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THE LEAGUE COMMITTEES
AND WORLD ORDER

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THE LEAGUE COMMITTEES AND WORLD ORDER

A Study of the PERMANENT EXPERT
COMMITTEES OF THE LEAGUE OF
NATIONS AS AN INSTRUMENT OF
INTERNATIONAL GOVERNMENT

BY

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TO
MY MOTHER

P R E F A C E

IN this study I have not attempted to give an exhaustive description of the League's technical activities and achievements. I have tried to sketch only the broad and representative outlines of its work, because my aim has been simply to show the significance of its technical and advisory organisms. My purpose has been to suggest to the student of domestic politics or of international relations why the League Committees are peculiarly important to him, and to show how that importance is growing.

The student of government is apt, I think, sometimes to limit his study by state boundaries, and to overlook economic and political sources of government action, or the needs for government action, that lie outside the state. In this book I have tried to point out some of these international sources and some of these world needs. If I have succeeded in showing in any degree the inescapable unity of human society, then I shall have proved why that unity must be politically organized. Internationalism must not merely link diversities, but govern them.

The student of the League of Nations, also, runs a certain risk, I believe, of concentrating his attention too much on the more formal Council and Assembly, and such more dramatic questions as disarmament. He generally does not realize to what extent the Council and Assembly are merely the apex of a pyramid composed of, and resting on, these technical advisory organizations, in their turn assisted by the Secretariat. And disarmament, supremely vital though it be, is a reminder of the more negative aspect of the League. To destroy the underlying causes of war, by constructing channels of international co-operation and by creating a disinterested viewpoint wherever national interests conflict, is vastly more important than declaring war the evil every one knows it to be. Until the organs of international disinterestedness are created, empowered, and trusted, war or the threat of war remains

the necessary instrument of policy. To prate of peace in such circumstances is merely irrelevant. The real move towards peace and disarmament is the building of a legal and technical or political structure. The League's best work in this direction has been technical and administrative. Yet this has not been given sufficient emphasis in written studies of the League. If this monograph does anything to indicate or to fill that gap, then it needs no further excuse.

Touching, as it does, upon so many fields, this book could not have been achieved without the constant assistance of many people. Among the members of committees, of the League Secretariat, and the I.L.O. who have given me generously of their knowledge and time I should like to mention Sir Arthur Salter, Professor W. E. Rappard, Mr. Felkin, M. Maurette, Sir John Campbell, Professor Duncan Hall, Miss Hallsten-Kallia, and Mr. Tarini P. Sinha. At the Postgraduate Institute of Geneva, besides Dr. Rappard, I have particularly to thank Professors Georges Scelle and Pitman B. Potter. To Professor C. A. W. Manning at the London School of Economics I am very grateful for his most careful and thorough reading of the manuscript. What I owe and have owed throughout to my teacher and friend Professor H. J. Laski is too complete to be easily put into words. Finally, I want to acknowledge the truly heroic patience of my Geneva friends in their discussions with me. Such things as these lent me constant encouragement.

Because I have not always been able to follow the suggestions offered me I must add that, of course, I alone am responsible for any and every opinion or judgement expressed.

H. R. G. GREAVES

*London School of Economics
and Political Science,
January 1st 1931.*

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I

INTRODUCTORY

THE Middle Ages saw the crumbling of the last political structure in history which claimed to be universal. Not since the decay of papal and imperial power have the institutions of a world order been fashioned anew. Even speculation, with but few exceptions, has been preoccupied with the state, and while perforce the existence of other states has been tacitly acknowledged, it has not been allowed to impinge upon the main current of political thought. Autocracy, tempered only by the dictates of an all-pervading providence, was the cornerstone of the medieval building. It was a building, therefore, set on sand, for if there is one lesson of history it is that authority built on exclusion of the many will not abide. But imperialist and papalist alike set forth a doctrine of world governance which excluded neither nation nor class but comprehended the whole human race. Such an ideal of synthesis, from which since the Reformation the world has been travelling directly away, now again seems to beckon from the future. Whether democracy has in it the creative power to answer that call is a question as yet unsolved. The League of Nations is only the beginning—but the very significant beginning—of an attempt to frame an affirmative reply. But what is already certain is that the organs of a world order, if it be founded on democracy, will be complex to an extent as yet hardly imagined.

In a time of isolated units, of village economy, of slow and dangerous travel, a theory of state independence and national sovereignty was not denied by any obvious and continually present facts. But the conditions have changed. An irresistible process of world economic unification has been going on for the last century. Every year it relegates a new aspect of national isolation to the realm of myth. When Lancashire is put out of work by a political crisis

in India, when Germany and Japan have their whole economic fabric affected by the collapse of speculation in Wall Street, when business in the United States is put in the strait-jacket by a depression in Europe, the man who speaks of national economic self-sufficiency is refuted by everyday fact. A shortage in gold means a general fall in prices that is stemmed by no frontier and acknowledges no sovereign decree. Yet its effects are so immense that it urgently demands control. It is, indeed, fortunate that the same growing facility of transport and communications which has created world markets has made possible an increase in intellectual and individual contact, for therein alone lies hope of concerted action and of progress.

Besides the institutional evidence of this advancing internationalism in the shape of international cartels, a chamber of commerce, labour unions, and other private associations, there is already an increasingly important body of official organs. The League of Nations, with the International Labour Organization, the Permanent Court of International Justice, and the Bank of International Settlements, is but the latest and most important of these. Such other public and semi-public bodies as the Postal Union, the Health Office, the Institute of Agriculture, the Inter-Parliamentary Union, all already bore witness before the War to a growing recognition that few problems are soluble by isolated action. The War, of course, gave the greatest impetus to this movement, because it proved with tragic thoroughness the state of impending anarchy in which we live. The League came as a reaction to the chaos which went before it. Unfortunately there are still many modern statesmen of whom it may be said after the War that they have learned nothing and forgotten nothing—save, perhaps, the War itself. If the ordinary man is in very truth a world citizen to-day as he never was before, he seldom knows it, and in his continued failure to recognize that fact lie the seeds of overwhelming disaster.¹

¹ For an interesting discussion of this see F. Delaisi, *Political Myths and Economic Realities*, Part II.

Happily for his future there is a tendency, in spite of him, for international organization to extend. And this is one of the really significant developments of recent times.

But there is a second tendency in the latest evolution of government institutions which is equally striking. If the nineteenth century put its trust in parliaments, the twentieth relies increasingly on smaller and more specialized groups of men. The processes of government have grown vastly more complicated. The multiplicity of social legislation, the new, varied and intimate responsibilities taken over by the state, the elaborate schedules for taxation and duties—above all, the changing and inestimable complex of conditions to be dealt with—necessitate an intricate web of highly technical administration. All this has changed the very nature of politics. From being a task of merely keeping order and making general rules for the settlement of disputes and the punishment of crime government has become a work impossible without the advice of experts and the schemes of technicians. Almost daily are the latter having ascribed to them new and weighty functions. Often they are given a power which belongs properly only to the courts or the legislature. They are, in fact, the heirs or the usurpers of an authority which legislative bodies are proving themselves unable to exercise. Nor is it surprising, after all, that instruments created for the earlier *laissez-faire* purposes of government should prove unsuitable for the later. A congress of five or six hundred politicians, without special organization, assistance, and training, is clearly incapable of controlling modern administration in all its complexity, or even of properly supervising the control exercised by a minister. While the department is fully qualified by special study and long practice to understand all the details of its task, a chamber of popularly elected deputies has neither advantage; nor does it profess to have them. The consequence is unavoidable. There is a very real danger of the unexpert and omni-competent legislature becoming the tool of its expert advisers. In order to combat this peril

attempts at a more suitable organization of parliament have been made. They envisage, all of them, a delegation of the real source of decision from the large congress to a committee of its members. The creation of standing committees corresponding more or less exactly to departments is an example of this. It is particularly evident in French and German political method. The Scandinavian countries, the United States, Roumania, Holland, Czecho-Slovakia, and others have special committees for foreign affairs. But perhaps the best example is afforded by the new constitution of Ceylon. The State Council of Ceylon, when sitting in administrative session, consists entirely of seven committees, of which each deals with one of the departments and nominates a chairman to act as its minister. Nor must that particular committee of the legislature which has replaced the executive be overlooked. Government by a committee of ministers is now so general that its bare mention seems a commonplace, but it is a modern invention. In recent years the cabinet in England has steadily added to its powers at the expense of Parliament. In two of the post-war constitutions of Europe the reality of English practice has been consecrated in words, and no provision is made for an independent executive even in the attenuated shape of a president. It is increasingly the cabinet which is the decisive factor and the 'chief executive' of modern times. But this committee itself works with the aid of a growing number of other and more specialized committees. While the political thinker of 150 years ago was occupied with securing the separation of executive from legislature, to-day the two are being ever more closely linked. This process manifests itself, as we have seen already, by the formation of standing committees of the legislature to watch departments.

The complement of this tendency is to be found in another. As the spirit of democracy has spread, one vote every three or four years has seemed too narrow a reading of it. The principle of government by general and continuous agreement has been gaining over that of govern-

ment by spasmodic majority vote. That has implied an intensification in the organization of society with the purpose of securing more frequent consultation and more general consent. The more marked technicality of administration and the consequent demand for expert advice have been supported by the need for getting the agreement of the increasingly organized and articulate interests affected by state action. And the result has been the move towards what in its various forms has been called guild socialism, the federal state, or functional self-determination. Evidence of this is to be seen in the practice of creating advisory committees of experts representing outside interests. These act as permanent consultative bodies at the disposal of the government. In one form they are a projection into more lasting service of the highly successful invention of the Royal Commission. In another, they approach more closely to a functional parliament. The Committee for Imperial Defence, the Committee on Civil Research, the more recent Economic Advisory Council are examples. An economic council of real authority exists already in Germany. Similar bodies are to be found in Russia and France. The general advantage of such organs is not difficult to detect. Besides acting as a permanent instrument for inquiry, they serve a quite distinct purpose. By bringing into consultation the representatives of those interests, or those functions of society, which will be most nearly affected by any prospective Act of Parliament or administrative measure, they not merely tap more diverse sources of opinion, they also make the proper regulation of society in each of its functions the concern of those participating in them.¹ This is, in other words, a process of political devolution. It is an extended application of the basic principle of democracy, that the control by each citizen of his activity be maximized. But so far we see only the shadow of an oncoming democracy.

¹ For an admirable discussion of the tendencies towards, and the proposals for, functional grouping see H. Finer, *Representative Government and a Parliament of Industry*, Part I.

Three tendencies have been sketched above. It is by reason of them that the League's expert committees enjoy special significance. The growing need for an international reply to questions soluble only by international action, and secondly, the increasing authority of the expert administrator at home, both combine to stress the importance of these international committees of technicians. The main suggestion of this study is that the third tendency, the demand for and the advance towards some sort of functional self-government in the domestic field, can not unfruitfully be borne in mind in estimating and in directing this development of international technical government.

In view of the call for international government and its beginnings it is not surprising that the League's chief activity should correspond very closely with that of national administrative departments. The one is the domestic, the other the international, answer to the same needs. Nor does it seem unnatural, when the technicality of regulation is considered, that the work should be done by a committee of expert administrators. These carry on the tradition of the amazingly successful inter-Allied organization which came into being during the last year of the War. Although many of their tasks have been much less ambitious than, for instance, the gigantic work of controlling the whole key service of Allied shipping, the very completeness of the latter's success acts as a measure of the possibilities of the League committees. The function of these committees bears a striking analogy to that of government departments. Just as the ministry of labour finds its international counterpart in the Labour Office, the ministries of trade, finance, transport, health, education, colonies, and of law or justice correspond to the technical committees of the League, which exist for each of these subjects.

The technical committees of the League are treated

here as a part of the machinery of international organization, as they belong, that is to say, to the realm of political science and international relations. In no sense is this a study in economics, health, or law. Nor does it attempt to give anything more than a brief historical sketch of the committees' work. Essentially, it regards them as instruments formed to cope with the problems which confront the world as a whole. Their nature is described, their function outlined, and their suitability for performing it evaluated. The chapters resolve themselves for the most part into an attempt to answer seven questions, and they are divided into sections accordingly.

1. In most of its technical work the League of Nations has entered upon a field which had not been entirely untouched before. What previous international activity had there been, and how does the Committee's work relate to it?

2. Although only two of the Commissions dealt with in the following chapters were actually named in the Covenant of the League, the jobs which they have been formed to do were all to some extent envisaged at the Peace Conference, and many were the subjects of amendments that were not adopted. What were the ideas current at Paris in 1919 with regard to each Committee and to each technical function of the League?

3. How was the Committee actually constituted by the Council and Assembly? What were its terms of reference?

4. Of whom does the Committee consist? What is its structure and procedure?

5. Generally the Committee cannot be understood except in relation to certain connected or subordinate conferences or committees. What are these? What, in other words, are its relations with outside bodies?

6. It would be possible to write a long description of each Committee's work. In some cases, as that of the Health Committee, one volume would be inadequate. In others, as that of mandates, several books have already been written. All that is possible here is to reply in the

briefest outline to the very important question of what work has been done by the Committee.

7. In conclusion it is possible to ask, and the answer has been attempted: How far is this Committee solving the world problems which it is called upon to solve, and how far is the completeness or inadequacy of its results due to the organization of the Committee itself? Is it possible to conceive of any improvement upon this?

In dealing with these Committees certain general considerations must be borne in mind throughout. They have not been mentioned in any one case because they apply to all.

Each Committee has a section of the permanent staff of the League at its service. While the Committee does the final work of discussion and decision it could never do this if the preparatory work had not first been performed, and the value of its results must depend to some extent upon staff efficiency.

Each Committee is faced by the gibbering spectre of economy, brought out of its cupboard almost invariably by Great Britain or one of her colonies, by the richest and most heavily armed empire in existence—that is, which spends as much on the building of one cruiser as would pay her contribution to the League for eighty years.

Each Committee is governed by general resolutions of the Council and Assembly. These decide that its meetings shall be held generally at Geneva, that minutes shall be printed only when the Committee has made special application to the Council, that its work, while it remains in the technical field, shall be under its own control, but that immediately it enters on the realm of action it must be under the control of the Council.

But, above all, must it be remembered that no committee by the terms of its original charter is more than advisory and consultative. It has no authority for direct action. It may merely recommend to the Council, which in its turn can only propose or suggest. Governments retain the decisive power, and with them, therefore, the

ultimate responsibility rests. An emphasis on the advisory nature of these committees is necessary if they are to be understood. The influence they enjoy when based upon this plan of severely limited authority is one of the most vital facts about them. While the limitation is essential to meet the jealous claims of state sovereignty, the influence is not only a proof that the foundations of the sovereignty concept are invalid, it also marks the beginning of a substitute for that concept. National self-sufficiency is denied by the mere existence of these committees. But once their advisory character has been postulated as the rule in present conditions, important exceptions to it must be recognized. Some beginnings of more definite authority are to be seen clearly. They are the result partly of the need for an international or supernational power of decision in certain cases where negotiation between governments is most obviously insufficient. They are also perhaps an answer to the tendency, which the lack of responsibility in the committees has already shown to a dangerous extent, of shelving important questions on the plea of incompetence. The Transit Committee, for example, was given certain powers of compulsory settlement of disputes by the Treaty of Peace. Several cases have in fact been submitted to it, the most interesting being that of the Oder River System which was settled by the Committee in November 1924.¹ The Intellectual Committee exerts control over an independent budget and institute. Both the Transit and Health Committees have separate and regular conferences over the agenda of which they have important powers. This endows them, inevitably, with an interesting opportunity for bringing about decisive action. And finally, no one who examines the record of the Mandates Commission can blind himself to the fact that although its decisions are nominally mere recommendations to the Council, they are in effect treated not as advice but as ultimate findings. In all these developments of their function the committees of the

¹ See *infra*, p. 143, also pp. 153 and 154.

League show their close cousinship with the Governing Body of the Labour Office, which also has its own independent conference and organization, but which also is limited—as to its budget—by the League Assembly. It is evident, therefore, that the League committees, although mainly consultative at present, have already something more than a mere advisory function. The inclination to overlook this is the result of superficial study, but it may be due also to the desire that the tendency shall disappear.

The committee system of the League is founded directly upon experience gained during the War. The main lines of the war-time organization are recalled in the next chapter. The chief principle of it was the direct contact of those responsible for the administration of national departments. Committees were formed which brought together the chief officials, and in some cases the responsible ministers in the various government departments of the Allied Powers. Collaboration, it was found, was not successful when those who met had not enough authority to influence policy in their own countries. But when, on the other hand, either ministers, like the Food Controllers, or high officials, as in the Transport Executive, were brought into contact, the result was quite different. In order to create a co-ordinated policy in each of these technical fields, it was not even necessary to confer on the international body more than advisory powers. The very restricted nature of their collective authority in no way impaired the efficacy of any of these committees, for individually each member exerted a decisive influence in his own department. It was thus possible for agreements to be made that should become effective, although the decisions reached were nominally no more than recommendations. It is precisely this lesson, which has been applied in the League's work of international technical co-operation, that is the subject of this study.

Officials of the various administrative departments have been brought into contact by means of the League's com-

mittees. When this has not been possible so far, owing to the difficulties of distance, specialists have generally been appointed. While the centre of ultimate decision remains with national governments it is essential, if anything effective is to be done, that these centres of decision be taken into account. But the League's committees are definitely League organs. Members are not government representatives meeting to drive a bargain and gain the utmost advantage which the power of their country can extort. They may sometimes consider themselves in that light—particularly when they are nominated by their governments—but on the whole they show a more co-operative spirit. A member does not come, after all, as the accredited agent of his sovereign prince or state to negotiate officially. He comes informally as the servant of an international body to discuss problems which are not purely national in their incidence. The fact that he can often influence the making of policy at home, and that he is able to talk over a question before it has become a part of national policy, to talk it over outside the formal and highly charged atmosphere of Foreign Offices is the really significant innovation of the system. By this means an informal co-operation is possible. It results in a continual exchange of ideas. It sends views back and forth from one country to another, creating, as it were, an international pool of ideas. When the permanent advisers of ministers are kept constantly in touch with this pool of ideas some of it will inevitably get included in the content of their advice. Policy will thus be shaped by the interplay of international as well as national considerations. It is in this way that the committees of the League are gradually transforming national into international administration. Their success in this direction is much greater than it appears, for it is not obvious or susceptible of estimation and proof. And that fact should be borne scrupulously in mind throughout a study of the League's committees.

Together with their influence on administration the committees of the League perform a semi-legislative

function. Being created by a single international organ charged with a general surveillance of the world as a unity, these committees naturally come each to deal with one of the main functions of world society. The most significant fact about them, both because it is new and because it offers the greatest hope of expansion, is the fact that each committee as a whole deals with its particular group of problems from a non-national standpoint. As the only body which can do this increasingly necessary job its recommendations have a growing importance. More and more do they tend to become acts of world government. More and more, that is to say, are these expert activities legislative in their character, either directly through the drafting of conventions, or indirectly through recommendations being applied.

The committees of the League, in sum, although they are advisory and have but the smallest beginnings of authority in themselves, exert through their members an influence on the shaping of policy which no student of government can afford to overlook. When, for instance, the English member of the Fiscal Committee puts before it the terms of the latest Finance Bill, showing how it has been influenced by the Committee's recommendations, he is not merely citing a concrete case of international legislation, he is increasing the possibility that other countries will follow suit and giving good reason for their doing so. In their collective capacity these committees formulate expert recommendations and conventions which are in fact international legislation.

These considerations apply to all the committees which are concerned with general technical co-operation. It is to these that the first part of this study is devoted. Among themselves they vary greatly, being appointed in different ways for different types of qualification, and having different degrees of influence or authority. But essentially they are all of the same kind. The Committee for Intellectual Co-operation does not differ fundamentally from the Governing Body of the International Labour Office.

The latter rests upon the Treaty of Peace, and cannot therefore be altered or abolished without a revision of the Treaty. It has been created by the nations in a formal signed document; the Intellectual Committee has been created by the same nations through a formal resolution of the Assembly and the Council. Nor do their functions vary in any essential feature. While the Governing Body controls the Labour Office, the Committee controls the Institute of Intellectual Co-operation in Paris, each appointing the director. They both have the power of making recommendations, and that in fact is their main function. For the purpose of arriving at suitable conclusions they both create special committees of study; they may both authorize investigation. In the case of the Labour Organization the machinery is more developed. A conference meets annually, which can adopt conventions and oblige governments to submit them to parliament. The Governing Body has the Conference, so to speak, at its elbow, and may decide that any draft convention shall be considered by the Conference, whereas the Intellectual Committee, in like case, would require a formal resolution of the Council before a conference could be called. The Governing Body, it is true, has certain further powers—not so far employed—for dealing with governments which have ratified conventions without properly applying them. But this again is a difference in the degree of authority, and not in the essential nature of the function. That in fact is the same in both cases: one advises on education, the other on labour. The basic difference lies not in the function but in the character of the personnel, of the interests openly represented, and in the degree of independence; for in both cases the general exercise of the function is advisory and recommendatory. A like comparison might be made between any other two of the committees treated in Part I. They all represent co-operation of a more or less general kind between national departments. They all lack decisive authority in the main. In each case they have, or are capable of having, a tech-

nical conference attached to them. It is possible even to envisage them as occupying different stages in a regular scale of development,¹ ranging from the Economic or Financial Committee, as perhaps the least advanced, to the Governing Body as the most.

This part of the League's work belongs to the realm of general technical co-operation. There are also certain more specific tasks which the League has taken up and attempted to perform through the instrumentality of committees. By Articles 9 and 22 of the Covenant it was bound to create commissions to deal with disarmament and mandates. To fulfil certain of its other more specific duties, such as the fight against the drug scourge and white slave traffic, the League has also appointed committees. In addition it has formed committees to cope with other tasks not mentioned in the Covenant, but found necessary afterwards. The Committee for the Progressive Codification of International Law is an example. These committees are all to some degree technical and expert, and share therefore some of the characteristics belonging to those discussed in Part I. They are also, of course, examples of international co-operation. The justification for putting them in a class apart is to be found in several considerations. Although no classification is ever perfect there is nevertheless a certain justification for distinguishing between these committees and those studied in the first part. In the first place, each treats a subject which is more specific than general—more specific, for example, than the questions considered by the Economic Committee, which studies at one moment commercial arbitration, and at the next tariffs, or the position of the coal industry. Secondly, rather different qualities are demanded in the members of these committees from those required in the committees dealt with in Part I. In the latter, where it is a question of continuous co-operation between equal states, each pursuing an independent policy, with the purpose of co-ordinating their policy, those responsible

¹ See Conclusion, section 4.

for creating policy must be brought together. The needs of the Permanent Mandates Commission, on the other hand, demand denationalized rather than internationalized members; they have to advise in a perfectly independent spirit, and not to promote co-operation between equal communities. Experience of the Armaments and Opium work of the League would also suggest that a greater degree of independence and 'denationalism' might conceivably help towards solution.¹ Thirdly, the purpose of policy in these cases is agreed. It is to disarm, or to promote certain principles in the government of backward peoples, or to destroy the opium evil. It is thus only the best means of attaining the agreed ends which are under discussion. In the first group, however, it is the policy itself which is debated. Fourthly, the problem which each of these committees is formed to solve can logically—although not often practically—be regarded as temporary, and the committee must be expected to disappear when its purpose is fulfilled. In the fifth place, none of these committees, at least evidently, seems to require a regular conference. The purpose of such a conference is to initiate new subjects and to consider new conventions. It is in fact a type of international parliament. But this is not necessary for one such single and limited subject as opium or mandates. Finally, while future development in the first category may be expected to take the form of an accretion of authority and an amplification of institutions within the present framework, in the second new Council Committees may be looked for. The protection of minorities, for example, must remain a fiction so long as the machinery for making it real is absent. What is needed here as in all these committees is not the promotion of international co-operation in a general way between national administrations, but the performance by a non-national instrument of a definite task in an entirely independent and unbiased spirit. It may well be found that the suggested Minorities Committee, on the lines of

¹ See chapters on these committees.

the Mandates Commission, will be the only solution. For these reasons the committees treated in Part II have been regarded as belonging to a class which, in spite of differences among themselves and similarities with the first group, it is useful for some purposes to distinguish from the latter.

To describe the spirit in which this study has been undertaken nothing can be better than to quote Professor de Madariaga, who has summed up in an inimitable way what might be called a world-citizen's viewpoint:

'We are not cranks. We are no "enthusiasts". We are as cold-blooded as any political old-hand and as hard-boiled as any financier. We do not advocate the League because it is a religion; we advocate it because it is the only reasonable way to solve a definite problem, the terms of which can be put clearly to every man and woman with senses to observe and sense to judge. We believe that no business man would "run" his business as the world is run to-day, letting every one of its departments steal a march on every other one, allowing them to work in utter lack of co-operation in a spirit of enmity and distrust. We do not advocate holiness. We advocate sense.'

And, it might be added, we are animated by exactly the contrary spirit to that common one expressed recently to us by a member of parliament. He suggested that the League, though admirable, was expensive. It was true that the total budget cost eight times less to the fifty nations than England is ready to pay for a single cruiser. But while the cruiser was a necessity, the League was a luxury. We hold that even on the low plane of Britain's safety exactly the contrary view is true.

But the time is past when every supporter of the League thought his duty was to praise it indiscriminately. That was the outcome of an excessive nervousness about its future. The League is no longer a programme to doubt; it is a fact to recognize. And those 'practical' men who refuse to see the change, because by definition they cannot appreciate new facts, are like fish stranded after the flood has passed: they will die out.

Since the League is alive and will live, its truest friends are those who are most ready to criticize its practices. Provided their criticism is constructive it is to be sought. For by means of it alone can the League's development be directed aright. And upon that proper direction depends the organization of peace. As yet that organization is highly uncertain.

PART I
INTERNATIONAL TECHNICAL CO-OPERA-
TION—GENERAL

II

THE ECONOMIC COMMITTEE

'It is in the main these economic factors going to condition the civilisation of the promised future that will have to be depended on to give the cue to any student interested in the prospective unfolding of events.'

VEBLEN, *The Nature of Peace.*

THE Economic Committee cannot be studied in isolation. More, perhaps, than any other of the League's advisory committees it has grown out of experiments that preceded the League. It is the fruit of theory and of fact. To an economist the interdependence of the world is by now an almost tiresome commonplace. But that such doctrine might have practical implications in the field of international organization would never have occurred to the politician without his war-time experience. The great success of the Allied experiment opened up new and wide possibilities. In face of them it seemed less natural that governments should concert no measures rationally to control the economic conditions about them. The needs of war are more urgent than those of peace, and action must be on a more modest scale. But there is a definite line of continuity which leads from the economic committees of the War to the Supreme Economic Council of the Armistice, and from that to the Economic and Financial organization of the League, whose formation it, in fact, recommended in order that its task should be carried on. This continuity of institution was reinforced by some continuity of personnel. Several of the men responsible for the drafting of the Covenant, for example, shared on the one hand in the inter-Allied experiment, and on the other in organizing the League.

The inter-Allied system of control did not rise spontaneously. Three years were not enough to convince the Allied military leaders of the need for a unified command. It took as long to set up an Allied control of shipping, although shipping was 'the limiting factor in all allied

supplies',¹ and for that reason perhaps the most vital element in the war. The Allied leaders seem never to have realized how near they were to the abyss. Sir Arthur Salter, Chairman of the Maritime Transport Executive, has described the position which the new organization was called upon to control. 'The whole supply system,' he says, 'went on with few visible signs of the weakening of its foundations, and so it would go on until the moment of the crash; when the crash would come could not be foretold, but on the best expert evidence it was likely to come at any moment and seemed certain to come soon.'² Not until the position was as serious as this was any system of inter-Allied control arranged. And after the War it was necessary to confront the victorious governments with the picture of central Europe in imminent danger of starvation, and the whole economic system on the verge of chaos, to convince them of the necessity for carrying on any system of control.

Experience before the institution of the League of Nations falls into two periods—that of the War and that of the Armistice. It will be necessary to consider them briefly.

Allied Machinery during the War.

With few exceptions economic life during the first three years of the War was nationally organized.³ The Economic Conference which met from June 14th to 17th, 1916, at Paris in an explosion of wrath against the threatened economic union of Germany and Austria⁴ did little more

¹ Statement on Unity of Control, in J. A. Salter, *Allied Shipping Control*, p. 325; also Lloyd, *Experiments in Government Control*, p. 279.

² Salter, p. 157.

³ For food control in France see Pierre Pinot, *Le Contrôle du ravitaillement de la population civile*. See also *L'Agriculture pendant la guerre*, M. Angé-Laribé. On English control, *Experiments in State Control*, E. M. H. Lloyd. It was chiefly owing to the inefficiency of the Tsarist government in economic supplies that the whole Russian campaign broke down. Cf. S. O. Zagorsky, *State Control in Russia during the War*, p. 45.

⁴ See *Die Äussere Wirtschaftspolitik Oesterreich-Ungarns*, G. Gratz und

than vaguely state that 'the Allies undertake to adopt measures for facilitating their mutual trade relations'.¹ Governments were at first too nervous of losing control to be willing to erect any independent international organ. And the way out which was ultimately found had to avoid the difficulty by providing that merely the power to recommend, and not any final authority, should be given to the new inter-Allied bodies. Secondly, there was less stringency of supply in the earlier years than developed after the submarine campaign. Besides, a certain co-ordinating power was in the hands of the British, whose economic resources were the most important at the disposal of the Allies. British shipping strength made London the chief channel of supplies. The resulting position was that in so far as there was Allied direction it was carried on from London. For example,

'The Royal Commission on Sugar Supplies, which had been formed in August 1914, began to buy also for the Allies early in 1916, and this was followed by the Wheat Executive in October 1916, through which all the Allies and several of the Neutrals purchased their supplies of cereals. Other purchasing bodies developed as integral parts of British Departments; for example, wool, jute and leather were bought by the Contracts Department of the War Office, and Australasian and South American meat by the Board of Trade.'²

The Wheat Executive was British in origin, but there was a Frenchman and an Italian on it. Even so late as the end of 1917 it was the only inter-Allied economic committee 'in full and effective function'.³ The chief exception was the Commission Internationale de Ravitaillement, formed in August 1914. Its object was to prevent competition and exploitation of the position by private traders. On it

R. Schüller. It is interesting to compare Mr. Runciman's description of the Austro-German proposals as an 'economic threat and challenge' (see Temperley, vol. v, 65, note, quoting from *The Times* of March 29th, 1920) with the Austrian attitude of conciliation to neutral and enemy powers, p. 13.

¹ Resolutions of the Conference, Cd. 8271.

² Temperley, *History of the Peace Conference*, i. 288.

³ Salter, p. 93.

the principal Allied purchasing departments were represented by specialized officials. By this means a beginning was made at direct contact between the economic departments of the allied countries, and the peace-time method of communication only through Foreign Office stopped, if only for a time. As a development it is not easy to exaggerate its importance, since, by providing a technical as opposed to a national field of discussion, it pointed the way to what afterwards proved the most fruitful method of international conference. The main work of this committee was to present the case of each government for supplies. These were finally co-ordinated and effected by the use of British credits.¹

The inter-Allied system which grew up bit by bit between August 1917 and March 1918 was due to three causes. The entry of America had increased the resources at the disposal of the Allies, but it had complicated the shipping position. The German offensive on land made the need for a large increase of the American contingent more imperative than ever; and on sea, submarine warfare had dangerously attenuated Allied shipping. The entirely unforeseen and unexampled ice blockade of the North American coasts took the organization of supply quite unawares, and made the position graver than at any other time in the War.² So poor had been the crops in the three Allied countries that starvation was expected to prove a grim reality during the next six months. But the severity of the situation has been graphically described by one of those whose duty it was to meet it.³ For our purpose its chief importance lies in the fact that it was controlled—and controlled successfully—by international action.

The Conference which met in Paris on November 29th, 1917, included representatives of all the Allies. Not only did such countries as the British Empire and the United States take part, but also China and Cuba, Portugal and Roumania. Previously to it the French Minister of Com-

¹ Ibid., p. 135.

² Sir William Beveridge, *British Food Control*, p. 93.

³ Salter, p. 156.

merce had visited London; his consultation with British ministers and officials was widened by the accession of Italians and resulted in a vague but important agreement the effect of which was to substitute the principle of international control of supplies for what had until then been national and particularly British. On November 20th a more definite agreement on principle was signed by the three Powers with the new addition of America.

The outcome of the Conference of November 29th was the setting up of a large number of committees on raw materials and the main supplies. These were to be modelled on the Wheat Executive—that is to say, that they were to contain representatives of France and Italy, and to allot supplies by agreement, to buy and distribute for the Allies. But it was upon shipping that each ultimately depended, and for this reason the most important result of the Conference was the decision to form the Allied Maritime Transport Council. The special committee of the Conference definitely rejected the suggestion that this should be ‘an international board with complete executive power over a common pool of tonnage’. This was done on three grounds. America and Great Britain would not be willing to hand over the final power of decision in a matter so vital to a tribunal on which they might be outvoted. Concentration of complete control in one place over a matter needing quick decision at so many different points was impracticable. Such a committee would not have sufficient authority to impose reductions, because it would by its very concentration and continuity be out of touch with the administrations concerned. Instead, ‘the appropriate ministers’ in the Allied countries were to form a permanent organization of experts under their control. Experts, it was felt, were the only people capable of presenting a scientific scheme for restricting supplies.

The principle of bringing ministers responsible for national policy together in order to co-ordinate their work, on which the Allied Maritime Transport Council was

constructed, was followed equally in forming the other allied councils. Their membership serves to illustrate this in practice. With the exception of the Military Council and the Allied Transportation Council (Railways) all of them were ministerial. The first to be formed was the Maritime Transport Council, and this had eight members. Great Britain was represented by Lord Robert Cecil and Sir Joseph Maclay; France by MM. Clémentel, Minister of Commerce, and Loucheur, Minister of Munitions; Italy by Signor Orlando and Signor Crespi; the United States was represented by delegates—the Hon. R. B. Stevens and the Hon. G. Rublee.

The Food Council was a much smaller though no less important body. At the suggestion of Mr. Hoover, after his arrival in Europe on July 19th, 1918, it consisted of the Food Controllers of the Four Allies.¹ Its first meeting was held on July 30th.

