors and the Interallied Military Council;<sup>1</sup> in the unanimous opinion of the subcommittee this information in no way affected the conclusions previously

<sup>1</sup> The documents are published in Assembly Document 205.

arrived at by the subcommittee as regards the sincerity of Bulgaria's intention to carry out her international obligations.

M. Politis (Greece) stated that he had agreed with his Serbian and Rumanian colleagues in demanding a further inquiry as regards the admission of Bulgaria; the three Delegates had declared that they would abide by the decision of the Interallied Military Council and the Conference of Ambassadors. On its own responsibility the Interallied Military Council declared that Bulgaria had shown no bad faith, that the cases of non-execution were due to *force majeure* such as the difficulties of communication, etc. Moreover from the Council's reply, they had learned what they did not previously know, namely, that the period of three months laid down by Article 65 of the treaty of Neuilly had been extended for another period of three months.

Further, the Allied Council had declared "that it was only right to recognize that up to the present time and except for some purely local attempts at fraud, the Bulgarian Government had afforded every assistance to the investigations of the commissions of control."

Under these circumstances they were satisfied that they could regard Article 1 of the Covenant as having been applied.

In these conditions they had the honor to propose the motion to the Committee.

M. Viviani (France) recalled his suggestion that it might perhaps be preferable to wait a little and to adjourn the question for ten months, which, after a war of five years, would seem but a small matter; but they must keep their word. He was only speaking in order to explain his vote. He was obliged to refrain from voting. The documents which had been produced did not seem to him of such a nature as to remove his doubts.

No other members of the Committee wishing to speak, the motion of M. Politis was unanimously adopted by all the delegations present, with the exception of the French delegation, who abstained.

The Greek motion came before the Assembly as the recommendation of the Committee at the 27th plenary meeting in the following form:

The Committee after a very full inquiry as to the execution of the treaty of Neuilly by Bulgaria is of opinion that she has given effective guaranties of her sincere intention of observing her

international engagements. Being in addition of opinion that these guaranties can but become more binding by the admission of Bulgaria into the League of Nations, the Committee expresses itself in favor of this admission.

The ballot resulted: 35 states voted; 35 states voted *aye*; 0 states voted *no*; 7 abstentions.

M. Viviani (France) abstained, being "not sufficiently enlightened on the matter." M. Jonescu (Rumania), had he been present, would have voted *aye*.

### c. Costa Rica

Dr. Nansen (Norway) read his report upon the application submitted by the Republic of Costa Rica at the fourth meeting of the committee. The committee reported in favor of admission. Lord Robert Cecil (South Africa) recommended that Costa Rica should be admitted under the conditions which had been stipulated in the case of the admission of the Austrian Republic. He was supported by the Delegates of Great Britain, Brazil, Nicaragua, and Norway.

The proposal was unanimously adopted.

During the 27th plenary meeting of the Assembly Dr. Restrepo (Colombia) explained why the applicant country, which was a belligerent, had not signed the treaty of Versailles. He said:

Costa Rica was then governed by Señor Alfredo Gonzalez, an eminent statesman, who named General Tinoco chief of police. General Tinoco took advantage of this position to effect a *coup d'état*—a thing common in other countries and other continents also. In that way Costa Rica became the victim of this *coup d'état*, and the United States of America, under the influence of President Wilson, ruled that they would not recognize *de facto* any revolutionary Government in South America. The consequence was that Costa Rica found itself with no international status and therefore could not ask to be admitted to the League of Nations. General Tinoco, upon this, in a true patriotic spirit, withdrew and recommended general elections and the setting up of a proper constitutional Government. We should, therefore, admire this country, which has, after a revolutionary condition of affairs, returned to a proper and well-governed order, and has complied and does comply with the requirements laid down for admission to the League of Nations.

The ballot resulted: 38 states voted; 38 states voted *aye*; 0 states voted *no*; 4 abstentions.

*d. Finland*

M. Octavio (Brazil), rapporteur of the first subcommittee, read the conclusions of its report to the sixth meeting of the committee. Finland presented all the characteristics of an independent state with a free government and with historic frontiers confirmed by recent treaties with its neighbors. She fulfilled, therefore, the general conditions for admission. Finally, he submitted a proposal favoring the admission of Finland.

Mr. Fisher submitted the following resolution:

The committee having taken cognizance of the report of the subcommittee as to the admission of Finland, recommends to the Assembly the admission of this country to the League of Nations, without prejudice to the decision which the Council may take concerning the question of the Aaland Islands.

Dr. Nansen (Norway) supported this resolution, which was unanimously adopted.

M. Poulet (Belgium) as rapporteur at the 26th plenary meeting made a short statement in requesting hearty support for Finland's admission. His important point was the recommendation adopted by the Assembly with regard to the guaranties of the rights of minorities. "Finland accepts this and agrees to give these guaranties, and she has put it on record in a letter which the Finnish Delegation has addressed to Lord Robert Cecil. The important passage of that letter reads: 'In requesting to be admitted as a Member of the League of Nations, Finland desires to collaborate effectively and most sincerely in the realization of the lofty objects that the League has in view, and therefore in regard to the principles which are generally recognized by the League for the protection of minorities.'"

The ballot resulted: 39 states voted; 39 states voted *aye*; 0 states voted *no*.

*e. Luxemburg*

Senhor Octavio (Brazil) read the report on Luxemburg at the sixth meeting of the committee. He found that the request for admission was in order and concluded by making certain observations in favor of the admission of Luxemburg.

Mr. Fisher (Great Britain) asked whether the small size of

Luxemburg did not raise an objection to the unconditional admission of the Grand-Duchy. He proposed to postpone the admission and to refer the consideration of this special case to the Council. He concluded by moving that the question should be referred to the next session of the Assembly, in order that in the meantime the Council may be in a position to consider the question whether a minimum should be laid down with regard to the extent and population of states to be admitted to the League of Nations, and to present a report to the Assembly.

MM. Poulet (Belgium), Van Karnebeek (Netherlands), Politis (Greece), and Lord Robert Cecil (South Africa), opposed the resolution brought forward by Mr. Fisher, and proposed to recommend to the Assembly the admission of Luxemburg. They pointed out that this state had played an important part with regard to the equilibrium of Europe, that Luxemburg had participated on a footing of equality with the other states at the Peace Conference at The Hague in 1907. The admission of Luxemburg could not create a precedent which could affect any decision which might be taken concerning area and minimum population as a condition for admitting states.

Mr. Fisher having withdrawn his proposal, the Chairman, after consultation with the committee, declared it to be unanimously in favor of recommending to the Assembly the admission of Luxemburg.

M. Poulet (Belgium) introduced the application of Luxemburg at the 26th plenary meeting of the Assembly. After referring to its stability as a small state, he added (*cf.* A. D. 179):

The original request made by Luxemburg contained a reservation concerning her neutrality. This neutrality is of a twofold nature. It exists by international law and by internal legislation. Internationally it was recognized by the treaty of 1867. The treaty of Versailles altered the dispositions of that condition, but Luxemburg still retained its neutrality in virtue of its internal legislation. The case is different from that of Swiss neutrality, because Swiss neutrality is an armed neutrality, and one, therefore, which Switzerland is enabled to defend. In the case of Luxemburg the condition is entirely different. There is no army, and therefore Luxemburg would not be in a position to defend its neutrality. However, Article 16 of the Covenant provides for the passage of troops through territories if ordered by the League of Nations. This passage



of troops through a neutral country is incompatible with the idea of neutrality. Luxemburg, however, has agreed to this condition, and it has accepted the obligations which fall on every Member of the League under Article 16 of the Covenant. The original reservation has been withdrawn in a letter which was addressed to the Committee, and, further, the Luxemburg Delegation undertake to see that the internal legislation will be altered to bring it into line with the requirements of the Covenant, and in particular with the requirements of Article 20 of the Covenant.

The ballot resulted: 38<sup>1</sup> states voted; 38<sup>1</sup> states voted *aye*; 0 states voted *no*; 4<sup>1</sup> abstentions.

#### *f. Albania*

At the sixth meeting of the committee, Lord Robert Cecil read the report of the subcommittee on Albania's application for admission. The international status of that country resulted from the treaty of London in 1913, and from the decisions arrived at by the conferences held in London and Florence in 1914. Albania received recognition *de jure* at that time, but under the Government of the Prince of Wied. This status appeared to have been modified by the secret treaty of London in 1915, which contained certain provisional agreements, by the terms of which the sovereignty of Albania would have ceased to exist; but the Italian Government had entirely renounced its claims on Albania, and the future status of that country had not yet been determined by the powers. It appeared, therefore, that the Albanian Government now in power had not been recognized *de jure* or *de facto* by any of the powers. Lord Robert Cecil was in favor of the admission of Albania.

M. Viviani (France) observed that the situation was a delicate one. As the belligerent powers had not yet decided on the status of Albania, the Assembly in coming to an immediate decision would risk running counter to the will of the great powers. He moved the following resolution:

That the committee after having examined the report of the subcommittee should postpone the admission of Albania to the League of Nations until such time as the international status of Albania should

<sup>1</sup>The figure 38 is given in the detailed vote as published in Journal 34 and A.D. 251. The President of the Assembly announced the vote as 39.

have been decided upon by an agreement replacing the agreements drawn up in 1913 and 1914, which agreements have now lapsed.

M. Pagliano (Italy) agreed with the proposal submitted by M. Viviani, since it does not amount to a refusal of the request and since it really sums up the matter in a suspension proposal. He desired to make this publicly known, in order to contradict affirmations that Italy is opposed to the admission of Albania. On the contrary, as he had occasion to state before the sub-committee, Italy wishes to pursue in this matter a clear line of conduct with a very liberal program in conformity with ideas of international justice. Italy considers that the admission of these states will encourage the democratic development of their institutions, and assure a more thorough performance of their international engagements.

M. Tang-Tsai-Fu (China) would welcome the admission of Albania to the League, but it did not seem possible to admit a state not recognized *de jure*, whose frontiers were not defined, and whose territories were still occupied in parts by foreign troops. M. Spalaikovich (Serbia) would gladly welcome the development of Albania, but, as she was as yet only in the embryonic stage, he would agree to the motion for postponement.

Lord Robert Cecil declared that M. Viviani's motion did not appear to him to be acceptable in its present form. The Assembly could not admit that its decision should be subordinated to those of a group of powers.

Mr. Rowell explained the reasons which induced him to vote in favor. The country possessed frontiers which had been fixed by an international convention. Neither the secret treaty of London nor the occupation of Albanian territory had been able to deprive it of its position as an independent state.

Mr. Fisher recognized that they were confronted by a *de facto* situation. Albania had not been recognized by the powers; neither the committee nor the Assembly could anticipate the decision of the powers in this matter.

M. Viviani's motion was put to the vote and carried by 13 votes to 8.

Following this inconclusive vote, Lord Robert Cecil asked M. Viviani if he would agree to the suppression of the last part of

his motion, that the final decision should be referred to the great powers. M. Viviani consented, on condition that the postponement should be retained. He had mentioned the great powers to put them in a position to take a speedy decision.

The Chairman endeavored to obtain unanimity, but was unable to succeed. Lord Robert Cecil stated that he wished to reserve liberty of action, in order to be able to raise the question in the Assembly. He remarked that during the vote only 21 members of the committee had been present.

The Chairman then read M. Viviani's motion in its definite form:

The committee after having examined the report of the subcommittee on Albania, is of opinion that the admission of this state should be postponed until the international status of Albania has been definitely fixed.

At the 28th plenary meeting of the Assembly, Lord Robert Cecil, who had introduced a motion<sup>1</sup> admitting Albania, spoke as rapporteur. He said that a different view had prevailed in the committee owing to misunderstanding. In substance he argued:

Two difficulties were raised. There was, of course, the difficulty raised by Article 10. That, however, was not much relied on, and for very good reasons. In each of the cases we were considering yesterday there were states, or territories rather, on the borders of the applicant state who were not Members of the League and not amenable to the influence of the League—Bolshevist Russia, Azerbaijan, and so on. But that, of course, is not the case with Albania. Her neighbors are Serbia, whom I am sure we can rely upon to carry out the wishes of the League, and Greece, about whom the same may certainly be said. It was said that Albania was not recognized. There are two kinds of recognition. When you recognize the Government of a state for the first time, you do bring it into the comity of nations, and thereafter that state exists, unless it is extinguished by general consent or by conquest. The Governments

<sup>1</sup> The Cecil motion (A. D. 196) was:

"After consideration of the report of Committee V as to the admission of Albania to the League, the Assembly.

"1. Declares that nationalities like those of Albania have a right to national existence if they so desire it;

"2. Is of opinion that Albania is a state within the meaning of Article 1 of the Covenant and has complied with the other conditions of that article;

"3. Decides to admit Albania as a Member of the League."

may or may not be recognized from time to time, but the state remains, and that is the case even with some states here; they are recognized as states though the Government of them does not happen to be recognized as yet. Now I apply all that to Albania. Albania was fully constituted by the six great powers in 1914 and recognized *de jure* by practically the whole of the civilized European states. That was the position when the war broke out. In the course of the war Albania was occupied by armies, not by hostile armies, for Albania was not, as far as I know, a belligerent in the war, but she was occupied. I do not think there is anyone here who will suggest that the occupation of the territory of a state puts an end to that state unless she is also conquered, of which there was no trace in the case of Albania, for she was not even a belligerent. It would be a disastrous thing for the representatives of Belgium and of Serbia present in this Assembly if we were to suggest that occupation by foreign armies put an end to the existence of a state. Various transactions took place among the Allied Powers as to the settlement of Europe, and it was suggested in the course of those transactions that some new arrangement of Albania should be made. That was a mere suggestion. It was never carried out, and I venture to submit with some confidence to the Assembly that a suggestion made by a certain section of powers can not juridically be admitted for a moment to upset a solemn treaty entered into by a number of other powers besides those powers themselves. If we gave any kind of countenance to such a doctrine we should cut at the very foundations of international law.