Subject to ministerial councils, which sat at more or less infrequent intervals, there was generally an executive committee of experts whose duty it was to carry on the permanent work of control, of purchase and distribution. The Transport and Food Systems were among the best organized in this respect. The Food Council appointed a 'Committee of Representatives' of nine members, two representing each country, with an independent non-voting chairman. Their functions were, 'subject to the directions of their Food Controllers, to secure and co-ordinate the programmes of the various food executives and to consolidate these programmes into a general food programme for all foods and all Allied countries'.² These food executives were four: Meat and Fats, Oilseeds, Sugar, and Wheat. The chairman of the last became the chairman of the new committee. This had, further, to act as the sole channel of communication between the Food, Transport, and Finance Councils, and 'to supervise and ensure the purchase and shipping programme'. In the case of shipping the principle of Allied co-operation

¹ Beveridge, p. 248.

² *Ibid.*

had already been laid down,¹ and so it was possible for the Maritime Transport Office in London, with its four national divisions, to begin its work at the end of 1917, although the first meeting of the Council did not take place until the following March.

‘The work of these four national divisions is co-ordinated by one Main Committee which generally supervises the work of the whole Allied organisation, and three sub-committees dealing respectively with Tonnage, Imports, and Statistics, which, subject to the general supervision of the Main Executive Committee, co-ordinate the work of the several divisions in detail. The Main Executive Committee consists of the following heads of the several national divisions: Mr. J. A. Salter (Chairman), M. Monnet, Prof. Attolico, Mr. G. Rublee (U.S.A).’²

The vitally important work done by this organization was due almost entirely to this committee of four, each of whom had similar responsibilities *vis à vis* his own country and the Allies as a whole. These were three: he must bring the special viewpoint and needs of one national department before his colleagues: these four demands, secondly, must be united into a common Allied programme: this it was his duty, lastly, to persuade his own government to accept and its officials loyally to carry out. In order to fulfil his first and third functions it was clearly essential that each member of the Transport Executive should not only be in intimate contact with his Home Department but should have training in their ways of thought, and should enjoy influence, if not authority, within them. This was in fact the case. The English representative had entered the Admiralty thirteen years before, was Assistant Director of Transports there in 1915, and Director of Ship Requisitioning in 1917. The Italian, who sat also on the Commission de Ravitaillement and the Finance Council, was an economist who had been for five years Inspector of Emigration under the Italian Government. Before coming to the Allied Transport

¹ By the agreement of November 3 and the Paris Conference.

² Salter, p. 298.

organization, on which he became a member of the Council in July 1918, the American delegate had sat on several trade and economic committees under President Wilson. He clearly enjoyed the trust of the U.S. Shipping Board and the Emergency Fleet Corporation, since he had for some time represented them on the Priorities Committee of the War Industries Board.

The Transport Executive was the real co-ordinator of all the Allied supplies. It had to weight the schemes of the committees who were responsible for each product. There were three groups of these: those on Fodder, those on Munitions, and a number of so-called Programme Committees, international also, which were gradually organized to deal with all the remaining imports. After the tonnage scarcity had become acute, the last word inevitably rested with the shipping executive. A dispute which developed between the Committee of Representatives and the Transport Executive as to the amount of tonnage to be allotted to food was finally referred to the War Cabinet, who agreed to the programme of the latter in a slightly modified form.¹ At this time the seriousness of the situation made it impossible for the ministers on the Transport Council to leave their posts, and in this way an immense strain was put upon the Transport Executive. It fell in effect to them to control the whole system of supplies. That they were able to bear the test with such conspicuous success is evidence that the machinery on which they worked was built on the right principles.

Armistice Control.

The work of Allied co-operation did not cease with the Armistice. M. Clémentel insisted on the importance of carrying on during the difficult time of transition, but the inevitable reaction to war methods came at once, and there was a strong demand for decontrol. This was supported by the United States Government and by those member

¹ *Ibid.*, p. 184, and cf. Beveridge, p. 251.

of the Allied Governments who did not realize how near they were walking to the edge. It soon became evident, however, that peace also had its problems. The Supreme Council for Supply and Relief sat for the first time on January 11th, 1919, and on February 8th the Supreme Council decided to form a 'Supreme Economic Council', which was to 'absorb or replace such other existing Inter-allied bodies and their powers as it may determine from time to time'.¹ Its task was temporary by definition. It set to work immediately. At its head-quarters in Paris it established five sections, of which three were controlled by Americans, one by an Englishman, and one by a Frenchman. The Maritime Transport Office of London was converted into a sixth section. This economic organization was more complete and logical than that of the War, but it had several defects which in fact made it much less important. In the first place, there had already been a considerable degree of decontrol, and that being the declared policy of governments, it continued steadily to undermine the Council's scope and authority. Secondly, the Allies alone were represented. Thirdly, it was without independent funds to allot as it willed. Its real work was one of relief to the central and eastern peoples of Europe threatened by the spectre of famine. That work was to be done without prejudice to the needs of the Allied countries. Its most important recommendations were that credits should be supplied to Russia, and that there should be a resumption of transport across Hungary.

The Council had, further, to take over the economic control of the German occupied territory. But lack of authority to co-ordinate the numerous military and economic commands already in existence led it to recommend the formation of the 'Inter-Allied Rhineland Commission' with the full powers of control which the Council lacked.

The Council consisted of five delegates from each of

¹ Resolution of the Supreme Council, February 8, 1919. See Temperley, i. 297.

the principal Powers. Lord Robert Cecil (Chairman), Mr. Hoover, M. Clémentel, and Signor Crespi were the chiefs of the delegations. Belgium joined later. Of these Mr. Hoover alone was also head of a section. The Council met generally once a week.

2

Being restricted to doing certain executive work of reconstruction, the Council could have no share in determining the economic clauses of the treaties. This was done by the Economic Commission, whose programme was determined by an Economic Drafting Committee of five members, two of whom were also chiefs of delegations on the Supreme Economic Council.¹ This was appointed by the Council of Ten on January 27th, 1919. The Economic Commission sat first in February. It had seventeen members, ten of whom represented the five Great Powers. The rest were appointed, one each, by Belgium, Brazil, China, Poland, Portugal, Roumania, and Serbia. Its importance may be gathered from the fact that every one of its unanimous decisions was accepted by the Council.²

The terms of reference, as agreed by the Council, indicated two main lines of action: first, of settling questions raised by the War, and secondly, of promoting economic co-operation in peace. The latter was of real importance, inasmuch as it showed the influence of a new principle in commercial relations. Once concerted action was officially recognized to be a possibility, a channel had been opened along which opinion in favour of organizing concerted action might flow on to achievement.

This part of the terms of reference is worth quoting in full, since it largely forecasts the subsequent programme and work of the Economic Committee of the League.

¹ These were M. Clémentel, Chairman, and Signor Crespi; the others were Mr. B. M. Baruch (U.S.A.), also a member of the Supreme Economic Council, Mr. Fukui (Japan), and Sir H. Llewellyn Smith (British Empire), who later became member of the Economic Committee of the League, and remained so from 1920 until 1927.

² Temperley, v. 56.

'PERMANENT COMMERCIAL RELATIONS.'

'To consider what common measures are possible and desirable with a view to the removal of economic barriers, and the establishment on an equitable basis of the principle of equality of trade conditions in international commerce.

'Under this heading will arise such questions (among others) as Customs regulations, duties, and restrictions, including port facilities and dues; unfair methods of competition, including false descriptions and indications of origin, "dumping", &c.; and the exceptions and reservations, transitory or otherwise, which may be found necessary to meet special circumstances.'

Drafting the Covenant.

Two days before the Council of Ten appointed the Economic Drafting Committee for the Economic Commission the Peace Conference, on January 25th, decided to form a committee on the League of Nations. The work of these two committees overlapped. One part of the former's task dealt, as we have seen, with permanent commercial relations. So also did that of the League Commission in drafting Article 23. It was inevitable that there should be some sort of economic provision in the Treaty of a permanent character. The basis on which Germany had agreed to negotiate was the famous fourteen points enunciated by the President on January 8th, 1918.² The third of these looked towards

'the removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.'

International co-operation generally has two definite stages. At the first a principle is put forward. But it is the second stage, at which the aim is to erect machinery to translate it into practice, that is really vital. It is interest-

¹ Ibid. v. 52.

² A similar clause appears in the German Scheme for a League of Nations. See Pollock, *League of Nations* (2nd ed.), p. 239: 'Assurance of free commercial relations and of general economic equality.'

ing to remark these different stages of opinion in the proposals of the Allies. Although President Wilson's First Draft contained no economic stipulation, the Second appended a 'Declaration for Equality of Trade Conditions'.¹ It provided against discriminating tariffs, dumping, and—an important clause which also appears in the German Treaty—against the claim by a state engaged in trade 'to have any of the rights, privileges, immunities, duties, or obligations of sovereignty'.² It did not set up machinery; but a note was attached by the Technical Advisers stating that 'Provisions for an International Trade Commission, regarded as a desirable, if not an essential, part of a declaration of this character, are under preparation'. But Wilson's Third Draft of January 20th³ and his Fourth Draft of February 2nd only forbid discrimination, and omit entirely the question of a commission.⁴

The British Draft Convention for Equality of Trade Conditions recognized the same principles, if anything more fully; but although it suggested certain special committees of inquiry of three persons, it made no provision for a general, permanent trade commission. A very slightly advanced attitude is to be seen in the revised Cecil Draft of January 20th, which states in general principle that the Powers 'will appoint commissions to study and report to the League on economic, sanitary, and other problems of international concern, and they authorize the League to recommend such action as these reports may show to be necessary'.⁵ Here again the idea was clearly one of occasional committees to inquire into temporary ills. There was no apparent conception of a need for permanent work of supervision, co-operation, and invention. One exception occurs here, however. Although no general economic committee was mentioned, the Cecil plan of January 14th provided for 'International adminis-

¹ D. H. Miller, *Drafting of the Covenant*, ii. 16, also i. 33.

² *Ibid.* ii. 18, also i. 22.

³ *Ibid.* ii. 105.

⁴ *Ibid.* ii. 154.

⁵ *Ibid.* ii. 107.

trative Bodies, such as a Transit Commission, for regulating international waterways, and perhaps railways', and the intention was, clearly, that they should be permanent.

By the time of the Hurst-Miller Draft both the proposal for a permanent commission and for a trade convention had been dropped. This seems to have been due partly to pressure of work,¹ partly to personal questions.² A committee was not named, also, because it was thought best to leave the Council free to create organisms according to need. The idea of any further precision in the shape of a trade convention was regarded with strong disfavour in some quarters.³ The committee project went no further until the Council and Assembly of the League found it to be a necessity. Nevertheless something was done. The Peace Conference decided that a communications conference should be called. And later trade conditions were so bad that on January 6th, 1922, the Supreme Council summoned an Economic and Financial Conference to meet at Genoa in the following March.⁴ As is well known, this failed to achieve any concrete results. The right moment for that had come and gone. The opportunity which was allowed to slip at the Peace Conference⁵ it is now the slow and painful work of the League to attempt to recreate.

Other important suggestions were made at the meetings of the League Commission by the representatives of France and Italy. M. Hymans also, on behalf of Belgium, proposed the creation of a permanent supervisory and research committee on agriculture to adapt production in each country to the best conditions, and thereby to increase agricultural specialization. It was, further, to

¹ Temperley, v. 56.

² According to Lansing, the draft convention or skeleton treaty was suggested by him to Scott and Miller, but the President 'at once showed his displeasure and resented the action taken . . . but he offered nothing at all as a substitute'. See, *The Peace Negotiations*, p. 178.

³ e.g. Miller, i. 19 (note), and 21.

⁴ Temperley, vi. 327.

⁵ O. Høijer, *Le Pacte de la Société des Nations*, p. 447.

facilitate the exchange of raw materials.¹ The last three paragraphs of the French amendment are also important. They propose an international organization of production, protection for the property of foreigners, and the creation of an economic section of the League.² France also proposed the creation of a permanent Finance Committee.³ President Wilson opposed the protection of property clause, warning the Committee that it would be a most dangerous principle to fasten upon the League. 'Since he had had anything to do with the government of the United States,' he said, 'it had refused to support capitalists who had made investments abroad which were unreasonable, and which gave them an undue advantage over the country concerned.'⁴ The whole amendment was then voted down without any discussion on the other more important suggestions. The Italian proposals⁵ had a like

¹ Miller, ii. 532.

² 'Article 21:

'Les Hautes Parties Contractantes sont d'accord pour déclarer que les dispositions seront prises par l'entremise de la Société des Nations pour garantir et maintenir la liberté du transit et l'équitable traitement du commerce et de l'industrie de tous les états membres de la Société.

'Des arrangements spéciaux pourront être pris pour répondre aux besoins des régions dévastées pendant la guerre de 1914-1918.

'Les Hautes Parties contractantes sont d'accord en outre pour déclarer qu'en raison des répercussions financières si différentes que la guerre a eues sur les diverses nations, des dispositions spéciales doivent être concertées entre elles à l'effet de ramener une situation de fait équitable dans la vie économique, et spécialement dans les charges budgétaires de l'après-guerre.

'Les Hautes Parties contractantes reconnaissent qu'une organisation internationale de la production est nécessaire et qu'elle doit avoir pour point de départ une étude statistique des besoins de chaque Nation.

'Tous les États membres de la Société des Nations donneront protection complète à tous les droits et biens légalement acquis et possédés par des étrangers.
'Article 21 bis.

'Il y a lieu de créer une section économique de la Société des Nations en vue d'étudier et de réaliser dans l'intérêt de la civilisation les grands projets d'entreprise économique d'ordre international.'

Quoted from D. H. Miller, *Drafting of the Covenant*, ii. 527 (italicized amendments were not accepted).

³ See next chapter, p. 70.

⁴ Miller, i. 349.

⁵ Ibid. ii. 247 et seq.

fate, but they are more interesting, and the most definite of those made.

‘Every state has the right to participate in international commerce and traffic in conditions of legal equality. . . .

‘There shall be established under the direction of the Council, and in the form which the latter shall deem most suitable, an Economic Committee, a Labour Committee, and a Military Committee.

‘The Economic Committee shall procure and furnish data for the solution of international problems of an economic and financial character, in such a way as to facilitate the progressive and harmonious co-ordination of the interests of every country in this field.’

Instead, however, of forming an Economic Committee, as three out of the four Allied Delegations definitely proposed, the Covenant left the position vague. In doing so a clear opportunity seems to have been lost. Had the Committee been named rather than implied, the independent channel of its work would have been stressed. And again, if the difficulties which stood in the way of the Equality of Trade Convention had been overcome, this might have formed the foundation of a securer building.

3

The Economic Mandate of the League.

The terms of the final Covenant which directly imply economic work read: ¹ ‘The Members of the League . . . will make provision to secure and maintain freedom of communications and transit and equitable treatment for the commerce of all Members of the League.’

But the Covenant as a whole implies economic activity in at least five other ways, omitting questions of labour and mandates entirely. Disputes between members are often of an economic character; the Council or Assembly in attempting to adjudicate will need the advice of expert economists. The application of the economic and financial

¹ Article 23 (e).

sanctions¹ against a recalcitrant member will also require expert counsel, if not expert execution. Causes of quarrels between states must be removed, and Mr. Hobson has said that 'The desire for commercial privilege and for freedom from commercial restraint is the primary cause of war'.² Fourthly, since the general object of the League first named in the Covenant is 'to promote international co-operation', this must clearly be promoted in the most important international field, that of trade and distribution. Lastly, it is the duty of the League to mitigate suffering, and this also has its economic implications.

The economic mandate of the League is extremely wide. There is practically no question which does not belong to one or other of the spheres of action denoted above. But Article 23 is merely a programme;³ its obligations are too vague to have any reality.⁴ Yet, although it is true that caution is essential if steady progress is to be made, it may be doubted whether the position of the Economic Committee would not have been stronger, its work more effective, had the specific mention of 'an international organization of production' contained in the French amendment found its way into the Pact, or the still better expression of the same principle in the Italian provision by which 'the international distribution of the foodstuffs and raw materials required to sustain healthy conditions of life and industry must be controlled in such a way as to secure to every country whatever is indispensable to it in this respect'.⁵ Although this was not provided for in the Covenant, the terms of the preamble 'by just and honourable relations between nations' may perhaps be taken to imply it. A just distribution of raw materials and a rational organization of production is ultimately essential to peace.

Article 5 provides that the appointment of a committee

¹ Article 16.

² *Towards International Government*, p. 130.

³ G. Scelle, *Le Pacte et le Traité*, p. 196.

⁴ Schücking und Wehberg, *Die Satzung des Völkerbundes* (2nd ed.), p. 718.

⁵ Miller, ii. 247.

shall be a matter of procedure to be decided by a majority of the Council or Assembly. It is plainly expected that the current work of the League will be done by committees.¹

Immediately after the signing of peace the Council of the Allies decided 'that in some form international consultation in economic matters should be continued until the Council of the League of Nations has had an opportunity of considering the present acute position of the economic situation'.² A sub-committee of the Supreme Economic Council recommended that an International Economic Council should be set up to consult together in order to advise governments. This would replace the Supreme Economic Council, and would enjoy the same control over dependent organizations. It was to meet once a month, and to consist of two delegates from each of the Great Powers of ministerial or high commissioner rank.

This was never formed, but the Secretary-General organized instead an economic section at the office in London. This was approved in principle by the Council sitting at Rome on May 19th, 1920, and the Secretary-General was authorized to begin a study of economic problems with the assistance of experts.³

As a result of the work of the Economic Section, combined with the recommendations of the Brussels Financial Conference of October 1920, M. Léon Bourgeois presented a report to the Council on October 25th.⁴ He proposed that a Provisional Committee should be set up pending the establishment of a permanent organization, which was to follow the general economic and financial conference suggested for 1921. This Provisional Committee was to be divided into an Economic and a Financial Section, each of ten members, sitting jointly under the chairmanship of M. Ador, President of the Financial Conference. M. Bourgeois did not think it advisable that members should represent states. This was agreed to,

¹ Sir F. Pollock, *League of Nations* (2nd ed.), p. 111.

² 2 C. (4), Min., p. 12.

³ 5 C. 41.

⁴ 10 C. 29.

but M. Hymans, expressing the Small Power point of view, wanted the size of each section of the Committee increased from ten to twelve members. A compromise was agreed to by which the Secretary-General was to propose ten members, and if the result were not agreeable the Council should raise the number to twelve. Actually only ten names were submitted, but so strong is the universal pressure for increasing the size of committees that the consequence of the Belgian delegate's motion was inevitable. It was decided that the number should be made up to twelve by M. Hymans in consultation with the Secretary-General. It was to be raised later at the accession of Germany, and again to fifteen, when the Committee was reorganized in 1927.

The Council adopted the report of M. Bourgeois. But the authority of the Economic Committee is not drawn solely from the resolution which this contained. Both in the Second Committee¹ and in Plenary Session² the Assembly resolved that it 'considers it indispensable that the Economic and Financial Committee should continue its work without delay, in the manner indicated by the Council'. The sole opposition to the Committee as such came from the Australian delegate, who could on no account vote for a permanent organ, but whose scruples disappeared when it was called 'Provisional'. The Assembly gave its full support to the Economic Committee, and M. Ador was thus completely justified in the statement he made from the chair at the second joint session. He said 'very positively that, according to his experience, the Assembly had no wish to make the definitive Advisory Economic and Financial Committee a mere subordinate body in complete dependence upon the Council'. The tendency has, in fact, been the contrary. The independence of the Economic Committee, emphasized in this way at the start, has grown steadily throughout its brief career.³

¹ I A. 1920, C. ii. 134.

² I A. 1920, Pl. 367.

³ See Howard-Ellis, *Origin and Working of the League of Nations*, p. 132.

The normal method of instituting an international organ of the type of the Economic Committee is to base it on the recommendations of a general conference. Outside the League the more or less infrequent conference which establishes more or less permanent machinery is the rule. The League itself has its conference and executive. And even the Mandates and the Military, Naval, and Air Committees may be regarded as drawing their authority from the Peace Conference which named them in the Covenant. In the case of the Economic Committee the Council decided also that a general conference should be called. It was pursuing the same policy which had already led it to summon the financial and transit conferences. In the meanwhile the Economic Committee was set up provisionally. It met for the first time at the end of November 1920. Its duty was partly to prepare for this general conference which it was hoped might be held in 1921, and partly to advise on current questions. Actually it was found that the time was not ripe for the contemplated conference, and the life of the Committee was prolonged for a second and third year. Finally, in 1923, on the statement by the Committee that it considered its best work for the moment to be 'essentially practical', the Council decided that the word 'Provisional' should be omitted from its title and its existence prolonged until further order.¹ With only two exceptions it continued without change until its complete reorganization after the World Economic Conference, which at last took place in 1927. On the accession of Germany to the League a seat was found for Dr. Trendelenburg, a German national, on the Committee, and in December 1926 the Committee was further enlarged by the addition of a temporary Austrian member.² Its size at the twenty-first session, begun in February 1927, was therefore fourteen.

Several important changes were brought about as a result of the Economic Conference by the Resolutions of

¹ Sept. 10, 1923: 26 C. 1303.

² 43 C. 139, 229.

the Assembly and the Council in September 1927.¹ The Committee now has fifteen members. Instead of these being appointed for an indefinite period, they have a definite term of three years. They are, however, re-eligible. Any vacancies may be filled, but it appears that they will hold good only for the current term. The Council has again emphasized the fact that members are appointed for personal capacity, and not as representatives of their governments. The considerable independence of the Committee is also stressed. Procedure is entirely under its own control. It may consult experts and appoint them to special committees, and may investigate on whatever lines it pleases. The chairman, however, must be elected for at least one year. And the Council 'reserves the right to take any necessary decisions on the Committee's reports as soon as the work has passed the preparatory stage and entered upon the stage of action'.

An important new category of members is formed. There are corresponding members attached to several of the committees of the International Labour Organization; the same policy has been followed in the Fiscal Committee and in a sub-committee of both the Health and the Intellectual Co-operation Committees.² At the end of 1929 there were eight corresponding members working with the Economic Committee. According to the Council resolution all retiring members of the Committee automatically become corresponding members, provided that no national of their own country is appointed in their place. The Council may also elect other than retiring members for a period of three years, subject to the same provision. By this widening of its associations the Committee can enjoy increased facilities of study and of co-operation without the disadvantages of adding to its size. Of the eight corresponding members at the beginning of 1930 two were South American and one Chinese, but the rest were European. The duties of these members are

¹ Sept. 28, 1927: 47 C. 1455.

² Malaria and Interchange of Teaching Staff Sub-Committees.

to receive all documents and to submit any proposals they think fit. They are to assist in investigations and, when required, to attend meetings in order to express their opinions. As will be seen later, several have in fact attended, and contributed valuably to the work.

4

One of the most important questions which can be asked about an international committee is by whom its members are appointed. To understand a committee's attitude and to estimate the possibility of its effective action that knowledge is essential. For effective work a certain *esprit de corps* in a committee is an immense asset. But where the interests of the appointing governments are likely to clash with one another they will naturally choose as members those who will most rigidly uphold their own point of view, if necessary even at the expense of agreement and against their own better judgement. Members have actually been withdrawn because they did not sufficiently reflect the views of their governments. Such conditions are inimical to responsibility and to a common approach. Where a member is nominated by his government he remains its servant, and his loyalty will inhibit co-operation at some stage. For however loyal he may be to his colleagues he will always be conscious of difference at some point, and the knowledge that the source of his authority is not the same as theirs will tend to accentuate that difference. Since an *esprit de corps* is the most valuable of a committee's possessions, since without it useful work is improbable, it is vital that difference should not be stressed. The principle is most important in relation to an international committee because in that case there is most excuse for abandoning it—in a world that still leaves to national governments the ultimate control. Co-operation and a sense of common responsibility and a feeling of fellowship are excellent things. They may result in the production on paper of a real work of science. But science for science' sake is not valid as an international economic

programme. If work never gets beyond the paper stage it does not serve the purposes for which the Economic Committee exists. In order to do so to-day it must obtain the approval of governments. And in order to do that the Committee must know something about their attitudes, having if possible some influence over the forming of their policies. Here lies the strength of the argument for appointment by governments. Clearly they will appoint men fully qualified to express their own point of view. But in that case the member's responsibility will be to his government; he will tend to approach the committee with a policy already formed in his mind, and to regard it as a method of bargaining for the result most pleasing to his government, rather than as a means of co-ordinating national policies to international interest. Short of a general reorganization on lines suggested by the Economic Conference,¹ the best way out of the difficulty of securing influential members without making their appointment too definitely dependent upon their governments seems to lie in the policy adopted by the Council of appointing, by an international body, men who know the views of their governments and of powerful interests in their own country, and who are able to promote acceptance of the Committee's recommendations.

Strong emphasis has been laid throughout the career of the Economic Committee on the fact that its members are appointed for personal capacity, and not as delegates of their governments. This is stated in the report of M. Léon Bourgeois, and it is reaffirmed by the resolution of the Council of September 28th, 1927, which provides that 'the members shall be appointed by the Council in their personal capacity and on the ground of their qualifications in the economic field, and more particularly in the matter of international economic relations. They shall not be representatives of governments.'

The principle is as clearly stated as it well can be. But the

¹ See p. 59 et. seq.

majority of governments whose nationals have seats on the Committee are predominant in the Council itself, and, if only for this reason, it is plain that each will have an important share in determining who, among its own nationals, shall be appointed as a member. Nomination is in fact generally suggested by governments. For example, when M. Sekiba retired from the Committee, Viscount Ishii informed the Council that the Japanese Government desired him to be replaced by M. Matsuyama,¹ who was then immediately chosen. In spite of the plain denial contained in the above resolution, members of the Council sometimes slip into the habit of describing the Committee as government delegates. Thus, when the question of appointing a woman was raised by M. Dandurand and supported by several others, Dr. Stresemann replied that 'the Economic Committee consisted solely of representatives of the various governments'.² If challenged, he would have found it impossible to justify this statement from decisions in which he himself had shared. It was probably dictated by his opposition to the proposal and his desire to disclaim responsibility for change. But there can be no doubt that his attitude is that of many people, and that it corresponds in some degree to reality. Further colour is lent to it by the habit, for which there seems to be no constitutional justification, of allowing an absent member to send a substitute, who is naturally of the same nationality. Such a custom tends to diminish the *esprit de corps*. The truth seems to be that the idea of an official but non-governmental committee is so new in international affairs that there is always a sliding back into the old methods and the old terms.

An analysis of the Committee by countries after ten years of the League shows, first, of course, that on it were nationals of the five permanent members of the Council. There were also an American, and a member each from Scandinavia, South America, and the British Empire. With regard to these areas it may be said that the

¹ 21 C. 1163.

² 48 C. 133.

principle of succession has been recognized. A Norwegian has succeeded a Dane; M. Barboza-Carneiro of the Brazilian Embassy in London had sat since the Committee's inception; the Canadian who was nominated in 1920 but never sat had been replaced by an Australian, who in turn gave place to the Indian Trade Commissioner in London. The remaining six members were an Austrian, Belgian, Czech, Pole, Roumanian, and Swiss. Of these, three had replaced members of the same nationality—the Belgian, Polish, and Swiss—thus indicating a tendency to claim permanency of tenure. Professor Neculcea, of Roumania, had sat since 1920. The places which had been found for Dr. Schüller, of the Austrian Foreign Office, in 1927, and for M. Dvoracek, a former Minister of Commerce in Czecho-Slovakia, in 1922 were still occupied by them in 1930. Consequently the question of succession had not arisen in any of the three remaining cases. It results, therefore, that wherever the question did arise, it was resolved in favour of a national of the already occupying nationality.

Mr. Balfour said in 1920 that the British Government wished to be represented on the proposed Economic Committee by the President of the Board of Trade or his delegate.¹ The Supreme Economic Council had previously recommended that members should be of ministerial rank.² In practice, however, only one minister has been appointed, and as he never attended his nomination is not of great significance.³ Up to the close of the League's tenth year there had also been one ex-minister on the Committee, M. Dvoracek. Generally, the practice has been for Europeans to be of high official rank in their respective civil services, and for non-Europeans to be either commercial attachés at an Embassy or commissioners representing their country in London. Some members, as for instance Mr. Eastman, ex-President of the

¹ 10 C. 29.

² See p. 37.

³ Sir George Foster, Canadian Minister of Trade and Commerce. He, however, attended the first joint meeting with the Financial Committee.

Merchants' Association of New York, have been appointed purely on business qualifications. Categories are not easily defined, but of the twenty-five members, excluding Sir George Foster, between 1920 and 1930, twelve were officials, seven were commercial legates, and six business men. Typical are: Of the first, the Secretary of State in the German Ministry of Economics, and the Chief Economic Adviser to the British Government; and of the second, the Indian Trade Commissioner, and the Commercial Attaché to the Brazilian Embassy in London. Some of the countries having high economic officials on the Committee¹ are: France, Poland, Czecho-Slovakia, Norway, Austria, Switzerland, and Great Britain. The Roumanian is an ex-Director of the Ministry of Finance. The weight of official representation is of great importance, especially because it has not prevented much of the Committee's work from being ineffective. This was stressed at the Tenth Assembly, and was resumed in the speech with which the President opened the Conference for Economic Concerted Action in February 1930. In the course of it he said that

'the last Assembly was forced to realize that, even if the efforts of the Economic Committee had been partly successful, they had on the whole been made in an atmosphere of isolation; they had received a certain lip-service, tributes which have not in fact amounted to anything more than a distant and detached approval.'

Such a statement is of the most vital significance. It implies deep-seated imperfection in the economic organization of the League. It means failure to achieve the most important objects for which that organization exists, at a time only three years after the whole system has been reformed.

The average length of a member's tenure of his seat is four years. While M. Serruys, Director of Economic Information at the French Ministry of Commerce, sat for the whole decade, the Japanese and Italian members, on

¹ On Jan. 1, 1930.

the other hand, were twice replaced. Too frequent change acts, clearly, to the detriment of continuity.

The question of substitutes has already been mentioned. These average only two at any one meeting, but sometimes they are more numerous. At the fourteenth session, for example, they were actually in majority over the members.

Procedure is not without importance. The Committee meets three or four times a year, and the length of its sessions varies from two to ten days. The thirty-first sitting was held at Geneva from January 10th to 11th, 1930. The Committee has sat once each in London, Paris, and Rome, but the rest of its meetings have taken place at the League. These are held in private, and since the third session no minutes have been published. This seems to be due to the need for economy, to the Geddes axe which hangs always over the activities of the League and the Labour Office. Since 1927 the chairman has been elected for a year. So jealous was the Council of its authority that when the Committee was first appointed it was necessary for its agenda to be approved by the Council. But since the reorganization it has enjoyed complete control over its own discussions.

5

The Economic Committee keeps in touch with other bodies inside and outside the League. Among the latter are, first, the national Economic Councils and such groups as the Federation of British Industries, and second, the International Chamber of Commerce,¹ the Inter-Parliamentary Commercial Union, the Institute of Agriculture, and similar organizations. Contact is unofficial—through the League staff, through representation at the Conference, or through the assistance of representatives at the meetings of the Committee.² Inside the League the Committee has contact, of course, with its own expert commissions—for Customs Nomenclature and for Veteri-

¹ M. Pirelli, President of the International Chamber of Commerce, was for five years a member of the Committee.

² 35 C. 1508.

nary Police Measures. These are appointed temporarily for continuous study and advice. They are much less numerous than those of most of the other sections of the League, but they may be expected to increase as the work of the Committee grows. This co-operates also with such independent organs as the Financial Committee, the Economic Consultative Committee, the Statistical Committee, and the International Labour Office. At the beginning of their career the Economic and Financial Committees used several times to sit together in joint sessions. Although they have developed apart, they are still served by the same section of the staff.

The Consultative Committee.

The delegates to the World Economic Conference were united in the opinion that much more should be done to improve the economic situation. But as to the remedies they were far from agreement. Several interesting proposals for international reorganization were made. They varied too much, however, for any great measure of harmony. And after much debate their highest common factor proved to be the feeling that the preparatory committee for the conference was a good thing and fit to be repeated. This was the gist of their recommendations to the Assembly.

The latter accordingly decided at its eighth session to create the Economic Consultative Committee.¹ This was to consist of thirty-five members representing as wide interests as possible. Industry, commerce, agriculture, co-operatives, and labour were only some of the sources drawn upon. The lack of agricultural representation on the Economic Committee had already been stressed at the Conference. And the Committee was therefore to contain representatives of the Agricultural Institute at Rome, as well as the International Labour Office and the International Chamber of Commerce. In order to co-ordinate with the Economic Committee this was to send a dele-

¹ 8 A. 1927, 154.

gation of five members to the meeting. The Assembly contemplated that it might meet at least once every three years. In fact it has met every year. In 1929 it had forty-six members, besides one representative of the Institute of Agriculture, three of the Chamber of Commerce, and six delegates from the Economic Committee.

Much was said at the time about the difficulty of so defining its sphere of activity that its work should remain distinct from that of the Economic Committee. This was never done. The reason seems to be that the two fields of action are in fact the same. The Consultative Committee in practice confines itself to considering the work of the Economic Committee, approving it, and making suggestions for its extension. The real difference between the two seems to lie less in their functions than in their membership. The Consultative Committee represents a more varied co-operation. But the criticism may be levelled against it that it is unpractical and conservative, and does not carry with it the opinion of the interests in whose name it stands. It certainly presents a more complete picture, however, having more countries, more interests, and more aspects of economic life represented upon it. In reality it is a compromise, a hybrid. Besides having the name, it has the terms of reference of a committee, its purpose being to see to the application of the Economic Conference's recommendations. But with its fifty-six members it has the form of a congress rather than of a committee. The number of different interests and points of view for which it attempts to find place is support for this interpretation. The truth seems to be that the Consultative Committee is a conference in embryo. It aspires to tap wide sources, but the result is inadequate. How is it possible to represent the outlook of two or three different interests in each of fifty countries by a mere fifty delegates? Clearly what has been called the timidity of the Conference's conclusions has resulted in a creation which is neither flesh nor fowl, but aspires to be both. The Consultative Committee has done no work which

could not have been done by one or other of its members acting as an expert at the request of the Economic Committee. What unity it has is based on the past glory of the Economic Conference and the possibility of its development in the future. At present it is a mere germ of the proposals put forward at the Economic Conference.

The Statistical Committee.

The Secretary-General organized a conference of statisticians, which met in London at the end of 1919, and urged that the League of Nations should promote the centralization and co-ordination of statistics.¹ The Council decided on May 19th, 1920, to appoint a committee of nine members, with the power to co-opt, to advise on the subject, and this was definitely appointed by the Council in July. It met in Paris on October 10th, and its report was considered at the tenth meeting of the Council some days later.

At its first meeting the Economic Committee recommended to the Council that the League should take over the publication of the *Monthly Bulletin of Statistics*, hitherto issued for the Supreme Economic Council by the British and French ministries of trade.²

The Genoa Conference recommended a closer study and co-ordination of statistics. The Economic Committee decided on September 11th, 1922, to appoint a sub-committee to deal with the question of comparative methods in statistics.

A mixed committee, nominated by the Economic Committee, the International Institute of Statistics, and the International Labour Office, met in London on December 4th, 1922.³ This appointed a committee of experts of fourteen members, known as the Preparatory Committee for the conference of the Institute of Statistics which was

¹ Secretary-General's Report to the first Assembly, p. 19, and 5 C. 189.

² Report to 2nd Assembly, p. 58.

³ O.P. 4. 275.

held at the end of 1923. The Committee met at The Hague on January 10th and 11th, 1923.

A series of valuable resolutions were submitted to the Economic Committee as a result of this conference,¹ and it was decided that they should be circulated.

A further committee of eleven members, four from the Economic Committee, four from the Institute of Statistics, one from the International Labour Office, and two members-secretaries from the League, was formed to carry on the work of the Preparatory Committee.² It was to meet alternately at The Hague and Geneva.

As a result of the work of this Committee the Council stated that it approved in principle of the calling of a conference of official statisticians in 1928.³ This conference met at Geneva on November 26th. It was attended by forty-two states, eight not being members of the League. The convention which it drew up laid obligations relating to both national internal and international statistical methods. The conference recommended the continuance of the work and the formation of a committee of technical experts. This will be appointed, when the convention is ratified by ten states, by the Council in joint meeting with one delegate from each of the states non-members of the League who happen to ratify first. This new committee will therefore enjoy a peculiar sort of independence. It will derive its authority from no permanent body and from no organ of the League.

A further conference met in Paris for a week from April 11th, 1928. It was non-governmental, members being appointed by twenty-five banks of issue, including the Federal Reserve Board of the United States, to represent their statistical sections. Its main purpose, in which it achieved a certain measure of success, was to co-ordinate and render more comparable the statistical methods of banks of issue in general, and of certain state banks whose methods were most out of line with the rest in particular.

¹ *Ibid.*, 5. 556.

² 44 C. 396 (March 1927).

³ 54 C. 583.

6

The work of the Economic Committee resolves itself into two broad types. In each case much profound study is the essential preliminary to any sort of effective action. And at present the most important part of its work is in the investigation stage. The Committee has to pursue a cautious policy. It has always to take into account the different views of governments, and has often had to content itself with a small success, where the attempt to achieve bigger things would have raised the opposition of some small section of opinion, and so have involved the whole of its proposals in destruction.

On the one hand, it aims at facilitating trade by removing the causes which hamper it. Tariffs can be reduced and customs formalities simplified. The various national laws on bills of exchange can be harmonized, the treatment of foreign enterprises improved, or at least stabilized, export and import prohibitions abolished. The methods of preparing statistics or of classifying imports, which differ from country to country, may be brought into line, and by this means the groundwork laid for a bureau of complete and comparable international information. In all of these directions something has already been done.

The usual method on which the work proceeds is first for the Assembly or a conference to recommend certain action. This is sufficient evidence that there is a general demand for investigation to take place. If the Committee considers there is any probability of practical results it then hands on the task of study to a single expert or to a special committee. The recommendations of the experts which follow are examined, and, if considered suitable, are formed into a draft convention, which is then submitted to a general conference specially called for the purpose. Then it is simply a question of treaty signing and ratification. And the success will depend on how far those responsible for the preliminary work have foreseen

and provided for the difficulties which might be raised by any one out of some thirty or forty delegations.

In the realm of tariff questions the Truce Conference, called for February 1930, had a long and detailed draft convention prepared for it by the Committee with the assistance of the Economic Section. The Customs Nomenclature Committee, of seven members, has toiled unremittingly. It has shown considerable power of invention. In face of the failure of the two conferences called to study the question in 1900 and 1913 so much as to begin its solution this achievement is worthy of the highest praise.

One of the most important multilateral treaties on purely commercial relations prepared by the Economic Committee is the Convention on Import and Export Prohibitions. On January 14th, 1930, it had been signed by twenty-nine governments and ratified by eighteen.

A convention simplifying customs formalities, and abolishing unjust discrimination against the commerce of any contracting state, came into force in November 1924. On January 14th, 1930, it was ratified by thirty states.

The International Convention for the Protection of Industrial Property was revised at a conference at The Hague in November 1925.

The first multilateral economic convention concluded under the auspices of the League is the protocol on commercial arbitration, dating from September 24th, 1923. On January 14th, 1930, it had been signed by thirty-four governments and ratified by twenty. If the dependencies of the British Empire—such as Ceylon and Gibraltar—be included, the number of ratifications increases to forty-three.

On the other hand, the Committee does work of a different and perhaps a more ambitious character. This is directed not so much against the tariff and legal conditions created by governments as against those still more fruitful causes of conflict which are to be found in industrial cut-

throat competition and monopoly in the international sphere. It is here that the need for those 'recognized principles', which the Economic Conference strongly recommended,¹ is most urgent. 'It is precisely for these questions', as M. Politis has said, 'that international law does not yet furnish enough rules.'² The need is in fact for some sort of rationalized control of production and distribution, which, in a world ever more definitely an economic unit, can take place only on an international basis. And this implies more than rules; it implies organization.³

In fact, not a great deal has yet been done in this direction. The work remains at the stage of study. By the terms of the First Assembly's resolution⁴ the Economic Committee's task was to be twofold. It was to prepare for the coming conference. It was to study the economic situation. At that moment the question of certain raw material supplies seemed likely to cause friction. The Council, therefore, 'impressed with the difficulties experienced by many countries in securing the imported materials which they need for their prosperity and even their existence', instructed 'the Economic Committee to examine: (a) the extent and character of those needs; (b)

¹ See Report of the Consultative Committee for 1928, C. 217, M. 73, 1928:

'The Conference, Recognising that maintenance of world peace depends largely upon the principles on which the economic policies of nations are framed and executed,

'Recommends that the Governments and peoples of the countries here represented should together give continuous attention to the establishment of recognised principles designed to eliminate those economic difficulties which cause friction and misunderstanding in a world which has everything to gain from peaceful and harmonious progress.'

² *Recueil des Cours, Hague, 1925, i. 113.*

³ See for example Culbertson, *International Economic Policy*, p. 334.

⁴ A. 1920, Annex 120 (e), and Sir Arthur Salter ('Economic Causes of War', in *The Reawakening of the Orient*, p. 123): 'What is wrong is not inadequate resources, or inadequate effort; it is all, in one form or another, a *misdirection of effort*. There is a maladjustment, seriously greater than before the war, between supply and demand.'

causes by which these difficulties have been produced, particular attention being paid to the effect of monopolies'.¹

This was the direct result of the Marquis Titti's report on Monopolies.² The question had been agitating the Italian delegation at the Peace Conference as a result of the scarcity of such products as coal which followed decontrol. This meant a real threat to Italy's industrial life for the moment. If Italy's position was not so bad as to justify her delegate's phrase, that she was being 'hindered and strangled in her economic development', Mr. Balfour's opposition even to a study of the question on the ground that England might equally justly claim an internationalizing of sunshine, may have been founded on a good debating point, but it was one entirely devoid of logic. After all, the production of coal can be controlled, that of sunshine as yet cannot. And if it can be controlled there is an argument for controlling it rationally. Since the time of this debate the tables have been turned. Under-production of coal has given place to a surplus of supply. And it was naturally a producing country, Great Britain, which most strongly urged the importance at the Tenth Assembly of completing the study on coal.

The debate in the First Assembly on the decision to create the Economic Committee was peculiarly bitter. Objection was raised to the proposed investigation into monopolies and raw materials. One after another, both in the Second Committee³ and in Plenary Session,⁴ regardless of the chairman and regardless of the fact that they were discussing something which was not the subject of debate, the whole contingent of British Empire delegates rose to protest against the study of raw materials supply. Several members pointed out that there was nothing revolutionary in the suggestion for authorizing a committee to make a study, that it bound no one to approve their report, that it was, in fact, a prejudging of

¹ Council Resolution, Oct. 27, 1920, is 10 C. 225.

² 19 C. 217.

³ I A. 1920, C. ii. 131.

⁴ I A. 1920, Pl. 355.

the issue to oppose its investigation. But this did not appease the opposition. The sole argument, however, which they were able to put forward was that of Sir George Foster, for Canada. He said that since Article 23 contained no reference to raw materials, the Council was going beyond its rights in authorizing a study of the matter. Sir William Meyer even stated that the words 'equitable treatment of commerce' do not imply tariff questions. The terms of the preamble to the Covenant, the discussions at Paris, and commonsense are sufficient answer to such an attitude. But it is typical of the kind of obstruction—born generally of a lack of knowledge and a consequent failure to appreciate the issue—which the League worker has always to anticipate.

The Council's resolution, however, had already been passed. The Committee began a study of the question of monopolies; but in the meanwhile the problem of insufficient supply had already disappeared. The difficulties raised by over-production did not occur until after the depression had set in. And that implied a study of production from a different angle. The Economic Conference urged a thorough investigation of the world production of sugar and coal. It recommended in the case of sugar 'That an international agreement between all exporting countries and those likely to have an export surplus in the near future should be arranged with a view to a concerted and rational policy of sale'.¹ Again, in May 1928, the Economic Consultative Committee recommended the Council to invite the Economic Organization to undertake a thorough study of all factors and measures influencing the production and consumption of sugar and the international trade therein, and suggested that a report should be made to the Council in order that the latter may be able to judge whether concerted international action could further the solution of the problems under consideration. The Committee found, as a result of its inquiry, that seven-eighths of the total sugar production

¹ See Doc. C. 303, M. 104, 1929, ii. 15.

of the world is produced behind protective barriers or with the help of subsidies and bounties.

A very similar position is shown by the interim report on the Coal Industry.¹ The proposals for its solution are four. In the opinion of the Committee the suggestion of an international agreement among producers was not for the League to discuss. The assimilation of conditions of labour it regarded as a merely ameliorative measure, suitable for the International Labour Office to consider. The abolition of artificial obstructions to free competition it thought suitable for its own investigation. But the fourth proposal, in many ways the most interesting, for a special international commission composed of representatives of governments, employers, miners, merchants, and consumers, with the power to regulate production, the Committee had not considered in its interim report.

7

The structure of the Economic Committee and the success of its work are intimately connected questions. It would be useless to judge its achievement in the face of gigantic world problems without keeping in mind the limitations set upon it at the outset by its very nature and organization. The right to exert a beneficent influence is alone given to it; power rests elsewhere. But it is already possible to see in the Economic Committee's recommendations one of the real sources of international legislation. That it has done work of great value does not need emphasis. The preparation for the Economic Conference and the results gained by that alone give it a right to fame.

Its achievements have been summarized briefly above. Perhaps the most important of them up to the present have lain in the realm of study. But it already has several conventions to its name, and the mere fact of the large number of conferences called means that the international background of their tasks has been brought continually before governments.

¹ Doc. C. 150, M. 58, 1929.

It would be idle, however, to suppose that anything more than one step has been made towards an international organization capable of meeting the needs of reality. Economic life has advanced more quickly than the methods of ordering it. International institutions lag dangerously far behind the facts. Industry and commerce are increasingly cosmopolitan. But neither the principles nor the machinery for controlling them have yet reached a comparable stage of development.

The failure of the Committee so far to achieve anything in the nature of a solution even on paper of such a problem as that of monopolies is not the least of its shortcomings. And a position in which one nation or a small group of industrialists can control the supply of rubber or potash or coffee, and can within the limits of monopoly hold the rest of the world to toll, is clearly pregnant with possibilities of friction. That such cases will increase with the increasing concentration of capital is the lesson of modern economic history. The failure to control to-day will make control no easier to-morrow, when the tendency has become stronger.

Still more important at present as a cause of suffering and waste, discontent and discord, is the problem of over-production, in which the position has got steadily worse. Nor is it so difficult of solution as to warrant delay. The experiment in sugar control of 1902 worked effectively for ten years.¹ Development along similar lines gives the only apparent hope of remedy. Both sugar and coal have world markets, and with neither, therefore, is anything but an international scheme capable of providing a solution. A committee of control, in which consumers would be represented, with wide powers of restricting output, determining quota, and allotting supply, should be able to organize a rational scheme of production.

‘During the period of high sugar prices between 1919 and 1924 . . . the principles of the Brussels Convention were almost univer-

¹ See F. B. Sayre, *Experiments in International Administration*.

sally abandoned, and protection began. The situation to-day is thus in many ways similar to that which obtained in 1902. An over-stimulated industry is suffering from an excessive, febrile activity.'¹

Experience of international administration is much greater than it was in 1902; the League has a fund of it on which to draw; war-time and League experiment has indicated methods as well as possibilities. Yet nothing has been done. Similar conditions reign in the coal industry, where the need for international control was never more urgent.

The same ineffectiveness may be argued as a criticism of the Economic Committee's work in relation to treaties. It is true that of six commercial conventions and protocols signed up to January 14th, 1930, five were in force, but these relate to only three distinct questions, and those by no means the most important to solve.

The reason lies less in the caution of the Committee than in the system of its organization. It is without sufficient influence in the national centres of opinion on economic matters. In order that its work may be effective governments, producers, both employers and employed, and the consumers must be convinced of its value. The real factories of opinion, and the ultimate sources of power, are not in the permanent bureaux of the ministries of commerce. Yet it is these almost alone which are represented on the Committee. The present organization seems to be based on the assumption that international affairs are relations between states. In reality the most important relations are contacts between individuals. And to meet that situation it is essential that the opinions of these individuals should be taken into account. Before a project of treaty can have any prospect of acceptance it must gain the approval of governments, but also of the chief interests whom its application will concern.

Such consultation has the additional advantage that it brings home to a much wider circle the realities of the situation and the difficulties which confront those with the duty to find a solution. It may give them an interest

¹ The World Sugar Situation, C. 303, M. 104, 1929, p. 8.

in the work on hand. In any case it is an invitation to co-operate, and as such an advance.

For this reason some of the proposals for reorganization¹ which were made at the Economic Conference are not without interest. Monsieur Jouhaux put forward a scheme for a semi-autonomous economic organization. This was to consist of a Conference—representing finance, agriculture, commerce, labour, co-operatives, and consumers—and an Executive Council of eighteen members, twelve being appointed by the Council of the League and six by the Governing Body of the International Labour Office, three members from its Employers' and three from its Labour groups. Mr. Pugh suggested an organization like that of the International Labour Office, on which consumers, producers, and governments should be equally represented. A similar proposal was made and adopted by the British Labour Party in 1927.² It is not unreasonable, therefore, to expect that a Labour Government would favour such a change.³

The one point on which all the proposals agreed was the necessity for associating a much wider group of interests with the Economic Committee. This was, of course, enshrined in the Economic Consultative Committee, which suffers from the criticism of inadequacy already urged. It is possible that the solution may lie along the lines of Mr. Pugh's motion.

In sum, the official character of members of the Economic Committee makes it fair to say that the general assumption on which the Committee is based is that governments alone are responsible for national activity. On that assumption it is true that ministers, first, and high officials, second, should alone have a share in the planning of international legislation. Even in that case, however, the Economic Committee suffers from three shortcomings: (1) It does not bring ministers themselves

¹ C. 356, M. 129, 1927, 1, p. 175.

² Report of the 27th Conference of the Labour Party, 1927, p. 323.

³ See also Dalton, *Towards the Peace of Nations*, Ch. X.

together; (2) it lays stress, therefore, upon the importance of departments of state which opens the system at once to the accusation of bureaucracy; (3) it covers up the general importance of questions by submitting them to only one type of expert mind, that of the bureaucrat, which in its own civil service is subjected to the unspecialized mind of a cabinet minister, but which in international affairs has little or no supervision to undergo.

This whole assumption, however, belongs to the theory of state sovereignty and to nationalism, which for most practical purposes fitted the world of two centuries ago—a world of isolated governments, of local economy, of agriculture and little trade, of difficult and perilous communications. In such conditions it was safe to assume that the state was the final unit of human organization, having its heart at the seat of government and its soul distributed among the people living within a certain political boundary. But to-day other and as important corporate entities exist, which often disregard the political map and cut across the boundaries of state organization. The world of international cartels, international trade unions, of world markets, of supply and demand closely interlocked on international lines, of comparatively easy migration of labour and capital, of nations in which functional groupings are increasingly marked, such a world demands different methods. It is not states alone that must be taken into account. Nor need the complexity of the problem raise doubts, for there can be no question that a more complex economic life demands more complex economic institutions for its control.

The implications are neither remote nor impracticable. War-time experience proved the value of associating ministers severally responsible for internal administration. The Supreme Economic Council recommended an economic body of ministerial rank. Mr. Barnes that said the British President of the Board of Trade might wish to attend the meetings of the new Economic Committee. And actually one minister was appointed, as well as one ex-minister.

A council which brought the ministers of commerce regularly together would have a high level of debate, and probably a considerable output of work. It might also be expected to develop a sense of unity which would give it a vital importance in international affairs. Were it supplied with responsible work to do, were it to operate in the publicity which would naturally be given to such a meeting of responsible ministers, there can be small doubt that it would tend to develop an *esprit de corps* of its own, which might have great significance in the work of the League. And even if this were not so it would bring before ministers at first hand the personal views of those actually responsible for framing policy in other countries. It would often give them this contact at a time before the definite lines of their policy had been laid down. Experience has shown that agreement comes more easily at this early stage. Opinions are then more flexible and less involved in questions of prestige or 'losing face'.

The countries represented could be based on the same principle of economic importance as is already applied to the Governing Body of the International Labour Organization. That would give it a membership of twelve, or of thirteen with the participation of the United States. Alternately it might be modelled on the Council of the League, with permanent and rotating membership.

But the co-operation of officials also has its value. It is here that the proposals of the Economic Conference have their bearing. A triple organization of consumers, officials, and producers might be formed, which should meet sometimes in joint conference, but generally as separate advisory committees to the Economic Committee. The consumers might be represented by eminent economists. These could be appointed by national economic councils where those exist, and otherwise by governments. Among the official delegates would be the permanent secretaries of the ministries represented on the Council and of the less developed countries which did not prefer to send their responsible ministers. The producers would contain

industrialists and employees equally divided. The most important and the most numerous questions would require to be considered by all three sections of the Conference. But there would be two clear advantages in having them debated apart. The size of the advisory committees, being smaller, would lend itself more to effective debate. The responsibility of one section of opinion for turning down a proposal could not be hidden. Each advisory committee might come to develop a sense of unity in the face of criticism directed against it by one of the other committees, by the Council, or by public opinion. The emphasis of the organization would lie, of course, upon the Economic Council, which should have the final word of decision as to whether proposals should be proceeded with, but which would not be able to prevent discussion of any proposal by any one of the committees. It may be urged that such a scheme would result in disagreement between the various sections of opinion, but this is not important since their capacity as separate advisers would not make their agreement necessary. On the other hand, it would bring the expression of opinion into the open, and it might even confront the Economic Council with an agreed demand for some particular course of action, which it would not otherwise take.

Such an organization would in time become the natural scene for raising and discussing the problems of the moment, the more so since in the hands of its members would lie the ultimate decision upon policy. A question agitating any one ministry of commerce, or the difficulties of a particular industry—provided that there was any prospect of international remedy—would profitably be put before it. Such problems as over-production and monopoly, migration and raw materials, would naturally find expression there. It is these that at present lurk in the background of international relations. They come to the front only at times, as in the Stevenson scheme or the Hirohito incident. But theirs is the true threat which civilization has to encounter. And if they are hardly yet

mentioned in international discussion, it is only because the consequences they foreshadow are too devastating to be a welcome subject of thought. So far only a small attempt has been made to attack the fringe of these problems by private investigation on the Economic Section's suggestion. In an organization, however, such as that contemplated here, solution might quite conceivably be found in the work of special mixed committees appointed to deal with each question on its merits. Treatment would vary. In some cases of questions of production and distribution an agreement for conservation of resources coupled with an agreed percentage distribution among signatories, as in the North Pacific Sealing Convention of 1911,¹ might prove adequate. In others, when there was likely to be either a permanent shortage or surplus, or where an industry was highly trustified and internationalized, more advanced machinery might prove necessary. The possibility of a successful system of joint purchase of supplies by an international committee acting through agents in the various markets was shown by the executives of the Allied organization. For every vital product there was one of these. Their purpose was to meet needs of supply fundamentally similar to those of to-day, although exigencies of war laid stress on their urgency. In just such a method of appointing special committees might be found the solution of some, at least, of present economic problems. Such committees would exert a measure of control varying with the circumstances. And over them, as a co-ordinating and authoritative body, would be the Economic Council. The outcome of such an organization would be assured. It would bring about personal contacts of possibly great value. It would result in a gradual growth of organs of control, and a linking together of all the problems of international production and distribution, in an attempt at co-ordinated system. Purpose might even creep in where to-day development is haphazard.

¹ This seems to have worked quite successfully. See *American Journal of International Law*, 1925, p. 739.

III

THE FINANCIAL COMMITTEE

'In the conversations which decide policy the financial groups, well-informed and alert, are always early in the field, and against their claim to represent a national interest there is no popular influence, equally alert, equally well-informed, to balance their pressure.'

BRILLSFORD, *War of Steel and Gold*.

ALTHOUGH there was co-operation in the credit system of the Allies, financial responsibility for the conduct of the War was entirely national. Its cost was met either out of the current revenue of each ally or by a mortgage on the future in the shape of an internal or foreign loan. The latter were floated chiefly in England during the earlier years, but in America later. Such a method implied that the less wealthy countries had to plead, often from month to month, for the credits without which they could not prosecute the War. During the last months of the War and later they were in all but complete dependence upon the Federal Treasury of the United States. But it remained true, as Monsieur Tardieu said, that 'Particularist in the matter of command, the Allies were even more so in financial affairs, and right up to the end of hostilities the treasury of each country was destined to remain the inexpugnable citadel of national individualism.'¹

It is true that each government remained responsible for its own expenditure without reference either to its capacity to pay or to the comparative payments of its Allies. But the supply of certain goods was co-ordinated towards the end of the War, and since a large proportion of the purchases were necessarily made in the United

¹ M. André Tardieu, in denying the suggestion of Prof. Gide that it would have been possible, when the military command was unified, to have seized the chance for bringing about a pooling of resources with a view to conducting the campaign from a common purse. See his *La Paix*, p. 373.

States it was possible also to co-ordinate them there. The Inter-Allied Council of War Purchases and Finance was the first Allied Council to sit which contained an American.¹ The President was Mr. Crosby, sole delegate of the United States. Mr. Austen Chamberlain, Lord Buckmaster, and General Smuts sat on behalf of England. France was represented by MM. Clémentel, Hausser (for M. Loucheur), and Bignon, member of the Chamber of Deputies; Italy by Baron Mayer des Planches and Professor B. Attolico. At the first meeting it was decided that the Finance Ministers of France, Italy, and England should be present personally or by delegation at subsequent sessions. The Council was therefore very definitely ministerial. Its function was to organize collaboration between the Allied expenditure departments for one group of supplies in one market. As such it marked the first attempt at any sort of co-ordinated international finance.

The need for this was never so imperative as in the conditions which followed the signing of the Armistice. The delegates at the Paris Conference were responsible, as negotiators, for creating a long-time settlement, one of the terms of which was the Covenant, and, as rulers, for solving the immediate problems of a desperate situation. In this second of their duties there were two opposing currents of opinion. The one realized vividly the intense gravity of the position: that Germany was without working capital; that the newly created states lacked revenue; that France and Belgium had a vast work of reconstruction to accomplish without the necessary funds; that every European belligerent was faced with the problem of rapid conversion of industry from the uses of war to those of peace, a feat which required the use of capital in such conditions of risk that few financiers would supply it; that France, for example, was relying for all her measures of recuperation on the payment of reparations by a Germany which could not pay a hundredth part of the figures claimed without a collapse which would involve ruin and revolution in

¹ *Times History of the War*, xxi. 85.

almost every capital in Europe.¹ The one view recognized this position and would have had the Allies concert active measures to control it. The other view was that of classical liberalism. It held that although the situation was grave it was useless to attempt to meet it by government action. Loans were a matter which only private bankers knew how to organize, and if left to themselves they would soon see their opportunity and take it. This last outlook was backed by two of the most powerful forces in history—ignorance and indolence. It was only those at Paris, and of them but a few that had any inkling of the realities. To the population of any victor country measures one quarter as thoroughgoing as were needed would have seemed a betrayal of their most vital interests. And since the contrary attitude was the easy one of letting things more or less alone, the most facile policy on which to agree, it inevitably won.

The two attitudes are typified in the correspondence which passed between Mr. Bernard Baruch and Lord Robert Cecil. 'The salvation of the world', said Mr. Baruch, 'must rest upon the initiative of individuals. Individual credit can be established where governmental credit has gone.' 'I am sorry you should ever have misunderstood me', replied Lord Cecil, 'to the extent of thinking that I thought there was any advantage in shirking the large economic issues which lie before us. I thought I had made it quite clear that in my judgement they must be faced and dealt with if possible before the President leaves Europe. You think that without question the economic situation can be solved by individual initiative. It may be so, though my own opinion is to the contrary; and it is for that reason that I pressed for the summoning of a small expert committee, to which Colonel House agreed. It may be that the result of the inquiry will show that without American assistance on a large scale nothing can be done, and it may also be that America

¹ R. S. Baker, *Woodrow Wilson and the World Settlement*, iii, Doc. 48 (Lloyd George's letter).

will decline to give that assistance. If she intends to take that attitude, forgive me for saying that she ought to take it quite openly and before the face of the world. Then we in Europe shall know the extent of the problem that faces us.¹

But the suggestions which were thus turned down are important. They are particularly so because the League was ultimately forced to apply similar principles when the time for prevention had gone and attempt at cure had to be made.

The general position is well described in the Davis-Lamont memorandum: 'For the moment Europe, with great inherent wealth, is almost destitute of goods. America has, or can produce, an exportable surplus of such goods. It is almost inconceivable that America should fail to make every effort to meet such a situation. Every consideration of humanity, justice, and self-interest demands it.' But against this has to be set the fact that there was no conception in America of the real state of Europe. 'Not only is the desperate character of the situation not understood, but there is no appreciation of the fact that America's destinies are in large measure inseparable from those of the rest of the world.'² It was for these reasons that proposals were made at first for limiting the credits granted to cover only purchases in the United States, and for abandoning all attempt to co-ordinate these credits as given by the United States and France or Great Britain.

The first of the two proposals for concerted government action was that made by Mr. Keynes, and put forward by Mr. Lloyd George in a noteworthy letter, as the British Government's 'constructive contribution to the solution of the greatest financial problem ever set to the modern world'. The Keynes scheme³ envisaged a loan of £1,500,000,000, guaranteed jointly by the enemy governments and by the Allies in the event of their default. One-fifth of this was to be devoted to the provision of Germany

¹ *Ibid.*, Doc. 47.

² *Ibid.*, Doc. 51.

³ *Ibid.*, Doc. 48.

and the central European states with working capital, the means of buying food and the raw materials necessary to set industry once more on foot. The failure of any government to fulfil its guarantee was to be considered by the Financial Section of the League of Nations. But the scheme never stood any chance of acceptance, if only because Congress, as President Wilson said, would never grant 'authority to place a Federal guarantee upon bonds of European origin'.

The problem was next submitted to a committee appointed by the four heads of states.¹ It was 'to report on Europe's requirements of food and raw materials and the means of financing such supplies'. The report, perhaps because, although an excellent summary of the position, it made no clear recommendations for immediate action, was never seriously considered. It found that private credit would be inadequate of itself to overcome the difficulties, unless it were buttressed by a governmental sharing of risks. This it said was the ultimate solution, but in the meanwhile provisional measures were necessary to secure the supply of raw materials. A Government Loan was therefore to be floated for this purpose, but of only some thirty or forty million pounds. Among other things it made proposals for the stabilizing of currency, to arrest inflation, and to prevent waste on armaments. But its work was investigational and theoretic. Although the carrying out of its suggestions in practice would have meant some sort of international financial organization, it did not specify this.

On the other hand, in the proposals of Davis and Lamont as in the Keynes scheme a definite financial organ was contemplated. A 'small special Committee made up of bankers and men of affairs' was to be formed to co-ordinate the credits offered by private bankers and investment groups. It was to be a non-governmental committee, and to keep close contact with both investment houses and

¹ Ibid., Doc. 52. The members were Norman Davis and Baruch, Cecil and Keynes, Loucheur and Clémentel, Crespi and Attolico.

borrower countries. But it was to be European rather than international and to act as a liaison between the demand in Europe and the supply in America. As such it would, of course, have been entirely dependent upon the country-wide trust of investment houses which was recommended as the method of co-ordinating American supply.

By the end of the Conference individual initiative had won the day, but the event proved that it was incapable of solving the large issues before it. And consequently it fell in the end to the League of Nations to find a solution.

2

In the debates of the Financial and League of Nations Commissions at the Peace Conference there appeared several divisions of opinion upon the financial provisions of the Covenant. One group wished to create some means of international control of national budgets, in order to have power over the distribution of reconstruction costs and the payment of reparations. Another saw the danger to the future of the League in connecting it with the thankless job of debt collection, and aimed at preserving it from the odium of such a task. A third wanted to solve the immediate problem by organizing an international credit scheme and, attached to it, a financial commission as an instrument of reconstruction. Although this view showed the closest appreciation of the actual state of affairs it did not prevail. But this has been described already, and it was between the first two viewpoints that the main cleavage of opinion occurred.

The 'elaborate proposals' of the French, as they were called by Lord Cecil, were originally put forward by M. Klotz, French Minister of Finance, at the Plenary Session of January 25th, 1919. They were discussed in the Financial Commission, which admitted them in principle, studied them in sub-committee, and finally, on April 5th, unanimously adopted the report.¹ This urged the creation

¹ Miller, ii. 713.

of a financial section of the League, by which was meant a conference of financial experts. Besides the general functions of advice, investigation, and the nomination of committees decided upon by the Council, this section was 'to control the execution of the financial terms of the Treaty of Peace in the event of the League of Nations receiving general control of the Treaty'. Otherwise, an Inter-Allied Commission should be appointed for this purpose.¹

The Klotz proposals were never considered by the League of Nations Commission. But the French amendment to the Pact, which has already been mentioned,² had similar though vaguer implications. It was a manifestation of the same idea. It demanded that special measures should be taken to bring about just conditions in 'les charges budgétaires d'après-guerre'.

Two distinct ideas were contained in these proposals. The first was the desire for some control of financial arrangements between the Allied and Associated Powers. Behind this lay France's wish that she alone should not have to meet the cost of reconstructing her devastated areas. The second was the anxiety to ensure the payment of ex-enemy debts by some measure of Allied supervision. But both these demands were fundamentally unacceptable to the Americans and British. Consequently they were never given serious discussion. It is true that Lord Cecil agreed to the creation of a financial section, on which were to sit one representative of each state member, together with any finance ministers who liked to come. It is true that this was incorporated in a note at the end of the Hurst-Miller Draft.³ But all reference to debt collection was left out, and both Mr. Strauss for the British, and Colonel House made it understood that it was debarred from such a function.⁴

Further criticism of even this modification was raised, however. It was asserted that it was impossible to prevent

¹ *Ibid.*, i. 282-3.

² See *supra*, Chapter II.

³ Miller, ii. 667.

⁴ *Ibid.*, i. 292.

such a financial organ from being associated in public opinion with debts and reparations. Three objections were put forward by Miller in the following paragraph: ¹

‘The proposal for a Financial Section . . . should be wholly rejected. It practically would create another Body of Delegates, and would arouse much feeling against the Covenant as being capitalistic. Furthermore, the sole purpose of this amendment is to help M. Klotz in the Chamber of Deputies.’

Finally, it was urged that such proposals were an unnecessary overloading of the Covenant, since the power to create any necessary financial committee was already within its terms.²

It was for these reasons that when the Draft Covenant came up for the consideration of Wilson and Cecil the provision for a financial committee or conference was dropped. The proposals which were put forward, however, are not without their importance. It is interesting to note that they looked toward a ministerial body of considerable authority and independence. This Financial Council was to be empowered to call conferences and nominate committees, provided only that a general line of policy had been determined beforehand by the Assembly or the Council of the League.

3

Soon after the signing of peace the British Government announced that it would favour an international financial conference on the world-wide crisis, and would take part, provided that it were convened by a neutral state or by the League of Nations. The Council considered this at its session in London on February 1920. It decided to summon such a conference and it set up an organizing committee. The sending of invitations was approved by the Council in March and the agenda for the Conference in May.³

¹ *Ibid.*, i. 394.

² By Art. 5; also, see Miller, i. 401.

³ 5 C. 33, and 179.

Owing to postponement the Conference¹ did not meet until September. It was a technical meeting of experts, chosen by governments but not accredited by them. As such, its claim to be 'unique in the history of the world' was justified. It was an experiment of the greatest value, since it showed the possibility of unanimity between experts drawn from environments of the widest divergence. Thirty-nine states, including three-quarters of the world's population, were represented. Among them were late belligerents, non-members of the League, and the United States. They came to complete agreement upon the resolutions adopted. It is true that many of these were axiomatic, but that by no means diminishes their significance. If self-evident truth dominated policy as a rule, the world would be unrecognizable to any one who knows it to-day. And, as the Conference pointed out in its report, the adoption of its most axiomatic recommendations would have meant 'a fundamental change in the policy of nearly all the governments represented'. An example is the axiom that current expenditure should be met by current revenue: 'in nearly three out of four of the countries represented at the Conference, however, and in nearly eleven out of twelve of European countries, budgets do not at present balance, and many of them show no prospect of doing so in the near future.'²

The recommendations of the Conference were of extremely wide scope. Besides many which related to national activity—such as inflation, central banks of issue, the reduction of armaments—there were several which required international application. It urged the creation of an international committee of business men and financiers, and in connexion with this a new credit organization to which states requiring loans for the supply of their essential imports could make application. The Conference also recommended that the League should study such other international questions as export credit

¹ 19 C. 203.