Mr. Rowell (Canada) in supporting the motion dilated upon the latter point referring to the so-called secret treaty of London.<sup>1</sup> On this point he commented:

If the treaty of London had been executed, if Albania had been partitioned, then Albania might cease to exist as a state, but as the treaty was not executed, Albania continues to exist. . . . Since that time, it is quite true, a proposal was made for the partitioning of Albania in order to adjust difficulties between Italy and Jugo-Slavia. That was not executed either. Therefore Albania continues in the condition which she held so far as any effect of this treaty is concerned. I should, however, add this one fact, that the Government of Italy has publicly and expressly disclaimed all right to a protectorate over Albania, which was suggested under the convention of London, and in a declaration made by the present prime minister of Italy in the Chamber of Deputies at Rome, he declared himself in favor of the independence of Albania.

<sup>1</sup>For text see British Parliamentary Papers, Miscellaneous No. 7 (1920). Cmd. 671.

H. A. L. Fisher (Great Britain), speaking as one of the majority in the committee, stated: "The British delegation has very carefully reviewed the situation since the report of the committee was presented to the Assembly, and we are now prepared to accept the suggestion of Lord Robert Cecil, and to vote for the admission of Albania."

Sir Saiyid Ali Imam (India), in support, made a significant point:

Albania is a country in which the population is divided between the two great religions of the world—Christianity and Mohammedanism. Mohammedans are perhaps in a considerable majority there. It is one of the happiest signs of the time that this petition of Albania to be admitted into the League of Nations is supported by the whole population of the country, Mohammedans and Christians alike. . . . I hope and trust that this unique exhibition of the joining of the Cross and the Crescent in this Assembly will receive every possible encouragement. The inclusion of Albania in the Assembly will produce a great impression in quarters where perhaps the League, in time to come, will require to produce more and more impression in order to make it a world-league.

France, Italy and Rumania announced the intention of voting for admission. The ballot resulted: 35 states voted; 35 states voted *aye*; 0 states voted *no*; 7 abstentions.

#### ADMISSION TO TECHNICAL ORGANIZATIONS

"We now come," said the President to the 26th plenary meeting of the Assembly, "to the group of states whose admission as Members is not proposed, but who may be admitted to take part in the technical organizations of the League. These states are five in number: Armenia, Esthonia, Georgia, Latvia, and Lithuania."

In the committee the proper disposition of these states had resulted in a general discussion resulting in decisions applicable to all of them as being formerly parts of the Russian Empire.

The requests for admission of the Baltic states, Lithuania, Esthonia, and Latvia, were discussed at the sixth meeting of the committee. M. Octavio read the report of the subcommittee. Without wishing to anticipate a decision, the report concluded by suggesting to the committee that it would be necessary to

arrive at a decision on the general question as to whether states not recognized *de jure* by the Members of the League of Nations can be admitted. M. Octavio added that he had endeavored in formulating his conclusions not to make any observation which might discourage candidates, so as to leave the committee absolutely free to form an opinion.

M. Benes (Czecho-Slovakia) drew attention to the fact that the unstable elements in the situation of the states under consideration resulted from the proximity of Soviet Russia. If it were to admit these states at once the League of Nations would run the risk of finding itself confronted with a very difficult problem. Lord Robert Cecil proposed the following motion, which would equally apply to the Baltic and Caucasian states:

In view of the fact that these states have on their borders territories occupied by populations in a condition of disorder and not amenable to the influence of the League, the Assembly declares that in the discharge of the obligations of Members of the League under Article 10, regard must be had to this circumstance. Subject to this declaration, the Assembly admits Esthonia, Latvia, Lithuania, Georgia, and Armenia to the League.

M. Benes replied that the motion raised the legal question of the conditional admission of states. Did the Covenant allow of an admission of this nature? He made the following motion:

The Committee, without wishing to express final conclusions on the admission or non-admission of the Baltic states in the present political situation of Eastern Europe, suggests to the Assembly that those states might be invited to take a part in certain technical organizations, so that as soon as general political conditions will allow it, they may be formally considered as Members *pleno jure* of the League of Nations.

Mr. Rowell (Canada) shared the opposition expressed by Messrs. Benes, Branting, and Van Karnebeek to conditional admission. Mr. Fisher proposed a compromise. The representatives of the Netherlands, Bolivia, and Cuba supported this proposal. M. Huneus, Chairman, proposed discussion of the following motion by Mr. Fisher:

That the subcommittee which has reported on the Baltic states be asked to consider the suggestions made by Lord Robert Cecil, Mr. Rowell and Dr. Benes in the course of this discussion and to report to the committee.

After debate, the committee adopted Mr. Fisher's proposal, modified in accordance with the vote already taken on M. Viviani's proposal to add Georgia and Armenia to the countries which were to form the subject of the report.

The supplementary report, read at the seventh meeting of the committee, recommended that the Assembly should inform the Governments of these countries:

a. That their requests for admission had received sympathetic consideration, but that circumstances did not yet allow of any final decision being taken.

b. That these states, while awaiting a further decision on the part of the Assembly, shall be free to co-operate in the technical organizations of the League of Nations, which deal with questions of general interest.

Lord Robert Cecil proposed the motion of conditional admission which he had made previously. M. Viviani (France) considered that the proposal had grave drawbacks. He doubted if it would be possible to admit states to the League to whom it could not offer help in case of need. He did not consider it admissible for a state to be able to say that it would waive its right to benefit by this or that article of the Covenant. Now it was a question of Article 10; on another occasion it would be another article.

The Chairman pointed out that the adoption of the subcommittee's test would imply the rejection of Lord Robert Cecil's motion. The vote was by roll call and the subcommittee's draft was adopted by 17 votes to 5, with 3 abstentions. The vote was understood to include Esthonia and Latvia.

M. Van Karnebeek (Netherlands) suggested that the following paragraph should be added to the second paragraph of the resolution of the subcommittee which in a revised form read:

The Committee proposes to the Assembly that the International Labor Conference should be recommended to consider whether it would be possible to admit these states, should they request it, to the International Labor Organization.

The motion was adopted.

Lord Robert Cecil proposed that the following should be added at the end of the committee's resolution: "And that they may be authorized to assist at the meetings of the Assembly and to

“speak therein if permission is granted to them.” Dr. Nansen supported this proposal. MM. Branting and Fisher opposed it, as it would create a dangerous precedent. A vote was taken and the proposal was rejected by 9 votes to 6; 5 abstentions.

After the rejection of Armenia at the 26th plenary meeting of the Assembly, the question came upon the proposal of the committee to admit that country into certain technical organizations set up by the League. Mr. Barnes (Great Britain), as a member of the committee that dealt with the technical organizations, wanted to offer a protest. He said:

Nothing was said to that Committee about the admission of states to the technical organizations. Further, in so far as Armenia is a self-governing state and recognized, she can come into the conferences held by signing the various conventions. Take, for instance, the health convention. By signing that she can come into the conference. By signing the other conventions she can also come into the other conferences. I should like to know if they are bringing Armenia or other states into the technical organizations in a fuller sense; if so, in what sense, because we have heard a great deal about the expenses of the technical organizations. Are you going to bring these small states in, and thereby add to the expenses, or is this question of the admission of small states into the technical organizations a mere matter of dishonest window-dressing? It presents itself to me merely in that light.

After a parliamentary discussion in which it appeared that Mr. Barnes desired to prevent the question from coming to a vote, he accepted a proposal of M. Viviani that the matter be referred back to the committee, which was voted without objection.

The following recommendation, newly reported from the Fifth Committee to the 27th plenary meeting of the Assembly, was brought to a vote and adopted without objection as regarded Esthonia, Latvia, Lithuania, and Georgia:

Pending a further decision of the Assembly, it is desirable that Esthonia, Latvia, Lithuania, and Georgia should, on presenting a request to that effect, be treated on the same footing as states Members of the League as regards their participation in the work of the technical organizations of the League.

To the President's suggestion that this formula be applied to



Armenia, Lord Robert Cecil asserted it appeared to offer that country only "a puff of smoke" in place of bread.

*a. Armenia*

Dr. Nansen read the report regarding the request for admission submitted by Armenia at the fourth meeting of the Fifth Committee.

The Armenian Republic of Erivan had been formed in March, 1918. There could be no doubt that its Government really did represent the Armenian people, even if it could not be regarded as a stable government. The report laid special stress on the fact that the Armenian Government appeared genuinely desirous of respecting its engagements, and that Armenia was a signatory to the treaty of Sèvres concluding peace with Turkey.

The subcommittee was unanimous in its sympathy for the Armenian people, but pointed out that it could not give complete answers to certain questions of fact which had been put to it.

René Viviani (France) proposed the admission of Armenia to the League. M. Politis (Greece) thought that the Armenian Government might be regarded as stable, and that its international loyalty was beyond question. Lord Robert Cecil would vote for the admission of Armenia. All Members of the League had not been hitherto formally pledged to furnish support to Armenia; the admission of Armenia would entail for them all the obligation of co-operating in the defense of that country against external aggression.

At the eighth meeting of the Committee, a resolution postponing the admission of the country was adopted, 9 to 2.

Dr. Nansen, in bringing forward the report (A. D. 209) on the admission of Armenia at the 26th plenary meeting of the Assembly, defined the current situation of that country:

It is now in a very difficult situation. A great part of the country is taken by her enemies, and the Government can not be called quite a stable one. The frontiers have not yet been determined. Armenia is one of the signatory powers to the treaty of Sèvres, and if that treaty is ratified it is a question whether she is not a Member of the League from that moment. There is also another question, namely, whether at this moment it was to the benefit of Armenia actually to become a Member,

because that would exclude the possibility of finding a mandatory power for Armenia. We can not find a mandatory power for a Member of the League.

The ballot resulted: 29 states voted; 8 states voted *aye*; 21 states voted *no*; 13 abstentions; 20 quorum of two-thirds.

States which voted *aye*: Canada, Peru, Portugal, Rumania, Salvador, Switzerland, Uruguay, Venezuela.

States which voted *no*: Australia, Bolivia, Brazil, British Empire, Chile, Colombia, Cuba, Czecho-Slovakia, Denmark, Greece, India, Italy, Japan, Liberia, Netherlands, New Zealand, Norway, Panama, Paraguay, Serb-Croat-Slovene State, Sweden.

Mr. Rowell (Canada), after consultation with members of the committee and after submitting the matter to the Chairmen of the committee and the subcommittee, had moved before the vote that the following be added to the resolution:

The Assembly earnestly hopes that the efforts of the President of the United States, energetically supported by the Governments of Spain and Brazil and by the Council of the League, will result in the preservation of the Armenian race, and in securing for Armenia a stable Government, exercising authority throughout the whole of the Armenian state as the boundaries thereof may be finally settled under the treaty of Sèvres, so that the Assembly may be able to admit Armenia into full membership in the League at its next meeting.

A motion to refer this back to the committee was opposed by the Assembly, which then carried the proposal, *nem. con.*

#### *b. Baltic States: Esthonia, Latvia, Lithuania*

The debate on the requests of the Baltic states, Esthonia, Latvia, and Lithuania, began in the Assembly at the 27th plenary meeting. After a preliminary development of the facts by the rapporteur, M. Octavio (Brazil), M. Restrepo (Colombia) began a speech which outran his 10 minutes and which was completed in 22 minutes during the discussion on Latvia. He opposed the committee view, and moved that the Baltic states be admitted without delay. He said in part:

There is no difference between a small and a great state. The only difference we must bear in mind is good reasons and bad reasons. We

must recognize that the states in question do comply with the conditions laid down in the Covenant. Since the Committee on its own showing admits that these states comply with the conditions of the Covenant and comply with their international obligations, I ask, Why are they rejected? Another condition has been added to the admission of states, and that is the condition of circumstance. I submit that this constitutes an amendment to the Covenant. What is the circumstance? It is the Bolshevik condition of Russia, which has recognized this state, but Bolshevik Russia is not itself recognized, and we are awaiting the reconstitution of that monster to consider the application of these states.

M. Chagas (Portugal) referred to recognition as a condition for a state's admission, saying: "I would like to point out that the question of *de jure* recognition being an essential condition for admission to the League of Nations has been submitted to jurists for consideration, and that their advice has not been unanimous, but has fallen into two divisions: those who considered that admission was equal to and automatically corresponded with *de jure* recognition, and those who held the opposite view. It is my opinion, in view of this result, that *de jure* recognition does not constitute an essential condition of admission." He moved:

Whereas the *de jure* recognition of a state is an act by which individual relations are established between the recognizing state and the recognized state; and whereas such relations have to be defined by traditional international law and are not necessarily quite the same as collective relations arising from membership of the League of Nations,

The Assembly decides to give a favorable answer to the application for admission of the Republic of Esthonia, subject to the reservation contained in the present resolution.

M. Poulet for the committee opposed the motion. "*De jure* recognition," he said, "implies diplomatic relations; but admission into the League of Nations is a more serious matter than simply the suspension of diplomatic relations or the fact that diplomatic relations have not begun. The prestige of admission into the League of Nations is most important. Admission implies duties and responsibilities. It is quite comprehensible that new states would highly prize the honor of admission into the League of Nations; but we must not forget the responsibility of keeping the obligations of the Covenant, particularly Article 10, where we guarantee the territorial integrity of other members of

the League. Therefore it is not advisable in my opinion to adopt the proposal."

The Rumanian and Polish delegates explained the reasons for their intended votes, as did the Swedish representative, who commented.

Esthonia, Latvia, and Lithuania are stretching out their hands to the free peoples of Europe, and all of us know that after long discussion it was agreed, according to the terms of Article 10, that a new state shall have the same rights as all of us and shall have the same right to be defended by all of us against any aggression. At this moment these states are not recognized by all the great powers. The situation is confused and obscure and there is a risk, a very grave risk, for us who keep our engagements in taking on new engagements at this moment, especially with regard to those states which are exposed, particularly by their geographical situation, to attack by a power whose future intentions none of us knows.

Prince Zoka ed Dowleh (Persia) pleaded for the admission of the Baltic states.

The ballot on Esthonia resulted: 32 states voted; 5 states voted *aye*; 27 states voted *no*; 10 abstentions; 22 quorum of two-thirds.

The ballot on Latvia resulted: 29 states voted; 5 states voted *aye*; 24 states voted *no*; 13 abstentions; 20 quorum of two-thirds.

The ballot on Lithuania resulted: 29 states voted; 5 states voted *aye*; 23 states voted *no*; 14 abstentions; 20 quorum of two-thirds.