² Report of the International Financial Conference, Brussels, i. 11.

insurance, finishing credits, unification of bills of exchange law, reciprocal treatment of bank branches abroad, publication of comparative financial information, and an international clearing-house. On all these some subsequent work has been done, and on some the study has resulted in application.

As a consequence of the Conference's resolution regarding a committee, the Council decided to create a permanent organization. As this would take some time it resolved to appoint a small provisional committee to give it advice—first, regarding the immediate application of the Brussels Conference recommendations; secondly, on any general financial questions which the Council should submit to it; and thirdly, to prepare the agenda for the general economic and financial conference which was to take place the following year.¹ The Committee was to function under the general principles laid down by the Council regulating its relations with the technical organizations.

M. Ador, President of the Conference, was to be chairman of the Joint Provisional Committee, of which the financial section was to consist of ten members. At its meeting on November 14th, 1920, the Council approved of the eleven names suggested by M. Hymans for membership of the Committee.² It was also agreed that an American should be invited to become a member. The staff was to be provided by the Secretary-General, and the Financial Committee was to meet, when it wished, in conjunction with the Economic Committee. All governments were duly notified of the creation of this organization by a letter from the President of the Council.

The life of the Provisional Committee was prolonged for one year by resolution of the Council on September 16th, 1922, and again, as in the case of the Economic Committee, on September 10th, 1923, the word 'Provisional' was dropped from its title, and its existence was continued until further order.³

¹ 10 C. 209, et seq.

² See last chapter, sec. 3.

³ 26 C. 1303, 1441.

The authorization of the Assembly was added to that of the Council. It agreed to the decision that the Financial Committee should be continued in existence; and it associated itself with the Council's opinion that 'there is urgent need for the different governments to apply the principles laid down by the Brussels Conference'.¹

The Financial Committee's authority was therefore drawn from four different sources. The need for concerting international measures to overcome the financial difficulties of Europe became hourly more apparent after the close of the War. It was expressed at the Peace Conference in 1919, and in the resolutions of the Brussels Conference in 1920; by decisions taken at several meetings of the Council and of the Assembly. The rule,² which applies equally to the other technical committees, that nothing less than a majority vote of both the Council and the Assembly can put an end to the Financial Committee's existence adds further to the security of its position.

The Financial Committee's success has also augmented its authority, which has been constantly confirmed. As early as July 1922 the following resolution was passed unanimously:

'The Council considers that the Financial Committee is especially well adapted to furnish an important contribution to the solution of international monetary problems, without encroaching upon the work of the same kind already undertaken by governments or their competent organizations. It invites the Committee to consider the methods best suited to foster monetary stability.'

4

The Financial Committee is appointed by the Council. No change in its general structure has been made since its original creation, and its size has only been increased from eleven to thirteen. By definition the members are technical experts of different nationalities. They are not the delegates of governments, and are responsible only to the Council of the League. But, as in the Economic

¹ I A. 386.

² i.e. Art. 5.

Committee, they are frequently nominated in reality by governments. Particularly is this true of nationals of the countries having permanent seats on the Council. When the Italian member of the Committee resigned, for example, the Marquis Imperiali 'informed the Council' that his successor would be Commander Bianchini.¹ And again, the place of M. Bianchini was taken by M. Suvich, on the suggestion of M. Scialoja, but this time through the medium of M. Procope, the rapporteur.²

This is not by any means always the case, however. The Committee itself has a certain voice in the appointment of new members. It was, for instance, the Committee's chairman who suggested the nomination of the Deputy-Governor of the Polish Bank of Issue to succeed the Swiss member, M. Dubois—a valuable precedent. M. Dubois himself had been appointed on the proposal of the Swiss chairman of the Joint Committee, M. Ador. The question of a successor had been discussed by the Financial Committee,³ but agreement had not been reached. The most popular candidate was M. Rist; but as there was already a French member, when the matter came before the Council his name was passed over, on the motion of M. Briand, in favour of the second nominee. Although it was the decision of the Council that two members should not belong to the same country, the principle that appointment is not based on nationality was strongly affirmed. If it were so, M. Dubois would have been succeeded by a Swiss.

In January 1930 the Committee had thirteen members. Of these, five belonged to the Great Powers permanently on the Council and one to the United States. There was a Scandinavian, a second member from the British Empire, and a South American. The remaining four were nationals of Belgium, Holland, Czecho-Slovakia, and Poland. The question of area representation had not arisen because it had so happened that the South African, the Swede, and

¹ 13 C. 58.

² 49 C 451.

³ Thirty-third session, Dec. 1928.

the Argentinian had been on the Committee since its inception. But in two other cases a member had not been replaced by a co-national. While the Belgian member had been succeeded by a second Belgian, M. Janssen, ex-Minister of Finance, there was no longer either a Spaniard or a Swiss on the Committee.

The members themselves are rather more independent of governments than those of the Economic Committee. Of the twenty-four who had sat on the Committee during the first ten years of the League's existence, only five were definitely officials in a government department and one an ex-minister. The majority, twelve, were eminent bankers, and five were attached to delegations. Several were both directors of private or state banks and at the same time more or less officially connected with government finance.¹ The most eminent members have been bankers rather than officials—such as M. ter Meulen and Sir Henry Strakosch; but they have naturally been in close contact with their governments, the latter, for instance, having sat on several financial commissions during the War and being jointly responsible for the floating in America of the £100,000,000 Anglo-French war loan.

The length of time for which members have sat has on the whole been longer than in the Economic Committee, no less than five members having sat for the whole period. Against this the Japanese are the worst offenders. Their national has changed four times. Four Japanese members were actually appointed, but a fifth, M. Arai, sat as a member for some time without the real member, M. Kengo Mori, having resigned.

Minutes of the meetings, which are private, are not published. The chairman is elected in rotation for one year.

¹ e.g. M. Pospisil and Sir Otto Niemeyer, who, when appointed, was Controller of Finance at the Treasury, as was his predecessor, but who resigned in 1927 to become Director of the Bank of England.

5

The Fiscal Committee.

The need for co-ordinating fiscal systems in order to prevent them either from overlapping or from leaving an uncontrolled area between them was long clear to the financial world. An entirely independent process of taxation going on in different countries is almost bound to lead to inconsistency.

The Brussels Conference recommended an inquiry into the question of double taxation, which was put on the agenda of the Financial Committee. The Committee then entrusted the problem to four eminent economists for study from the angle of theory. This small group of experts comprised Professors Einaudi, Bruins, Seligman, and Sir Josiah Stamp. Their report was published in March 1923.¹

In the meanwhile the Genoa Conference of April 1922 had recommended the study of a second aspect of the fiscal problem—that of the so-called ‘flight of capital’, as a means of tax evasion. The Financial Committee resolved in June 1922 to make an investigation into the administrative and practical aspects of this question, and with that purpose it set up a committee of high fiscal officials. In spite of the considerable difficulties raised by such a study, this special committee succeeded in preparing elaborate resolutions for the approval of the Financial Committee. At the same time it suggested that the special committee should be enlarged and authorized to prepare conventions.² This proposal was submitted to the Council and approved. Accordingly, a committee of thirteen experts³ was created, which met, approved, and finally submitted four conventions, and proposed the summoning of a conference. The report of the Committee was then forwarded by order of the Council⁴ to all governments, members or

¹ Doc. F. 19. ² Approved by the Financial Committee, Feb. 1925.

³ Nominated by governments, but acting only in an expert capacity. For personnel see Doc. C.E.I. 41, p. 17.

⁴ O.J. 1927, p. 793.

non-members of the League, and it was decided that a conference of government experts should meet in 1928. This took place from October 22nd to 31st. At it there were present the representatives of twenty-seven governments, including the U.S.A. and U.S.S.R. It considered the creation of a small committee of experts representative of the various fiscal systems to study questions of taxation in general, as proposed by the Committee. Finally, the Council approved of this, and accordingly formed a special committee, to be known as the Fiscal Committee.¹

This was to have twelve members, appointed for three years. Of them the Europeans were all high officials in their national ministries of finance. There was to be included a South American and an Asiatic, to be nominated by the President of the Council, but these had not been nominated by January 15th, 1930. The American member was Professor Adams of Yale University. A representative of the International Chamber of Commerce was to be invited to assist, as 'collaboration had proved particularly valuable in that it brought before our committee the standpoint of the business world'. In addition there was a group of nineteen corresponding members, who were also connected almost without exception with their state treasuries. Only four of these belonged to extra-European countries, and of them three came from the British Empire and the fourth from Japan.

The Fiscal Committee's terms of reference are Chapter V of the Government Experts' report, dated October 1928.² By this they were to meet once or twice a year in order to 'hasten the solution of the problems of double taxation and administrative and judicial assistance'. The Committee was, further, to give attention to periodical investigation, the preparation of model bilateral treaties, the comparison of fiscal systems, the preparation of any general conference, and the study of relevant questions

¹ O.J. 1929, pp. 49, 50, 1012.

² C. 562, M. 178, 1928, 22 (E.F. 49), based on C. 216, M. 85, 1927, (E.F. 40).

of international law. It was also to extend publications, as recommended by the Brussels Financial Conference.¹

6

The work of the Financial Committee has completed one phase and entered on another. At the beginning it had to solve problems of pressing importance. It was faced with the chaos which the War and the Peace Conference had left behind them. The difficulties caused by inflation, by insecurity and the consequent lack of capital investment, by vast movements of population and resulting famine and disease, had all to be overcome before European life could hope to recover to the normal. But these tasks of reconstruction were temporary. The second stage of the Committee's work resembles more closely that of the Economic Committee. It deals rather with the inconsistencies of national legislations or with the suppression of crime, those smaller questions on which governments are most ready to agree. Such work is of importance and needs to be done. No body is more competent to organize it than the group of leading international experts at the League. Further, there is the labour of study and investigation which is playing an increasing part in the Committee's activity. This is essentially a preparatory and preliminary task without which further progress would prove impossible. And there is, thirdly, an extension of the methods of post-war reconstruction to the permanent needs of peace. International loans have been floated on similar lines, but for the sole purpose of normal peace-time construction.

To the early action of the Committee belongs the financial rescue of Austria and Hungary. This experiment achieved remarkable success. The story of how Austria, cut off from her supplies and markets by the drawing of new state boundaries, was prevented from complete collapse and starvation for three years solely by public

¹ Art. 9.

charity has been told elsewhere. Over £40,000,000 was provided in this period, and yet, while at the beginning of it the Austrian crown was worth one-tenth, at the end it was worth one fifteen-thousandth part of its gold value. This policy of relief, which was nothing more than a policy of palliatives and continual postponement of the real problem, continued until individual action had proved itself incapable of preventing collapse. Then at last came the desperate appeal of the Austrian Government to the Supreme Council of the Allies in the summer of 1922. On August 15th the reply was returned that no further financial help could be given. And it was at this stage that the task devolved upon the League. But by this time the political situation was so insecure that the possibility of a reconstruction on unguaranteed private credit had disappeared.

The problem was considered by the Council and referred to a sub-committee of five, in which sat the Prime Ministers of Austria and Czecho-Slovakia. This committee met twelve times in the following month. Its importance lies in the fact that now for the first time the problem had been put in the hands of a single organized group of men. They represented the countries chiefly interested in a solution of the problem, and upon them lay the responsibility in the light of considerable publicity for finding a way out of the desperate impasse. But the real work of construction was done by the Financial Committee to whom they referred the question. As a body of professional experts

‘the reports signed by them did not therefore in any way commit the governments to accepting its recommendations. At the same time, the different members were naturally in a position to estimate with some special knowledge the probable policy and attitude of their respective countries. This work was done in Geneva, during the meetings of the Assembly, for which delegations of representatives of the countries concerned were present. The conditions were thus favourable for the working out of a scheme which should be both adequate in its provisions and not impossible of acceptance;

and for an understanding by the governments whose assistance was required of the reasons for which the precise scheme put before them was recommended.¹

Five weeks after the Committee of the Council met for the first time the whole reconstruction scheme had been signed by all five governments concerned.

In order to arrive at this stage several difficulties had to be overcome, of which the chief were to ensure financial reform, to guarantee interest to the creditors, and to assure Austria that the loan would not be used as a means of interference in her internal affairs. A plan was devised to conquer these obstacles. Payment of interest was guaranteed by the assignment of revenues; the independence of Austria, by choosing revenues which would be much more than enough to cover the payment in any normal year. By this means it was possible to make the probability of interference on behalf of the creditor countries remote. As the League's instrument a Commissioner-General was appointed. He was responsible to the League. His duties were to ascertain that the programme of financial reform was being carried out, to advise the Austrian Government when invited, and to report monthly to the Council. He was controlled by the Council with the advice of a committee appointed by the governments of the nine states interested in the scheme.

The second line of the Committee's reconstruction activity was directed to the settlement of the Greek and Bulgarian refugees. The first involved finding place and occupation for 1,400,000 Greeks in flight from Turkey into a country whose total population numbered less than four to every refugee. With its connotation of misery and disease, destruction and revolt, such a problem is almost too vast to conceive. At first, help was given by private charity alone. Yet plainly, any permanent solution must provide not merely for the mitigation of suffering, it must place the immigrant in productive work. Only an external

¹ Financial Reconstruction of Austria, C. 568, M. 232, 1926: General Survey by Sir Arthur Salter, p. 18.

loan could achieve this end, but that was impossible to obtain in the conditions of Greek Government credit.

Immediately the task of settlement had been taken over by the League, however, it became possible to obtain advances from the national Banks of England and Greece, on the illuminating condition that settlement control should rest with an independent commission set up by the League.¹ And ultimately a loan of ten millions sterling was floated successfully. Similar methods were applied to the settlement of Bulgarian refugees—a smaller problem.

But the organization of international loans has not been restricted to reconstruction arising out of war chaos. The Danzig loans negotiated by the Financial Committee in 1925 and 1927 were directed to normal peace-time construction.

The second development of the Committee's work is not confined to the post-reconstruction period. It is in the main a process of study and investigation with the purpose of arriving at some generally acceptable convention, practice, or rule of law. Much of the work of the Financial section throughout the League's existence can be characterized as this. One of its first steps was to make an inquiry into currency conditions after the War.² Many financial experts, of whom several later became members of the Committee, voluntarily devoted much of their time to its preparation. The Brussels Financial Conference was a continuation of this study. Questions of double taxation and fiscal evasion were inquired into with the help of the Fiscal Committees already described. As the problem was considered to be unsuitable for a general convention, this resulted in the conclusion of a large number of bilateral treaties.³

¹ The Settlement of Greek Refugees: Scheme for an International Loan, C. 524, M. 187, 1924, ii. Also quarterly reports of the Settlement Commission.

² Currencies after the War, published early 1920.

³ Double Taxation and Fiscal Evasion (Collection of International Agreements), C. 345, M. 102, 1928, ii.

The only convention signed under the auspices of the Financial Committee is that on Counterfeiting Currency. An investigation was begun at the suggestion of the French Government, approved by the Council on June 10th, 1926. After being referred to the Committee and investigated by means of a questionnaire, it was returned to the Council with the recommendation that a mixed committee should be appointed to prepare a convention. Accordingly a committee of eleven was nominated, containing four delegates from Banks of Issue, four experts in penal law, two prosecuting authorities, and Dr. Pospisil of the Financial Committee as chairman. This drew up a convention, which was submitted to a conference called in April 1929, and which had, in its final form, been signed by thirty-one states by January 14th, 1930.

Another draft treaty prepared by the Financial Committee is the Draft Convention for Financial Assistance to States threatened by aggression.¹

More recently a study which may prove highly important has been undertaken. On the suggestion of the Council made in 1928 a special committee was set up, 'charged with examining the causes of the fluctuations in the purchasing power of gold, as well as their effects on the economic life of nations'. This comprised five members of the Financial Committee and five experts of international reputation.

7

The function of the Financial Committee differs essentially from that of the Economic Committee. It is more restricted and technical, more easily defined. The Financial Committee has to deal with what is in reality only one aspect of the Economic Committee's work, just as would a special committee of experts on coal, or of rubber producers and consumers. And the high standing of the Committee is an indication of the possibilities inherent in such methods of organization. By severely limiting its

¹ See A. 10, 1929, and E.F. 1929, ii. 14, and *infra*, p. 213.

scope and the problems it has to weigh many advantages are secured. It has to consider fewer irrelevant interests. It gains in authority according as its opinions are more specialized and therefore more difficult to dispute. If it has to tackle one broad question instead of twenty, the one question may be whole-heartedly considered and finally answered where the twenty all have been postponed, either through lack of knowledge or through sheer inactivity and conservatism. Success in one particular job breeds united feeling and a habit of self-reliance, while the accumulation of work only partially accomplished is more likely to lead to a psychological reaction of incapacity.

The actual position of the Financial Committee is nominally more dependent on the Council than that of most other committees. It has not been reconstructed, and consequently the Committee works still under the rules of its inauguration in 1920. It is not competent, for example, to appoint special committees without first submitting to the approval of the Council. On the other hand, there can be no doubt that in reality it enjoys a higher authority with governments and with the Council than has the Economic Committee at any time. This is the outcome, partly of its limited sphere of activity, partly of the greater technicality and the less controversial character of its work. But a perhaps more important reason is certainly its success in dealing with the definite, urgent, and practical problems submitted to it by the Council. It has an advantage over the Economic Committee in that these problems in the past have been more dramatic than a question of tariffs or over-production is ever likely to be. An equally important reason for the Committee's status may be the high personal standing of its members, not merely in the world of government departments but in the world of central banks. Such men are naturally more independent in their point of view than a government official will ever be.

IV

THE HEALTH COMMITTEE

'Dans notre continent cette maladie nous est particulière. Les Turcs, les Indiens, les Persans, les Chinois, les Siamois, les Japonais ne la connaissent pas encore; mais il y a une raison suffisante pour qu'ils la connaissent à leur tour dans quelques siècles. En attendant elle a fait un merveilleux progrès parmi nous, et surtout dans ces grandes armées composées d'honnêtes stipendiaires bien élevés, qui décident du destin des états; on peut assurer que, quand trente mille hommes combattent en bataille rangée contre des troupes égales en nombre, il y a environ vingt mille vérolés de chaque côté.

'Voilà qui est admirable, dit Candide; mais il faut vous faire guérir.

'Et comment le puis-je? dit Pangloss; je n'ai pas le sou, mon ami, et dans l'étendue de ce globe on ne peut ni se faire saigner, ni prendre un lavement sans payer, ou sans qu'il y ait quelqu'un qui paye pour nous.'

VOLTAIRE.

HEALTH has been a subject of international co-operation for longer than any other of the technical questions taken up by the League. The first of a long series of International Sanitary Conferences was held in 1851 on the invitation of the French Government. But it was not until the Seventh Conference, held at Venice in 1892, that any convention resulted from the proceedings. The previous Conferences had devoted their time to scientific discussions on the origins of epidemics, and in particular of cholera, the danger of which had been the real motive behind the whole attempt at organizing international co-operation. These scientific debates had not been without effect. They had recommended the establishment of a central bureau in every country to collect information about health conditions therein, and to communicate news of any outbreak to all other countries that might be affected. Although the scheme for creating a large number of outposts in Eastern countries, where sanitary regulations were backward, was not put into practice, in general the activities of the Conferences resulted in a tightening up of administration. Several con-

ventions followed after 1892, as the outcome of further International Sanitary Conferences, regulating several of the outstanding problems in the prevention of the spread of epidemics. These dealt with sanitary regulations for ships passing through Suez—an important link between disease in East and West—and for pilgrims to and from Mecca (1892). They dealt also with the notification of cases of cholera, the sanitary regulations of Danube traffic (1893), and with the supervision of the Persian Gulf (1894). As a consequence of a sudden outbreak of plague in India in 1896 a still more rigorous administration of Suez was decided upon. The Eleventh Conference, held at Paris in 1903, at which twenty-four states were represented, resulted in a general codification of previous conventions. But it went further, recommending the creation of a permanent committee and office for the supervision of health matters of international interest.

This proposal of setting up a permanent international committee was not new. It had been made as early as the Vienna Conference of 1874, and at the Conference at Washington in 1881 in a somewhat different form. At Vienna the question had been fully thought out, and would probably have resulted in the creation of a committee had not the British delegate tabled a *non possumus*.¹ The proposals made were restricted, therefore, to a simple recommendation and were not embodied in a draft convention. Such a convention was merely proclaimed to be desirable. This suggested committee was almost identical with that subsequently set up by the Convention of Rome a third of a century later. The chief distinction was that its offices were to be at Vienna instead of at Paris.² Greater emphasis, also, was laid on the need for combating cholera than was necessary in 1907.

The functions of the Committee were outlined at the Conference of Paris in 1903, and the suspicious eye of sovereignty was quieted by the words of the French dele-

¹ *Conférence Sanitaire Internationale, Procès-Verbaux*, p. 310.

² *Conf. Int. San., Vienna, 1874, Procès-Verbaux*, p. 531.

gate: ¹ 'No single one of its powers may be allowed to interfere with the right of sovereignty of which every state is so justly jealous.' The Office International d'Hygiène Publique, as the organization was named, must exercise an 'exclusively moral' influence. Resolutions were adopted by which the chief function of the Committee was to collect information on the spread of infectious disease, receiving reports for that purpose from its superiors in authority, the health departments of contracting governments, and to disseminate that information in public documents. The Committee also receives reports from the governments on their execution of conventions.²

2. But international co-operation in health matters has not been confined to Europe. A year before the International Sanitary Conference at Paris it had been decided in principle, both by the Second Pan-American Conference and the First Pan-American Health Conference, that the latter should meet regularly and be assisted by a permanent office in Washington. The Conference is held under the auspices of the Governing Board of the International Union of American Republics. Several conventions have been drafted and are in force. The American Republics participate almost without exception. At the Seventh Conference (1924), for example, eighteen were represented. Eight of these are also on the Office International d'Hygiène at Paris.³

The Permanent Bureau, which was first set up by the Mexico Conference of 1901, was reorganized in 1920.⁴ It was to have seven members appointed by the Conference, of whom three were to be the Director, Assistant, and Secretary. But its functions were extended. In

¹ René Lacaille, *L'Hygiène Internationale et la Société des Nations* (1926), 34.

² For description of its present organization and functions see p. 99.

³ Argentine, Bolivia, Brazil, Chile, Peru, Uruguay, Mexico, and the United States, the last two not being members of the League of Nations.

⁴ Acts of the Sixth Conference, p. 159, in Spanish text.

general, it was to collect information and to insist on its supply with adequate particulars. It was also to assist in the improvement of conditions at ports or in any other of the danger-spots of the Continent. And lastly, it was to publish a monthly bulletin in Spanish and English.

3. During the War a system of advanced co-operation between the sanitary authorities of the Allied Armies was in full operation. Although ultimate control remained in the hands of the army leaders, an Inter-Allied Sanitary Commission sat regularly in Paris. In this, methods were compared, and the most scientific means of preventing and treating the ills which afflicted the troops were thought out. Essentially, it meant that, while the executive labour was done by army officers, hospital and sanitary station chiefs, a large part of the inventive work, the work of supervision and co-ordination, was done by the specialists who sat in Paris. The co-operation and its success¹ provides a lesson which international organization cannot afford to forget.

2

The direct reference in the Covenant to the function of supervising international health was due chiefly to the agitation of the Red Cross Society at the Peace Conference. This did not come until late. The first application was made to the British, but the Ministry of Health was doubtful about the proposal. Its purpose was to put the Red Cross under the auspices of the League and to give to it in general the task of 'the conservation of the public health throughout the world'.² The British feared that such a provision would give to an independent private organization a function which belonged properly to governments. In fact objection was also raised to it because it seemed to favour too much one particular organization.³ When on March 31st, 1919, a similar

¹ For a brief summary of its work see *Rapport Synthétique sur les travaux de la Commission Sanitaire des Pays Alliés*, 1920.

² Miller, *Drafting of the Covenant*, i. 400.

³ ii. 386.

proposition was made to the American delegation, through the Secretary of the Red Cross and Mr. Rublee, Major Astor went specially to Paris from the London Ministry of Health to discuss it with the Americans.¹ Eventually a redraft proposed by Miller, with a slight modification made by Rublee, was accepted and became finally Article 25 of the Covenant:

‘The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.’

But the British, in order to make the duty and responsibility of governments more clear, added a clause to what was to become Article 23. This rather vague and non-committal paragraph is the only definition of the League’s duties in the matter of international health. By it the members of the League undertake that they ‘will endeavour to take steps in matters of international concern for the prevention and control of disease’.

Equally important with both the other Articles, in view of the existence of the International Office of Health at Paris, is Article 24, providing that—subject to consent of the parties—all international bureaux shall be placed under the control of the League.

3

The first international action relating to health taken after the signing of peace was the summoning by the British Government of a small congress in July 1919, at which the President of the Office d’Hygiène was present. This was invited by the Council in February 1920 to meet again with some additional members in order to draft plans for a permanent health organization that should fulfil the duties of the League under the Covenant. This Conference met at the Ministry of Health in London on

¹ i. 407.

April 13th. Seventeen delegates assisted, of whom six had the vote, representing the five Allied Great Powers and the Red Cross Society. It prepared a complete scheme which adopted the principle of including the Office d'Hygiène in the permanent organization, and of placing it under the authority of the League. This had already been proposed in July and approved by the Comité permanent at Paris in October. Besides Dr. Pottevin, who represented the Office at the London Conference, there were present three members of the Comité permanent, and the proposals were put forward with their concurrence. Dr. Steegmann, who later became Director of the League's Health Section, was also present as one of the British delegates. A scheme was adopted describing in detail the functions and composition of a new organization. The Council¹ and the Assembly² both approved the report in essential particulars, but the Assembly made several amendments. Among these was the addition proposed by the French delegate that 'the Head-Quarters of the Office International d'Hygiène Publique shall remain in Paris'.³ The paragraph providing for English as an official language was omitted. Several other small amendments were adopted, the general effect of which was to weaken the position of the Committee and to stress the independence of governments.⁴

The final resolution of the Assembly⁵ has acted as the basis of the Health Organization's work.⁶ The first part of it is worth quoting in full, for it briefly and fully resumes the functions which the Committee has been called upon to perform.

'In pursuance of the Covenant of the League of Nations and in order to facilitate the discharge by the League of Nations of the

¹ 8 C. 105, 109, and 29.

² 1 A.C. ii. 147, 171, and 1 A. Pl. 383-92.

³ 1 A.C. ii. 150.

⁴ In particular those proposed by France, Great Britain, and Japan, the last being adopted later. 1 A.C. ii. 151.

⁵ 1 A. Pl. 388.

⁶ See discussion of this programme in Minutes of Provisional Health Committee, i. 6 et seq.

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 9th, 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.

“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 when 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 Labour Organization, the International Health Organization will co-operate with and assist the International Labour Organization, it being understood that the International Labour 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.
- (b) To organize missions in connexion 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 sub-section (a) or under the International Conventions signed at Rome, December 9th, 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. (*Une Commission technique.*)
- (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 19th, 1920.'

As had been the case for Transit, the Health Organization thus outlined was to have a conference, an executive committee, and a bureau. Instead of a new conference, however, the Comité permanent of the Office d'Hygiène, to be known as the General Committee, was to act in that capacity. This is a conference in fact, although not in name. On it are represented all the parties to the Convention of Rome, whose delegates generally number as many as forty. The Permanent Committee was to be elected for the most part by this General Committee. But the Council was to appoint a representative for each of its permanent members. And in addition, the Red Cross Society and the International Labour Office were to have nominees. The chairman of the Office d'Hygiène was to be an *ex officio* member and its director to be present in an advisory capacity.

In its session of April to May 1921 the Comité permanent discussed the question of its co-operation with the League. The Assembly had deputed to the French Government the task of informing all the states members of the Office

d'Hygiène of the Assembly's resolution, and inviting them to approve the scheme of co-ordination proposed therein. The United States, however, refused to do so. On this ground the French delegate argued that it was impossible for the Office to nominate representatives even to a provisional committee of the League.¹ Such an action would imply acceptance in principle. And in the end his view prevailed.

In consequence of this decision by the Office the Council, as M. Hanotaux said, 'was in a position of some delicacy. . . . It was obliged to take into consideration the feelings of certain individuals which it was necessary not to disturb.' Therefore on June 21st, 1921,² it appointed a provisional committee. This was to have not more than fourteen members, appointed individually for technical qualifications, and not on the ground of nationality. It was also to contain a representative of the Red Cross and the International Labour Office.³ The question of overlapping with the Office was, of course, bound to arise, but the danger was diminished by the nature of the appointments made. No less than ten of the members actually nominated were also delegates of the Comité permanent. Their first meeting was held August 25th-29th. The importance of the Committee is interestingly shown by the fact that eight members were directors of health ministries.

The Provisional Health Committee existed for two years. It was increased in size by the Council in July 1922 to include a woman doctor from America, a German, and a Brazilian expert.

The Third Assembly, considering 'that the Health Organization of the League of Nations is undertaking a task of permanent utility, and that it is indispensable that it should continue its activities', recommends⁴ that a permanent Health Committee be constituted. In pursuance of this resolution the Council decided, on January 30th, 1923, to form a special mixed committee to prepare

¹ *Procès-Verbaux*, April 1921, p. 26.

² 13 C. 174.

³ *Ibid.*, 22.

⁴ Sept. 15, 1922; see also 3 A.C. ii. 65.

a scheme. Half the members of this commission were appointed by the League and half by the Office d'Hygiène. It succeeded in overcoming all the obstacles which hitherto had prevented agreement. But the scheme it prepared¹ and that previously accepted by the First Session of the Assembly were almost identical. The chief difference lay in the increased size of the Health Committee under the later plan. It was accepted by the Council² in July, approved by the Assembly on September 15th, 1923, and by the Office d'Hygiène on October 27th.³

The Organization became threefold. It consists, first, of a Health Bureau, the Health Section of the League; secondly, of a General Advisory Council or Conference, the Comité permanent of the Office d'Hygiène; and thirdly, of the Health Committee, having sixteen members and four assessors.

The distinction between the functions of the two bodies was briefly defined by M. Adatci.⁴ 'In conformity with the practice of the other technical organizations of the League of Nations,' he said, 'the General Council is to be an advisory and deliberative body, while the Standing Committee is to undertake investigations with a view to preparing the work of the General Council or of the Council of the League of Nations, and is to act at the same time as an executive body.' Speaking of the Advisory Council,⁵ he adds in a report which was adopted by the Assembly:

'Its duty will be to consider and discuss any questions which the Health Committee of the League may think fit to submit to it, either on its own initiative or at the request of the Council. The importance of the Advisory Council's opinions and resolutions is enhanced by the fact that it is composed by delegates of all the participating states.

'On the other hand, the Advisory Council, which has a large number of members and meets only twice a year, has not always

¹ 25 C. 1050.

² *Ibid.*, 936.

³ *Comité permanent, Procès-verbaux*, p. 93.

⁴ 4 A.C. ii. 51.

⁵ The functions of this are described later; see *infra*, p. 100.

the resources which are indispensable for any exhaustive and practical study of the questions submitted to it. It has therefore been provided that the Committee may entrust the preparation of its work to the Health Committee of the League of Nations, if it considers that this procedure is likely to assist its investigations. The Health Committee is a less scattered body, and has greater elasticity. It may, if occasion arises, carry out enquiries, appoint special sub-committees and attach to them any qualified persons whose assistance may be thought to be of use.

'The Health Committee of the League of Nations will thus be responsible for the preliminary work on which the Advisory Council's investigations will be based. The Health Committee will also hold itself at the disposal of the Council of the League of Nations, to consider all questions which fall within its competence and the solution of which would not appear to require any action on the part of the Advisory Council, or would be more quickly secured without such action.

'Lastly, the Health Committee will direct the work of the Health Section of the Secretariat of the League of Nations.'

4

The Health Committee has sixteen members and eight assessors, four of whom rank as members. All appointments last for three years. Ten members are nominated by the Health Advisory Council and six by the Council of the League on the advice of the Health Committee. But as the latter has the right to appoint assessors, it in reality has ten members appointed by itself and ten by the Comité permanent in Paris. Of these last ten the chairman of the Advisory Council and a representative of each of the permanent members of the League Council must always be included. The Committee is, therefore, only partially a League organ, and in fact it enjoys a marked independence. This independence with regard to appointment is confirmed by several practices. The custom of the Council to nominate members only on the advice of the Committee is established by many precedents. At the nineteenth session of the Council, for instance, the names of Dr. Josephine Baker and Dr. Chagas of Brazil, proposed

by the Committee, were approved by the Council.¹ Further, during the same session, the Health Committee was authorized to co-opt an expert of German nationality.² Professor Nocht was thereupon appointed—four years before Germany became a member of the League. Lastly, in 1930, while the Comité permanent merely reappointed members, the Health Committee's ten nominees contained as many as six new names.

The nationality of members is not the primary consideration. In fact the sole mention of nationality is the provision for the representation of the five Great Powers. There is no restriction on the number of members who may be drawn from any one country. And at times there have been two or even three co-nationals.

Besides the permanent members of the Council, Spain, Switzerland, Denmark, and Belgium have each had a national on the Committee throughout its existence. There have been two citizens of the United States at the same time on the Committee since 1923. Several dependencies, such as Algeria, Egypt, India, have had their delegates on the Comité permanent also on the Standing Committee.

The qualifications of members are remarkably high. If we regard the Provisional Committee as merely another name for the Permanent Committee, it is possible to say that there have been thirty-three members of the Health Committee between 1921 and 1930. Of these no less than twenty have been high state officials. What is particularly interesting about these, in view of the difficulty which such responsible officials find in leaving their posts, is the fact that several have come from outside Europe, including an American, a Jap, an Anglo-Indian, an Australian, and a Brazilian. The remaining thirteen members have been almost without exception professors of medicine, often with practical administrative experience. The policy of sending substitutes has been rarely adopted—only, in fact, by Japan and Australia; but in both cases the substitute

¹ 19 C. 937.