### c. Georgia

The application of Georgia was first discussed at the fifth meeting of the committee. Dr. Nansen read the report. The Government was stable. The frontier could not be regarded as finally determined though certain agreements had been made between Armenia and Georgia. The Government had been recognized *de facto* by France, England, and Italy, and *de jure* by the Argentine Republic, the Russian Soviet Government, and Germany. Georgia was an ancient state which had only been incorporated in the Russian Empire last century and the recognition of Georgia would be of great assistance to Armenia.

Mr. Fisher (Great Britain) asked for an adjournment in order that the case of Georgia might be considered together with that of the other states which formed part of the ancient Russian Empire and was supported by the delegates of Persia, France,

and the Netherlands. The subcommittee subsequently reported in favor of the postponement of the question. A motion by Dr. Nansen at the eighth meeting of the committee that Georgia should be admitted despite the conclusions just reached resulted in the committee upholding the subcommittee's report, 9 to 6, with 4 abstentions.

Dr. Nansen at the 27th plenary meeting of the Assembly for the third time moved that Georgia be admitted. Lord Robert Cecil said in support of Dr. Nansen:

The only solid difficulty in our way is that presented by Article 10. That is an important difficulty, but I do not think we must press it too far. It is said to those who support the admission of any state: "Would you be prepared to march to its assistance?" Well, if that test is to be applied I do not know that South Africa would be prepared to send a force to protect Bulgaria or to protect Austria or to protect Luxemburg or to protect Costa Rica, yet we have admitted those states. The truth is that these obligations, like all obligations, must be construed reasonably. We undertake to preserve the territorial integrity of these states, but the obligation to do so is qualified by what follows, namely, that in case of danger it is for the Council to decide, or rather to advise, what is a reasonable means of carrying out our obligations. Therefore, it really comes back to this: What is the practical risk, what is the practical extent of the obligation that we undertake in each case? Apply that to Georgia. The obligation is not a heavy one. She is not threatened seriously by any of her neighbors, considering her strength. There is no reason to suppose that she will be subject to grave danger from attack.

Mr. Fisher (Great Britain) argued against both previous speakers:

Dr. Nansen advanced no claim on behalf of Georgia which is not substantially accurate in point of fact. But nothing that he has said and nothing which Lord Robert Cecil has said invalidates the strength of the argument which was put before the Assembly in the short and brilliant speech of M. Viviani. We must either treat the League of Nations seriously or not. If we treat the League seriously we must treat the Covenant seriously, and if we treat the Covenant seriously, we must treat our obligations under the tenth article of the Covenant seriously. It is because I do treat the Covenant seriously that I earnestly ask the Delegates in this Assembly to consider, when they are voting on the admission of a new state, whether they are prepared to take the responsibility of advising their respective Governments to come to the assistance of that state in the hour of need. We must vote not as sentimentalists but as responsible statesmen.

The ballot on Georgia resulted: 24 states voted; 10 states voted *aye*: Bolivia, Chile, Colombia, Italy, Norway, Paraguay, Persia, Portugal, South Africa, Switzerland.

13 states voted *no*: Australia, British Empire, Canada, Cuba, Czecho-Slovakia, Denmark, France, Greece, India, Netherlands, New Zealand, Serb-Croat-Slovene State, Spain.

18 abstentions; 16 quorum of two-thirds.

#### DECISION AS TO VERY SMALL COUNTRIES

The committee took up the Principality of Liechtenstein at its fourth meeting. The report began by pointing out that the request for admission raised only one question. Its very small area and population,<sup>1</sup> and the fact that it would consequently be impossible for it to fulfil all the international obligations which it would incur under the provisions of the Covenant, made it, perhaps, desirable that the solution proposed by M. Motta in the subcommittee should be considered. M. Motta (Switzerland) proposed the following resolution to the committee:

That the application of Liechtenstein can not be granted under present circumstances. The Assembly, however, expresses the wish that the special committee, appointed by the Council to consider proposals with reference to amendments to the Covenant, should also consider whether, and in what manner, it would be possible to attach to the League of Nations sovereign states which, by reason of their small size, could not be admitted as ordinary Members.

Lord Robert Cecil, MM. Benes, Jean Hennessy, Dr. Nansen and M. Politis supported this proposal. The committee adopted it unanimously.

The ballot on admission at the 28th plenary meeting of the Assembly resulted.

28 states voted; 1 state (Switzerland) voted *aye*, 27 states voted *no*; 14 abstentions and absent; 20 quorum of two-thirds.

The Motta recommendation was immediately carried without objection in this form:

The Assembly expresses the wish that the special committee appointed by the Council of the League of Nations to consider proposals with reference to amendments to the Covenant should also consider whether, and

<sup>1</sup>The area is 157 square kilometers, and the population numbers about 8,500.

in what manner, it would be possible to attach to the League of Nations sovereign states which, by reason of their small size, could not be admitted as ordinary Members.

This decision would appear to cover also the applications of the Principality of Monaco, dated April 6, 1920 (A. D. 7); that of the Republic of San Marino, dated April 23, 1919 (A. D. 27); and that of the Government of Iceland, dated July 2, 1919 (A. D. 28).

### UNFAVORABLE VOTES

#### *a. Azerbaijan*

Dr. Nansen read his report upon the request for admission submitted by the Republic of Azerbaijan at the fourth meeting of the committee.

The application was submitted by the Azerbaijan delegation appointed by the Government which had been in power at Baku until April last. It was difficult to form an opinion as to the extent of territory over which the Government which had been exiled from Baku still exercised authority. Another Government was in power at Baku. The frontier disputes with Georgia and Armenia made it impossible to ascertain with certainty whether the boundaries of the state of Azerbaijan could be considered as definitely established. This state obtained *de facto* recognition from England, France and Italy in January, 1920. In consequence, M. Nansen raised the question as to whether it would be possible to admit to the League of Nations a state which did not appear to fulfil all the conditions laid down in the Covenant, in particular, those concerning stability and territorial sovereignty, and which, further, had not been recognized *de jure* by any Member of the League of Nations.

M. Benes (Czecho-Slovakia) moved that Azerbaijan be not admitted under present conditions. Lord Robert Cecil supported M. Benes' motion. The President announced that he had received a telegram from the Azerbaijan delegation which gave details of the Government's position, not of such a nature as to modify the facts already known to the subcommittee. M. Benes' motion was unanimously adopted by the committee in the following terms:

The committee, after having considered the report of the subcommittee with regard to Azerbaijan's request for admission to the League

of Nations, reports unfavorably with regard to its admission and refers the question back to the Assembly.

At the 28th plenary meeting of the Assembly the report (A. D. 175) that "the Azerbaijan does not appear to have a stable government whose authority extends over the whole territory" was put to the vote on the question of admission without discussion. The ballot resulted:

29 states voted; 0 states voted *aye*; 29 states voted *no*; 13 abstentions and absent.

### *b. Ukraine*

Dr. Nansen read his report on Ukraina's request for admission at the fourth meeting of the committee.

The request for admission submitted by Petliura's Government was found to be in proper form. This government was at present in power in Volhynia; but another government is in existence in the territory claimed by Ukraina. The independence and the frontiers of the state which had applied to the League of Nations did not appear either stable or clearly defined; it had only been recognized *de facto* by Poland, Finland and Latvia. The sub-committee was of opinion that the government in question could not be considered as stable and capable of furnishing the guarantees demanded by the Covenant, and could not, therefore, recommend the admission of the Ukraine to the League.

Mr. Fisher (Great Britain) and M. Politis (Greece) moved the adoption of an unfavorable motion in terms identical with those adopted in the case of Azerbaijan, which was unanimously adopted.

The question of nonadmission brought from the Ukrainian representatives a dispatch (A. D. 234) arguing the stability of the Petliura government. The Assembly voted upon the matter at its 28th plenary meeting as follows:

24 states voted; 0 states voted *aye*; 24 states voted *no*; 18 abstentions and absent.



## IX. ECONOMIC WEAPON: ARTICLE 16

The discussion of the measures to be taken to insure the effective use of the economic blockade began at the fifth meeting of the Sixth Committee. After the debate a subcommittee consisting of Lord Robert Cecil, Messrs. Motta, Negulesco, Adelsward and Polich was appointed by a show of hands, Australia dissenting, to report upon the questions which had arisen in the course of the conversation.

Lord Robert Cecil opened the meeting with notes supplementary to the memorandum of the Secretary-General.<sup>1</sup> He said in part:

The Council has recommended the formation of an international commission to determine in what way these forms of economic pressure can be best exercised against an offending state, and for the consideration of some departments of that pressure such a commission would be useful. But more direct forms of pressure are quite simple and can be applied directly. For instance, if a state is an island, or is surrounded entirely by members of the League, it can be cut off from all intercourse with the outside world simply by the Members of the League declaring a blockade of it and issuing a decree of nonintercourse between their nationals and those of the blockaded state. It is only where one of the neighbors of the blockaded state is not a Member of the League that any great complication arises, apart from questions of indirect financial pressure, which are much more difficult. It seems, therefore, that there is no reason why a very considerable amount of economic pressure could not be applied by the League to almost any offending state, even as things stand, without the creation of an international commission. All that seems necessary is machinery by which the Members of the League can be informed that an occasion for the exercise of economic pressure has arisen, and that they are in consequence bound to take the necessary measures for that purpose, and this machinery might be, as far as I can see, of the simplest kind. . . . For this purpose it would not seem to be necessary to do more than to have a special department or even a special official of the Secretariat charged with the duty of watching for the occurrence of such an emergency, and to intrust him with the duty of immediately calling the attention of the Members of the Council to the fact that it had arisen. The Council would then hold a meeting summoned with

<sup>1</sup>Cf. *Official Journal*, 308-310.

the least possible delay, and if they were satisfied that the emergency had arisen, they would be bound so to inform the Members of the League, and call upon them to fulfil their obligations under Article 16. . . . I therefore venture to suggest that this committee should recommend, first, the creation of the necessary machinery to ascertain when an occasion for economic pressure has arisen, and to inform the Members of the League that it has arisen, and to call upon them to exercise such pressure; secondly, the immediate appointment of an international commission as recommended by the Council.

He added that two other matters would have to be considered by the proposed international commission:

1. The case of those countries which would incur grave danger by enforcing a blockade, and the support to be given by Members of the League to one another in financial and economic measures to minimize the loss and inconvenience resulting from such action.
2. The question of how far it would be possible to issue licenses to certain powers allowing them to derogate from the duties imposed upon them by the Covenant.

### *Status of Foreigners*

M. Lange asked what measures were to be taken in the case of nationals of the blockading state domiciled in the blockaded territory, and in the case of nationals of the blockaded country living within the territory of the blockading state? M. Motta (Switzerland) said that Switzerland's proportion of foreigners was higher than in any other country, while a very large number of Swiss subjects live abroad. He hoped, therefore, that the subject would be very carefully considered. M. Fock (Holland) insisted that every state should have the right to decide for itself whether the facts were really such as to justify the Council in instituting economic measures, and to refuse to take part in such measures if they appeared to be unjustifiable. Mr. Fisher (Great Britain) was in favor of the formation of the proposed international commission on blockade, but expressed the hope that the British Government would be allowed to nominate its own delegate. M. Bourgeois (France) contested the formation of any organization of a permanent nature, and maintained that such an organization ought to be purely consultative, the sole power of enforcing

the provisions of Article 16 being left in the hands of the Council. Lord Robert Cecil referred to the organization of a sea blockade, and the question of what powers should be called upon to exercise it. It would, for instance, be unbusinesslike to ask Australia to send a ship to blockade a small European state. The subcommittee should deal also with the question in regard to aliens. A Member of the League was bound to prohibit intercourse between its nationals living abroad and the covenant-breaking state, and the country in which they lived must be left to enforce that prohibition. Nationals of the covenant-breaking state living in their borders should be treated as alien enemies and put under such restraint at least as would prevent them from sending assistance to their conationals.

M. Schanzer opposed the creation of a permanent committee, which had not been provided for by the Covenant. He thought there was some danger in allowing each state to decide for itself whether or not to carry out the blockade, when ordered by the Council to do so. He also pointed out a discrepancy between the Brussels report and that of the Secretary. The former proposed a committee consisting of an equal number of members of the Council and members of the Assembly; while the Secretary-General proposed an international commission, to be instituted by the Assembly.

M. Polich called attention to the following considerations, which should be dealt with by the subcommittee: 1. What would happen if the covenant-breaking state were a Member of the Council, in view of the fact that unanimity among the Council is necessary? Could paragraphs 6 and 7 of Article 15 be held to justify the exclusion of the covenant-breaking state for the time being from the Council? 2. If, after the exclusion of the covenant-breaking state, the Council were still unable to achieve unanimity, what measures could then be taken?

Lord Robert Cecil (South Africa) introduced the report at the 18th plenary meeting of the Assembly with some remarks which follow in substance:

"Every Member of the Assembly knows the vital importance in the Covenant of the economic weapon. It is quite true that by far the most powerful weapon at the command of the League of Nations is not the economic weapon or the military weapon

or any other weapon of material force. By far the strongest weapon we have is the weapon of public opinion. I have not myself the least doubt that the action of the League will depend upon the efficacy of public opinion far more than upon any other consideration. In the case of almost every nation the fact that public opinion has declared itself against them would be conclusive; but just as in individual society you will find some individuals who are so determined on wrongdoing that the disapproval of their fellows will not restrain them, so maybe we shall find as we go on nations of the same character. Therefore by Article 16 it is provided that if a nation contrary to its covenants insists upon going to war without giving proper opportunity for consideration and discussion, then such a nation is to be deemed to have committed an act of war against all the other nations of the society, and in the first place they are to put in force against that nation all the economic pressure that they are capable of exercising. . . . Though you have got that solemnly enacted in the Covenant no means, no machinery, is provided for carrying it into execution. The Sixth Committee were of opinion that some means should be provided. Their attention indeed was called to it by a resolution of the Council, and the principle upon which this report proceeds is a very simple one. Certain quite simple machinery is provided in order to enforce the elementary parts of the economic pressure, those actions and proceedings upon which there is general agreement, such as the interruption of intercourse between the Members of the League and the delinquent state. There are a number of other difficult questions which will arise, questions which are referred to in this report, and probably many other questions. Those must be the subject of careful consideration. Nothing must be done which affects after all the interests of the whole of the Members of the Society without the most careful consideration."

M. Motta for Switzerland emphasized that "each state is free to decide for itself whether it shall apply the blockade or not"; called attention to the provision of the report that it is the "residents," not the nationals, of the covenant-breaking state to whom the rupture extends. Respecting the first point the rapporteur stated that a Member had the right to say for itself "whether a breach of the covenant has taken place or not."

That being determined, its duty is clear. He said that the report was confined to laying down for the present the principle that the blockade should apply between state and state only.

### *Decisions Accepted*

The report, after being amended by agreement in certain particulars, was adopted without opposition. It is in the nature of a resolution, which after referring to the consideration of the subject by the Council and rejecting its proposal for a mixed committee, recommended that:

The Council should be asked to appoint an International Blockade Commission to consider the application of Article 16 of the Covenant; the committee will report to the Council, which shall place the conclusions before the Assembly at its next session, for their acceptance, rejection, or amendment, without prejudice to any action that may have been provisionally taken upon them. The committee should not exceed eight in number, with power to summon experts to advise them, and not less than half its members should be persons representing states which have not a right to permanent membership of the Council.

The report went on to say:

(2) It will be observed that in this recommendation the International Blockade Commission are to consider what steps are necessary to bring into *full* effect the provisions of Article 16. But the subcommittee were also instructed to consider what steps should be taken immediately to render as effective as possible the Economic Weapon of the League under Article 16. The Committee are aware that under that article it is the duty of every Member of the League in the case of any Member resorting to war in disregard of its covenants under Articles 12, 13 or 15, 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.”

That is a duty which now actually rests upon every Member of the League, but there are two difficulties in the way of its

performance. In the first place, it may easily be uncertain whether a state has resorted to war in breach of the Covenant, and no machinery has been provided for ascertaining the facts. In the second place, there are considerable difficulties which were pointed out in the discussion before the Committee on a previous occasion in carrying out to the full what may be, for shortness, described as the blockading operations contemplated by the article.

To obviate these difficulties we propose provisionally and subject to review at the next Assembly on the report of the International Blockade Commission:

*a.* It shall be the duty of the Secretary-General to call the attention of the Council to any facts which in his opinion show that a Member of the League has become a covenant-breaking state within the meaning of Article 16.

*b.* Upon receiving such an intimation the Council shall, on the request of any of its members, hold a meeting with the least possible delay to consider it, and shall send a copy of the procès-verbal of the meeting to all the other Members of the League.

*c.* As soon as a Member of the League is satisfied, in consequence of the communication of the procès-verbal of the Council, that a breach of covenant within Article 16 has occurred, it is its duty to take measures for the purpose of carrying out the first paragraph of Article 16.

*d.* These measures should include the breaking-off of all diplomatic relations.

*e.* The prevention of any commercial or other intercourse between the residents within its borders and those residing in the covenant-breaking state. For this purpose the necessary legislation preventing intercourse between the residents of the two states should be immediately passed, according to the constitution of each Member of the League. Relations which exist for purely humanitarian purposes may be maintained with the covenant-breaking state.

*f.* Where the covenant-breaking state has a seaboard, it will be necessary to institute an effective blockade thereof, and the Council should forthwith consider which Members of the League can most conveniently be asked to discharge this duty.

The rest of the report as passed dealt with questions to be studied by the commission.<sup>1</sup>

<sup>1</sup>The text reads:

"3. Beyond this it is a matter for consideration what further steps ought to be taken to carry out Article 16, and this should be referred to the International Commission. For instance:

"a. It is very desirable that identity of action by all the Members of the League against the covenant-breaker should be secured.

"b. Further, there are questions as to relations between nationals of the covenant-breaking state and those of other Members of the League which require consideration.

"c. It is also desirable to consider, in accordance with the proposals made by Denmark, Norway and Sweden, what measures, if any, should be taken in the case of Members of the League who, from smallness of their resources and their geographical position, might be in serious danger if they carried out to the full their obligations under the first paragraph of Article 16 against a powerful covenant-breaking state. This is a matter which may have to be considered at any moment from a practical point of view if the necessity for coercion of a covenant-breaking state should arise. In that case the Council would have to take whatever measures it thought suitable for the emergency.

"But, both in this last case and in the others before alluded to, the questions involved were thought by the subcommittee to be too complicated for them to deal with, and they should, therefore, be referred to the International Blockade Commission, with other difficult questions, such as:

"d. How the blockade can be enforced where a state not a Member of the League is a neighbor of the covenant-breaking state, and

"e. What restrictive measures of a financial character can and ought to be taken?"

"4. a. With regard to the states not Members of the League who have been invited under Article 16 to accept the obligations of membership, and have acceded to that invitation, the observations and recommendations in this report apply to them as if they were ordinary Members of the League.

"b. Where a state has been invited and has refused to accept the obligations of membership, and has resorted to war against a Member of the League in disregard of any procedure such as that provided for by Article 15, the Members of the League must treat it in precisely the same way as if it were a covenant-breaking Member of the League within Article 16.

"c. Where either party to a dispute is a Member of the League, and they both refuse to accept the obligations of membership of the League for the purposes of that dispute, Article 16 does not apply, and the Council are left to take such measures as they think right. But in this last case, if the measures recommended by the Council should involve action by any other Member of the League, it has a right to be summoned to the Council with the position of a full Member for the consideration of the proposed measures, and consequently none of them affecting it can be adopted without its consent.

"5. Any proposal which the International Blockade Commission may recommend, and which is of a nature to require amendment of the Covenant, will naturally be referred to the committee that is to be set up for consideration of all amendments to the Covenant."

## X. ARMAMENTS<sup>1</sup>

### a. TRAFFIC IN ARMS

Introducing the discussion on armaments at the 22nd plenary meeting of the Assembly, M. Branting, chairman of the Sixth Committee, reviewed its work: "We first held a public sitting, at which the general outlines of disarmament were explained by reports from two speakers, reports of different natures, one of which insisted on the importance of realizing our position, and the other insisting on the difficulties which lay before us in so doing. We then held sittings in private, and a subcommittee was nominated under Mr. Fisher as rapporteur. This subcommittee set busily to work to discover a formula which might be accepted by all, considering the difficulties, but showing a way to the realization of our hopes. The subcommittee in due course reported to the committee, and up to the last moment we have been very busily engaged on questions of drafting, so that the report is only just now ready to lay before you. I would point out that we must set to work now at once, not only because militarism is in my opinion barbarism, but because it is also more than ever necessary to reconstruct the world at this moment, and this will be impossible if we continue the present system of a peace under arms."

Mr. Fisher (Great Britain) read and discussed the report and the resolutions in a lucid speech, in which he said:

The object of the report which I am about to present to you is to assist in the fullest measure compatible with the circumstances of the time the realization of the objects of Articles 8 and 9 of the Covenant. The Committee is fully aware that there is no subject upon which it is easier to arouse the passions and susceptibilities of nations, no subject more delicate, no subject to which misplaced diplomacy is capable of working so much injury, no subject with respect to which so many diplomatic failures have to be recorded, as the subject of the limitation or the reduction of armaments. The Committee has noted the fact that Europe is still in a state of unstable equilibrium. Large areas are still disturbed. Many powers, possessing great actual or potential mili-

<sup>1</sup>Cf. Report on the Work of the Council, I, 6.



tary strength, still stand outside the orbit of the League, and it is necessary that the military clauses of the treaties of peace should be executed in full, and that there should be some adequate security for their observation before the continent of Europe will be restored to a full sense of mutual trust between nation and nation. Nevertheless, it would be the height of unreason to conclude that because everything which we desire can not be obtained at once, therefore nothing is possible and nothing should be attempted. The members of the Committee realize that much has been already achieved. They realize that drastic measures have already been taken, and are still being taken, to reduce the armaments of central Europe. The Committee realize that the stern force of economy itself is promoting reductions in many powerful states, but nevertheless the report is written under the impression that the progress of disarmament, though sure, though steady, must necessarily be gradual. We can not hope to achieve the common object which every member of the League has in view at this moment and with complete success.

### *Surplus Weapons Are Problem*

The Committee first directed its attention to the subject of the arms traffic convention, which was concluded at St. Germain on September 10, 1919. The object of the convention was to limit the traffic in arms, and more particularly to prevent the vast surplus of munitions of war which had been accumulated in recent years from passing into the disturbed regions of the world, and so creating fresh embarrassment and trouble. It is to be remembered that as the result of the War, there has been a great expansion in the machinery for the manufacture of arms and munitions, and in consequence a special danger that the demand for armaments may be stimulated by the enterprise of firms desirous of disposing of their surplus stock to the best advantage. Your Committee was profoundly impressed with the value of the arms traffic convention as a civilizing instrument.

Mr. Barnes (Great Britain) in discussing the resolution expressed satisfaction at the attitude of the committee and quoted from the annex to the report "without comment except the expression of sincere regret": "The full execution of the convention and the protocol has been hindered by the absence of the necessary statutory authority over the control of exports of arms in the United States of America, a country where arms are manufactured on a large scale." And he added:

That does not absolve other Governments from ratifying the convention and giving full effect to it. It is at the same time a matter of

sincere regret that the United States Government and the United States people are exporting arms to such an extent as to justify that reference.

After a general discussion on the report as a whole, the committee's resolution was carried by a vote covering other resolutions in the form which follows:

1. The Committee, having received a report of Sir Cecil Hurst on the convention for the control of the trade in arms and ammunition, which was signed at Saint Germain on September 10, 1919, by the United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, Fiji, Italy, Japan and other powers, and being greatly impressed by the value of this convention as an instrument of civilization, and by the evils which would ensue from its non-observance, are anxious that the signatory powers should proceed without delay to ratification and to the establishment of the International Office of Control contemplated by the convention.

2. The Committee notes that the signatory Governments declared in a protocol that it was contrary to the intention of the high contracting parties and to the spirit of this convention, that, pending the coming into force of the convention, a contracting party should adopt any measure which is contrary to its provisions.

3. The Committee notes, however, that it has not been possible for the powers to give full effect to their protocol, and that up to the present time, the convention of Saint Germain has had no effect save upon the traffic in arms to the certain special areas specified in the convention.

The Committee would therefore urge that the Assembly should declare its high sense of the gain to civilization which would ensue from a strict control of this traffic, and should invite the Council to urge upon all Governments without delay, speedy ratification of, or adhesion to the convention.

#### **b. PRIVATE MANUFACTURE OF ARMS**

Mr. Fisher's references to the private manufacture of arms in his report to the 22nd plenary meeting of the Assembly were the only comments on that question except a few words by Mr. Barnes to the effect that the motion would give "a little stimulus to the Council to get on with putting that declaration in the

Covenant into operation so far as it is possible to do so." Mr. Fisher's comments were:

Here we are clearly confronted with a problem of great difficulty. Nobody doubts that there are special evils attaching to the private manufacture of armaments. Nobody doubts, also, that the prohibition of the private manufacture of armaments would create difficulties in those states which at present obtain their supply of armaments by importation from abroad. In the limited time at its disposal your Committee was unable to explore this question to its foundation, and accordingly it has decided to refer it to the consideration of the Permanent Military Commission.

The resolution was passed, along with others, at the 23rd plenary meeting, as follows:

Whereas the Covenant formally denounces the evil effects of the private manufacture of munitions and of war material, the Committee suggests that the Assembly should request the Council to invite the Commission referred to in the following resolution to investigate without delay this serious problem. They also suggest that attention be given to the question as to whether the International Office of Control for the Traffic in Arms<sup>1</sup> when erected could not also be utilized so as to obviate the evils arising from the private manufacture of arms to which reference is made in the Covenant.

#### C. STEPS TOWARD REDUCTION

Mr. Fisher as rapporteur introduced the third resolution of the Sixth Committee with a discussion of the composition and character of the Permanent Military Commission set up in conformity with Article 9 of the Covenant to advise the Council on military, naval and air questions generally. He described it and the rest of the third resolution:

This commission, as at present constituted, is a body of 24 members, three contributed by each of the powers at present represented on the Council. Every power contributes three members, one an expert on military matters, another on naval matters, and a third on aerial warfare. The committee, in other words, is a strictly technical committee, a committee of distinguished officers enjoying the confidence of their respective Governments, and the advantage of a committee so consti-

<sup>1</sup>The International Office referred to is the instrument to be set up by Article 5 of the treaty of St. Germain.

tuted is that it enables the Council to keep in close contact with responsible military opinion in the states which are represented upon it. . . . Your Committee was impressed by the fact that the problem of the reduction of armaments is not a purely military problem. It involves other aspects; it involves political, social and economic aspects which fall outside the natural and appointed scope of military and naval experts, and the suggestion accordingly is that the Council should from time to time as occasion demands avail itself of the advice of temporary committees specially appointed to assist it in the nonmilitary aspects of the problem which it has before it. Let me furnish to you an example of the kind of inquiry which is contemplated in this recommendation. Let us assume that it is desirable to examine the problem as to whether or not a reduction of armaments can best be effected by a proportionate and simultaneous reduction in military budgets. That is clearly a financial problem. A satisfactory scheme can only be worked out by a careful scrutiny of the manner in which public accounts are kept in the different nations of the League. It is possible, of course, that an item which in some states appears in the military budgets, in other states may appear on the educational or agricultural budgets, and here, clearly, is a problem the solution of which requires special financial experience. Accordingly the Committee recommends:

"On the other hand, the subcommittee were of the opinion that questions would from time to time arise upon which the Council would rightly and properly desire to supplement the technical advice of its Permanent Military Commission by expert information of another kind, *e. g.*, in the sphere of politics, economics or social science. The subcommittee are of opinion that the Council might make use of the Economic Section of the Secretariat, and that it might appoint special civilian committees *ad hoc* to examine from an economic, social or political standpoint such problems connected with disarmament as might from time to time be convenient to submit to it."

The Committee also took account of the paragraph in Article 8 of the Covenant which provides for the interchange of full and frank information as to the scale of armaments, and on this topic it invited evidence from the Military Commission. The subcommittee ascertained that the Military Commission had already been asked by the Council to consider plans for obtaining military information and that a questionnaire had already been prepared and would probably be submitted to the Council before the Assembly rises.