² *Ibid.*, 814.

has been his country's representative on the Comité permanent. Nineteen members of this Committee have been delegates at the same time on the Comité permanent.

Tenure of their positions by the members has shown a higher average length of time than with most other committees. Seven have sat throughout the Committee's existence and seventeen since it became permanent in 1924.

The Committee has increased steadily in number since its creation. Fourteen health experts were originally invited by the Council to form the Provisional Committee, and of these Dr. Mimbela of Peru declared that he could not accept as he was unable to spare the time for travel which a conscientious fulfilment of his duties would demand. By January 1923 the Committee had seventeen members. Under the scheme of reorganization it was to have twenty, and it retained this number for the following three years until its membership came up for renewal. In 1927 two members dropped out, but three were added, and by the tenth session, in April 1927, two further additions had been made, making the number twenty-three. Finally, in 1928, Dr. Nagayo, Professor at the Institute for Infectious Diseases in Tokio, was appointed; and since then the size of the Committee has remained at twenty-four.

The interest of members has been shown by the regularity of their attendance. This applies to all European members, but those coming from distant countries naturally have greater difficulty in being present. Out of the first thirteen sessions after her appointment, Dr. Alice Hamilton, of Harvard, was only able to attend three. The respective figures for Surgeon-General Cumming (U.S.A.) are 15 and 6; for Dr. Chagas (Brazil) 17 and 6; for Professor Alfaro (Argentine) 6 and 1; and for Professor Cantacuzene (Roumania) 12 and 7.

Among the best known figures on the Committee are Dr. Thorvald Madsen, M. Velghe, Sir George Buchanan, Dr. Carrière, and Dr. Chodzko. The eminence of Dr. Madsen is unchallengeable. He is a type of the public-

spirited man of service with whom the Scandinavian countries have enriched the League. A high state official since 1902, he is well known for his work on behalf of prisoners during the War. He is primarily a scholar and a scientist. His scientific work at the State Serum Institute is world-famous, as also is his activity in the cause of international co-operation. He has attended numerous conferences—the International Conference of Physicians, the Health Conference at Paris, and the Health Conferences for Scandinavia. He was chairman of the Committee from 1921 until 1930 and a member of the Comité permanent. M. Velghe, Secretary-General of the Belgian Ministry of the Interior and of Health, was on the Comité permanent before the War, and has been its chairman for several years. Sir George Buchanan is Senior Medical Officer at the Ministry of Health. He was Chief Inspector of Foods from 1906 until 1911. Throughout the War he sat on the Army Sanitary Commission and on several expeditionary force health boards. Besides being a widely experienced public servant for many years, he has sat on the Comité permanent since the War. Dr. Carrière, who also sits on the Opium Committee and the Comité permanent, is director of the Swiss Federal Health Service. Dr. Chodzko, vice-chairman of the Health Committee in 1929, is an ex-Minister of Health of Poland. But he is actual director of the State School of Hygiene at Warsaw. He also has long been known at the Office in Paris and has sat on the Comité.

5

In the course of its work the Health Committee has collaborated with a large number of other bodies. Under Article 25 one of the League's functions is to co-operate with the Red Cross, and this duty it has fallen to the lot of the Health Committee to perform. Inside the League, its work has been connected with that of several other committees, as well as its own special and sub-committees; and outside, with the public health departments of many

countries, including the United States. It has also received help from the Rockefeller Foundation and worked with the Washington International Health Office. And interesting relations have developed with the International Labour Office. But the most important of the Health Committee's collaborators has, of course, been the Office d'Hygiène at Paris, which provides it with a conference on the general plan of international unions. This has maintained the control of its budget and its general autonomy under the constitution of 1907 in spite of its co-ordination with the League.

By the Convention of Rome, first signed by twelve states and colonies,¹ and finally by forty-six, the Office d'Hygiène was set up for seven years. This period was to repeat itself automatically, unless denounced a year before renewal. With that limitation a permanent conference, known as the Permanent Committee, with a bureau attached to it, was organized. Every state party to the Convention is entitled to appoint a member of this committee. At the session of May 1929 thirty-one states had delegates present. In addition were to be seen there the directors of the Health Section at the League of Nations, of the Pan-American Health Bureau, and of the Office d'Hygiène.

The Committee must meet every October in ordinary session. But it regularly holds an extra session earlier in the year. Extraordinary meetings may be called on the initiative of the chairman or of a third of the members. Procedure² is by majority vote, one more than the majority forming the quorum. Votes are weighted according to financial contribution. The chairman is elected by secret ballot for three years. A member may add to the agenda on his own responsibility provided only that the chairman be notified in reasonable time. Minutes of the meetings, the official language of which is French alone, are pub-

¹ Belgium, Brazil, England, Egypt, France, Holland, Italy, Portugal, Russia, Spain, Switzerland, and the U.S.A.

² See *Règlements de l'Office d'Hygiène Publique*.

lished. The budget is under the control of the Committee and is provided by the states parties to the Convention, members being paid their travelling expenses and an allowance per day. The Committee, although it is composed for the most part of men occupying responsible posts in the health administrations of the countries they represent, is in reality a diplomatic conference. Members are there in a subordinate capacity as servants of their countries, appointed by, and dependent upon the concurrence of, their governments. This implies the necessity to refer to them for instructions on any non-routine proposal.

By the Convention of 1926 the Office is given the task of receiving and distributing information to and from governments. It was also empowered to delegate its duties in the Pacific region to the Singapore bureau of the League, and this has been done.

As was said at the fourth session of the Assembly,¹ 'All steps have been taken to establish a close and fruitful collaboration both between the Advisory Council and the Health Committee, and between the Office International and the Health Section of the League; the two organizations will keep in touch with each other, and will forward to the members of the Council and of the Committee all documents relating to their work'. This is carried out in practice.

Secondly, besides co-operating with the Paris Office, the Health Committee has established no less than twenty special committees of experts. To these it habitually refers for advanced study the many questions of a highly specialized order, with which it is always meeting. A commission is in existence for each of the major diseases—cancer, smallpox, malaria, leprosy, syphilis, plague, sleeping sickness, and tuberculosis. Some, like the Committee of Experts on Infant Welfare, are subdivided, this last having one section for Europe and one for Latin America. Three committees have nominees of both the Health

¹ 4 A.C. ii. 54.

Organization and the International Labour Office: those on public health service in relation to health insurance, occupational cancer, and preventive medicine. A similar method has been applied by the Labour Organization in the composition of some of its study commissions. Among the Health Committees of experts on particular diseases the Malaria Commission is an example. It consists of seven members of the Health Committee and twenty corresponding members, who enable it to collect expert opinions from an extremely wide and varied field. In addition, there are committees dealing with statistical and administrative questions, such as the standardization of sera, and of lists of the causes of death, or the fumigation of ships. Finally, there is the Advisory Council of the Eastern Bureau at Singapore, the work of which is mentioned below.

Co-operation between the Health Committee and the other committees of the League is no less marked than is the quantity and activity of special commissions on health matters. When the Child Welfare Committee was founded, the Health Committee claimed and secured representation upon it—a noteworthy example of independence combined with a desire to collaborate. The Health Committee has an opium sub-committee. It has in the past, together with the Opium Advisory Committee, appointed a mixed commission for the study of medical needs. It was this which arrived at a *per capita* estimate of legitimate needs—that is, medical needs, on its own definition. This, the League figure, as it has come to be known, is one of the most progressive steps taken in the fight against opium. There has also been collaboration with the Transit Committee, with the purpose of securing proper sanitary conditions in ports where much international commerce is carried on and on inland waterways that flow through several lands. Lastly, it was decided by the Assembly on September 15th, 1923, that all reports of mandatory powers relating to health conditions in their mandated territories should be sent automatically to the

Health Committee, for the latter to report upon to the Mandates Committee.

The clause in the Health Committee's terms of reference which relates to collaboration with the International Labour Organization¹ came up for discussion at the first meeting of the Provisional Committee. Dr. Chodzko objected to it because, he said, 'the Committee could not, in its relation with the International Labour Office, accept a merely advisory capacity'.² But, as the Office's representative reminded the Committee, 'the Advisory Committee on Labour Hygiene, the creation of which had been discussed at the Washington Conference, would probably be set up in October. There would then be two Health Committees in existence'. In the end, the principle of collaboration was agreed upon. Actually, a Labour Hygiene Committee was set up by the Labour Office. But although the independence of both is recognized, the Health and the Labour Organization in fact co-operate. They have both, for example, representatives on the Anthrax Committee. And they have continuously worked together in the attempt to improve prophylactic measures against venereal disease, particularly as it affects seamen and is spread by them.

Finally, among the Committee's collaborators is the Red Cross Society. Although special provision was made in the Covenant under Article 25 co-operation does not seem to have been either more or less than with other bodies outside the Health Organization. The Red Cross was officially represented on the Provisional Committee, but after the reorganization its right disappeared. During this time its delegates were Professor Winslow, of the Yale School of Medicine, and Dr. Santoliquido. Since 1927 Dr. Winslow has again sat on the Committee as one of its expert assessors. Reciprocally, the Health Committee has participated in the work of the Red Cross and assisted it. The Committee sent a representative, for example, to the Warsaw Conference of Red Cross Societies. Nor must it

¹ Clause, see p. 91 above.

² Prov. Com., Minutes, i. 7.

be forgotten that several members of the Health Committee either are, or have been, active members of the Red Cross in one or other of its branches.

6

It would be impossible to describe in short space the work of the Health Committee. Such a task, in any case, belongs not to a study of League machinery for international administration, but to a general history of the League's technical activities, or, on the other hand, to a specialized study by a medical expert on questions of international health. All that is possible here is a brief indication of the main types of work which the Committee has undertaken. These divide broadly into two parts—co-ordination and inquiry.

In the first there are to be found five types. The Health Committee co-ordinates administration by a system of study tours. With the financial help of the International Health Board of the Rockefeller Foundation, a group of health officials, chosen by their chiefs, visit other countries to study other methods of health administration. They conclude generally by a visit to the Health Section of the League. The value of this in its widening of official experience and its making of contacts needs no emphasis.

Secondly, the Committee co-ordinates national statistics. In the first place this is done by unifying methods as in the definition of still-births. This is important and necessary work; without it comparison of mortality statistics would be, and actually was, rendered futile. It is a valuable step in the making of a new international technology, by no means the least significant part of the League's achievement. In the second place, demographical studies have been made by members of the Committee and high state officials in a large number of countries and published in separate handbooks.

Thirdly, the Health Organization collects and publishes epidemiological information each month. The need for this was felt before the War, and frequent requests passed

from one government to another. But the processes of consular, diplomatic, and foreign offices are not speedy enough to allow for the efficient supply of news which, to be of any use, must be received without delay. Even the League of Nations, with its service of regular information from a number of stations, has found it necessary to establish a second bureau for Far Eastern Intelligence at Singapore, a third in Melbourne, and to consider the possible value of a fourth in West Africa. America is supplied by the Pan-American Sanitary Bureau at Washington, the executive body for assistance in combating epidemics, set up by the Pan-American Health Conferences. The value of all this intelligence work is clear. It provides a world news service, by which the warning of an outbreak anywhere is immediately broadcast to all areas likely to be affected. At the same time it is building up the material for a science of medical geography.

Fourthly, the Committee co-ordinates scientific research, and organizes it in such a way that study is undertaken at the same time and on a general plan by the best qualified laboratories in various parts of the world. This is a type of international rationalization which, unfortunately, is still absent in many other fields of science. Its possibilities are seen in the success which met the efforts of the international group of laboratory experts, who, under the direction of Dr. Madsen in the Serological Institute at Copenhagen, conducted an investigation in 1923 into serological technique.

Lastly, the League co-ordinates the application of national health policies, particularly in the fight against epidemics. Its work directed against the desperate conditions which succeeded the devastation of the War is most noteworthy. Typhus and relapsing fever in 1920 and cholera in 1922 spread west from famine-stricken Russia, where the economic and medical administration had completely broken down. Two steps were taken: the creation of the temporary Epidemic Committee in 1920, the summons of the Warsaw Health Conference in 1922. The

Conference recommended that advanced instruction should be given to health administrators of Poland and Russia in the methods of dealing with epidemics, and that conventions should be concluded between the border states. Both recommendations were put into practice, but a third for lack of funds was not. The Epidemics Commission had three members. It co-ordinated the efforts of the already existing national health officers, with the object of setting up a series of quarantine stations and hospitals, covering all the lines of traffic east and west. But as less than one-tenth of the sum asked for was at first subscribed, a much less ambitious scheme had to be thought out. Success in preventing the spread of disease was nevertheless complete. By the time the Committee's work was drawing to its conclusion the Committee had gained an unchallengeable reputation and authority. That this did not extend merely to the administrations immediately concerned is proved by the request of the Greek Government to the Epidemic Commission in 1922 for help in dealing with malaria, smallpox, and other diseases rife among its horde of immigrant refugees.

The second main division of the Health Organization's work is the series of inquiries which it has undertaken. These have already been indicated by the list of special committees of study on cancer and all the chief diseases. Conferences on several subjects have been called. Among them are those on tropical diseases held in London 1925, and on smallpox, which met at The Hague in 1926, the Second Conference on the Diagnosis of Syphilis 1928, the Second Conference on Sleeping-sickness, Paris, 1928. Inquiries have been conducted by the dispatch of experts to Tropical Africa for the study of sleeping-sickness, to the Far Eastern ports, to the Balkans and the Mediterranean for malarial study. Such investigations have been made as those into cholera in Japan, malaria in Spain and Corsica, vaccination in Greece. These are undertaken generally by one or two medical experts and are published in separate volumes. The same applies to the studies of

health administration which have already appeared for such countries as New Zealand, India, Belgium, the French Colonies, Austria, Hungary, Denmark, Persia, Germany, Latvia, the Ukraine, and Jugo-Slavia. The possibilities of such action in encouraging invention, co-ordinating research, and improving health administration by placing it on a wider scientific basis are infinite. The success of the Cancer Committee in eliciting new facts is but one example.

Strong evidence for the value of the Committee's investigation work is to be found in the number of calls for assistance which it has received from members of the League. Besides the Greek and Polish governments, those of Czecho-Slovakia, Jugo-Slavia, South Africa, Great Britain,¹ and China have asked for help.

Lastly, a Convention to supersede that of 1907 was drafted and signed in Paris in 1926.

7

Many of the Health Committee's activities are new. Despite the long years of collaboration which preceded the League's experiment, much the most fruitful time has come since. The work of the Office in Paris, though having a value in itself, is not comparable with the achievements of the Health Committee. Apart from the drafting and supervision of certain conventions the meetings of the Comité permanent at Paris resulted only in discussion of health conditions and medical methods with but small practical effect. It is true that contacts were created, and that was a real step in advance. But the purpose of the Office d'Hygiène was severely limited. The aim was chiefly to afford a meeting-place for scientific debate by official experts, in order to help them in their administrative work. And the staff at the disposal of the Office was too small to allow of profound research or extensive service.

¹ If the request made by Sir George Buchanan for cancer investigation in England may be regarded in that light.

The Health Committee, on the other hand, has undertaken more varied, more practical, and more numerous labours. Its valuable research work in all its many forms is entirely new. So are the study tours and the interchanges of health officials.

But the Committee has gone further. It has entered on even more definitely administrative work. Quite justly can it be claimed that the publication of the *Bulletin*, with the executive action involved at Geneva and at the other stations, and, secondly, the cancer and tropical diseases research is international administrative work of a type. But this is still more clearly the case with the Committee's assistance in organizing national health services and with its work of European reconstruction. The operations of the Epidemics Commission and the assistance given to Greece in the sanitary aspects of her refugee problem are nothing if not international administration of an advanced type. They were both highly successful.

The position is hopeful for the future. Instruments are there which are capable of extended use. So far their efficiency has been hampered continuously by lack of funds. The fact that an important part of the Committee's work could never have been undertaken without the generosity of a private institution reflects more credit on the givers than on the states who were ready to accept. The picture of fifty governments waiting on private charity in order to carry out a part of their most important function is not an encouraging one for the political scientist. Nor is the treatment of epidemics. The financial support of a task of such vital moment to the conditions of human life as that of the Epidemics Commission was left to voluntary subscription. The principle of making the most unselfish pay may be simple; it is not just. And in fact, so unwilling and so tardy were the treasuries of the world in their help that in the whole period only one-sixth of the money needed was obtained.

The tools are in existence. Most of the major health

problems of the world have special committees of the Health Organization to deal with them. Were treasury support behind them it would be possible to envisage each body planning and carrying out a systematic attack on the evil under its care. Research could be carried out under the best conditions, and if necessary at central laboratories in Geneva. Around them a central medical university might grow up.

For the health of man is a single question. Sanitary regulations need to be executed locally and administered nationally. But national administrations need to be co-ordinated internationally. And the science on which they are based knows no language and no political allegiance. It is one of the most important services and the first necessities of mankind.

That so much has been achieved by the Health Committee against such heavy odds is a tribute to the international-mindedness of its members. It is also an indication of the value in international organization not merely of contact but of comparative independence and the consequent fastening of responsibility. The principle of expertness as opposed to nationality is vindicated by the Committee's work. So is the principle which is the logical consequence of the last, of limiting the sphere to a highly technical and specialized question. Once the work has been divorced from the political field, and has thus been made to evade as far as possible the irrelevant issues of nationalism and state sovereignty, it is more likely to arrive at practical result and less likely to waste its force in vague resolutions. Especially is this the case if it can be narrowed to a confined and specific part of the general problem. By this means, also, still more expert and specialized qualifications can be brought into international service. Provided members are disinterested and bent on public usefulness, as they are likely to be in as highly technical a field as health, and provided they are controlled and co-ordinated by less specialized minds, their efforts are almost certain to be fruitful.

The Health Committee's lack of funds may be due largely to the failure to give adequate publicity to its work. Preventive or other sanitary measures do not make a good story for the journalist until something goes wrong. But there are other means. At present Health Ministers have no direct contact with each other. What their subordinate officials may be doing in Geneva or Paris may be of the utmost importance, but it has not necessarily any direct reference to their views of departmental work, nor need it affect or modify their outlook either on departmental policy or on general national affairs. To bring Health Ministers into touch, while it might or might not profoundly influence their opinions, would certainly give them contact with the international aspect of health questions, with health regarded as a function of world organization. It would have a certain educative value—that is, to the ministers themselves. It would certainly increase the importance of the health organization, and therefore add to the publicity afforded to its activities. At the same time it might quicken ministers' interest in the position they have to cope with at home by stressing its relativity and bringing new methods to their notice. Finally, by giving interest to ministers in the practical development of the work they supervised, it would open the Health Committee to a regular fire of criticism and suggestion on the one hand, and would enlist powerful aid in the cause of financial support on the other.

To bring about such a system of ministerial meeting would merely be to carry into another field the principles already applied by the League in its Council, Assembly, and several of its conferences, and in other schemes for development elsewhere envisaged. The Health Committee meets two or three times a year. The Advisory Council at Paris meets twice but is tabled to meet once. In place of its 'extraordinary session' in April, a Health Council of all Ministers of Health who cared to come might meet in Geneva to consider the work of the Committee and Advisory Council for the past year, to add to

its agenda for the coming sessions, and to discuss the general development of its services. There would be no need for it to restrict its sphere of action too narrowly. Besides being the ultimate authority over the Health Committee, Advisory Council, and Office, it would take within its purview the opium activities of the League. Nor need it be prevented from improving the relations between the medical professions of the world, from creating international medical scholarships, or even founding an institute for higher medical study equipped with research laboratories. For it is on some such lines as these that a world service will grow.

V

THE COMMITTEE ON INTELLECTUAL CO-OPERATION

'You are paying your final tribute to the human mind, which has led mankind from barbarism and shown him the way to peace.'

LA FONTAINE, in the First Session of the Assembly.

IF the League was born in the storm and havoc of war, it was conceived in peace during the early years of this century. Many movements went before it to prepare its way. Perhaps the most important of these was that which led from the establishment of the International Office of Bibliography at Brussels in 1895 to the Union of International Associations, which held its first World Congress in 1910. This was essentially an attempt to promote literary and scientific co-operation between peoples. Its pioneers were M. La Fontaine and M. Otlet. They organized the International Index of Bibliography, the International Library, and the International Museum at Brussels. The Union of International Associations was restricted to non-commercial bodies; it aimed at 'a world organization founded on law, on scientific and technical progress, and on the free representation of all the interests which are common to the human race'. By 1914, 230 international societies belonged to it. Its interest in questions of education and intellectual co-operation is shown, to give but one example, by the resolutions passed by the Congrès Universels de la Paix urging an 'internationalization of education'.¹ These looked towards a common plan of study, a much more frequent and easy interchange of students and professors, and an International University.

These currents of opinion have developed since the War in two directions—in the establishment of an International

¹ See *Union des Associations Internationales, Code des Vœux Internationaux*, i. 172, 4, p. 96.

Summer University at Brussels and an Institute of Higher International Study both at Geneva and at Paris, and, secondly, in the creation—largely under the inspiration of M. La Fontaine—of the Committee for Intellectual Co-operation, which has also developed an Institute of Intellectual Co-operation at Paris and a Cinematographic Institute at Rome.

But in general it may be said that the Union of International Associations was one of the chief pioneers of the idea of a League of Nations. Its Congress proclaimed before the War that 'a League of Nations was the ultimate end of all international movements'. And in this sense the Brussels activities were not merely the precursors of the Committee on Intellectual Co-operation, they were responsible to a not inconsiderable degree for the materializing of the League itself. Their welcome of the League when it came into existence, and their readiness to subordinate their work to it, is additional evidence of their sincere support. 'During the War the leaders of the Union drew up drafts of a Covenant and of an international constitution.'¹

The origins of the Intellectual Co-operation section, therefore, are intimately bound up with those of the League itself. The movements for bringing both into existence were intermingling and contemporaneous. To some extent the educational element was older. 'If an international intellectual life had not long been in existence,' as M. Bourgeois said, 'our League would never have been formed.'² In consequence, the Intellectual Committee can claim over the League a certain degree of priority in conception, and even of parentage or responsibility in its immediate originators.

¹ 14 C. 51 (Memorandum of the Secretary-General on Educational Activities). And see *Les Problèmes Internationaux et la Guerre*, written by M. Paul Otlet in 1916, also his charter for a League, written in October 1914.

² 14 C. 48.

In view of these activities at Brussels, it was quite natural that the suggestion of an International Commission on Intellectual Relations should be put forward by the Belgians at the Peace Conference. But no one else seems to have been interested in it. The amendment, in the form of an additional article in the Covenant, which contained the provision, was withdrawn by M. Hymans in the League Commission of the Conference without discussion. This was doubtless because the views of those who were opposed to 'complicating' the Covenant with unnecessary matter were well known, and because the acceptance of one such amendment would have necessitated at least a discussion of what were considered the more dangerous proposals for an economic committee and a financial section. The fact that the inclusion of such a provision would have been both useful and logical cannot be denied. As a gesture it would have strengthened the position of the Committee which was subsequently created. But the very fact that this Committee came into existence without provision for it in the Covenant is proof that such provision was, in truth, unnecessary.

The text—translated—of the article put forward by the Belgians was:

'The Associated States will assure, to the fullest possible extent, the development of moral, scientific and artistic international relations and will further, by every means, the formation of an international outlook.

'There shall be created for this purpose an International Committee on Intellectual Relations.'¹

A petition was also presented to the Peace Conference on February 5th, 1919, by the Union of International Associations.² This demanded the inclusion in the Covenant of a charter for Intellectual and Moral interests, just as that for the interests of Labour had already been deter-

¹ See Miller, *Drafting of the Covenant*, i. 350.

² See *L'Université Internationale, Documents relatifs à sa constitution*, p. 2.

mined. But it seems to have exerted no influence on the course of events.¹

A few days after the Conditions of Peace had been finally handed to Germany another group of delegates met in Paris.² These were a few representatives of academic circles in some of the Allied countries. They met with the purpose of promoting co-operation in scientific study, and they formed a union which became the Union Académique Internationale. Its seat was to be at Brussels and its finances to be subscribed by the national academies represented. It was open to delegates from ex-enemy countries as soon as they applied—an important difference from the League organisms. In fact this organization has met regularly once a year since 1920.

3

The work for which Belgium had been noteworthy before the War, and in which she showed her interest at the Peace Conference, was not abandoned after the War. The International University, organized by MM. Otlet and La Fontaine, held its first session in the summer of 1920. The Council of the League specifically welcomed the movement. A tribute has been paid to the founders in a note by the Secretary-General.³ Their work, it says,

‘a work of documentation and information, of co-ordination of effort, of general education, appears as a vast enterprise of international intellectual organization, characterized by the breadth of its conception and design. Its action is twofold. As regards principles, it owes to the logical force of the ideas which it has brought forward an educative influence which is highly conducive to the development of the ideas of union and of international organization. As regards facts, it has proved its efficacy by the institutions which it has created. The Union of International Associations, its Congresses, the publications connected with them,

¹ There is, for example, no reference to this in Miller's *My Diary*.

² See *Compte rendu de la Conférence préliminaire de Paris*, May 17 and 19, 1919.

³ I4 C. 53.

and the International University, form particularly effective instruments for the "diffusion of a broad spirit of understanding and world-wide co-operation". The League of Nations should regard these institutions to-day as most valuable organs of collaboration.¹

The activity at Brussels was carried over also, in the person of M. La Fontaine, to the First Session of the Assembly. In an eloquent speech, made as rapporteur from the Second Committee to the Assembly, he put the case for an international organization of intellectual life. This was, above all, 'to give more force and more power to human thought'. Its objects were defined by M. La Fontaine. 'What intellectual labour requires', he urged, 'are facilities, ready information, and centres for collaboration where learned men who are carrying out researches on the same subject can meet, and where the results of their work can be put at the disposal of the whole world.'² The Assembly approved the report and the principles it put forward, and recommended that the Council should investigate 'the advisability of giving them shape in a Technical Organization attached to the League of Nations'.³

On September 2nd, 1921, after the question had been fully studied by the staff, the Council passed a draft resolution for the next Assembly. There it was considered in the Fifth Committee and reported on by Professor Gilbert Murray. It was adopted with two amendments.⁴ The word 'education' was omitted from its title, as it was feared that such a term might appear to imply interference with internal administration, but this amendment was accepted on the understanding that 'the very broad phrase "co-operation in intellectual work" certainly included education among its other activities'. And educa-

¹ The judgement expressed in this considered report is of a particular interest since, in spite of the eulogy it contained, it did not prevent the League from ignoring Brussels entirely from the moment the Paris Institute was created, and even attempting to duplicate the Brussels work without reference to them.

² I A.P. 757.

³ Ibid., 771.

⁴ 2 A.C. v. 366 and 469.

tion considered as a science was added to the list of questions submitted to the Expert Committee.¹ The second amendment provided that there should be women members of the Committee.

The Committee was to be nominated by the Council and to consist of not more than twelve members. It was accordingly appointed on May 15th, 1922,² and asked to meet on August 1st. The Secretary-General had taken eight months in submitting names to the members of the Council for suggestions and additions, because 'it was of the utmost importance that all candidates should be of the highest standing'.³

The immediate duties of the Committee were to report upon the setting up of a technical section of the League, to consider a scheme which had been proposed for an International Office of Education, and to advise the Council on any further matters referred to it.

The general purposes for the Committee which occupied the minds of its promoters were also threefold. It was to be a means of contact between national education systems, a step in the direction of internationalizing education. 'It would be unthinkable that the League should endeavour to improve the means of exchange of material products without also endeavouring to facilitate the international exchange of ideas.'⁴ Secondly, it was on the one hand to further the development of an international outlook,⁵ and on the other to assist in 'counteracting the nationalistic tendencies which have invaded education in almost every country'.⁶ The League of Nations Union had proposed the creation of an office which should have as its sole object the initiation of the world's youth in the aims and nature of the League of Nations. Actually, the Intellectual Co-operation Committee has formed a special

¹ 2 A.P. 313.

² 18 C. 535.

³ 16 C. III.

⁴ M. Léon Bourgeois, 14 C. 47.

⁵ By means of a close co-ordination of the many societies and unions interesting themselves in international questions; see *infra*, p. 128.

⁶ Prof. G. Murray, 2 A.P. 310.

committee for seeing to this part of its duties. These first two purposes were closely connected. They were based on the assumption, which no one who has studied international relations in general and the question of security in particular would dare to deny, that 'the future of the League of Nations depends upon the formation of a universal conscience. This can be created and developed if the scholars, the thinkers, and the writers in all countries maintain close mutual contact, and spread from one country to another the ideas which can ensure peace among the peoples'.¹

Thirdly, there was some feeling that since manual labour was being provided for in the International Labour Organization with an ample budget, something should be done to take care of the interests of the brain worker also. This was strenuously objected to by the promoters of the Labour Office. They claimed that the brain worker came within the purview of the International Labour Organization. And it is, in fact, this view which has been followed out in practice. There has been collaboration between the two organizations, and both have undertaken certain investigations into the circumstances of intellectual labour. But it is the first two aims of the Committee's originators which have remained, as it were, the signposts indicating the direction of the Committee's labours.

4

The Committee on Intellectual Co-operation sits regularly once a year in Geneva for an average period of five days; sometimes it holds an additional session in Paris. It reports regularly to the Council, and minutes of its meetings are published. The imperative need for publication of these was stressed in a letter from the chairman when the Assembly proposed, for reasons of economy, to stop publication. He pointed out that the minutes were absolutely essential to the work of the Intellectual and Cine-

¹ Prof. Murray in the Second Assembly.

matographic Institutes, to the thirty-five national committees, and to an ever-increasing body of readers.¹

Originally the Committee had twelve members. The number has increased, however, by additional appointments in 1924 and 1926 to fifteen—an increase authorized by the Assembly at its fourth session,² in view of the ‘legitimate demands’ pressed by the delegates of many states. The Council decided in June 1926,³ to limit the term of appointment to five years, subject to renewal. The Committee also has advisory members appointed by the International Labour Office, the Confederation of Intellectual Workers, and the Institute of Intellectual Co-operation.

The nationality of members has remained widely representative without difficulty in finding the personnel. Throughout the Committee’s existence it has contained a South American, an Indian, and a citizen of the United States. In 1930 a Japanese professor and a second South American also were members.

About the high qualifications of the Committee there can be no shadow of doubt. Professor Bergson, who sat for the first three years as chairman, has a name which is world-famous; so has Professor Einstein, who has remained on the Committee since 1922 with the exception of a brief interval. Professor Gilbert Murray’s literary work and his activities on the League of Nations Union have made him a peculiarly vital factor in the education of English public opinion in the aims and value of the League. Specially well known also in academic circles are the names of Madame Curie, Sir Jagadis Bose of Calcutta, Mr. Millikan of Washington, and M. Alfred Rocco who, besides being professor at the University of Rome, is Minister of Justice and Public Worship under Signor Mussolini. There are three other politicians—M. Destrée, once Minister for Arts and Sciences (including Education) at Brussels, M. Cornejo, Peruvian Minister in Paris, and M. Painlevé, ex-Prime Minister of France. It would seem, therefore,

¹ 54 C. 678.

² 4 A.P. 108.

³ 40 C. 869.

that the academic circles are adequately represented, but that departmentalists are rather conspicuously absent.

Appointment is made by the Council. In practice the choice is made by the Chairman of the Committee in consultation with members, with the Secretary-General, and with the Section of the League. But when a difference of view develops, as happened, for example, in 1923,¹ it is the advice of the chairman which the Council is most likely to take.

With regard to the principles of the Committee's organization the Assembly suggested a system of rotation in order to secure wider representativeness. But the Committee disapproved of the proposal. The terms of its reply are worth quoting since they give the Committee's own conception of the principles on which its composition should be based.²

'(1) It is desirable, as is indicated in the Assembly's resolution, that the Committee should comprise, as far as possible, representatives of the principal branches of intellectual activity, and at the same time representatives not only of nationalities but of the principal groups of culture.'

In 1930 it was decided that there ought to be a balance between the natural and humane sciences and no observers or corresponding members.³

Such are the principles of the Committee's organization, the functions which were given to it, and the character of its composition. The question of its efficiency and of the need for replanning its work and structure must be left over until its activities and achievement and its co-operation with other bodies have been described. The reorganization of the Committee will be discussed in the concluding section of this chapter.

By the scheme of reorganization which the Committee of Inquiry recommended in 1930,⁴ and which was adopted by the Eleventh Assembly, an Executive Committee is

¹ 24 C. 599.

³ 11 A. 21 (1930), xii.

² 30 C. 1525.

⁴ 11 A. 21, p. 42.

formed to carry on the work between the annual sessions of the main committee. It consists of the chairman of the Committee on Intellectual Co-operation, the five members of the Committee of Directors who are also members of the Intellectual Committee, and three elected by that Committee from outside 'chosen for their administrative qualifications and their practical knowledge'. These three are to be present at meetings of the Intellectual Committee and the Committee of Directors in an advisory capacity. Substitution is not permitted.

5

The Committee on Intellectual Co-operation collaborates with a large number of national and other international bodies.

In the first place, it co-operates with other committees of the League. The Child Welfare Committee, feeling the need for assistance in the educational aspect of its work, requested the Council to invite the Intellectual Co-operation Committee to nominate a representative, as was already done by the Labour Office and the Health Committee.¹ But the Council decided, instead, only to authorize the presence of a representative in a consultative capacity at meetings where educational subjects were under discussion.²

The Council resolved to forward to the Mandates Committee a scheme for archaeological research in the mandated territories which the Committee on Intellectual Co-operation had recommended.³ There has been collaboration between the two organs of the League with a view to ensuring the proper exploration and treatment of archaeological treasures in those mandated areas which are particularly rich in these.

It has been the policy of the International Committee, secondly, to promote the creation of committees in each country, the functions of which are, in general, to further

¹ 40 C. 935.

² 40 C. 866.

³ 26 C. 1304.

the ends of the Intellectual Committee. They act as a link between Geneva or Paris and the chief educational centres of the world. Their job is to take cognizance of the International Committee's resolutions and to apply them as far as possible. They may also serve to promote the ends of the League, to spread knowledge of its purposes, and to develop a general spirit of internationalism among university youth and children in the schools.