### *No Revision of Laws of War Now*

Another question which came before the consideration of the Committee was the question as to whether or no it was desirable that the

Permanent Military Commission should be asked to suggest amendments in the laws of war. "The subcommittee took into consideration the question as to whether it was desirable for the Council to invite the Military Commission to undertake the duty of reviewing or revising the laws of war. The subcommittee noted that the question of gas warfare had already been referred to the Military Commission, and that the commission had reported upon it. While the subcommittee are of opinion that the question of defining the sphere of legitimate warfare and of attempting to limit the use of barbarous weapons is of great importance, it is inclined to hold that the more immediate task of the Military Commission is to prepare the way for the reduction of armaments, and that this task is so formidable and complex that the commission should not at present be invited to deal with the revision of the laws of war, a matter which involves other than strictly military problems."

Mr. Barnes (Great Britain) approved the broadening of the consideration of the military problem provided for and the attitude toward the laws of war, but declared that the principles of the resolution were in the wrong order:

The first declaration is that in order to reduce armaments throughout the world the first thing to be done under the responsibility of the powers signatory to the treaties of peace is the complete fulfilment of the reduction of armaments imposed by the above-mentioned treaties upon certain of those powers. What does that mean? It means the ex-enemy powers. I respectfully submit to this Assembly that the ex-enemy powers have ceased to be a menace to the world for the next generation, and that we ought to concern ourselves more with first putting our own house in order, and getting some means by which there must be concurrent and simultaneous reduction of armaments, not on the part of the ex-enemy powers who are now very largely disarmed, but upon the part of all the Members of this League.

The following part of the resolution was put to the vote and adopted at the 23rd plenary meeting of the Assembly, along with those which precede, without objection:

The Committee, being convinced that the maintenance of peace demands the reduction of armaments, in accordance with the principles set forth in Article 8 of the Covenant and in the preamble of Part V of the treaties of peace of Versailles, Saint-Germain and Neuilly, which declare that the disarmament of certain powers signatory to those treaties be provided for "in order to render possible the initiation of a general limitation of

the armaments of all nations;" and associating itself with the pronouncement of the Supreme Council on March 8 last that "in order to diminish the economic difficulties of Europe, armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security, and that the League of Nations be invited to examine proposals to that end without delay;" and with the resolution of the International Financial Conference at Brussels "recommending most earnestly to the Council of the League of Nations the desirability of conferring at once and agreeing with the several Governments concerned with a view to securing a general reduction of the crushing burdens which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperiling their recovery from the ravages of war;" realizing on the other hand that a complete and comprehensive scheme of disarmament depends upon the following conditions: first, under the responsibility of the powers signatory to the treaties of peace, upon the complete fulfilment of the reduction of armaments imposed by the above-mentioned treaties upon certain of these powers; secondly, upon the exercise, as occasion may demand, of the right of investigation accorded by these treaties to the Council of the League of Nations, in order to maintain this reduction; and lastly, on the collaboration of the other great military powers which have hitherto remained outside the League; invite the Council:

(a) To request the Permanent Advisory Commission for Military, Naval and Air Questions rapidly to complete its technical examination into the present conditions of armaments;

(b) To instruct a temporary commission, composed of persons possessing the requisite competence in matters of a political, social and economic nature, to prepare for submission to the Council in the near future reports and proposals for the reduction of armaments as provided for by Article 8 of the Covenant;

(c) To form within the Secretariat a section to serve as a center of information for the Commission in question and also as a channel for the publication and exchange of the information referred to in the Covenant;

(d) To consider the mechanism by means of which the military information to be exchanged under the provisions of Article 8 of the Covenant can be verified in the event of the principle of mutual verification by Members of the League being confirmed by an amendment to the Covenant.

*d.* LIMITATION OF BUDGETS

The Sixth Committee's report (A. D. 199) on armaments contained this discussion of reduction:

6. Finally, the subcommittee desire in the most solemn way possible to register their belief in the vital necessity of reducing the burden of armaments in the world; and of influencing public opinion to this end, through concerted effort of popular education in the various countries of the League. The subcommittee are aware that a comprehensive scheme of disarmament, based on a thorough feeling of trust and security as between nation and nation, can not be looked for at once. They do not ignore the fact that the world is still disturbed and that a complete and comprehensive scheme of disarmament depends upon the following conditions: first, upon the complete fulfilment, under the responsibility of the powers signatory to the treaties of peace, of the reduction of armaments imposed by the above-mentioned treaties upon certain of these powers; secondly, upon the exercise of the right of investigation accorded by those treaties to the Council of the League of Nations, in order to maintain that reduction; and lastly, upon the collaboration of the other great military powers which have hitherto remained outside the League.

The subcommittee are aware that progress must be effected in successive stages. The first stage would be reached if a general agreement could be framed between Members of the League not to exceed their present scale of armaments save at the request of the League, or in circumstances recognized as exceptional.

A further measure of progress would be realized if a general agreement was reached for a proportionate and simultaneous reduction either in the scale of armaments or in the existing military budgets of the Members of the League. The third stage would be the acceptance of disarmament, by which term the subcommittee understand a scientific and comprehensive reduction of armaments under the supervision of the League to the lowest figure compatible with national security. In other words, the subcommittee draw a distinction between limitation of armaments, reduction of armaments, and disarmament, and regard these as three successive stages in the journey which has to be accomplished.

Though the subcommittee are aware that in the present disturbed state of the world progress along this road can not be as fast as the Members of the League would desire, they are nevertheless of opinion that many useful steps in the right direction can and should be taken at once.

The resolution was reported as part of the third resolution of the committee to the 22nd plenary meeting of the Assembly. A discussion of some extent followed in which it developed that, while all delegates were favorable to the text, several of them felt that they could not bind their Governments by their votes. It was therefore agreed that the declaration should be passed in the form of a recommendation, which, as a matter of procedure, required only a majority vote. On this being done, the ballot resulted:

In favor: Australia, Belgium, Bolivia, Canada, China, Colombia, Cuba, Czecho-Slovakia, Denmark, Great Britain, Guatemala, Haiti, India, Italy, Japan, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Salvador, Serb-Croat-Slovene State, South Africa, Spain, Sweden, Switzerland, Venezuela—30.

Against: Brazil, Chile, France, Greece, Poland, Rumania, Uruguay—7.

Siam abstained.

The recommendation thus passed read:

Pending the full execution of the measures for the reduction of armaments recommended by Article 8 of the Covenant, the Assembly recommends to the Council to submit for the consideration of the Governments the acceptance of an undertaking not to exceed, for the first two financial years following the next financial year, the sum total of expenditure on the military, naval and air services, provided for in the latter budget, subject, however, to account being taken of the following reservations:

(1) Any contributions of troops, war material and money recommended by the League of Nations, with a view to the fulfilment of obligations imposed by Article 16 of the Covenant or by treaties registered by the League.

(2) Exceptional conditions notified as such to the Council of the League of Nations in accordance with the spirit of paragraphs 2 and 6 of Article 8 of the Covenant.



## XI. MANDATES: ARTICLE 22

The question of mandates came before the Assembly by report from the Council. It was not the expectation of the Assembly to handle the matter except under the condition which had been determined from the outset that "either body may discuss and examine any matter which is within the competence of the League." During the meeting of the Assembly the press reports exaggerated the current difficulties of the problem into a conflict between the two bodies. It appears from the proceedings, however, that the Assembly simply exercised its undoubted right of suggesting certain principles based upon world opinion for the guidance of the Council.

Confusion respecting the question was facilitated by its complications. The basic facts may be summarily stated. The mandatory system became a necessity during the Paris Peace Conference because public opinion everywhere was opposed to imperialistic exploitation, because it aided the forced consent of Germany to relinquishing her overseas possessions, and because the lesser allied belligerents were unwilling to see the five great powers increase their territory outright. Nevertheless, by the treaty of Versailles, "Germany renounces in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions." Thus, the United States, France, the British Empire, Italy and Japan secured these, subject to the conditions of Article 22 of the Covenant. Their allocation of the affected territories among themselves was uncontrolled by the League of Nations, and the beneficiary powers displayed no haste in making the League a party to the arrangements. After waiting until last August the Council called for copies of the draft mandates prescribed by the Covenant, declared its right to decide upon their terms and took steps to organize the Permanent Commission. The powers replied that they had not agreed on the draft mandates and, in any case, that they were to be regarded as confidential when transmitted. They unsuccessfully tried to secure a majority membership of the Permanent Com-

mission. The Council, faced with these dilatory tactics, early announced to the Assembly that its report on mandates would be delayed in the hope of obtaining the required information, at the same time emphasizing to the Assembly that the problem was essentially that of the Council, in accordance with the Covenant. Late in the Assembly meeting some mandates arrived in draft from the powers concerned, without the desired release for publication. The Council, therefore, stipulated in transmitting them to the Assembly subcommittee that their contents should not be discussed in the report.

During the Assembly, consequently, the whole situation was in a state of change, and the Assembly devoted itself to airing the unsatisfactory features of the situation with a view to letting the mandatory powers know that the world expected frankness and direct dealing in the premises. The Council was furthermore informed by the discussion of the spirit to which it was expected by the world at large to be responsive in dealing with the question.

### *Publicity Urged*

Lord Robert Cecil acted as rapporteur of the Sixth Committee at the 30th plenary meeting of the Assembly. The report was a summary of the rather negative result of efforts to secure complete information through the Council, and contained certain definite principles which the Assembly was asked to enunciate. In introducing these recommendations, addressed to the Council, he referred particularly to publicity:

The last recommendation is as follows: "Finally, they trust that if any further delay in the preparation of the mandates should unfortunately take place, the draft mandates will be forthwith published." That raises, in my judgment, the most important issue raised by this report. It is in this report necessarily confined to the question of mandates, but it extends far beyond the question of mandates. It is the question which I have urged once or twice before this Assembly—the question of publicity. I know that unhappily there are some Members of the Assembly who think my views are unpractical in this connection, but I want, if I may, to ask their very careful and their favorable consideration for what I am about to say. I believe that the League is about to enter into what is perhaps the most difficult period of its existence. Hitherto we have been necessarily and properly occupied mainly

in questions of internal organization. . . . Now the League will be called upon in the coming months undoubtedly to deal with the various international problems as they arise, and the League will be faced by this dilemma—the danger of doing too much and the danger of doing nothing. . . . We must therefore be ready to take our part with courage. Do not let us underrate the dangers and difficulties that confront us. We have enemies—bitter enemies. There are those who are militarists and who inevitably believe that there is only one way of settling international disputes, and that is by war. There are bureaucrats who can not bring themselves to believe that the system in which they were brought up is one that is unsuitable for modern conditions. There are the reactionaries, who are frightened and alarmed at anything new, and there are the revolutionaries—in some ways most formidable of all our enemies—who see in the League, and see rightly, a great obstacle to their design, a great barrier against revolution, a great force of stability, and who would wish for nothing better than its enfeeblement or destruction.

And what of our friends? They are in the first place, let us say so frankly and candidly, all the great religious forces of mankind, and in the second place they are that great mass of central opinion, which loves righteousness and hates evil, which loves peace and hates war. That is the great mass of opinion on which we must rely. Do not, I pray you, let us discourage them! They will be told, constantly told, that the League is useless, or that it is dangerous, that it is plotting something in secret or that it is doing nothing at all. Suspicion will be the great weapon which will be used against us; and it will not be difficult to excite it in view of the vast difficulties and dangers which beset the world and which will tax the energy and ability of even the best of us to confront and to deal with. How are we—with what weapons are we—to fight our battle in the coming months? . . .

You must go boldly and with faith to the peoples of the world; you must take them into your confidence. You must be ready to run some risks. You must frankly publish not only what you have done, but what you are doing, not only the achieved result but the reasons which are leading you toward that result. Without that you will not secure their support, you can not hope to achieve the vast ends which we have in view. That is why, without wishing in any way to be controversial, I profoundly regret the decision to which the Council came not frankly to give to the Committee and to the world the draft mandates upon which they were engaged. I am sure they would have lost nothing if they had done it; I am sure that their hands would have been strengthened to do right. I hope even now they will reconsider their decision.

*Hopes Called Forth*

M. Doret (Haiti) expressed a hope:

There are, I know, many good colonial administrators who pay the utmost attention to the welfare of the natives; but there are also some frankly bad ones, and although they belong to countries possessed by wide and generous ideas, yet they exploit the territory of which they are put in charge as though it were a feudal domain and they maintain the worst ideas of the Middle Ages in that territory, ideas which are a shame to civilization. They do this because they know that they are far from central control. Now I ask the League of Nations to exercise this central control.

M. Loefgren (Sweden) spoke eloquently of Scandinavian expectations:

People have asked me why we little folks in the North seem to be so interested in this Article 22. It may be because of its guaranteeing our freedom of trade with the colonies. Yes, of course. We think freedom of trade to be a good thing and monopolies a bad thing from our commercial point of view. But I know that I have a right to say, and I am proud to state, that this is not for us the essential thing. No. To establish a world-wide culture, to preserve a lasting peace—such are the reasons for our peoples' interest in Article 22. Have we not shown such moral interest for the natives for instance in Africa?

I will also remind you that we should not forget that for hundreds of years poor, simple-minded people all over Europe sacrificed their small savings for missionary work, anxious to share with the inhabitants of Africa and elsewhere the best gift they knew of, their religion. Let us not lose the grip of that state of mind. It is more narrow but not less deep than the great spirit of our Covenant, and it springs from the same source of humanity. We only expect to see the national and sectarian rivulets swallowed in the mighty stream of a universal movement of culture, of civilization, directed by Article 22 independent of race and religion, and liberated from the evils of civilization, militarism and alcoholism. This is what the peoples expect and what the Covenant has promised them.

Mr. Doherty (Canada) referred to the origins of the mandatory system, adding:

There will be no more effective test of the sincerity that inspired the provisions for the bringing into existence of those mandates, and of the

sincerity of this League itself, than will be found in the execution of those provisions with regard to these mandates, and the faithful fulfilment of the trusts those mandates carry with them. And just because that is so, this matter of mandates was perhaps as important a subject as the nations here gathered together could have sat down to study, and as I have said, I am satisfied that there will be a feeling of disappointment that the opportunity of that study has been inadequate. However, the fact that it has been so, and that because it has been so, the responsibility for the terms of those mandates must now rest practically, if not entirely, on the Council of the League, justifies us, I think, in respectfully calling the attention of that body to the importance of the task with which they are at present concerned, and in pressing upon them that with regard to all these mandates, of whatever class they be, the great and important thing is that their terms should bring out the fiduciary nature of the holding of the territories confided to them by the mandators.