For the most part, the leaders of these national committees are also members of the League Committee, and the liaison between them is therefore close. But, in addition, representatives of these committees have so far met in conference every three years. In 1923 they met in Paris; in 1926 some of them met at Warsaw; in 1929 a conference was held at Geneva. At this last conference twenty-five national committees were represented. Actually, there are no less than thirty-five in existence. Not only has their number and importance steadily increased, but also their contact with the International Committee, the Institute at Paris, and with each other. They met in 1929 for only three days but discussed much, including the revision of the work and organization of the Intellectual Co-operation.

The remaining associates of the Committee are still more closely connected with its work. Of these its sub-committees are an example. They are modelled on a single principle, the co-operation of outside experts with those members of the Committee who are specially interested in the subject under examination. There are six of these sub-committees dealing respectively with university relations, science and bibliography, arts and letters, intellectual rights, interchange of staff, and the instruction of youth in the aims of the League. This last occupies a rather special position, having been appointed by the President of the Council and the Chairman of the Intellectual Committee, in pursuance of a Council and an Assembly resolution.¹ Together these sub-committees

¹ This Committee, as its work is definitely propagandist, might be more closely associated with the Information Section of the Secretariat, and its

contain a distinguished group of scientists, artists, and literary men. The work they have done is the most fruitful accomplished by the Intellectual Organization.

In the fourth place, the Committee had not been in existence for more than a few months before it had become clear that nothing effective could be done without the help of an executive instrument. The Committee's function is of a peculiarly executive character. A meeting of a dozen scientists once, or even two or three times, a year is obviously not enough even to secure contact between intellectual circles. And that is only one section of the Committee's work. What is needed for this is some centre which should become the natural meeting-ground of groups and individuals coming together either for research purposes or to discuss some common problem. An international spirit can be better promoted by such practical measures as these than by the passing of resolutions. And, furthermore, the application of a general agreement to co-ordinate studies or to modify the nationalist tendencies of instruction can only be secured through some executive organ. The recognition of this necessity, combined with the difficulty of getting the funds required to meet it, brought the Committee within view of a decision to terminate its labours.

Fortunately, in 1924, the French Government, in reply to this, offered to found the International Institute of Intellectual Co-operation at Paris. It gave the use of premises and the promise of an annual subsidy.¹ This was accepted by the Council and the Assembly after an interesting debate² in which the disadvantages of Paris were emphasized, and in which it was suggested that the League itself could and should afford the money necessary. On this ground the Australian delegate voted against accep-

terms of reference be widened to include much of the propagandist work of that section which is at present done without control.

¹ i.e. 2,000,000 francs; the income had risen in 1929 to 3,768,000, or £30,000.

² 5 A.C. ii.

tance. The view of Professor Gilbert Murray, however, finally prevailed. He had pointed out that since the Committee had urgently asked for help, and since only one government had responded, it would be not only difficult not to accept their offer, but quite illogical to refuse on objections raised by any of the forty or so governments who had so far given no financial sign of any interest in the work. Consequently the French offer was accepted, and by January 1926 the Institute was at work.

The Institute consists of the Governing Body which, by agreement between the Council and the French Government, is the Committee on Intellectual Co-operation sitting under the chairmanship of the French member; secondly, of a Committee of Directors, and lastly, of a Director and staff. The Committee of Directors is nominated by the International Committee with the approval of the Council, and has five members drawn from the ranks of the former. The Director and higher officials are appointed by the Governing Body, which has the ultimate authority over the staff and over its executive organ, the Committee of Directors. The budget of the Institute, which is under the control of the Governing Body, is voluntarily subscribed by a few governments, and is independent of the League's finances. The office of the Institute is divided into sections dealing with artistic, university, literary, and scientific and bibliographical relations.¹ Forty states have nominated delegates to co-operate with the Institute, but these are mostly diplomats and are only occasionally men who are professionally interested in the work of education and intellectual co-operation.

The programme of the Institute as laid down for it by the Committee of Inquiry² is:

'1. To develop the exchange of ideas and to effect personal contact between the intellectual workers of all countries.

¹ See an article by Julien Luchaire, Director of the Institute, for his views of the organization, 'La Cooperación Intelectual', in *Revista de Derecho Internacional*, Julio-Diciembre, 1925, p. 234.

² 11 A. Doc. 21, pp. 39-40.

'2. To encourage and promote co-operation between institutions doing work of an intellectual character.

'3. To facilitate the spread of a knowledge of the literary, artistic, and scientific effort of different nations.

'4. To study jointly certain major problems of international bearing.

'5. To support the international protection of intellectual rights.

'6. To make known by educational means the principles of the League of Nations.'¹

Finally, the Intellectual Committee has a close connexion with the International Educational Cinematographic Institute which was set up at Rome in 1928. The budget of this is provided by the Italian Government. It is controlled by a Governing Body the chairman of which is, *ex officio*, the Italian member of the Intellectual Committee. This must also contain the Chairman of the Intellectual Committee and a third of its members, as well as a member for each of its four sub-committees, and two of the Child Welfare Committee of the League. There are thus nine who are members both of the directly League and of the Cinema organizations. The total membership is fifteen. The Governing Body is appointed by the Council for five years subject to one renewal, and reports annually to the Council. It meets at least once yearly. Complete control over the Institute is vested in it. 'The object of the Institute shall be to encourage the production, distribution, and exchange between the various countries of educational films concerning instruction, art, industry, agriculture, commerce, health, social education, &c.'² The Governing Body in turn appoints a permanent executive committee consisting of its chairman and five of its members, with the Director of the Intellectual Institute at Paris in an advisory capacity. A representative of the Secretary-General and the Directors of the Institute of Agriculture and the Labour Office are also present.

¹ This last duty devolves more especially upon the Committee for the Instruction of Youth in the Aims of the League; see *supra*, p. 121.

² See organic statutes in C. 573 (revised), 1928, xii.

One of the first activities of the Cinema Institute was to prepare a draft convention for submission to a conference, aiming at the abolition of customs duties on educational films.

6

The Intellectual Organization has never been accused of inactivity. On the contrary, its labours have been so numerous and so varied that it has been laid open to the accusation of unduly diffusing its energies. The keenness and interest of the Committee and its numerous special and national committees is borne out by a mere list of the labours it has undertaken. For, although not many of these have met with entire success, many have been of value. Essentially, the failure has been due not to incompetence, but to lack of funds. It may to some extent have been due also to the feeling at Paris that no possible line of action for the Organization, suggested anywhere or at any time, should be denied. But the Committee saw from the first the difficulties with which it was faced, as is witnessed by the report of its second session.¹ The Committee, it asserted,

'has obtained a relatively considerable number of positive results in a comparatively short space of time. And yet, when it first came to consider the task before it, it wondered—and many others wondered and are still wondering—whether it could ever accomplish its mission; for the field of intellectual life is so vast that it appears to be limitless. . . . (The Committee's members) have worked to the limit of their capacity, sometimes to the detriment of their own individual research. They have been sustained by the idea that their efforts will not have been made in vain, and that the League of Nations, which invited them to study certain great problems, will provide them, in cases in which solutions have been proposed, with the necessary means for putting these solutions into effect.'

The fact is that the 'necessary means' were not, and have not yet been, provided.

² 26 C. 1457.

Something has been done nevertheless. In the realm of university relations several studies have been made. First, the conditions on which international post-graduate scholarships are granted. Secondly, the conditions on which exchanges of professors and students can be arranged and the limiting factors. Thirdly, the possibility of co-ordinating studies. Fourthly, the institution of a central office for national Students' societies. Fifthly, methods of facilitating travel. A list of holiday courses for foreign students is compiled and published. The *Educational Survey*, a half-yearly review of activities in spreading knowledge of the League through the medium of schools and universities, appeared for the first time in 1929. A text-book on the League for general use in schools has been issued and has proved highly successful.

The Organization also publishes a review of museums, their possessions and works, through the International Museums Office which was established in 1926.

The arts, music, and literature are also affected by activities of the Intellectual Institute. Exhibitions of prints, of popular works of art, and of casts have been held. Lists of the last and of recent musical compositions have been made periodically. An interesting suggestion was made in the Sub-committee on Letters by Mr. John Galsworthy for a regular system of translating the best literary works produced each year, as a means of encouraging interest in the life and thought of other countries.

Studies have been undertaken with a view to affording as complete a list as possible of library facilities and the placing of rare books throughout the world. This work is of a very real value for research purposes. A bibliographical index has been published by the Sub-committee on Science and Bibliography. This aims at co-ordinating the bibliographic lists which are issued by many institutions periodically; at serving as an international index to bibliographies.

Finally, the Committee has studied the laws on scientific property and prepared a draft convention upon them,

submitted to governments in 1928. There has also been investigation of the Berne Convention of 1886 aiming at co-ordinating it as much as possible with American agreements.

Much other work has been done, including among other things study of intellectual statistics, of the legal standing of international associations, of esperanto, of the methods of preserving manuscripts, and of the facilities granted for scientific publications in transit.

7

Before it is possible to evaluate the work of the Intellectual Committee—or indeed of any international committee—one must ask not merely what it has done, but what the world needs are which it is called upon to meet. One must have an idea of what it could do were all its limitations removed, but one must keep those limitations ever in mind. Otherwise the analysis grows the winged feet of Mercury and is apt to take flight in the clouds. It is quite true that a bird's-eye view, which includes all the corners of the earth in its perspective and sees humanity as a single unit, is absolutely essential if the achievement of these small groups of men talking round a table at Geneva is to be properly judged, for, after all, that is the real background. But an idealist analysis, however true, is less valuable if it fails to take account of immediate conditions, and to indicate, or at least to attempt an indication of, practical means. And one must remember in considering these practical conditions that abuse for failure, even when it is deserved, is not always the most constructive method of approach.

What the Committee for Intellectual Co-operation is and has done has been roughly sketched in the foregoing sections of this chapter. The ideas of its founders as to what it should be and what it should create can be gathered at least in part from reading the speeches and the writings of Professor Otlet and Monsieur La Fontaine.

To quote Otlet's words, written during the first months of the War, about societies concerning themselves with international questions:

'These international congresses, as we have said, of international associations, sit as world parliaments in embryo, each occupying itself with the interests belonging to its domain. More than two thousand of these meetings have been held during the last half century. . . . Essentially free in their nature, and without allowing anything to hinder their expansion, these forces need organization in order to grow and to exercise a regular activity. Instead of floating and dissipating themselves in the empty air, they must be captured, moulded, embodied, and fixed upon definite points of application in some sort of an institution. This organization, indispensable if they are to be useful to society, must naturally be international in its final degree.'¹

As has been pointed out already,² the main objects of the Committee's creation, as defined at the time, were two: the development of an international mind—a vague formula whose meaning to its authors was more exactly defined by Otlet in his scheme for co-ordinating international organizations and bringing them together in one place; and, secondly, the diffusion in the schools of League ideals. A special committee has been formed to take care of this second purpose; the former is perhaps more important. The practical meaning which this had for M. Otlet has been more clearly defined in his *exposé* of the Mundaneum, a scheme for an international city at Geneva. It was indicated by La Fontaine's reference to the International Labour Organization in the first session of the Assembly. The first aim of this is to bring together in one space, if not in one building,³ all the private international associations of the world. Clearly, such a gathering would represent a powerful and significant accumulation of energy and opinion. To bring together in one place these

¹ Paul Otlet, *Les Problèmes Internationaux et la Guerre*, 1916, pp. 303 et seq.

² Section 3 of this chapter.

³ The reason for bringing them together in one building, as distinct from one town, does not seem altogether clear, but that is an objection of detail.

numerous organizations, either through their representatives or through establishing their head offices here, would be to perform the services of co-ordination for which they have so long been waiting. The Union of International Associations, of which Professor Otlet has been so influential an organizer, is a clear step in this direction. Unfortunately it centres at Brussels in common with so many other international unions which should, by Article 24 of the Covenant, long ago have been taken over by the League. Article 24, it is true, provides only for the adoption by the League of international unions set up by treaty. But it is arguable that the general terms of the Covenant permit, and perhaps even encourage, its association with other international organizations. In the work of promoting international co-operation it is important that the League, as a league of nations rather than as a league of governments, should not be lost sight of. The chief argument which can be urged against this proposal is the necessity which it involves of including those relatively valueless private organizations which are based upon some particular religious or other fad. Such an objection, however, can well be discounted. A society of this character would not be very heartily welcomed by its saner brothers, and if in fact it came it would be brought into closer contact with the important realities of international life, and might by a process of attrition be brought either to reason or to suicide. And in any case the existence of one society does not impede the activity of a more valuable one.

The second proposal is for an international university. This has been brought before the Assembly and has earned its blessing. It was also intended that educationalists should confer in order to co-ordinate educational systems, curricula, and the standards of examination. Geneva is already an international students' centre. The Post-graduate Institute for International Studies, created on the initiative of League circles, is already an international super-university in the germ. Its students have come from

almost every country of the world and its professors from the most important educational centres of western civilization.

So much for the task of intellectual co-operation as it can be, and has been, envisaged. Apart from the fact that certain international organizations have met at the Paris Institute, little has been done by the League to accomplish this task. And it is this, above all, which is the real cause of the censure passed upon the organization of intellectual co-operation.

In order to form a just appreciation of its failure to do more it is essential to remember two opposing conditions. On the one hand, the Committee has been hampered always and at every step by the parsimony of governments. The time for the minister of education to be more important than the minister of war is still beyond the horizon. While the world's expenditure on armaments reaches astronomical figures, it has been reckoned by M. de Brouckère that the *per capita* contribution to intellectual co-operation of some members of the League amounts to one cent once in every hundred centuries.¹ The League allowed even its supply with a proper library to be suggested and paid for by a private individual. The whole budget of the Intellectual Institute at Paris reaches only three and a half million French francs, or about £30,000.² On the other hand, it must be remembered that the Intellectual Organization, on paper, is one of the most complete of all the League's sections. It has thirty-five national committees, who are brought into touch with one another by what so far has proved a three-yearly conference, and who are unofficially directed and co-ordinated by an international super-committee. This has an executive instrument in Paris under its control with a small but independent budget. It has a subsidiary institute at Rome and a section of the League managed by an Under-Secretary-General. Furthermore, although a narrow enough

¹ 5 A.C. ii. 21.

² The British Empire does not contribute.

nationalism has certainly played its part in the relations between Geneva, Paris, and Brussels, there are no powerful vested interests in education in any way comparable with those which stand in the way of an effective working of the Economic or the Opium Committees. The chief enemy of the Committee is national inertia and lack of interest and publicity. But this may be overcome by an energetic and far-seeing policy.

The Committee itself has felt that all is not well with its system, its policy and organization. That it has done so, and that it itself proposed the setting up of a committee to revise these questions, is a sign of vitality. This committee of inquiry was approved by the Council on August 31st, 1929, and by the Tenth Assembly. It sat from April 14th to May 2nd, 1930, and had eight members, four of whom were members of the Intellectual Committee. The majority were educational administrators. It reported in the summer of 1930.

Criticism of the Organization can be distinguished according as its object is the Institute or the Committee, the general system, or the work of promoting the instruction of youth in the aims of the League.

The Institute has been open to many dangers from the start. Being separated from the League and not only in Paris but staffed largely by French citizens and under the direction of an ex-official of the French Ministry of Education, it has been peculiarly susceptible to the accusation of excessive French influence. It is possible that a greater degree of internationalism would improve its efficiency as an international bureau and would make it a more welcome innovation to various other countries. The generosity of the French Government has been much and justly praised; but it is only fair to say that the value of its gift would have been more than proportionately greater had the conditions attached to it been sacrificed. It was, after all, the opinion of many delegates at the Assembly that the Institute should be at Geneva and not at Paris. And, as has been seen already, it was even quite

widely suggested that the French offer should be refused because a League institute could not function efficiently at such a distance from the international centre. It is not yet possible to say that these anticipations of danger were unjustified.

The Institute has suffered, secondly, until 1930 from the failure—both on its own part and on that of the Committee—to define clearly and exactly the aims which it was to keep in view. This seems to be a reasonably easy thing to do. Had it been done, activity could more easily have been concentrated, and the charge that the Institute was dissipating its energies on comparatively trivial tasks might not have been made necessary. What is needed is a definite and clear-cut policy creating some sort of schedule of work. Priority in this would be based first on the importance of the need it served, and secondly on the probability of achieving practical results. When such a scheme was worked out in 1930 the Institute naturally recovered its memory of the existence of many international organizations which it had frequently forgotten. As has been pointed out already, they need co-ordination. Much of the work done by the Institute could very simply be handed over to the union or unions most closely concerned.¹ By bringing them together it would be creating the type of intellectual office which M. Otlet and M. La Fontaine originally had in mind. At the same time it would be leaving its own time and energy free for that work which only the Institute can do.

But it must be remembered in all criticism of the Institute that none of its labours can be said to have been useless. The point is rather one of relativity, that its work may not always have been the most useful possible in the circumstances. All that it has undertaken may be said truly to have been promoting the ends of intellectual co-

¹ Bibliography is an example. At Brussels there exists, in the Palais mondial, an international index of thirteen million cards, the only serious attempt of the sort. Yet Paris began another without communicating with Brussels.

operation. But this, the just contention of its defenders, does not necessarily absolve it from blame.

Certain personal factors seem unfortunately also to have been the cause of disharmony and its inevitably adverse reaction on efficiency. An example of this is to be found in the criticism made by Dr. Dalton in a plenary meeting of the Assembly during its tenth session. In questioning the propriety of the publication in a certain newspaper of an article by the Director of the Institute he said, 'It is possible that the Director has slightly misunderstood the resolution which is being submitted to the Assembly. That resolution does not necessarily represent a vote of confidence in all those concerned in the work of intellectual co-operation.'¹ And there has been continual and stringent criticism by the auditor of the methods of administration.²

As for the Committee on Intellectual Co-operation, the eminence of its members has already been shown. They are men and women whose names may well be remembered long after the great statesmen of to-day are forgotten. The disadvantage from which they suffer, from the point of view of the practical educationalist and man of affairs, is not a lack but an excess of eminence. Because a man is a botanist of world-fame it does not necessarily follow that he will be an excellent organizer of world relations. And yet it is on academic qualifications only that members seem to have been appointed. In fact, it is those members that happen also to have administrative experience who have proved the most useful. But when scientific qualifications are so high as to include around the same table a Bergson and an Einstein their coming together reminds one of a meeting of Mont Blanc and Mount Everest. Each, to use Shelley's words, has 'the still and solemn power of many sights and many sounds, and much of life and death', but—unfortunately for practical intellectual co-operation—this power is

¹ 10 A. Pl. 137.

² 11 A. Doc. 21, pp. 69, 71-5.

naturally apt to 'dwell apart in its tranquillity, remote, serene, and inaccessible'.

It has sometimes been urged in favour of those who were responsible for choosing the first members in 1922 that they expected the Committee to be only temporary, and that they aimed therefore at collecting together men and women who, by casting the glamour of their spiritual fame upon the group of politicians who sit around the Council table, would add to the League's prestige. It is contended that their function as originally understood was merely to pass virtuous resolutions that would lend moral support to the Council. The answer is plain and simple. Any one who makes such a claim cannot have read the minutes of the early sessions of the Assembly, in which the organization was suggested and decided upon. And does not such an argument seem rather to imply a lack of vision in the selector of the committee? Does it not mean that to him intellectual matters lie, or lay, outside his picture of the important things of life and the important duties of the League? If his view were correct, and it is not altogether surprising that it should be held in the years immediately following on the War, when German culture was excluded from the League, and when no practical intellectual work had developed, it was quite natural to regard such a proposed activity as vague, immaterial, and transitory. Happily the issue has contradicted this view.

There is, however, one question which may be asked, and for which no satisfactory answer has yet been given. In all the other committees of the League which took up work that had been started before the League, some continuity was assured by including in its personnel, or in that of the Secretariat, a representative of the earlier activity. Why, then, was neither M. La Fontaine nor M. Otlet included? Is it but another example of making use of a man's ideas—and in this case his practical activities also—while you refuse to recognize him save as an idealist and a dreamer?

Finally, with regard to the education of youth in the aims of the League, it seems clear that greater contact with the really decisive factors in education needs to be secured. The Committee of Experts, which has fourteen members, includes four from ministries of education and Professor Munch of Copenhagen, Secretary for Foreign Affairs of Denmark. But a closer link with education departments and with teachers' organizations appears to be essential. At the tenth session of the Assembly the Danish delegate proposed that a conference of Education Ministers should be called to consider this question. The importance of bringing ministers of education together for this and other purposes of intellectual co-operation cannot be over-emphasized. It lends power and authority to a body which lacks both, and to which both are a *sine qua non* of practical effectiveness.

The creation of an Executive Committee is of considerable importance. The investigators of 1930 laid 'great stress on this reform. It is the corner-stone of all those proposed' in their report. The need for practical experience was recognized by them in their plan of its composition.

To sum up recent changes, then, which have not yet had time to show their value. The formation of the Executive Committee has made the Intellectual Organization more administrative in membership. The new Committee is smaller and more suited by its size and the frequency of its meetings to initiate and direct. The duties of the Institute have been more restrictedly defined and measures taken to secure its efficiency. It has been provided that the organization shall delegate more readily to unofficial bodies.

For the future more can be said. The Institute should be moved to Geneva, as also the Cinema Institute.

The Conference of national committees can be called more frequently and linked more closely with the International Committee. More definite work may be given to it. It might elect, with great advantage to the sense of

responsibility in the national committees and to the character of the International Committee's composition, some of the members of the latter. And lastly, in order to secure authority and governmental interest, the experiment of an Education Council of ministers, implied in the above Danish resolution, should be tried. There is no reason why it should not meet once a year at the same time as the Conference of Committees. It would share in the election of members to the Committee, which would remain the executive body, controlling the Institutes and the International University, if one should come into being. The constitution of the Conference and the method of electing to the Committee, as it might conceivably develop, can be more closely defined. Each national committee should send two delegates, one representing universities, the other primary and secondary education. The full Conference would consist of these sitting in conjunction with the Education Ministers. There would thus be three sections, much as at the Labour Conference, and each section would be entitled to elect one-third of the members of the Executive Committee every three years for that period. There might be a fourth group also, representing certain approved international societies dealing with intellectual work. Each section could, if it wished, deliberate apart upon certain subjects. There is no reason to suppose that such an organization would be any less active and alive than that for labour. This, unfortunately, may not be a commendation to those who find the Labour Office already too energetic for their wishes, but it does not mean that some such scheme is not urgently needed. The teachers' section, for instance, might consider such questions as the biased teaching of history, the influence of elementary education on the growth of a national psychology. But such people from their different experiences would have much valuable suggestion to offer in the more positive study of educational method. They would evolve standards of educational technique. By the mere force of publicity they would

bring pressure to bear upon a government whose educational policy was backward or illiberal. Mutual schemes could be made for the teaching of foreign languages and culture or the facilitating of travel and of contact between teachers of different nationalities.

But, further, if the programme of intellectual co-operation as laid down in 1930¹ be considered, it will be seen at once to have two possible interpretations. It may be carried out by the co-ordinating of national systems, by promoting through administrative means the growth of an international viewpoint within them. A student or lecturer of Leipzig may be exchanged with a student or lecturer of New York, with the Institute as an administrative clearing-house. In this way the first and chief item in the programme—‘to develop the exchange of ideas and to effect personal contacts’—can be carried out. Actually this sort of interchange is all that the Committee has envisaged. But surely there are also other more direct, surer, quicker methods of applying such a policy. Students and teachers may be redistributed with excellent effect, it is true, but they may also be brought together in one centre. The man who goes from New York to Leipzig may learn much about Germany, but if he goes to Geneva he may discover China and Denmark besides—perhaps not in so complete a fashion, but at any rate still in a foreign town. It is by the growth of such an international centre, above all, that an international outlook can best develop. In this way an international university becomes clearly the best instrument. And it is significant that all the points in the intellectual programme can be carried out with the university as the instrument, although the Institute at Paris was intended. Such a university would promote co-operation between national universities by giving them an international apex, controlled as it should be by a board of administrative experts, as far as possible independent of the Assembly. It would act as a most efficient liaison between national cultures. Certainly a knowledge of the

¹ See *supra*, pp. 123-4.

writings and scientific work of different countries would be promoted there, if only because in its personnel it would be in touch with a hundred centres of learning. It would have all the necessary material for studying international problems. It would become a centre of thought that should proclaim the thinker's sacred right to utter his thought regardless of the will of governments. And it would clearly by the mere scattering of its scholars be the most forceful method of promoting denationalism in education that it is possible to conceive. Above all, an international university would form the nucleus of what has been called the international mind. By that is meant a denational approach to the problems of the day and an organized thinking upon world society with its institutional expression, the League. Eternal fame awaits the man or the country that builds such a university.¹ The foundations lie already in Geneva.²

¹ Spain has proposed it; 4 A. Pl. 362.

² See above, p. 129; also compare the whole proposal with the suggestion for international health research, p. 110.

VI

THE COMMUNICATIONS AND TRANSIT COMMITTEE

'De même que l'esprit national et l'esprit continental cherchent à façonner les transports locaux à leur image, agissant à travers les états, de même il faut que l'esprit universel, au moyen d'un organisme aussi universel, façonne à son image les transports du monde.'

S. DE MADARIAGA.

IN the last months of the War transport was controlled on an inter-Allied system. We have already examined the organization of shipping control. This was supplemented on land by the Allied Transportation Council for Railways, an international but non-ministerial body. But the real work of railway control in France was done by the French Ministry of Public Works, which regulated the organization of transport down to the minutest detail. The success and thoroughness of this service, the cornerstone of the military defence, were remarkable. It was acclaimed by Marshal Haig as 'beyond praise'.¹ The fundamental importance of communications to modern civilization, especially in time of crisis, was equally shown by the central empires, although for the opposite reason. Professor Redlich has described the serious deterioration of Austrian communications as 'the signal for the approaching collapse of the whole military and administrative machinery of the Empire'.²

When, after the cessation of hostilities, European transport needs began to enter upon the normal again, those in authority had to meet a situation of general disorganization. Shipping was inadequate. What there was of it was slow and unsuitable. Railways were chaotic. Large portions of the track had been destroyed, and the rest had deteriorated. Repairing machinery was lacking. There

¹ Marcel Peschaud, *Politique et Fonctionnement des Transports par chemin de fer pendant la guerre*, p. 86.

² *Austrian War Government*, p. 134.

was a marked shortage of coal. The dismemberment of the central empires had created new frontiers at which customs houses had to be built, and were as yet uncommenced. It had caused in some places wholesale dismissals of personnel. Difficulties were increased by general labour trouble. Virulent nationalism behind these frontiers obstructed every type of traffic that attempted to cross them. And behind it all, impeding reconstruction, lay the possibility of confiscation either of rolling-stock or of the entire railway system for the payment of reparations.

Such a situation clearly needed a concerted remedy. Accordingly, a Communications Section of the Supreme Economic Council¹ was formed in March 1919. This was nominally an advisory committee without executive authority of any sort, but in fact the decisions which it took had exactly the same effect as if its control had been complete. The Section was fully organized. On it sat representatives of the four Allies and a delegate of Marshal Foch, under the chairmanship of General Mance, a British subject. It worked through commissions established in seven different countries, besides one each for the Danube and the Elbe. There were also several French and British military missions sent to the Balkans and Turkey, which were placed under the control of the committee for transport matters. The work of these commissions was to organize reconstruction, to find the necessary repairing material and credit, under the supervision of the Communications Section. But such pressing problems as the transporting of supplies to famine areas and the obtaining of coal for Austria were of the first importance. Relief could never have reached the stricken countries without the successful efforts of the Section. And, further, its task of preparation for the Danube Commission and its reorganization of transit on the Danube is an important part of its labours to which we shall refer later.²

¹ Temperley, *Peace Conference*, i. 308.

² See *infra*, pp. 153-4.

The Peace Conference had certain important decisions to take as to the future of the chief navigable rivers of Europe, of certain international ports, and of such railway connexions as the Cape to Cairo and the Adriatic to the Baltic. On the suggestion of the British delegation a Committee on the International Régime of Ports, Waterways, and Railways was formed by the Conference on January 25th. It had nineteen members, ten of whom were appointed by the five Allied Great Powers and nine by the election of the interested small Powers.¹ Belgium, the British Empire, Czecho-Slovakia, France, Italy, and Serbia were represented by ministers. This Commission had no official connexion with the Communications Section of the Supreme Economic Council, which was doing the practical work of reconstruction, but the British and Belgian representatives belonged to both.

The Commission devoted the first part of its labours to debate on general principles. Draft conventions on freedom of transit, international rivers, international and free ports, and international railways were prepared by the French and British delegates, and submitted. Considerable agreement had been reached on these and on the detailed manner in which they were to be applied, when in March it became necessary to speed up the work in order to get the transport articles of the German Treaty ready as soon as the others. Work on the general conventions had therefore to be dropped for the time.

In fact, it was never continued, being postponed at the wish of the American delegation for later consideration by the League.² But in the meanwhile agreement was reached in a very short space of time on all the river and transport articles of the German Treaty. This was no small achievement, and was only accomplished as a result of the considerable degree of sympathy and understanding for the divergent views of members which had grown up

¹ Temperley, ii. 94.

² *Ibid.*, ii. 105.

during the earlier work of the Commission and of the consequent readiness of members to compromise.

In the outcome the terms of Part XII of the Treaty of Versailles and the corresponding parts of the other treaties were consistent, it was claimed, with the principle of freedom of communications and transit asserted in Article 23 (*e*). The principle of compulsory arbitration on matters of transport was accepted and included in the Treaty. The failure to arrive at a general convention was recognized, and its necessity as a part of the future programme was stated in the Treaties of Versailles and St. Germain and in the Minority Treaties with Poland, Jugo-Slavia, Roumania, and Czecho-Slovakia.¹

The above-mentioned provision for freedom of transit is linked with that on freedom of the seas. One or other is to be found in the plans of all the five Allied Great Powers, and also in the German scheme. The freedom of transit clause seems to originate with the British draft Equality of Trade Convention.² The French amendment to Article 21, written much later, also mentions it. But the Italian proposal contains only a clause on the freedom of the seas.

‘Navigation of the seas is free to merchant ships of every flag. Sovereign rights over territorial waters and ports cannot be exercised in such a way as to prejudice substantially such freedom of navigation.’

In Wilson’s third draft there is a provision for freedom of the seas in time of war, which grants to the League, however, the right ‘to close the seas in whole or in part against a particular Power or particular Powers for the purpose of enforcing the international covenants here entered into’.³ But these provisions had disappeared from the Covenant by the time of the Hurst-Miller draft. The freedom of transit phrase remained, nevertheless, with the additional

¹ Respectively, Articles 338, 311, 17, 15, 15, 19.

² See Miller, ii. 19, and in the Draft Covenant, ii. 107.

³ Supplementary Clause VIII, Miller, ii. 105.

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specification for freedom of communications made by House.¹ It was in this form that the clause finally appeared in the Covenant.

3

The mandate of the Communications and Transit Committee is based, like the Economic Committee, on Article 23 (e) of the Covenant.

'Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League . . . will make provision to secure or maintain freedom of communications and of transit.'

But in the realm of transport, unlike that of commerce, the League was given definite supervision of the Peace Treaties. By Part XII of the Treaty of Versailles and the corresponding sections of the other treaties the League is appointed trustee for the application of these terms. It is entrusted with powers of arbitration² and even of extending the period in which certain conditions were to apply.³ Further, the preparation of the general convention for freedom of transit was bequeathed to the League.⁴ This was to supersede that part of the Treaty which laid down the general principles governing the work of the Commissions for the Elbe, the Oder, and the Rhine. It was implied that these tasks would be handed to the appropriate technical organ of the League. The Transit Committee has, therefore, an implied function of some considerable importance.

The Committee was the first to be set up, and acted in some sort as a model for the other technical organs of the League. At the end of August 1919 the French Government invited a number of states, including all those which were represented on the Commission for Ports, Waterways, and Railways, to appoint members for a committee of inquiry which was to study the whole

¹ Ibid., i. 292.

² Treaty of Versailles: Article 376. 'Disputes . . . shall be settled as provided by the League of Nations.'

³ Ibid., Article 378.

⁴ See also I A.C. ii. 188.

question of transit and the League's duties with regard to it. In this way a committee was formed on which nineteen states were represented. It sat in Paris, and had the assistance of a League official. On February 13th, 1920, after a report of the Spanish representative, the Council decided to take over the Commission from Paris and constitute it the 'Provisional Committee on Communications and Transit of the League of Nations'. Its duties were to advise temporarily, to submit proposals for a permanent organization, and to prepare draft conventions on transit, waterways, ports, and, if possible, railways.

A month later the Committee forwarded a report to the Council. In view of the need for concluding certain general conventions and of the unsuitability of the Assembly for such technical work, it made the following recommendations:

'It would seem, then, that a General Conference of Communications and Transit, analagous, with certain reservations, to the Labour Conference, would serve the purpose as being a flexible organization, eminently susceptible of modification and adaptable to its purpose. . . .

'In addition to such a Conference, whose meetings, whether periodical or not, will necessarily take place at intervals, and whose essential role is confined to the preparation of international agreements upon important and permanent questions, it is advisable to provide for a more restricted and manageable body, more closely associated with the daily life, as it were, of the League of Nations. . . . Were it only to assure the preparation of the work in the intervals between the sessions, or to deal with the results of its deliberations, a "Permanent Communications and Transit Committee" would seem to be essential as the bureau or sub-committee of any such Conference.

'But it is of even greater importance that it should be the agent which, under the authority of the Council of the League of Nations, to which it would be a purely subordinate organization, would discharge within its allotted sphere the different duties which devolve upon the Council, whether by virtue of the above-mentioned articles of the Peace Treaties, or with a view to the application of Article 23 (e) of the Covenant. . . .

'Lastly, since the Peace Treaties have introduced the principle of compulsory arbitration . . . the Permanent Committee would, before judicial proceedings have been taken, act as an independent instrument of conciliation of undoubted competence, which, gradually gaining the general confidence, would undoubtedly, in most cases, succeed in quickly settling technical disputes in their early stages, before they had time to develop into or react on political differences capable of disturbing the peace of the world.'

The Commission of Enquiry carefully emphasized the necessity that the Council and Assembly should retain their responsibility for directing the general policy of the League. The organization and procedure of both the Committee and the Conference were therefore to be submitted to the Council for its approval after being accepted by the Conference.