### *An Opinion from the Council*

Mr. Balfour (Great Britain) discussed with great frankness the Assembly's relation to the question:

Eventually behind the actual recommendations of the subcommittee there is the view that this Assembly is really the responsible body under the Covenant for dealing with these difficult questions of mandates. No such assertion is explicitly contained in the report, but I think the speeches, the formulated recommendations and the general spirit of most of those who have preceded me at this tribune, clearly show what is the view. I believe that that view is technically erroneous. Let us be careful, therefore, not to run into what is perhaps the greatest of all internal dangers of our League organization, namely a conflict between the two organs by which the will of the Members of the League is to be carried out.

I do not wish to appear as opposing these resolutions, because that would be interpreted by many as meaning that I set myself in antagonism to the spirit by which those who framed the resolutions were animated. At the same time it is quite impossible for me as a member of the Council to accept these amendments without the clearest and most unmistakable reserve. The responsibility has been left to the Council to deal with this situation, and if I do not formally oppose the policy recommended by the rapporteurs, it must be under a reserve about which no mistake should be allowed, which is (speaking for myself and for my Government) that I consider those who take my place in the future on the Council as representing Great Britain are absolutely free to regard each of these problems on its merits and to consider it purely in itself—to take account of course,

of all valuable opinion, and to read with the respect it deserves, the report of the subcommittee. But I can not allow it to be supposed that I, or those who succeed me, in any way limit our liberty of deliberation or action by anything which the Assembly does to-day or on any other day. The attributions of these two great bodies are different. Nothing but injury will come to the League by confusing them.

Success will really depend upon how the committee and the Council work the machine. I believe they will work it well. I believe they will work it in the interests of the population; but I do not believe that their labors will be lightened, I do not believe their success will be more assured, by approaching the subject in the somewhat jealous spirit which seems to me to animate now and then some of the speakers in this Assembly. It is a great practical question that has to be solved. What is done in the mandated territories will unquestionably have its reaction upon those other colonies which are not mandated and over which neither the Council nor the Assembly have the slightest authority. The great object we must have in view is to bring all these colonial powers into a common spirit of co-operation for the benefit of races which are not, and perhaps can not in the course of any historic future that we can look forward to, be put on an equality with those whose duty and pride it ought to be to guide them as far as possible upon the upward path.

To which Lord Robert Cecil replied:

No member of the Committee, whatever view he may hold as to the true construction of the Covenant—no member of the Committee, I say so advisedly, desired in any way to substitute the Assembly for the Council. What they did desire to do was to furnish to the Council, which after all is not perhaps quite infallible, some suggestions which might be of assistance to it in dealing with the very difficult problems that it has to solve. The subcommittee thought that they were acting in strict accordance with the invitation of the Council and the purpose that the Council had themselves expressed by sending the question of mandates to be considered by the Assembly and by asking a Committee to consider it, by sending a further report explaining that they were sending all valuable documents to the Assembly. After all, it was Mr. Balfour himself who accepted on behalf of his Committee in the Assembly only the other day this proposition: "Neither body"—that is, neither the Assembly nor the Council—"has jurisdiction to render a decision in a matter which has been expressly committed to the other organ of the League." I most heartily agree. "But either body may discuss and examine any matter which is within the competence of the League." What have we done more? We do discuss it. We discuss and examine a matter which is expressly sent to us to discuss and examine by the Coun-

cil, and we present, not decisions, not rulings to the Council, but expressions of opinion which we ask them to take into their consideration. I must say I do not see how we offended.

*Recommendations Passed*

M. Bourgeois (France) closed the debate:

I am very glad to have heard the words at the end of Lord Robert Cecil's speech in which he declared that this was not a debate on the question of the respective competence of the Council and the Assembly but simply the making of certain suggestions for the Council to consider when it discusses this question with the full right to come to a decision on this matter. I also entirely agree with the words of Mr. Balfour.

The powers intrusted to the mandatory powers have a judge. That judge is the Council, and it is before that judge that they must present their arguments. Here we have only to agree to the proposal that the Council will give consideration to the points which we have brought forward. I am sure that the Council will do this.

Let us not be skeptical and let us not be impatient. Remember that the League of Nations is a new-born child and wants time in order to acquire strength for the tasks of the future. I would remind Lord Robert Cecil that in his own country a colt is not put to work until it is at least three years old. Therefore I ask for patience and not for skepticism. Lord Robert Cecil said that there were many men in the world who are looking upon this Assembly and looking upon us now with a hypercritical view, that not a single point of difference of opinion between any of the Members is missed by those men. As soon as they suspect any little difference of opinion they immediately start to write to the world's press and distribute hundreds of telegrams to the various countries saying that the League of Nations is in danger and that it is in process of dissolution. I say that the League of Nations is not in process of dissolution. On the other hand, these writers, when they are faced with a unanimous vote make little count of it, and they much prefer to emphasize our tiny, insignificant points of difference. Let the skeptics smile; but let us be sure that the fruit of our deliberations will soon be placed before the public and then the number of people that have confidence in us will increase. Let us be assured of the perfect harmony which exists between the Council and the Assembly. Nothing can divide them. With this certainty of agreement between the Council and the Assembly we may express our confidence in all those who have dealt and are dealing with this difficult question of mandates, and we may be sure that those young peoples who will be administered by the mandatory powers will be administered with due regard for their welfare and their future prosperity.

The recommendations were adopted without objection in this form (A. D. 266):

*a. Recommendations regarding the Mandates Commission.*

1. The members of the Commission should not be dismissed without the assent of the majority of the Assembly.
2. The Commission should contain at least one woman.
3. The mandatories should be asked to present to the Commission a report on the recent administration of the territories now confided to their care.

*b. Recommendations as to Mandates "A."*

4. The mandatory should not be allowed to make use of its position to increase its military strength.
5. The mandatory should not be allowed to use its power under the mandate to exploit for itself or its friends the natural resources of the mandated territory.
6. An organic law should be passed in the mandated territories as soon as possible, and before coming into force should be submitted to the League for consideration.

*c. General Recommendation.*

7. Future draft mandates should be published before they are decided on by the Council.

As a comment on the effectiveness of this decision of the Assembly, it should be noted that draft of mandate A was published by the British Government on February 1, 1921, and conformed to recommendations 4-7.



## XII. MEDIATION IN ARMENIA

Lord Robert Cecil at the fifth meeting of the Assembly in discussing the report of the Council's work reviewed the situation of Armenia and moved that the Council be requested to "present for the consideration of the Assembly proposals for averting the danger which now threatens the remnant of the Armenian race, and also for establishing a permanent settlement of that country." At the eighth meeting M. Tittoni (Italy), on behalf of the Council, summarized the action which had been taken by it respecting Armenia, in order that the delegates might be informed.<sup>1</sup>

Lord Robert Cecil accepted an amendment by M. La Fontaine (Belgium) at the ninth plenary meeting "to nominate a committee of six Members to consider what steps, if any, could be taken to put an end to the hostilities between Armenia and the Kemalists."

Dr. Spalaikovich (Serb-Croat-Slovene State) suggested that the Parliaments of the Principal Powers be requested to act together to the fullest extent of their abilities. M. Branting seconded the Cecil-La Fontaine motion.

Mr. Balfour supported the proposal, calling attention to the practical difficulties. "Good intentions," he said, "are the foundations of good policy, but good intentions by themselves are perfectly useless unless means can be found for carrying them into effect." He continued: "The machinery of the League as embodied in the Covenant was not contrived to deal with the sort of situation with which we are confronted in Armenia. The condition of things the framers of the Covenant had in view was organized states with clearly marked frontiers, open to the action of the public opinion of the civilized world and in the last resort open to threats of economic pressure. . . . But observe that not one of these conditions is fulfilled by the state of things with which we have got to deal in Armenia at the present moment. . . . What does Mustapha Kemal care about the opinion of the League of Nations, or the opinion of the civilized world,

<sup>1</sup> Report on the Work of the Council, II, B, 1, *League of Nations*, III, 275.

or the fact that before any tribunal of humane people his action will be condemned?"

It seemed to the speaker that no method except finding a mandatory would suffice. But no mandatory could be found unless the other states were prepared to guarantee it against loss and give it assistance. He agreed that the Assembly was the best medium for enlisting the interest of the world and he hoped that the committee to be appointed would be more successful than their predecessors in dealing with the grave problem.

M. Viviani desired that the League should act rather than make a public appeal. The resolution merely substituted an Assembly committee for the Council, but until the relations of the two organs were determined no steps should be taken which set a precedent. Turning to his fellow-delegates he said: "I appeal to the representatives of any nation which might possibly accept a mandate for Armenia to rise in the Assembly and express the wish of his nation." He formally moved that the Assembly should empower the Council to approach the various Governments and try to find the power which would mediate between the combatants and negotiate with them.

M. Viviani added that if the authors of the Cecil-La Fontaine motion would not agree to his proposal, he would agree to theirs, "in order that we may be unanimous." In any case he urged that the negotiating method be accepted. Lord Robert Cecil declared that he was quite ready to accept the Viviani proposal.

Mr. Balfour desired to clear his own mind. He understood the proposal of the French delegation was that "negotiations should at once be set on foot by some power with Mustapha Kemal with the view of preserving the Armenians." He asked: "How can you negotiate or ask anyone to negotiate with Mustapha Kemal unless he has something to offer and how can our negotiator be in a position to offer anything until anxious consultation has gone on with the powers concerned in the Turkish treaty and the arrangements in Asia Minor? What probability was there of having anything to offer that he would take? It was either money or territory. "Are you going to offer him either of those things?" He was entirely in favor of negotiations; "but I should like to know before accepting the principle, what the French

have in their minds and to let them know as we understand it what negotiation is. Negotiation is a discussion between two civilized powers in which one offers something to the other with a mutual accommodation of interests."

M. Viviani suggested that mediation might be a word preferable to negotiation. "My knowledge of and admiration for the subtlety of Mr. Balfour's mind are such that I believe that if this negotiation is intrusted to him he will succeed. . . . If we reject mediation what can we do? We have no army and there is no money available."

On the proposals being put to a vote the following motions were adopted *nem. con.*:

The Assembly, anxious to co-operate with the Council, in order to put an end in the shortest time possible to the horrors of the Armenian tragedy, requests the Council to arrive at an understanding with the Governments, with a view to intrusting a power with the task of taking the necessary measures to stop the hostilities between Armenia and the Kemalists, and

The Assembly further decides to nominate a committee<sup>1</sup> of six members to consider and report to the Assembly during this session the steps, if any, which can be taken for this object.

The Council, in accordance with the request, forwarded an appeal to certain quarters, and at the 12th plenary meeting of the Assembly, the President was able to read the following telegrams in reply:

Washington, December 1, 1920.

To M. PAUL HYMANS, President of the Council of the League of Nations, Geneva.

I have the honor to acknowledge the receipt of your cabled message setting forth the resolution adopted by the Assembly of the League of Nations requesting the Council of the League to arrive at an understanding with the Governments with a view to intrusting a power with the task of taking necessary measures to stop the hostilities in Armenia. You offered to the United States the opportunity of undertaking the humanitarian task of using its good offices to end the present tragedy being enacted in Armenia, and you assure me that your proposal involves no repetition of the invitation to accept a mandate for Armenia. While the invitation to accept a mandate for Armenia has been rejected

<sup>1</sup>The committee was announced at the tenth meeting as follows: Lord Robert Cecil, M. La Fontaine, Dr. Nansen, M. Pueyrredon, M. Schanzer and M. Viviani.

by the Senate of the United States, this country has repeatedly declared its solicitude for the fate and welfare of the Armenian people in a manner and to an extent that justifies you in saying that the fate of Armenia has always been of special interest to the American people. I am without authorization to offer or employ military forces of the United States in any project for the relief of Armenia, and any material contributions would require the authorization of the Congress, which is not now in session and whose action I could not forecast. I am willing, however, upon assurances of the moral and diplomatic support of the principal powers and in a spirit of sympathetic response to the request of the Council of the League of Nations, to use my good offices and to proffer my personal mediation through a representative whom I may designate to end the hostilities now being waged against the Armenian people, and to bring peace and accord to the contending parties, relying upon the Council of the League of Nations to suggest to me the avenues through which my proffer should be conveyed and the parties to whom it should be addressed.

WOODROW WILSON.

Madrid, November 30, 1920.

To M. HYMANS, President of the Council of the League of Nations.

In reply to the telegram, dated 26th inst., which Your Excellency was so good as to send me, I have the honor to inform you that the Government of H.M. the King of Spain, though not directly concerned with the lamentable condition of Armenia, feels the deepest sympathy for this unfortunate nation which has suffered so cruelly, and though the Spanish Government does not understand the exact construction to be put upon the wording of the resolution of the Assembly, it wishes to state that it will willingly co-operate in any steps of a moral or diplomatic nature directed toward the achievement of the pacific aims which the League of Nations is pursuing with such zeal and devotion.

DATO.

Rio de Janeiro, November 30, 1920.

To M. HYMANS, President of the Council of the League of Nations.

In reply to Your Excellency's telegram conveying the resolutions of the Assembly with regard to Armenia, I have the honor to inform Your Excellency that the Brazilian Government is prepared to assist, either alone or in conjunction with other powers, in putting an end to Armenia's desperate position.

AZEVEDO MARQUES,  
Minister for Foreign Affairs.

After these messages had been received the Council of the League of Nations met and addressed to the President of the United States, to the Minister for Foreign Affairs of Brazil and to the Prime Minister of Spain, the following telegrams:

Geneva, December 2, 1920.

To the PRESIDENT of the UNITED STATES, Washington.

In the name of the Council of the League of Nations I thank you for your telegram of December 1st in which you agree to act as mediator between the Armenians and the Kemalists, and add that you will nominate a representative for this purpose. The Council is deeply rejoiced at and grateful for your decision. The Council ask me to inform you that the Spanish Government declares itself ready to participate in any action of a moral and diplomatic character in support of Armenia, and that the Brazilian Government announces that it is ready to take part alone or with other powers in putting an end to the present situation in Armenia. The Council is therefore requesting these two Governments to communicate directly with you as to how co-operation in this work can best be arranged. Negotiations can be opened immediately with the Armenian Government at Erivan. As regards the Kemalists, the Council is taking steps to find out the most effective method of getting into touch with them, and will inform you further on this point as soon as possible.

HYMANS, President of the Council.

(Translation.)

Geneva, December 2, 1920.

To M. DATO, Prime Minister, Madrid.

To AZEVEDO MARQUES, Minister for Foreign Affairs, Rio de Janeiro.

I thank you in the name of the Council of the League for your telegram of November 30, regarding Armenia. The Council is much rejoiced at and deeply grateful for your reply. The Brazilian [Spanish] Government has telegraphed to the Council in a similar sense. At the same time President Wilson has informed the Council that he agrees to use his good offices and to act as mediator personally through a representative whom he may designate in order to put an end to open hostilities against Armenia. The Council is therefore sending a reply to President Wilson thanking him for having accepted the mission which was proposed to him, and at the same time communicating to him your reply and that of the Brazilian [Spanish] Government. The Council begs you to communicate direct with President Wilson to decide how co-operation in this work can best be arranged.

HYMANS, President of the Council.

Subsequently, on December 16 at the 26th plenary meeting, on motion of Mr. Rowell (Canada), the Assembly adopted the following resolution (A. D. 247):

The Assembly earnestly hopes that the efforts of the President of the United States, energetically supported by the Governments of Spain and Brazil and by the Council of the League, will result in the preservation of the Armenian race and in securing for Armenia a stable government, exercising authority throughout the whole of the Armenian state as the boundaries thereof may be finally settled under the treaty of Sèvres, so that the Assembly may be able to admit Armenia into full membership in the League at its next meeting.

M. Jonsescu on behalf of Rumania made the following proposal at the 29th plenary meeting of the Assembly:

In order to afford real and immediate assistance to the perishing Armenian people, Rumania proposes to the nations assembled at Geneva the formation of an international expeditionary force to re-establish order and peace in Armenia. This international force placed under the direct command of the interallied general staff might consist of 40,000 men, in detachments drawn from all countries now Members of the League of Nations, in proportion to their populations.

Rumania declares herself ready at this moment to furnish for this purpose, men, materials, money.

This was referred to the committee, and after it had practically made an adverse report, the Rumanian delegation agreed at the 30th plenary meeting of the Assembly to referring its suggestion to the Council on the understanding that the committee would not be able in any way to pledge the responsibility of any Member of the League without their consent.

Finally, the rapporteur of the Assembly's special committee, M. La Fontaine (Belgium), gave that body an account of the situation as he and his colleagues had been able to understand it. This report, presented to the 30th plenary meeting, read (A. D. 256):

The Armenian Commission appointed by the Bureau of the Assembly on November 23 has met six times, with the object of inquiring into the situation in Armenia, in consequence of the invasion of that country by the troops and irregular bands acting under the authority of Mustapha Kemal Pasha, and of finding the best means to assist the Armenians in

their struggle for independence, and eventually in their attempt to place the Armenian state on a sound basis.

According to the information which the Committee was able to obtain, it appears:

That the Armenians had been unable to defend themselves from the Turkish attack, not because they were overwhelmed by the numerical superiority of the enemy, but because they were wholly lacking in organization, military or political. As a matter of fact it is doubtful whether the Armenian army is not larger than that of Kemal.

If, therefore, it is desired to come effectively to the assistance of the Armenians, there can be no doubt that it must be done not by sending a military expedition, or anything of that kind, but by giving to the Armenians the means of helping themselves. Without going into details, which it would be obviously improper at the present stage to discuss, the Committee is of opinion that for a comparatively moderate sum this object might be attained provided that the right man can be found for the purpose of directing the necessary assistance.

The Committee are glad to note that considerable efforts are being made in the United States to raise a fund which should be applied for purposes of this kind.

The expenditure of such a fund should obviously be controlled by someone having the confidence of the donors, and your Committee have some reason to believe that other material assistance would be available for any serious enterprise such as is indicated.

Unfortunately, the present session of the Assembly will have come to an end before any definite result has been reached and the Committee think it desirable that some agency of the League should remain in existence after the close of the Assembly, which would have full cognizance of all that has hitherto occurred and be able to keep in touch with further efforts in this direction.

They, therefore, recommend that the Assembly should ask the Council to reappoint a Committee as from the end of the present session of the Assembly. The Committee would naturally be left at liberty to reorganize its work in the way it thought best, having regard to the difficulty of frequent meetings of its members.

It is understood that the Committee would not be able in any way to pledge the responsibility of any Member of the League without their consent.

After some discussion, the report was disposed of in the following resolution (A. D. 265):

The Assembly, recalling its decision of November 22, 1920, will continue to co-operate with the Council which is intrusted with the

duty of safeguarding the future of Armenia, referring for advice, if it should be necessary, to the Members of the League. The Assembly notes that, in response to the initiative taken by the League, universal sympathy has already been shown for Armenia, and that Armenia has received offers of mediation on her behalf from President Wilson, Spain and Brazil.



### XIII. SOVIET RUSSIA AND POLAND

Mr. Barnes (Great Britain) at the eighth meeting of the Assembly called attention "to the fact that nothing was said in the report of the Council or by M. Tittoni on the greatest question confronting Europe at the present time, namely, the threatened war between Soviet Russia and Poland. I protest against what I consider to be the policy of hush-up with regard to it." The President replied that Mr. Barnes should bring in a motion, if he wished. The following proposition was therefore introduced (A. D. 119, A):

That the Assembly request the Council to furnish them with full information as to the reasons which induced it to refrain from interfering to prevent hostilities between Poland and Soviet Russia last spring, and recommends to its earnest attention the possibility of a renewal of hostilities between those countries in the coming year.

The discussion took place at the 13th plenary meeting. Mr. Barnes said in part:

The purpose of that motion is not to divide this Assembly, but to get explanations of why intervention was not made in the war between Poland and Soviet Russia. Perhaps by way of opening the subject I may be allowed to give some reasons why, in my humble judgment, there should have been intervention. May I submit in the first place that it seems to me that even if there were no specific mandate in any one of the articles of the Covenant, yet the Council would have been justified in intervening by a consideration of the bare facts of the situation. Here was a war waged in an area in which peace is vital to the rest of Europe, and on the other hand, here are European peoples longing for peace. . . . But it seems to me that that understates the case for intervention, because, as a matter of fact there are, in some of the articles of the Covenant, specific mandates for the Council to interfere in cases of that kind. Let me read again the first sentence of Article 11 of the Covenant: "Any war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations." I submit that

the Council, by that article, came under a specific obligation to intervene. I admit that there may have been cases in which such action was not possible.

I think I can show that there have been occasions when intervention was possible, and, it seems to me, would have yielded good results. In fact, one such opportunity presented itself almost as soon as the Council got into its saddle. Last February the Soviet Government made a declaration that they had no wish or desire to fight Poland; they said they had recognized the Polish Republic, and that any causes of quarrels between the two peoples were capable of adjustment and that they were willing and anxious to adjust them. . . . About the middle of May the Soviet Government made a communication to the Council that the Poles were then making war without having given opportunity of negotiation, and that the Poles had seized Russian territory. I am not saying that these statements were true; they may have been untrue, but what I do say is that it appeared at all events that an opening was again afforded. . . . A month or two later the door seemed to be reopened. The Supreme War Council on that occasion intervened when Warsaw was in danger, and Warsaw was saved. It may be said that the Council of the League had no concern in that. I beg to differ. I think the Council might have done something to have created an atmosphere of impartiality. The average man in the street does not know much between one Council and another. He only knows that when Poland was carrying fire and sword outside of what appeared to be her legitimate borders, nothing was done, and when Warsaw was in danger, when the Soviet armies were at the gates of Warsaw, the Soviet hand was paralyzed and Warsaw was saved. These, I think, are circumstances which call for explanation. There can be nothing lost but everything gained by explanation, and it is because of that that I hope the explanation will be given.

M. Bourgeois, disclaiming authority to speak for the Council, gave the explanation of its attitude as one who had attended its meetings. In substance he said:

I would point out that neither Poland nor the Soviet Government asked the Council to intervene, nor did any other country do so, not even Great Britain, the country to which Mr. Barnes belongs. Why was it no one thought of doing so? Why was it the parties most concerned did not turn to the League of Nations for assistance? The reason was that people felt they could not ask the League of Nations to intervene when it was clear that its intervention would be of no avail, and perhaps even dangerous; dangerous because there was in the first place the danger of extending the conflict, and, secondly, because there was no chance of

getting the principle of our intervention accepted. At that time the Council of the League of Nations had, at the request of the Supreme Council, tried to carry out an inquiry in Russia. . . . Even moral intervention was rejected, and moral action is one of the greatest forces of the League of Nations. We have used it for states which are Members and states which are not Members of the League.

But it is said if the Soviets rejected our moral intervention, there were other ways of exercising pressure: There was the economic weapon. But what are the economic relations of the Soviets and the rest of the world? You will remember Mr. Lloyd George in the House of Commons, when referring to an invitation issued to the Soviets to attend a conference at Brussels, said their reply was couched in terms too unsatisfactory to allow us to hope that any successful results might accrue. If, then, the economic weapon was of no use, is it suggested that military intervention should be resorted to? Mr. Barnes will remember that our amendments at Paris, which endeavored to give the League of Nations a military weapon, were not accepted. It will be remembered that recently we were reduced to asking the great powers to help us with troops in order that we might determine the frontiers of Lithuania. Could we then have asked the same powers to intervene between Poland and Russia if we had wanted to do so? There was no need to ask the League of Nations to do so. But no one even thought of it.

The Council, in this first year of its existence, has been faced with great difficulties, and has done its duty, with the full consciousness of its responsibilities, and has acted invariably with unanimity. The Council will always take every opportunity of intervention and will act quite impartially, that is to say, if intervention can possibly be of any assistance.

What has been the method of the Council in its deliberations during the first year of its existence? . . . At its first hour of existence, the Council was the good workman, and said to itself, "I must first create my machinery, and set to work." Well, it created its machinery. The Council first of all organized the International Court of Justice, and, secondly, it brought into being certain special organizations which intimately concern the life of all the states of the world, and which allowed the whole body of the world, even at its extremities, to take cognizance of what happened. We, I maintain, have worked in a useful and practical way. Reference is often made to publicity, but I consider publicity should be a publicity of deeds, not merely of words. To accomplish these deeds we must create the work of justice and of peace. That, then, is our method; and through the ten sessions we have held we have not relaxed our efforts. We have worked hard, and to-morrow you will gather the fruits of our labors. We have worked in a spirit of una-

nimity, except in certain small points of detail. Ninety-nine times out of a hundred the decisions of the Council have been unanimous. This spirit of unanimity has shown itself, and the private interests of individual nations have subordinated themselves to it. I hope that the same spirit will be shown in this Assembly.

M. Paderewski spoke for Poland, detailing her difficulties, emphasizing her devotion to peace and disclaiming any implication of imperialism against her. He expressed a hope that the current pourparlers would lead to peace.

Dr. Nansen expressed gratitude to Mr. Barnes for raising the question and to M. Bourgeois for the explanation on behalf of the Council. He continued:

One point occurred to me during that explanation, namely, whether in April the opportunity did not occur for the Council to intervene, or at least to take some steps in the matter. It was in April that the Soviet Government applied to some very prominent and important powers, Members of the League, for intervention. These powers failed to intervene, and, as I understand it, the answer which the League received in May, the refusal to admit a commission, was partly based upon the failure of the League to intervene. I only want to point out this fact because I can not help thinking that if the Council had taken some steps at that moment it would have greatly helped the Polish situation and the Poles themselves. I am convinced that Poland as a Member of this League would certainly not have refused to comply with the request of the Council. I see perfectly well, as I am sure we all do, the enormous difficulties connected with any kind of intervention; but I can not help thinking that if matters had been discussed just at that moment Europe would be different at this time. It was said by M. Bourgeois that no Government asked for intervention, and it may be that that is the real target for criticism, and not the Council of the League.

The President concluded the debate by saying: "I wish to point out in agreement with Mr. Barnes that his motion was not really a motion that called for a vote, but was merely put in the shape of a question which would call for explanations on the subject. I think the purpose of this motion has been achieved. It has certainly enlightened the Assembly."

## APPENDIX

### DELEGATIONS TO THE FIRST ASSEMBLY

*Argentine Republic*<sup>1</sup>—HONORIO PUEYRREDON, minister, state secretary of foreign affairs and of public worship; Marcelo T. de ALVEAR, minister to France; Fernando PEREZ, minister to Austria.

*Australia*—E. D. MILLEN, senator and minister of state for repatriation.

*Belgium*—Paul HYMANS, minister of state, member of the Chamber of Representatives; Prosper POULLET, member and former president of the Chamber of Representatives; Henri LA FONTAINE, vice-president of the Senate.

*Bolivia*—Felix Avelino ARAMAYO, Florian ZAMBRANA, Franz TAMAYO.

*Brazil*—Rodrigo OCTAVIO Langaard de Menezes, under secretary of state for foreign affairs; M. Gastão da CUNHA, ambassador to France; Paul FERNANDES, deputy.

*Canada*—Sir George Eulas FOSTER, member of His Majesty's most honorable Privy Council, G. C. M. A., B. A., minister of commerce; Charles Joseph DOHERTY, member of His Majesty's most honorable Privy Council, K. C., D. C. L., minister of justice for Canada; Newton Wesley ROWELL, member of the King's Privy Council for Canada, K. C.

*Chile*—Antonio HUNEEUS Gana, envoy extraordinary and minister plenipotentiary, and Manuel RIVAS VICUÑA, envoy extraordinary and minister plenipotentiary.

*China*—V. K. WELLINGTON KOO, minister to Great Britain, and TANG Tsai-Fu, minister to the Netherlands.

*Colombia*—A. J. RESTREPO, delegate plenipotentiary.

*Cuba*—Aristides AGUERO y Betancourt, envoy extraordinary and minister plenipotentiary at Berlin; Raphael Martinez ORTIZ, envoy extraordinary and minister plenipotentiary at Paris; Ezequiel GARCIA y Ensenat, envoy extraordinary and minister plenipotentiary at Rome.