The scheme of organization prepared by the Commission is important because it formed the basis of later practice. The Conference was to consist of one representative of each member state. The Committee was to be composed of one appointee of each of the permanent members of the Council and of eight states chosen by the General Conference.

'The members of the Committee would be considered not as representing Members of the League by whom they were nominated, but as acting in the name of the Members of the League of Nations regarded collectively. The Conference might . . . invite any of the members of the League entrusted with the nomination of the Committee to nominate by preference as member of the Committee an expert in any particular specified branch of transport.'

The recommendations of the Commission of Enquiry formed the basis of the Council's resolution of May 19th, 1920.² A general conference was to be called as soon as the Assembly approved. This it did on December 9th.³ But the Assembly made certain amendments. It emphasized the power of the Council to call the Conference, and

¹ I A. C. ii. 233.

² 5 C. 163.

³ I A. Pl. 368.

resolved that half instead of one-third of the members of the League should be the minimum number empowered to call a conference in the rather unlikely event of the Council's failing to reach a unanimous decision. It also altered the size of the Committee from twelve members to not more than one-third of the total number of the states on the League. Lastly, it stipulated that appointment should be made 'taking into account as far as possible technical interests and geographical representation'.

The Conference on Communications and Transit which met at Barcelona from March 10th to April 20th, 1921, drew up rules for a permanent organization¹ on the general lines of those proposed by the Commission of Enquiry. But some interesting modifications were made. States not members of the League may be admitted to the Conference with equal rights by a resolution of the Conference itself. The report on the Conference was adopted by the Council on June 18th, 1921.²

The Committee's authority is derived, therefore, from the Council's and the Assembly's invitation to the Barcelona Conference to organize an Advisory and Technical Committee, from the Barcelona Conference itself, and from the Committee of Enquiry which carried with it the tradition and a considerable part of the membership of the Ports, Waterways, and Railways Commission of the Peace Conference.

But the justification of the Committee's existence is not merely a written one. Measures would still have been necessary if no word had been written in the Treaty. And to mention only the forms is to overlook the essence. The very nature of communications is unavoidably international. And yet few legal principles³ and less administrative machinery had existed before the League for

¹ *Barcelona Conference* (publ. by Payot), p. 29.

² 13 C. 154.

³ The first convention on transit was the Franco-German Treaty of 1804. For development see Engelhardt, *Du régime conventionnel des fleuves internationaux*, 1879; Corthèsy, *Étude de la Convention de Barcelone sur le régime des voies navigables d'intérêt international*, 1927.

regulating questions which did not come under the jurisdiction of any one country, for co-ordinating railway services or for planning the use of canals, rivers, and ports from an international point of view. The importance of organizing and planning was never more obvious than in the first year of the League's life. 'Beneath our eyes', said M. Hanotaux, President of the Barcelona Conference, 'entire peoples are dying of hunger, because, among so many imprudences, they have committed the supreme imprudence of failing to look after the upkeep of their means of communication.'¹ It is clear that even if there had been no word about transport in the Treaty the League's function of promoting international co-operation, relief, and well-being would have compelled it.

4

As originally proposed the Committee was to have twelve members. The effect of the Assembly and Barcelona resolutions was to enlarge it to not more than one-third of the total members of the League, and provisionally to sixteen. The largest which it has been at any time is eighteen.

Appointment is by governments. Each state which occupies a permanent seat on the Council nominates one member. The remaining states represented at the Conference, members or non-members of the League, confer upon a sufficient number of other states to make up the total to the required number the right to nominate, each one, a member. The Conference must take into account geographical representation and interest in communications in the selection of these governments. In practice it allots a proportionate number of seats to the three continents, and the eligible states which get the most votes in a secret ballot are accordingly elected. Governments are expected to appoint experts. None may have the right of nomination for more than two consecutive periods—

¹ *L'Œuvre de Barcelone*, p. 6.

except the five Great Powers—and half must retire at the end of each period. These periods are to be not shorter than two and not longer than four years.

The Committee's work can be entrusted to it by the Council or the Assembly, or by general conventions. Its procedure is under its own control. The Committee elects a chairman by secret ballot on the system of annual rotation. It sits, when it is called by the Council or on a decision of one-third of its members, as a rule at Geneva. In fact, the Committee has made a practice of meeting on an average twice a year. Minutes are published. Its decisions are taken by simple majority, and rules of procedure may be altered by the same method.¹ At the first meeting, on a question whether substitutes should be allowed, it was affirmed that 'the importance of its deliberations depended on the personality of the members appointed by the governments to take part in it; and that, in consequence, it was essential—save in exceptional cases—that the members of the Committee should themselves carry out the duties entrusted to them'.² This policy has been upheld in practice; although there was one substitute present when this statement was made at the first meeting, it is only on the rarest occasions that substitution has been repeated.

Special rules of procedure for dealing with disputes were made by the Barcelona Conference. When a dispute has once been referred to the League the Secretary-General must submit it direct to the Committee, which then seeks information from the governments concerned. When the information is deemed inadequate a special commission of inquiry, representing all the relevant interests,³ may be appointed. Its report is considered by the Committee, which gives a reasoned opinion to be communicated to the governments.

¹ See Annex 4 of Minutes of the First Meeting.

² Minutes of the First Meeting, p. 7.

³ For precise details as to its composition see the Resolutions of the Barcelona Conference, Article 7.

The election rules have resulted in an extensive participation in the Committee's work. No less than thirty-two states have had the right to appoint members in a period of less than ten years. Two of these, the governments of Venezuela and Panama, never in fact made the appointments to which they were entitled, but the remaining thirty countries have all been represented for varying lengths of time. Of these actually eight were extra-European, none of these being of the British Empire. Among the half of the non-permanent members of the Committee who retired at the end of the first period, two states, Switzerland and Holland, were re-elected to the Committee in 1927, Dr. Herold of the Swiss Federal Railways returning as the Swiss member.

It is unnecessary to describe the members of the Committee in detail. The majority of them are experts. Several, however, are diplomats accredited either to the League or to some European government. Roughly six out of the sixteen members at the beginning of 1930 were non-experts. Of the rest two were chiefs of ministries and three of state railways. Several types of specialized knowledge are, or have been, represented on the Committee. Members have been river commissioners, engineers, railway inspectors, chiefs of transport departments, directors of railways or port authorities. The purely departmental element, therefore, is less strong here than elsewhere. The Italian and British representatives have remained on the Committee throughout its career; Japan has had five representatives at different times. The first Frenchman to sit was M. Claveille, who, besides being responsible as Minister of Public Works for the running of the French railways during the War, had represented France on the Ports, Waterways, and Railways Commission at the Peace Conference, and had been Chairman of the Provisional Committee for over a year. A further line of continuity runs through from the War in the person of Professor Attolico, once Italian representative on the Allied Maritime Transport Executive, who

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was until 1922 Director of the Communications and
Transit Section of the League.

5

The Communications and Transit Committee has co-operated with many of the other League Committees. A sub-committee was appointed to take into account the work and objects of the Economic Committee in the drafting of the Railways and Ports Conventions of 1923.¹ Similarly, in the conventions for freedom of transit the Committee made provision for aid in the suppression of opium traffic.² A small committee, selected by the Transit and the Permanent Armaments Committees, was appointed to make a report on the transport of Polish war materials through Danzig.³ In the same way a joint sub-committee was appointed by the Health and Transit Committees to investigate sanitary conditions of water traffic. Such co-operation is quite general, and instances of it could easily be multiplied.

As entitled by its constitution, the Transit Committee also appoints a number of special or expert committees. At the beginning of 1930 there were as many as eighteen of these, of which six were permanent, ten temporary, and two sub-committees. Such a number argues a considerable degree of activity, which is not belied by the facts.

The temporary committees, in general, deal with questions which—like the unification of river law, of transport statistics, or of maritime tonnage measurement—disappear with their solution. The permanent committees, on the other hand, supervise the main sections of the organization's work. There is one each for railway, road, maritime, and inland water traffic, another for electric and another for legal questions. Each of these has at least one member from the Transit Committee, assisted

¹ 21 C. 1279.

² H. R. Cummings, *The Technical Organisations of the League*, p. 286.

³ 27 C. 350.

by other experts. These are drawn, for the most part, from the chief organizations interested in the particular problem. They afford, therefore, an excellent opportunity for bringing about the essential co-operation of private concerns, which are often, in fact, as important as official departments.

By this means, and by consultation with individual experts, the Transit Committee is able to pursue a policy of continuous collaboration with outside organizations. The International Chamber of Commerce, the Telegraphic Union, the International Commission for Air-Navigation, the River Commissions, the International Conference of Shipbuilders are only a few of these.¹ There is never a meeting of the Committee at which delegates from one or other of these are not present.

The Communications and Transit Conference.

The Conference which forms part of the Communications and Transit Organization sits with a maximum interval of four years. It is called by the Council or by one-half of the members of the League. Unlike the Committee, delegates at the Conference are representatives of their governments. Although decisions are taken by simple majority, alterations of or additions to the agenda must reach a two-thirds vote. Limited conferences, at which only states interested in a particular problem are present, may also be called. Conference procedure is decided by itself.

The first three sessions of the Conference were held in 1921, 1923, and 1927. More than forty countries sent delegates to each of these. Some were not members of the League. The United States, Turkey, and Egypt, for example, were officially represented in 1927; and at other times the Soviet Union has also co-operated.

¹ In reply to suggestions made by the International Parliamentary Commercial Conference, the Committee decided, in a resolution of July 30, 1925, upon 'reciprocal representation on a consultative basis at the meetings of the two organizations in cases of discussion of questions of common interest'. *12th Plenary Assembly of the Conférence Parlementaire Internationale du Commerce*, 1925, p. 219.

After the Labour Conference the Communications Conference is the most important of those which sit regularly in direct connexion with the League. Its members are normally furnished with full powers of signature. It is the real source of the Transit Committee's authority, and its permanence lends to the Committee not only a firm foundation but a means of getting mere recommendations translated into practice. As such its importance as the basic organ of international communications is too obvious to need emphasis.

6

It would be impossible in this short space to describe the work of the Communications Committee in anything like an adequate manner. The record of this is written into the history of the League of Nations. It is to be found in the minutes of the Committee and the Conference and in the reports of the special expert committees. In shorter form the work is summarized in the handbooks of the League. Here it is possible only to recount the most noteworthy achievements of the Organization. But it is important not to overlook the contrast between the conditions of to-day and those which prevailed before the League came into existence.

The object of the Committee's work is to remove those artificial obstructions to transit raised by political boundaries. In this its task falls into three categories. For the direct promotion of this policy of making communication and transport more easy the Committee has pursued two distinct lines of activity. Where possible, general conventions stating principles of international organization have been drawn up. Examples of this are the Conventions on freedom of transit, on navigable waterways, and on the right to a flag of inland states, which were the result of the Barcelona Conference. The Conventions on Railways, Electric Power, and Maritime Ports, signed at the 1923 Conference, are further instances. All of these added

to the facilities of transport. On the other hand, there are certain parts of administrative control which are not susceptible to broad generalization, but which may well be brought into line with the League's policy by less formal arrangement than the signature of a treaty. There have been two conferences on passports, in 1920 and 1926, whose recommendations have contributed largely to the steady increase in ease and freedom of travel that distinguished the last decade. The Conventions on the unification of tonnage measurement for inland navigation and on the creation of a transit card for emigrants¹ also belong to this part of the Committee's work. Their object is to simplify and co-ordinate administration.

The second part of the Committee's task is that of arbitration and conciliation in transport questions. As has been seen already, certain duties of this sort were given to the League by the Peace Treaties.² It has, in fact, fallen to the Council, and therefore to the Transit Committee, to which such matters are referred, to consider several questions in dispute. The Arad-Csanad railways case, after being considered by a sub-committee, was returned for negotiation to the parties and settled. In the case of the Saar railways the Transit Committee appointed a commission of investigation on the spot. This contained four experts nominated by the Committee, two more appointed by Germany, and one by the Saar Governing Commission, the two parties to the dispute. An agreement was unanimously approved and applied. In the dispute on the Danube of 1925 the Committee again appointed a small commission to conduct an inquiry on the spot. This recommended the reference of the case to the Permanent Court of International Justice.³ The

¹ The only transit convention mentioned above not in force on Jan. 14, 1930. It was only signed, however, on June 14, 1929.

² See *supra*, p. 143, also p. 9.

³ By the terms of its statute the Court has a special chamber of five judges and two deputies to hear disputes on the transport clauses of treaties or that may be referred to it by Transit Organization of the League.

finding of the Court was sent to the Communications and Transit Committee to be forwarded to the governments concerned. In the River Oder case the dispute was referred direct to the Committee by the British Government in a communication of August 23rd, 1924. A settlement was reached on the basis of the Committee's findings.

Thirdly: Post-War reconstruction could never have proceeded without the work of the Transit Committee, but this part of the Committee's activity did not come to an end with the rehabilitation of Europe. There are many other tasks of constructive invention which fall naturally to the Committee. The committee of experts which visited Poland to study its navigable waterways and evolved a scheme for future progress in regularizing the Vistula and draining the marshes of Polesia was only one example. Similar inquiries were conducted in 1922 into the restoration of railways, and in 1925 into inland navigation. Several other studies have been made by individual experts—such as Dr. Hines on the Danube—and by small expert committees.

The general work of the Committee has covered many problems not yet mentioned, which would need considerable space to describe. They fall chiefly into the first category of subjects, as aiming at the removal of obstruction. Some have been to the advantage of special groups. The press have benefited first, by the Conference of 1927, which made several recommendations on censorship, on the speedy transit of news, on the treatment of journalists abroad; secondly, by the Conference of 1929 on the transport of newspapers. Delegates to the League have also gained by the facilities granted to them as the result of arrangements suggested by the Committee. The consideration of Calendar Reform, which does not necessarily belong to the realm of transport, was also undertaken by the Transit Organization through the medium of a special committee of inquiry. This resulted in proposals, chief among which was the recommendation that the date of Easter should be stabilized.

All this work has a very real importance. It represents a type of continuous international activity that was unknown and undreamed of before the War. As a system of organized co-operation it has not been without solid practical result in the form both of reconstruction and of conventions and administrative co-operation. The importance of the treaties signed under its auspices is sufficient to give it the air of a quasi-legislative, quasi-administrative body.

The organization of the Committee is interesting by reason of its achievement. But a valuable lesson can also be drawn from a comparison with the other technical machinery of the League. The Transit Committee is perhaps chiefly distinguished by its relative independence. This is subject to a general supervision by the Assembly and the Council, particularly in their control over the budget of the Organization. But the independence is manifested in several ways. The Committee is not appointed by or directly responsible to any organ of the League. It owes its appointment to a conference at which delegates may be present from countries not members of the League. The large number of states which participate in the Conference and the system of rotating membership of the Committee give it inevitably a claim to general representativeness which has considerable weight. This independence, combined with the definite duties allotted to the Committee by the Peace Treaties and the important task of reconstruction which lay to its hand, have stressed its *esprit de corps*. On the other hand, it is true that the size of the Committee may have diminished its efficiency. But one of its most significant discoveries is that its wise refusal from the outset to allow the practice of substitution has not decreased attendance or proved unworkable. There is no reason why the continuity of membership should be lost by the system of rotation since five of the members are permanent and may remain on the Com-

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mittee for any length of time, and the rest, if they were all changed every four years, would still show a no shorter average length of tenure than the members of other committees—the Economic Committee, for example.

The government representation is strong enough to keep the Committee in touch with the state departments likely to be influenced by or to affect its work, but it is possible that the co-operation of responsible ministers for especially important issues might add to the Committee's effectiveness. The independence of the Committee and its freedom to dictate its own procedure have made for elasticity, enabling special committees representative of the important related interests to be appointed. The value of this has been well stated in the report to the World Economic Conference of 1927.

'These experts [on the permanent special committees] being appointed individually. . . . It is therefore possible to obtain for each problem the direct co-operation of persons actually responsible for the study of these problems in the countries most nearly concerned. In this way, too, it has been possible to establish direct co-operation with the commercial circles concerned, in spite of the governmental character of the Organization for Communications and Transit. In particular, the Committee on Ports and Maritime Navigation and the Committee on Electric Questions include, together with officials, persons associated with shipbuilding circles and the electrical industry.

'Finally, the elasticity of the Organization and its autonomous procedure have made it possible to obtain during its discussions the advice of all representative organizations, official or private, interested in the problems under discussion.'¹

There are two conceptions of the Communications and Transit Committee's essential function. One regards it as a machine for adjusting purely technical differences, linking together national systems of administration, facilitating travel and transport, and preparing agreements of mutual advantage relating to them. The second, which is more ambitious, is based on an appreciation of the impor-

¹ Report on the Economic Work of the League, 1927, ii. 43, p. 46.

tance of such focus points of recent history as the Suez Canal, the Berlin-Baghdad Railway, the Panama Canal. Could such enterprises, existing or to come, be divorced from their nationalistic connexions, could they be governed by disinterested and international control on principles of just and equal treatment to all comers, they would cease to be political danger zones of tense dramatic interest, and become a mere part of the world traffic system. Clearly, if such conditions had existed in the past the story of Egypt, Turkey, and Panama would not have been the same. Such a task as this, of destroying sources of friction, is definitely within the constitution of the League, and therefore of the Transit Committee. Furthermore, there is inventive work of the utmost importance which also needs to be done. The permanent Air Committee could be given competence to approach state or private concerns which are now developing flying services on their own with a view not merely to co-ordination, but to promoting—under its own aegis, if necessary—the chartering and running of air liners and the building of suitable aerodrome stations. It might be only a work of co-ordination, for its assistance in which the Committee should naturally expect some degree of control in the resulting organization, or it might be run on a loan floated with the approval of the Communications and the Financial Committees. There is no reason why, if it considered the Channel Tunnel likely to be useful to other countries, the Permanent Committee for Transport by Rail should not make public representations to the French and British Governments. Any project should be submitted through the Transit Committee for its approval. In this and other ways a wide extension of the River Commission system of public international control under the supervision of the League to other realms is clearly demanded. It is essential if friction is to be prevented on the one hand and co-ordinated progress to be assured on the other.

But even in the first and less controversial part of the Committee's work much can be done by co-operation and

the increase of general regulation to add to security and to destroy the nervousness which is so often at the root of quarrels. It is inconceivable, for example, that ten years after the Barcelona Conference a Russian or Spanish Government could deliberately lay railway lines of a different gauge from its neighbours' for political or military reasons.

It is in such encouraging facts as these and in the opportunity which the existence of the Transit Committee affords for solving the other and more dangerous problems that hope for the future chiefly lies.

VII

THE GOVERNING BODY OF THE INTERNATIONAL LABOUR ORGANIZATION

'It is the mob that labour in your fields and serve in your houses, that man your navy and recruit your army, that have enabled you to defy all the world, and can also defy you when neglect and calamity have driven them to despair. You may call the people a mob, but do not forget that a mob too often speaks the sentiments of the people.'

BYRON, to the House of Lords, 1812.

ALTHOUGH the Labour Organization with its Governing Body and Conference has often been compared to the Council and Assembly of the League itself, in reality it resembles much more closely in the nature of its duties each and all of the technical organisms of the League. Its authority is so much greater and its juridical status so much higher—true enough—that there is some justice on that ground in a comparison not with the expert committees and technical conferences but with the Council. There is a danger in a comparison of this sort, however, for it is based solely upon the position at the moment. It is static and takes no account either of the tendencies of development in international organization,¹ or of the type of function which the various organs of the League are called upon to perform, as distinct from the authority they are given to perform it. Also it forgets that if the Governing Body, like the Council, is explicitly provided for in the Treaty of Peace, so also are two of the League's Commissions, while the rest were each and all implied in the Covenant.

To give a proper appreciation of the Governing Body, its origin and work and nature, a single volume would not suffice. Of all the League's organs it has perhaps accomplished most, and that in a field by no means the least strewn with obstacles and pitfalls. To say that its greater success has been due to its larger budget and its more pronounced independence is merely to assert that

¹ For a discussion of some of these see Chapter XII, section 4.

its achievement is but earnest of the things that these other organizations might do, if they too were given the same advantages. Such an assertion may or may not be true. It may need to be modified. In view of it, nevertheless, to consider for a short space and in a general way the principles on which the structure of the Governing Body is based may prove well worth while. At the same time it may not be entirely useless to recall first in the briefest possible manner the historical background of the organization.

The idea of bringing about social reform by international action and agitation dates as far back as 1815, when Robert Owen urged it upon the Vienna Conference. But it was not until 1889 that any action was taken. A conference was called by Switzerland to meet the following year, but was forestalled by a German invitation to convene earlier in Berlin. Several recommendations for social reform were made at this, but nothing practical was done until in 1900 the International Association for Labour Legislation was formed. This was a voluntary body, consisting of national groups from all the chief industrial countries. In some cases they enjoyed a degree of official support. Its purpose was one of reform—to bring about new social legislation, to study and spread information, and to promote international co-operation by means of conferences. A permanent bureau was established at Basle. Conventions forbidding night work for women and the use of white phosphorus in the manufacture of matches were drawn up and came into force. Others were prepared, and several bilateral treaties are directly attributable to its investigations.

At the outbreak of the War organized labour leapt, as it were, into the foreground of politics. The importance of propitiating it in the emergency became apparent to the leaders of each fighting country, and all sorts of promises were made to that end. Resolutions demanding that an international Labour Conference should meet at the close of the War to enforce Labour agreements upon the negotiating Powers were passed by the American Federation of

Labour and the French C.G.T. in 1915. Inter-Allied conferences met at Leeds in 1916 and London in 1917 and 1918, and demanded that an international commission for supervising Labour questions be set up by the treaty of peace. Similar proposals were also made by a Labour conference of the Central and Neutral Powers which met at Basle.

Before the Armistice had been signed came the Russian Revolution, and while preparations were being made for the Peace Conference the spectre of Bolshevism cast what seems to-day to have been almost unreasoning terror into the hearts of Europe's statesmen. They felt it stalking west through Germany and Austria to Paris, Rome, and London, and they trembled. The result was that almost the first act of the Peace Conference was to set up a Commission for Labour Questions. It was this which drafted Part XIII of the Treaty, setting up instead of the international commission originally suggested the Governing Body and the Labour Conference with a permanent bureau, the whole to form an almost entirely independent section of the League of Nations.

Among the principles on which the organization was founded this of independence is one of the most important. Like the technical organs created by the Council the Governing Body enjoys complete freedom in the control of its own procedure. Like them, on the other hand, its budget is under the ultimate control of the Assembly. Like them its government members are there as experts, coming generally from state departments. Like them it has expert committees to deal with special aspects of its task. Like the Mandates Commission it receives government reports on the measures taken to fulfil treaty obligations—these reports being, under Article 408, of such a form and containing such information as the Governing Body shall determine to request. And finally, like the Health and Transit Committees, it is partly appointed by a conference. But it differs from them in several ways that each mark a higher degree of autonomy. The Governing

Body is not merely advisory: it takes decisions, and takes them by majority vote. It decides the agenda of the Labour Conference, often a more important power than would appear at first sight, since its action may cause or prevent the study of a particular subject, publicity upon it, and even the drafting of a convention to deal with it. The importance of this power is fortified by the special provisions of Part XIII relating to draft conventions. Once they are accepted by the Conference by a two-thirds vote, it becomes the treaty obligation of each state member to bring them before the competent authority for giving effect to them within the following eighteen months. Further, the Governing Body acts as the board of control of the Labour Office and appoints its director. Any activity that involves expenditure must be approved by the Governing Body through its Finance Committee before it goes through the further gruelling process of examination by the Supervisory Commission of the League, the Fourth Committee of the Assembly, and the Assembly itself. The Governing Body has extensive powers also in relation to the governments reporting to it. By Article 408 and the following it is entitled to receive a complaint that a government is not fulfilling its obligations from any industrial group, from another government, or from any delegate of the Conference. It may then communicate the complaint to the government concerned inviting it to explain, and if not satisfied with the reply it may publish the whole proceedings. Further, if a reply is not received in a reasonable time it may refer to the Permanent Court of International Justice or request the Secretary-General to appoint a committee of inquiry of three persons nominated from a panel of government, employers', and workers' representatives. This committee is empowered to recommend the application of economic sanctions against the offending government. So is the Permanent Court, the decision of which in any case submitted to it either by the Office or a government is final. Elaborate precautions are thus created for ensuring the

good faith of governments. They have never so far been applied, less harsh measures having proved sufficient, but they are an example of the extensive authority of the Governing Body and the degree to which the Labour constitution has invaded the sacred realm of sovereignty.

The second principle to be remarked in the organization of the Governing Body is the representation of non-government interests. This is indeed a vitally important and significant departure from precedent.¹ In fact it creates a new precedent that may prove of the utmost value. Its extended application is to be looked for in the future. It will add greatly to the energy and reality of the League's work. There is a conference and an executive committee on the general plan of international organizations, but the Conference, instead of being either wholly unofficial or wholly governmental, is half one and half the other, all delegates meeting on an equal footing. Each country—and there were fifty-one represented at the fourteenth session of the Conference—sends two government delegates and two representing respectively employers and labour. Since the governments have certain legal obligations imposed on them by a two-thirds vote of the Conference they may be bound to this by a union between the two unofficial groups and half the government group, or by the government group as a whole and one of the others. Actually, it does not work out in this way. Although the labour and employers' groups each present a united front as a general rule, the government delegates vary to a much greater extent. What is still more interesting from the point of view of international organization is the corporate character which these non-governmental groups have, and were intended by the Treaty to have. They work very closely together, in particular the Labour delegates, the employers being apt sometimes to

¹ On its importance in the development of international law see L. Hamburger, *Die Theorie von den Subjekten und Mitgliedern der Völkerrechtsordnung und die Internationale Arbeitsorganisation*, *Niemeyers Zeitschrift für Internationales Recht*, vol. 36, 1926.

feel themselves there under duress performing a rather painful and time-taking duty as a kind of official opposition. Both these groups have at least one specific function which brings them together as units. On the Governing Body are twelve government nominees, of the eight most industrially developed countries, and four chosen by the Conference to represent areas which would not otherwise secure a voice. But there are also twelve non-government delegates. These are elected half by the workers' and half by the employers' delegates at the Conference every three years. They are present, therefore, not as national representatives but partly as experts and partly as the defenders of a world-wide interest. They are responsible in their capacity as elected members of the Governing Body to no one save their own particular group, and their expenses, unlike those of the government delegates, are paid out of the budget of the Labour Office. These groups are also regarded as units when committees of the Conference are appointed, and the principle is accepted that each committee shall have three equal parts—official, labour, and employers.

The Governing Body, which is made up in this way, sits four or five times a year. Its meetings are usually public, but the minutes of them are not. It was felt that members would not express themselves so freely if they might subsequently be quoted. This contention may, of course, have some truth in spite of the fact that meetings are already generally open to the press; but it is a distinct drawback from the point of view of publicity, one of the elements most necessary to the whole work of the Labour Organization, and a dangerous precedent for the other organs of the League. The sittings of the Governing Body resolve themselves into a consideration of the director's report on the work of the Office, of his summary of government reports, of the budget, of the appointment and activities of committees, of the agenda of the next Labour Conference, and of the measures taken to apply the recommendations of the last.

The official members of the Governing Body come for the most part from ministries of labour. Ministers of Labour themselves are not infrequently present at the Labour Conference. The workers' members are generally trade unionists in the advanced industrial countries. The employers also come as a rule from business associations, but seldom have any connexion with such international federations as the chamber of commerce or with international trusts.

The practical results of the Organization's work are comparatively of an immense value. Not merely has it been highly effective by its investigations covering the widest field of research and by its valuable publications which take note of all the most important labour activities, questions and legislation in all countries of the world; not only has it succeeded in creating a wide public interest which can be measured by the extent of the opposition which it has had from some quarters; but it has an excellent record, relatively speaking, in its drafting of conventions and in the ratifications they have received. Nothing could be less warranted by the facts than the accusation which is sometimes brought against the Labour Organization, and which apparently aims at damning it with faint praise—that its conventions may be a very fine achievement but they are never ratified. Up to May 1930 the draft conventions adopted by the Labour Conference numbered 29, or 7 more than those drawn up under the auspices of the whole of the rest of the League, or fourteen more than the other League conventions then in force. Of the 27 which had been adopted before 1929, and so had time for ratification, there had been 389 ratifications, of which 380 were unconditional. This is an average of 14 for each convention; and when the fact is remembered that in many of the countries which did not ratify legislation was already in existence making ratification unnecessary, it will be seen that even this number is a conservative estimate. Another method of estimating the effect of the conventions is by counting the cases in which

legislative or other measures have been taken to apply the terms of conventions after their adoption. This also does not include cases in which legislation was already in effect. Measures were taken in an average of ten countries for each convention, the grand total amounting to over 270. When the importance of the substance of these conventions, which deal with such subjects as the eight-hour day, night work for women and children, anthrax and white lead poisoning, seamen's and agricultural labourers' conditions of employment among many others, are borne in mind it is seen without any shadow of doubt that the Labour Organization has more than justified its existence and the principles of independence, responsibility, and the representation of interests, on which it was based. If the still larger number of recommendations passed by the Conference, dealing with an even wider range of subjects which also have secured considerable publicity in national parliaments, are also reckoned, then this conclusion will be still more definitely proved. Mr. Ramsay Macdonald has said that the Labour Organization 'is seriously grappling with its task', and has added that 'what it has already done is proof of it'. And that is praise coming from one who, as the representative of Labour, is not predisposed to be satisfied with its achievements. That he is not altogether satisfied his own words show: 'The machinery needs to be tightened up and speeded up. But it is there, a part of the public law of Europe and an instrument which the European democracy can use.'

PART II
SPECIFIC QUESTIONS

VIII

THE MANDATES COMMISSION

'There shall not be in the eye of the Law any Distinction or Disqualification Whatever founded on mere distinction of Colour, Origin, Language or Creed, but the Protection of the Law in Letter and in Substance shall be extended to All alike.'

Proclamation of QUEEN VICTORIA, annexing Natal, 1843.

'The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all aliens nationals of States Members of the League equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality.'

Amendment to the Covenant proposed by JAPAN, 1919.

THE idea of the mandate can be traced at least as far back as the Algeciras dispute of 1906, when it was put forward in the German-American correspondence as a possible solution of Franco-German rivalry. The word itself appears in a letter from Mr. Root to the German Ambassador at that time.¹ But the needs which gave rise to it are as old as modern imperialism. The Berlin Act of 1885 had been a first attempt to lay down principles of international law for colonial expansion and administration.² It included a provision for the open door, one of the most important stipulations of Article 22, since it limits considerably the economic advantages of political control.

After 1906 the idea was taken up by a group associated with the English review *The Round Table*. Active among these were J. A. Hobson, the leader of anti-imperialists; Philip Kerr, H. N. Brailsford, and General Smuts. In a memorandum on war aims, adopted by the British Labour Party in 1917, is to be found a proposal for placing the whole of central Africa, including the colonies of the

¹ See Pitman B. Potter, 'Origin of Mandates', *American Political Science Review*, xvi. 579; for other work on the origin of mandates see Quincey Wright's *U.S.A. and Mandates*.

² P. T. Moon, *Imperialism and World Politics*, pp. 84, 476.

Allies, under an international commission answerable to the League of Nations. A less drastic proposal which more exactly forecasts the immediate future was made by the Independent Labour Party a few days later. This suggested a plan of delegation to colonial powers whose administration was to be supervised by an international commission. Both these Labour proposals, then, envisaged the creation of a committee.

2

The Mandates System is more immediately derived from three sources. The first of these in order of time is the fifth of President Wilson's points, which he expounded in January 1918 as 'the only possible programme' of peace, and which were accepted as such. This demanded 'a free, open-minded and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the governments whose title is to be determined'. But so far little of practical moment was implied. In the actual outcome 'the interests of the populations concerned' were never consulted and little thought of at the Peace Conference. The important fact is that Wilson was looking about for a formula that would enable a just and lasting settlement to be secured. As soon as the scheme of General Smuts, which he published on December 16th, 1918, under the name of 'The League of Nations: A Practical Suggestion', reached the President he not only adopted the principle of the mandate with regard to the advanced communities of Turkey, but extended it to the colonial field. And it appears for the first time as a supplement to his Second Draft of the Covenant.¹ What Smuts had actually² proposed was to apply only to 'the peoples and territories formerly belonging to Russia, Austria, and Turkey'. He did not include 'those

¹ Miller, ii. 87.

² *Ibid.*, ii. 26 et seq.

German colonies in Africa and on the Pacific which are inhabited by barbarians . . . to whom it would be impracticable to apply any idea of political self-determination in the European sense'. Wilson, however, did not make this distinction.

The third cause was of a political order. In view both of the principle of non-annexation, which had been generally adopted by Americans and British, and of the difficulties—if not the danger—of attempting to divide the spoils among the victors, if that principle had been abandoned, some alternative had to be discovered. It was at hand. In spite of the frankly annexationist attitude of France, Italy, and some of the British dominions the mandates system finally prevailed.¹

It was embodied in Article 22 of the Covenant. This begins with the following provision :

'1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

'2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience, or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.'

Then follows the division of the territories into three classes according to their stage of advancement, different functions devolving upon the League and the Mandatory in each case. In order to ensure performance of its duties by the Mandatory it is further provided that:

'7. In every case of mandate, the mandatory shall render to the

¹ See B. Gerig, *The Open Door and the Mandates System* (1930), Chap. IV.

Council an annual report in reference to the territory committed to its charge.

'9. A permanent Commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the Council on all matters relating to the observance of the mandates.'

The duties of the mandatories, on the performance of which it is the function of the Commission to report to the Council, vary.

The sole duty of the Commission is to advise the Council on the reports rendered to it by the Mandatory Power. In the performance of this the Commission has to bear in mind the obligations laid upon the mandatory by the terms of the Covenant. These vary between the different classes. But the responsibility of the mandatory to the League as the trustee of civilization is clearly established in each case by the concluding sentence of paragraph 2. In 'A' mandates to those communities which 'have reached a stage of development where their existence as independent nations can be provisionally recognized' the mandatory has only to render administrative 'advice and assistance'. In 'B' mandates the mandatory is responsible for more than mere administration. It must secure certain conditions, which are:

1. 'Freedom of conscience and religion, subject only to the maintenance of public order and morals.
2. 'Prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic.
3. 'Prevention of the establishment of fortifications or military and naval bases,
4. 'and of military training of the natives for other than police purposes and the defence of territory.
5. 'Equal opportunities for the trade and commerce of other members of the League.'