*Denmark*—Herlup ZAHLE, envoy extraordinary and minister plenipotentiary at Stockholm; L. J. MOLTESEN, member of the Folketing; Peter Rochegune MUNCH, member of the Folketing.

*Great Britain*—A. J. BALFOUR, O. M., M. P.; H. A. L. FISHER, M. P.; G. N. BARNES, M. P.

*Spain*—Salvador Bermudez de Castro y O'Lawlor, Marquis of LIMA, minister of foreign affairs; José QUIÑONES DE LEON y de Francisco Martin, ambassador at Paris, representing Spain in the Council of the League of Nations; Emilio de PALACIOS y Fau, envoy extraordinary and minister

<sup>1</sup>The Argentine delegation did not participate in the work of the Assembly after December 2.

plenipotentiary, under secretary of state for foreign affairs; assistants: Gil DELGADO, resident minister, and M. YANGUAS, professor at the University of Madrid.

*France*—Léon BOURGEOIS, president of the Senate, representing the Republic of France on the Council of the League of Nations; René VIVIANI, deputy, former president of the Council of Ministers; Gabriel HANOTAUX, member of the French Academy, former minister of foreign affairs.

*Greece*—Nicolas POLITIS, minister of foreign affairs; Demetrius CACAMANOS, minister at London; Mikael KEBEDGY, minister at Bern.

*Guatemala*—Manuel BALLADARES R., envoy extraordinary and minister plenipotentiary at Paris; Manuel ARROYO, envoy extraordinary and minister plenipotentiary at London; Julio HERRERA, confidential agent in France.

*Haiti*—Tertullien GUILBAUD, envoy extraordinary and minister plenipotentiary at Paris; Auguste BONAMY, president of the Court of Cassation of the Republic; Frédéric DOREL, civil mining engineer.

*India*—Sir William Stevenson MEYER, G. C. I. E., K. C. S. I., high commissioner of India; Lieutenant-Colonel, S. S. Maharaja Jam Sir Ranjitsinhji, G. B. E., K. C. S. I., JAM SAHEB of NAWANAGAR; Sir Saiyid ALI IMAM, K. C. S. I., former member of the Executive Council of the Province of Bihar and Orissa.

*Italy*—Tommaso TITTONI, president of the Senate, minister of state, honorary ambassador of S. M.; M. NICOLA, president of the Chamber of Deputies; Professor Ivanoe BONOMI, minister of war, deputy to the Parliament.

*Japan*—Baron Gonsuke HAYASHI, Josammi, ambassador extraordinary and plenipotentiary at London; Viscount Kikujuro ISHII, Josammi, ambassador extraordinary and plenipotentiary at Paris; Baron Tanetaro MEGATA, Josammi, delegate from the Empire of Japan.

*Liberia*—Baron R. LEHMANN, chargé d'affaires at Paris.

*Nicaragua*—Carlos A. VILLANUEVA, chargé d'affaires at Paris.

*Norway*—F. HAGERUP, envoy extraordinary and minister plenipotentiary at Stockholm; O. A. BLEHR, prefect, former minister of state; F. NANSEN, professor at the University of Christiania.

*Panama*—Narciso GARAY, envoy extraordinary and minister plenipotentiary; Harmodio ARIAS, envoy extraordinary and minister plenipotentiary.

*Paraguay*—Hector VELASQUEZ, envoy extraordinary and minister plenipotentiary.

*The Netherlands*—M. Jonkheer van KARNEBEEK, minister of foreign affairs; Jonkheer LOUDON, envoy extraordinary and minister plenipotentiary at Paris; M. FOCK, governor-general of the Dutch Indies; substitutes: M. STRUYCKEN, member of the Council of State; M. LODER, counsellor at the Court of Cassation; M. Jonkheer van EYSINGA, professor of international law at the University of Leyden.

*New Zealand*—Sir James ALLEN, High Commissioner of New Zealand.

*Peru*—Mariano H. CORNEJO, envoy extraordinary and minister plenipotentiary at Paris; FRANCISCO GARCÍA CALDERON, envoy extraordinary and minister plenipotentiary in Belgium [succeeding Señor CORNEJO from December 3]; Anselmo BARRETO, and Heliodoro ROMERO.

*Persia*—His Highness the Prince ARFA ed Dowleh, ZOKA ed Dowleh, minister at Bern.

*Poland*—I. J. PADEREWSKI, minister plenipotentiary, first class, former president of the Council; Professor S. ASKENAZY, minister plenipotentiary.

*Portugal*—Affonso COSTA, former president of the Council, president of the Delegation; Joao CHAGAS, former president of the Council, minister in France; Colonel Freire d'ANDRADE, former minister of foreign affairs.

*Rumania*—N. TITULESCO, minister of finances; Professor Thomas JONNESCO; Professor D. NEGULESCO.

*Salvador*—J. Gustavo GUERRERO, envoy extraordinary and minister plenipotentiary in Italy and Spain; Pedro J. MATHEU, chargé d'affaires in France; Arturo Ramon AVILA, chargé d'affaires in Great Britain.

*Serb-Croat-Slovene State*—Miroslav SPALAIKOVICH, envoy extraordinary and minister plenipotentiary; Jean ZOLGER, professor at the University of Ljubljana; Ladislav POLICH, professor at the University of Zagreb.

*Siam*—PHYA BIBADH KOSHA, envoy extraordinary and minister plenipotentiary; Prince CHAROON, envoy extraordinary and minister plenipotentiary; His Excellency PHYA BURI NAVARASTH.

*South Africa, Union of*—Sir Reginald Andrew BLANKENBERG, K. B. E., and the Right Honorable Lord Robert CECIL, K. C., M. P.

*Sweden*—Karl Hjalmar BRANTING, former president of the Council of ministers; Baron Erik Teodor MARKS DE WURTEMBERG, former minister; Ernst TRYGGER, former judge of the Supreme Court, member of the First Chamber; substitutes: Jonas E. LOFGREN, former minister, member of the Second Chamber; Baron Axel Teodor ADELWARD, former minister; Madame Anna BUGGE-WICKSELL, licentiate in law.

*Switzerland*—Guiseppe MOTTA, President of the Swiss Confederation; Gustave ADOR, former President of the Swiss Confederation; Paul USTERI, deputy of the States to the Council.

*Czecho-Slovakia*—Edouard BENES, minister of foreign affairs; S. OSUSKY, envoy extraordinary and minister plenipotentiary in France; Cyril DUSEK, envoy extraordinary and minister plenipotentiary in Switzerland.

*Uruguay*—Juan Carlos BLANCO, envoy extraordinary and minister plenipotentiary in France; Benjamin FERNANDEZ Y MEDINA, envoy extraordinary and minister plenipotentiary in Spain.

*Venezuela*—Manuel DIAZ RODRIGUEZ, former minister of foreign affairs; Santiago KEY-AYALA, former counsel to the minister of foreign affairs; Diogenes ESCALANTE, former deputy to the Parliament.

## THE WORLD AND THE LEAGUE

## I. MEMBERS OF THE LEAGUE OF NATIONS

	Population 000's omitted	Net Revenue Pre-War	Net Expense Post-War	Net Revenue Post-War	Foreign Trade 1913	Foreign Trade 1919
(Millions of \$)						
Albania.....	1,000	—	—	—	—	—
Argentina.....	8,416	157.0	173.7	171.3	431	681
Australia.....	5,145	232.1	615.6	291.0	745	882
Austria.....	6,076	—	298.7	185.9	—	*42.4
Belgium.....	7,560	80.1	909.4	318.6	1596	796
Bolivia.....	2,960	8.6	15.0	12.2	60	74
Brazil.....	30,553	173.8	132.5	123.7	645	893
Bulgaria.....	5,518	53.1	95.5	26.2	54.6	47
Canada.....	8,835	163.2	777.1	304.9	1095	2059
Chile.....	4,127	86.1	76.0	70.8	265	360
China.....	302,000	261.8	451.1	399.9	710	1776
Colombia.....	5,800	16.6	22.0	22.0	60	49
Costa Rica.....	455	3.5	4.1	4.2	18.9	13.4
Cuba.....	2,899	37.9	44.8	53.1	301	654
Czecho-Slovakia.....	13,770	217.9	356.3	265.1	407	406
Denmark.....	3,250	32.7	133.5	94.4	390	638
Finland.....	3,325	21.7	469	36.2	193	156
France.....	38,500	885.7	4810.4	2064.3	3059	4026
Greece.....	7,500	27.0	309.4	88.5	57	356
Guatemala.....	2,250	4.0	2.6	3.7	24	14.8
Haiti.....	2,525	5.8	3.1	3.1	7.6	3.3
Honduras.....	606	2.1	2.6	2.6	8.4	11.6
India.....	327,000	289.9	657.2	673.3	1540	2306
Italy.....	38,130	540.5	2414.0	800.7	1253	1849
Japan.....	58,000	337.4	569.1	470.8	675	2094
Liberia.....	954	.5	.3	.3	2.2	2.2
Luxemburg.....	260	4.0	8.7	11.2	—	—
Netherlands.....	6,831	81.9	289.5	234.0	2814	1611
New Zealand.....	1,180	38.9	197.5	81.9	206	337
Nicaragua.....	750	3.8	2.1	2.9	13.5	13.7
Norway.....	2,658	31.9	130.0	116.7	253	661
Panama.....	460	4.0	7.3	7.3	16.3	13.0
Paraguay.....	1,020	4.3	4.5	4.4	13.4	9.3
Persia.....	10,000	7.2	—	—	98	111
Peru.....	7,200	16.5	27.2	27.2	73	122
Poland.....	24,200	259.3	522.5	107.6	691	—
Portugal.....	6,130	70.6	96.7	42.6	134	132
Rumania.....	16,000	250.1	234.8	64.9	352	128
Salvador.....	1,365	5.0	7.0	6.9	15.2	15.3
Serb - Croat - Slovene State.....	12,000	152.0	99.7	45.8	146	191



	Population 000's omitted	Net Revenue Pre-War	Net Expense Post-War	Net Revenue Post-War	Foreign Trade 1913	Foreign Trade 1919
(Millions of \$)						
Siam .....	9,022	27.6	34.9	28.5	77	84
South Africa .....	7,225	71.5	167.7	117.6	331	384
Spain .....	20,784	247.7	458.6	351.6	456	429
Sweden .....	5,847	62.0	214.8	196.9	446	945
Switzerland .....	3,980	61.6	189.1	102.1	636	1231
United Kingdom ....	46,943	844.8	5627.6	5627.6	5762	9340
Uruguay .....	1,450	35.9	42.5	39.3	87	193
Venezuela .....	2,884	13.0	8.0	8.0	44	30

## II. MEMBERS OF TECHNICAL ORGANIZATIONS

Esthonia .....	1,750	—	71.4	14.7	—	211.2
Latvia .....	2,522	—	60.7	46.1	—	13.9
Lithuania .....	4,500	—	40	34.4	—	85.7
Georgia .....	3,500	25.5	—	—	—	—

## III. MEMBERSHIP APPLICATIONS PENDING

Armenia .....	1,500	—	—	—	—	—
Azerbaijan .....	4,620	—	—	—	—	—
Hedjaz .....	300	—	—	—	—	—
Iceland .....	85	—	—	—	—	—
Liechtenstein .....	12	—	—	—	—	—
Monaco .....	23	—	—	—	—	—
San Marino .....	12	—	—	—	—	—
Ukraine .....	46,000	—	—	—	—	—

## IV. NONMEMBERS OF THE LEAGUE

Abyssinia .....	10,000	—	—	—	10	12
Andorra .....	5	—	—	—	1.3	.5
Dominican Republic.	725	5	4.4	4.4	19.6	40
Ecuador .....	2,000	10.2	8.2	8.2	24.4	26.4
Germany .....	60,282	879.6	1540.5	660	4974	1879
Hungary .....	7,300	—	808.4	4215	—	—
Mexico .....	15,502	64.5	75.8	72.7	313	287
Russia (not otherwise identified) .....	108,000	—	—	—	—	—
Turkey .....	8,000	—	24.6	19.2	—	—
United States .....	105,708	1046	6142	6704	4223	11,655

## A CONTRAST

The following table is an analysis of the disbursements of the United States for the fiscal year ending June 30, 1920, as shown by the report of the Secretary of the Treasury.

### CLASS I

#### DISBURSEMENTS RELATING TO WAR 86.4%

##### 1. *Army and Navy*

(Annually recurring)

War Department civil establishment.....	\$8,734,269.52	
Navy Department civil establishment.....	2,797,152.07	
War (military).....	1,027,225,248.01	
War (miscellaneous civil, not including rivers and harbors).....	17,735,023.80	
Navy (military).....	<u>629,893,115.87</u>	\$1,686,384,809.27

##### 2. *Cost of Past Wars*

(Annually recurring)

War Risk Insurance.....	\$234,957,059.07	
Pensions.....	213,344,204.11	
Interest on debt.....	<u>1,024,024,440.02</u>	1,472,325,703.20

##### 3. *Cost of Past Wars*

(Steadily diminishing)

European relief.....	\$93,236,117.80	
Federal control, telephone and telegraph...	12,018,557.68	
Federal control, transportation.....	1,038,614,901.18	
Board of Vocational Education.....	34,984,423.90	
Shipping Board.....	467,701,047.69	
War Trade Board.....	273,875.82	
War Industrial Board.....	16,669.66	
Committee on Public Information.....	351,711.76	
Alien Property Custodian.....	803,945.08	
Bituminous Coal Commission.....	21,258.68	
War Labor Administration.....	190,371.27	
Food and Fuel Administrations.....	<u>120,127.41</u>	1,648,333,007.93

##### 4. *Payments Provided For*

(Charges not of nature of expense items or understood not to represent actual payments during the fiscal year 1919-1920)

Wheat guaranty fund.....	\$350,000,000.00	
War Finance Corporation.....	<u>150,000,000.00</u>	\$500,000,000.00
Total, war purposes.....		<u>\$5,307,043,520.40</u>

### CLASS II

#### OTHER DISBURSEMENTS 13.6%

All civil government (except for the postal service, payable from postal revenue) ..	834,701,719.68
Total disbursements.....	<u>\$6,141,745,240.08</u>







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