The distinction between 'B' and 'C' mandates is that the latter are, while the former are not, 'administered under the laws of the mandatory as integral portions of its territory'. Secondly, the conditions for 'C' mandates do not include the provision for equal trade opportunities,

according to the interpretation of Article 22 adopted by the Mandatory Powers and confirmed by the Council.¹ But, as M. Van Rees has pointed out,² it would have been quite possible to claim that they differ in no way from 'B' mandates. The Mandatory Powers would then have had to permit all imports and exports on equal conditions. The truth seems to be that the stipulation, not being altogether clear, the benefit of the doubt has been taken by the Mandatory Powers.

3

The fulfilment of the League's obligations under paragraphs 7 and 9 of Article 22 was debated in the earliest meetings of the Council, and the Secretary-General was instructed to prepare a plan of organization. The first scheme proposed³ envisaged a committee of fifteen members on which all the seven Mandatory Powers would be represented by their own nominees. A majority of non-mandatory opinion was to be preserved by appointing eight members of other nationality, and several requests for appointment were received. Such a scheme would inevitably have meant that the real weight of opinion would rest with the seven who knew what their governments were doing rather than with the eight who did not know. Further, the members would have been under instructions from and responsible to their governments, and the political element would have been strong. Under such conditions an efficient committee could in all probability never have developed. Fortunately, better counsels prevailed. Provision for a smaller and more independent committee was made by the Council on December 1st, 1920. It was to have nine members, of whom the majority were to be nationals of non-mandatory Powers. They were to be appointed not by governments

¹ And by Schücking und Wehberg, *Die Satzung des Völkerbundes*, p. 698.

² *Les Mandats Internationaux*, p. 156. It would seem that free trade is certainly to the advantage of the natives.

³ See Document A. 161 (1920).

but by the Council, and they were not to hold any remunerative position under a government. Slight modifications have been made in the constitution of the Committee, the chief of them being the addition, as extraordinary member,¹ of the ex-director of the Mandates Section and the addition of an ordinary member of German nationality. The organization of this committee, one of the most carefully thought out of all, is governed by the following resolution: ²

‘(a) The Permanent Mandates Commission provided for in paragraph 9 of Article 22 of the Covenant shall consist of ten members. The majority of the Commission shall be nationals of non-mandatory Powers.

‘All the members of the Commission shall be appointed by the Council and selected for their personal merits and competence. They shall not hold office which puts them in a position of direct dependence on their governments while members of the Commission.

‘The International Labour Organization shall have the privilege of appointing to the Permanent Commission an expert chosen by itself. This expert shall have the right of attending in an advisory capacity all meetings of the Permanent Commission at which questions relating to labour are discussed.

‘(b) The Mandatory Powers should send their annual report provided for in paragraph 7 of Article 22 of the Covenant to the Commission through duly authorized representatives, who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request.

‘(c) The Commission shall examine each individual report in the presence of the duly authorized representative of the Mandatory Power from which it comes. This representative shall participate with absolute freedom in the discussion of this report.

‘(d) After this discussion has ended, and the representative of the Mandatory Power has withdrawn, the Commission shall decide on the wording of the observations which are to be submitted to the Council of the League.

‘(e) The observations made by the Commission upon each report shall be communicated to the duly authorized representative of the

¹ By decision of the Council Dec. 11, 1924.

² Document C.P.M. 386 (1).

Mandatory Power from which the report comes. This representative shall be entitled to accompany it with any comments which he desires to make.

‘(f) The Commission shall forward the reports of Mandatory Powers to the Council. It shall annex to each report its own observations as well as the observations of the duly authorized representative of the Power which issued the report, if the representative so desires.

‘(g) When the Council publishes the reports of the Mandatory Powers and the observations of the Permanent Commission, it shall also publish the observations of the duly authorized representatives of those Mandatory Powers which have expressed such a desire.

‘(h) The Commission, acting in concert with all the duly authorized representatives of the Mandatory Powers, shall hold a Plenary Meeting to consider all the reports as a whole and any general conclusions to be drawn from them. The Commission may also utilize such a meeting of the representatives of the Mandatory Powers to lay before them any other matters connected with mandates which in their opinion should be submitted by the Council to the Mandatory Powers and the other States Members of the League. This Plenary Meeting shall take place either before or after the presentation of the annual reports as the Commission may think fit.

‘(i) The Commission shall regulate its own procedure, subject to the approval of the Council.

‘(k) The members of the Commission shall receive an allowance of 70 gold francs per day during their meetings. Their travelling expenses shall be paid. Expenses of the Commission shall be borne by the League of Nations.’

The Permanent Mandates Commission was accordingly set up in 1921, originally with nine members, and it met for the first time on October 4th-9th.

4

Membership of the Committee is based on expert qualifications alone and in no sense on nationality. By section (a) of the constitution reproduced above¹ no member may

¹ Compare with the proposed Disarmament Committee, *infra*, p. 216.

even hold a post which places him in 'direct dependence' on his government. The only mention of nationality is the stipulation that the majority of the Commission must always be citizens of non-mandatory Powers. Expertness is the sole other qualification, and it would even be possible for two or three members of the same nationality to sit at the same time.

Actually four of the eleven members are citizens of Mandatory Powers.¹ Belgium, France, Great Britain, and Japan each has a member. The nationality of the other members is Italian, Portuguese, Dutch, Norwegian, German, Swiss, and Spanish. All the members of the Committee are active; several of them were acknowledged experts in colonial administration before they came to Geneva; with the others the arduous and profound work which they are called upon to do is enough to develop a definite *expertise*. M. Van Rees is a former vice-chairman of the Governing Council of the Dutch East Indies. He has become a juridical authority on mandates. Lord Lugard was for many years Governor of Nigeria and has had experience in China. He has written much on colonial administration. M. Merlin was Governor-General of French Indo-China. M. Pierre Orts, M. L. Palacios, and M. Sakenobe have Foreign Office and Diplomatic Service experience. The Marquis Theodoli, Chairman of the Committee, is a former Under-Secretary of State at the Italian Ministry for the Colonies; he was also a delegate minister at the Peace Conference. Professor Rappard was Director of the Mandates Section of the League from 1920 to 1924. On his resignation he was appointed an extraordinary member of the Commission. Mlle Dannevig is a principal of a school at Oslo and is a specialist on child welfare.

The International Labour Organization is entitled to have a representative at all meetings where matters concerning labour are under discussion. Mr. Grimshaw acted

¹ Four is the maximum; the size being ten ordinary members, the majority is six.

in this capacity for many years and brought to the Committee a valuable and extensive experience. He had previously been a lecturer at London University.

The Commission thus has an expert but at the same time a varied membership. That it is not drawn entirely or even mainly from any one type of men is to its advantage; the consequence is that it can tap more varied sources of information, can approach each question that arises with a wider vision, and can see problems that another group of men might pass over unnoticed.

While the importance of its work necessitates a strong *esprit de corps*, this and the smallness of its size add to the sense of individual responsibility of its members. Both these factors in turn are strengthened by the comparatively long time which the members of the Committee spend together. Their meetings last for from two to three weeks. They occur twice a year, and extraordinary sessions are occasionally held.

The principle of appointment to the Committee, as has been said, is that of competence as opposed to nationality. It is, moreover, the Council and not the governments who nominate. But practice does not altogether bear out this principle. There have been nine retirements from the Commission, and in each case a member of the same nationality has been appointed. It would certainly diminish the Commission's independence if its seats came to be regarded as the property of those countries whose nationals were originally chosen, and its sense of independence is perhaps its most valuable feature. This has been emphasized by the Commission several times in the face of opposing claims. Members, quite definitely, have no responsibility to their governments. The last word in their appointment rests with the Council, but the real source from which their names are suggested has undoubtedly been in the past the colonial or foreign offices of the original nominees. Officially this is not so, but that it is so in fact is borne out by such inadvertent statements as one made by the British member. 'Lord Lugard said

that when the Duke of Devonshire (then Colonial Secretary) invited him to be the British representative on the Mandates Commission in 1922, in succession to Mr. Ormsby-Gore. . . .¹ Lord Lugard not only describes himself as British representative, but he almost appears to regard his seat as a perquisite of the Colonial Secretary.

Evidence of the personal nature of the appointment is given by the practice of not allowing members to be replaced by substitutes. The one occasion on which this was permitted is that of the former French member, M. Beau. Being unable to attend for reasons of health, he wrote to the acting President of the Council to propose that M. Roume should take his place. This the President allowed 'by reason of the exceptional character of the circumstances'.²

The Commission's practice is to sit at Geneva in or about June and October. In 1926, as a result of the disturbances in Syria, an extraordinary session was held in Rome. Minutes of its meetings, as well as its documents and petitions with which it deals, are published. The position of chairman has been held from the outset by the Marquis Theodoli.

The work of the Commission consists entirely in the consideration of reports from the mandatories and of preparing its findings upon them. For the purpose of this the custom has developed of dividing the subject-matter among the members for profound study and for a report to be rendered to the Committee as a whole. The annual statements issued by the mandatories are generally long and detailed. In order to be sure of obtaining the information which it requires the Commission drafted at the outset a lengthy questionnaire. Reports have increasingly been brought into line with this, and it has been subsequently enlarged.

As defined by the Council, the duty of the mandatory was to send its annual report 'through duly authorized

¹ *The Times*, London, May 30, 1930.

² P. Mandates Commission: Minutes of 8th Session, p. 8.

representatives who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request'. This is a provision of considerable importance. It adds reality to the proceedings. It means that instead of merely enjoining the mandatory to supply the Commission with full details in the abstract, the Mandatory Power must delegate an official to appear before the Commission who may ply him with questions very much to the practical point on any relevant subject. He is not bound to reply, nor has he always in the past had sufficient knowledge to do so. But the impression which his refusal to reply would naturally create upon the Commission, an impression which would be reflected in its report to the Council, makes such a policy bad tactics from the point of view of a Mandatory Government. Furthermore, the sympathetic treatment accorded to the representatives by men who often know at first-hand the practical difficulties of administration puts him under a reciprocal obligation. In fact, the co-operative spirit shown is a remarkable testimony on the one hand, and tribute on the other, to the Commission's wisdom and sense of responsibility.

The provision by which an authorized representative presents his government's report to the Commission was an addition to the original plan. After discussion as to whether the Committee should be representative or independent, the right to send a representative not to, but before, the Commission was accorded as a concession to the former view. But this concession has proved a valuable asset to the Committee. Its authority and independence have been further increased by the arrangement that, while the Commission considers the report in the presence of the government's delegate, its conclusions are drawn after he has left. The Committee's decision, however, is communicated to him, and he is entitled to add comments, which must go before the Council with the report.

5

The Mandates Commission has relations with few other bodies. There is no colonial council or conference of national representatives or experts with whom it deals. In the course of its work it comes occasionally upon subjects dealt with by other technical committees of the League. In these cases collaboration is normal. But the Commission has direct relations with two important bodies, the Council of the League and the Mandatory Governments. Its connexions with the Council are clear and indisputable. The Commission is an advisory organ of the League. Its sole function is to advise the Council. That the Council has always in the past acted upon its advice is no denial of this.

The Commission's relations with governments are not so completely unquestionable as to their nature. The problem of where sovereignty over the mandated territories resides is a juridical question, into which it is neither possible nor necessary to go in a study of this sort. Many different renderings of the position have been made by eminent jurists.¹ While the view that sovereignty rests with the Mandatory Power is not unknown, the weight of opinion is definitely opposed to this interpretation. Whether it belongs to the inhabitants of the mandated area, being at present in suspense and entrusted to the League, or whether it resides in the League itself, an opinion upheld by Lauterpacht, Redslob, and others, the responsibility of the Mandatory Power to the Council is borne out by practice as well as by theory.

The one case in which a Mandatory Power has put forward a claim to sovereignty over its mandated territory is that of South Africa, and this was immediately challenged, both by the Mandates Commission and the Council. The Government of South Africa had described

¹ See Arnold D. McNair, 'Mandates', *Cambridge Law Journal*, April, 1928, and see Giorgio Balladore, *I Mandati della Società delle Nazioni* (1928), Chap. II.

itself as possessing sovereignty 'over the territory of South-West Africa . . . lately under the sovereignty of Germany' in the preamble to a treaty, and its view was established in the Appellate Division of the Supreme Court of South Africa. The Council, in 1927, adopted the view that sovereignty rests with the League, and this was 'taken note of' by the South African Government.

Besides its direct relations with the Council of the League and the Mandatory Powers the Permanent Mandates Commission, through the latter as mediary, may receive petitions from individuals or groups within the mandated territory. The Mandatory Governments must forward to the Commission with its own comment any petitions to the Mandates Commission which are duly presented to it for that purpose. But in the case of a petition emanating from outside the territory, it seems that it may go direct.¹ The Commission may then request observations from the government concerned. But, although the right to hear the Mandatory Government's delegate on any petition belongs to the Mandates Commission, it is not allowed to permit the petitioner to argue his case before it. Thus he is naturally at a disadvantage in his dealings with the government.

6

The work of the Commission—a work, as we have seen, of examination and report—presents a picture of steady and unostentatious activity. The accumulation has grown to vast proportions. Generally these labours are carried on in quiet and little is heard of them outside the circles immediately affected. Only when some disturbing incident happens is attention focussed upon the League. And the value, then, of having an international and unbiased court of appeal, which has already demonstrated its independence and lack of prejudice, is not the least important part of this veritable revolution in international affairs.

¹ See petition of the Anti-Slavery and Aborigines Protection Society sent to the Secretary-General. C.P.M. 620.

In its work the Commission might be likened to several things. In its sifting of evidence and cross-examination of government representatives, as well as in its semi-expert, semi-independent qualifications, it resembles the best type of British Royal Commission. As the decisive factor in the hearing of petitions its function is not unlike that of a bench of judges. That, of course, must be qualified: judicial findings have legal force whereas the Mandates Commission may only advise and recommend. Finally, in its general relation to international life, it might almost be described as holding an inquest on imperialism.

The practical effect of the Commission's existence is not difficult to see. When a Mandatory Power has been considered to be remiss, as in the case of Syria, the Commission has been severely critical. That of itself, and the publicity given naturally to such an important pronouncement by a disinterested group of fully qualified men, has been enough to bring about an immediate change of method. Nor must the less obvious consequences of such criticism be discounted. If in one case the glare of publicity is given to an administrative shortcoming, more care to avoid the danger is almost certain to be taken afterwards throughout the whole administration. Moreover, the Commission is steadily building up in print, as well as by personal contact, generally acceptable principles for colonial government. The influence of this extends far beyond the territories immediately under its supervision. The more publicity is given, the more definite does the influence become. And it is already safe to say that no colonial office is unfamiliar with the minutes of the Mandates Commission or with the attitude to these questions which is expressed there. After all, the basic principles are to be found in Article 22 of the Covenant, which has been accepted by every colonial power except the United States—for application to other people. No country, having overseas possessions and all the difficulties and perils they entail, can afford to be condemned by international opinion as either unjust or inefficient in its control. No government in a

democratic land can afford to offer to its parliamentary opposition such a gratuitous ground of assault as even criticism by an independent body of high standing would give. It is therefore true that principles of treatment for subject peoples, especially if they are enunciated with force and publicity, have often a very practical effect. And, it may be added, that enunciation and examination is no less necessary for British or French West Africa than for Western Samoa, although the latter happens to have been confiscated from a defeated Power.

The Commission suffers, however, from what are perhaps defects in the machinery at its disposal. In deciding upon the merits of a government report, and advising the Council accordingly, it must rely entirely upon the information provided for it by that government itself. And naturally 'the state to be scrutinized', as Professor Laski has pointed out,¹ 'reports from time to time that its conduct has been good'. That the Commission must formally rely solely upon governments for its information seems, at least at first sight, to be an obvious inadequacy in its machinery. True enough, it may receive petitions, as has already been said; but this might be a more real addition to the source of information were the method of presenting a petition different. The plaintiff must submit his case through the medium of the Mandatory Government against whom he is complaining. The latter may then add its comments and send it on. The petitioner is not entitled to appear before the Commission; nor may a duly authorized advocate plead on his behalf. Nor has the Mandates Commission any means of knowing whether the report before it presents a true picture of conditions. By the framing of the questionnaire, to which the report is expected, although not bound, to reply, this inadequacy is to some extent modified. That essentially it is not changed, however, is borne out by several well-known incidents in the Committee's comparatively short career.² Only a few

¹ Laski, *Grammar of Politics*, p. 597.

² See, for example, J. N. Harris, *Slavery or Sacred Trust*, p. 114 et seq.

months after the Commission had approved in glowing terms the French report on Syria violent trouble broke out there, and the Commission found it necessary to hold an extraordinary session in Rome. It became clear at once that the information contained in the reports had been consciously incomplete. Unrest had been prevalent and disorder brewing at the very moment when the Commission was giving its approval. No mention of it had been allowed to creep into the reports. Nor had the Commission been able to elicit it from the accredited representative. This was to some extent because he himself knew little or nothing of the subject at first hand.

The best picture of the efficiency of the Committee's methods within the limited area allowed to it can be drawn direct from the minutes. So can the best idea of the obstruction caused to it both by its lack of authority to receive petitioners, and by the sometimes insufficient knowledge of the representative and incompleteness of the report.

If to take one particular case and reproduce the most interesting part of the debates relating to it runs the risk of tediously long quotation and of the accusation that it is an extreme example, it is certainly the best method of gaining a clear conception of the Commission's approach to its work, of the strength as well as the weakness of its position. In Western Samoa, under New Zealand mandate, unrest and dissatisfaction with the administration were rife in and about 1927. The question has not yet been settled. A petition was presented to the League by a merchant named Nelson, who had been banished by the Administrator. It was aimed largely at the Administrator himself. While the latter came to Geneva to be present at several of the sessions in which the case was considered, and was enabled therefore to plead his cause in a fairly complete way, Nelson, who was also in Geneva, was—quite correctly by the terms of its authority—refused audience by the Commission. This was so even though he claimed to be the legally authorized delegate to the Com-

mission of nearly 8,000 out of 8,500 Samoan taxpayers.¹ The second petition was from an ex-official of the Administration and the third from the Anti-Slavery and Aborigines Protection Society of London. The charges were tyranny and corruption, and they were supported with much detail.

The first claim to be considered is that of Nelson, on which Sir James Parr, High Commissioner for New Zealand, was questioned by the Commission.

The following are extracts from the minutes of the debates on the subject.

Sir James Parr said:

'Nelson was a man of great influence with the natives, whom he manipulated with consummate skill. For twelve months he had been spreading amongst them tendencious news and jaundiced reports, and he had formed an association called the "Mau", for which he had obtained hundreds of native adherents, in opposition to the Administration. Nelson, for instance, alleged that the transfer of a native by the Administration from one part of the islands to another amounted to banishment. It was, of course, nothing of the sort, such transfers being merely intended to stop loafing in Apia and agitating. The transferring of natives was a custom which had existed in Samoa from time immemorial and had been employed by the Germans before the New Zealanders came there. Nelson, again, had no doubt played on the feelings of natives, such as the principal native among the agitators, the man to whom Sir James Parr had already referred as having been convicted of theft from natives. Sir James Parr added that the question of transferring natives from one part of the islands to another had been specifically included in the terms of reference of the Royal Commission in order that the latter might advise the Mandates Commission on the point.'

M. Rappard said:

'As most of the disturbance seemed to turn on the personality of Nelson, nothing that the Commission could hear about him would be beside the point. Sir James Parr had painted a vivid picture of that individual. M. Rappard wondered how such a person with such schemes could have acquired so much prestige with

¹ See his pamphlet *Samoa at Geneva: Misleading the League of Nations*.

the natives. Nelson was, in the first place, a half-caste, and as such not likely to be loved by the natives. Secondly, he was a man of great wealth, a fact not calculated to endear him with his less fortunate neighbours. Thirdly, he was a great buyer of copra and as such it was not probable that he would acquire much popularity. Fourthly, he was surrounded by some disreputable colleagues, and his native benchman had been convicted of theft from natives. Fifthly, his scheme was to oppose the marketing of copra by the Government, which had engaged in it in order to obviate the exploitation of the natives. Sixthly, he was opposed to expenditure on health and education. His record, then, did not seem calculated to make him popular with the natives. To use an American expression, he would not seem to be an available candidate. Sir James Parr had further said that the majority of the Europeans were against him; nevertheless, they had elected him to the Legislative Council.'

At the beginning of the next meeting

'M. Palacios asked for further information on the strength of the opposition to the Administration. He inquired of how many members the Citizens' Committee was composed, what influence in the islands it represented, and when it had been set up.

'Sir James Parr replied that he would willingly answer M. Palacios' questions to the best of his ability. He hoped, however, that the Commission would not ask for too many details on the subject. He considered that it would be improper for him, as representative of the New Zealand Government, to go too deeply into matters which were now before the Royal Commission. He would, however, do his best to answer any questions, on the understanding that the information given was not regarded as official wherever it related to matters before the Royal Commission.

'M. Palacios said that he had no intention of asking any questions to which the accredited representative thought it indiscreet to reply.

'The chairman pointed out that there were three courses of action open to the accredited representative. First, he might frankly say that he preferred not to reply, in which case the Commission had merely to take note of his refusal; secondly, he might reply as he thought best; or, thirdly, he might make a definite reply but ask that his statement should not be recorded in the minutes.

'Sir James Parr thanked the chairman and said that he would adopt the third course proposed, because he was willing to give the Commission his own impression of the situation, but that impression should not be regarded as in any way official. Sir James Parr then made a statement in reply to M. Palacios' question.

'M. Orts inquired what were the regular channels, which were open both to the native and to the foreigner living in the territory, by which a grievance or a complaint could be submitted either to the Administration or to the Mandatory Power if, for example, the complaint were directed against the Administration ?

'Sir James Parr believed that, in the case of native affairs, the Administrator only heard complaints after they had first been approved by the Fono of Faipules. Most native grievances would first come before that body or be referred to it, and the Administrator would ask and probably follow, though not necessarily, its advice. As to matters affecting Europeans or trade, complaints under this heading would sometimes come before the Legislative Council, who would advise the Administrator. If the complainant were dissatisfied with the judgement of the Administrator, the matter, if unimportant, went no further. Why, indeed, should it ? In matters of very grave importance, the Administrator invariably sent on the question to the Minister for External Affairs, and advised this minister of the position.

'M. Orts inquired whether any native had the right to send his petition direct to the Administrator without submitting it to any intermediary.

'Sir James Parr said that the native might send his petition to the Administrator, but if it were of serious importance the latter would invariably consult the Fono of Faipules. The normal procedure was for the native to go before his chief and the village council. They might reject his petition on the ground of triviality. If the matter, however, was of any importance, it would be sent up to the Faipule who represented the village in Parliament.

'M. Orts inquired whether a native who believed he had a grievance against his chief, the village council or his Faipule could send his petition direct to the Administrator.

'Sir James Parr thought that it would be hardly practicable to give 40,000 natives direct access to the Administrator.

'M. Orts thought that this right was recognized in every civilized country.

'Sir James Parr replied that petitions could be sent in direct to

the Administrator, who would consult the native officers and authorities.

“The chairman wished to put a second question concerning a report of a debate in the New Zealand Parliament on June 29th, 1927. According to the *Wellington Evening Post*, the Prime Minister of New Zealand, in answer to a question concerning the list of questions drawn up during 1926 by the Permanent Mandates Commission to assist Mandatory Powers in the preparation of their annual reports to the League, had replied: “Who would answer such a silly thing as that? It contains some 500 questions.”

“While the chairman and, he thought, the Commission realized that ministers in the course of a debate, allowing themselves to be carried away by the heat of their oratory, often asked that the record of the discussion should be corrected, he felt sure that the New Zealand Government would realize that the Commission was anxious to receive some explanation of this phrase. Was it the opinion of the Mandatory Power that the statements of this kind contributed to that cordial collaboration between the Mandates Commission and the Mandatory Powers, which was generally realized to be necessary for the successful operation of the mandates system and which the Commission tried always to attain?

“Sir James Parr regretted that any minister should have used any expression which the chairman considered was not courteous to the Commission. Mr. Coates was the last man who would wish to be offensive. He and the New Zealand Government as a whole accepted the questionnaire of the Commission in the same sense in which, as he understood it, the Commission viewed it according to its latest pronouncement on the matter. The questionnaire was an indication to the Governments, and assisted them in framing their reports. His Government was content to leave the matter at that.’

At another point M. Palacios, intervening, said that

“According to the *Samoa Times* of March 18th, 1927, the Administrator, in his speech to the Legislative Council, had called attention to the fact that there were 230 Europeans on the electoral rolls. According to the annual report, however, the European population would appear to amount to over 4,000. Did the Mandatory Power therefore not consider that it would be advisable to do something to increase the electorate . . . ?

“Sir James Parr replied that he was under the impression that the *Samoa Times* was the property of Nelson himself. It had carried on

an active campaign against the Administration. The agitators desired every European, half-caste and quarter-caste, to have a vote. This was one of the main issues of the conflict between them and the Administration. . . .

M. Palacios had been under the impression that the *Samoa Guardian* and not the *Samoa Times* was the property of Nelson.

'Sir James Parr begged to be excused if what he had said was incorrect. It was the *Samoa Guardian*. It was of no importance, however, for, in any case, the statement was quite wrong. There were only 2,500 non-native inhabitants of the territory, of which only 500 were pure white.'

Finally

'The chairman said that although signs of discontent had been noticeable in Samoa in 1921 (when three persons had refused to sit upon the Advisory Council) and had continued since that date . . . no reference to this state of affairs had been made in any annual report submitted to the Commission by the Mandatory Power.'

Ultimately, however, the Commission adopted a report to the Council the general effect of which was to absolve the Administration from all blame. This, probably, was an inescapable result in view of the inadequacy of the information, but subsequent events proved that it was too optimistic and had little or no relation to the facts.

'The Commission is assured that adequate means for that essential purpose (i.e. maintaining law and order in accordance with the mandate) are now at the disposal of General Richardson's successor, and *it trusts that the Samoans, when they realize that they have been misled*, will resume their former attitude of confidence in the Administration.'

M. Palacios, however, objected to the crucial words, those printed here in italics.

In view of the continued criticism, even after the favourable report of the Royal Commission appointed by the New Zealand Government to inquire into the accusations made, the Government set up a further small commission of experts to investigate again. The report of these was a drastic condemnation of those whom the

Mandates Commission had been induced to approve. As the Commission itself asserted in its report to the Council in 1929,¹ its conclusions previously arrived at 'were thus based upon incomplete information'. In fuller detail the Commission's 1929 report reads as follows:

'The Permanent Mandates Commission encountered a real difficulty in forming a judgement upon the actual situation in the territory, since the two reports (of the Administration and the government experts) before it expressed very different estimates of the local administration.

'The report for 1928-9 (of the Mandatory Power), like previous annual reports, though admitting the unsettled condition of the country, is written in a general spirit of optimism. The special report of inquiry, on the other hand, is extremely critical of the whole administration of the territory and of its finances. . . .

'While greatly appreciating the frankness shown by the publication of this special report of inquiry, the Permanent Mandates Commission deeply regrets the state of affairs which it reveals—a state of affairs which is described by the three commissioners in very severe terms.

'The Permanent Mandates Commission also noted, on various points, a discrepancy between the report of the Royal Commission appointed in 1927 and that of the three special commissioners. The conclusions at which the Permanent Mandates Commission arrived last year were thus based upon incomplete information. . . .

'The Permanent Mandates Commission is glad to note that the Mandatory Power has immediately taken measures to remedy the defects which have thus been disclosed. . . .

'The Commission expresses the earnest hope that, the annual reports of the Mandatory Power will, in future, be such as to allow it to form a true opinion of the whole administration, and so to avoid the painful surprise which it experienced this year in considering the report of the administrative experts.'

The second indictment of the Administration of Western Samoa came from an ex-official, carrying good testimonials of his service. He delivered a long list of accusations supported by detail. He said, for example, that 'the attitude of the Administrator is to put a blind

¹ See 16th Session, Minutes, pp. 207, 208.

eye to the telescope and make reports calculated to mislead the League of Nations'. The reply of the New Zealand Government was simply a categorical denial of each statement. It was added that the official in question was a young subordinate and that he had no right and not sufficient experience to criticize his superiors.¹

During the following month a third petition² was received by the Mandates Commission. It came from the Anti-Slavery and Aborigines Protection Society of London, and brought in question the arbitrary power and practice of banishment of the Administrator. This petition asserted that 'it would appear from the statements in the Press that several Chiefs have now been deported, and that the powers of the authorities in regard to deportations have been considerably widened by a new law'. It was dated July 19th. On August 5th an Act to amend the Samoa Act of 1922 which gave these powers to the Administrator was passed by the New Zealand Parliament, severely restricting the powers of deportation originally given to the Administrator. On September 19th the Prime Minister of New Zealand replied to the League citing this limitation of the Administrator's authority—which, be it remembered, was subsequent to the inditing of the petition—as a proof that the petitioners' suggestions were inaccurate.³

In fact, the Administrator's powers in regard to deportation alone had not been widened since 1922. Indeed, as they were already absolute and unlimited, it is not easy to see how they very well could be widened. But, besides a greatly increased application of them in the period up to July, there had also actually been a new ordinance issued in March which the Prime Minister did not mention. This provided among other new penalties that 'Every person is guilty of an offence and liable on conviction to a fine not exceeding £100 or to imprisonment for a term not

¹ C.P.M. 571, dated June 7, 1927.

² C.P.M. 620.

³ C.P.M. 662; see the second paragraph of Mr. Coates's letter.

exceeding one year who speaks any words or does any act calculated or likely to undermine the authority of or to excite disaffection against any native authority'.¹

7

The test of mandates lies not in their principles, which are sound, but in their practice. 'Everyone who knows the history of treaties and international documents', as Mr. Woolf wrote in the early days of the League,² 'knows how many fine phrases in them have never been applied and were never intended to be applied.' 'If', as he continued, 'the phrases of Article 22 do not really mean what they say, and nothing is done by the League to clothe them in the flesh and blood of detail and practice, then it will be only honest to admit that the scope of the mandates is nil and the mandatory system is only the old method, under a new name, of subjecting Africans and Asiatics to the rule of European States.'

It is quite clear that much has been done by the League to apply the principles of the Covenant, that Mandatory Governments have always been anxious that their policy should appear to be in harmony with the terms of the trust they have undertaken, and that in many cases it has really been so. The existence of the Permanent Mandates Commission, the obligation to report to it, and its power to cross-examine in private and criticize in public, have formed an instrument of really practical value for ensuring the application of the principles contained in Article 22. But it must be remembered in all fairness to the administrators of mandated territory—and in particular of B and C Mandates—that 'the principle that the well-being and development of such peoples form a sacred trust of civilization' is too new to be easily applied. Such a revolution is not made in a day, or even in ten years. The theory that these peoples are mere barbarians—to use the

¹ C.P.M. 719.

² Leonard Woolf, *Scope of the Mandates under the League of Nations*.

words of General Smuts himself—cannot be destroyed by merely writing on paper such phrases as ‘sacred trust’ and ‘well-being and development’. The tradition of race superiority and supremacy, and of its consequence, exploitation, dies hard. It dies particularly hard when the job of hastening its end is given to the type of expert colonial administrator for whom that very tradition has been a comforting thought in exile, or when the task is conferred upon army generals accustomed to autocracy, and suffering also, perhaps, from the disease of power, as it has been named.

In such circumstances it is evident that to ensure the application of the Covenant principles much is needed. In view of such incidents as the Bondelwarts rebellion, the bombardment of Damascus, and the agitation in Samoa, it has been recognized perforce in several quarters that the machinery already created by the Council, and put at the disposition of the Mandates Commission, is not adequate. Various suggestions for supplementing it have been made or can be made.

It should be borne in mind that none of them is outside the competence of the Assembly and the Council of the League. By paragraph 8 of Article 22 ‘the degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by “the Members of the League”, be explicitly defined in each case by the Council’. Presumably, by ‘the Members of the League’ is meant the Assembly. In actual fact the terms of the mandates were decided, for the most part, by the Supreme Council of the Allies; but if by this paragraph the Assembly had the right to decide in 1920, then the question is raised whether in 1930 or 1940 it has the right to alter, ‘the degree of authority, control, or administration’. It is even arguable that a decision, for example, to appoint a League representative in any area, should be regarded as a matter of procedure, and therefore be decided by majority vote.

The first suggestion with regard to the Commission’s

work relates to petitions. We have already seen the dilemma in which the Committee is placed when a petition is before it and the petitioner demands, but cannot be granted, an interview. Besides the Samoa case, it has arisen in several others, notably during the special session on Syria held at Rome. On the one hand, the proposal of Lord Lugard,¹ to which the Mandates Commission did not agree, that since the Council does not allow the Commission to receive petitioners officially and in public, members should not see or speak to them unofficially and in private, seems to err on the side of conservatism and formality. It appears as the pursuit of literalism to the point of denying a principle of equity, which is not even explicitly denied in the charter of the Commission. Few English lawyers, familiar with the history and development of the common law, would admit the validity of such an argument. On the other hand, the proposal that a petitioner should have the right as a general rule of appearing before the Mandates Commission raises certain practical objections. It would mean that only those who could afford to make the long voyage to Geneva, or to employ an expensive advocate, would be any better off than now. But further, such an innovation would enormously increase the duties of the Commission and the length of its sessions. The Committee's efficiency and success depends primarily upon the first-class talents of its members, and as it is, many of them find great difficulty in sparing even as much time as is at present necessary from their other activities. Perhaps neither of these arguments is wholly conclusive or insuperable; but if some other method of securing the same result can be found, which has not the same disadvantages, it would obviously be better to adopt it. One final observation, however, seems advisable. There is nothing to prevent the Mandates Commission from requesting the Council to give it special authority to hear any particular petitioner when it considers such a course to be desirable. Nor is

¹ Mandates Commission, Minutes, 13th Session, p. 17.

there any reason why the Commission should not suggest to the Mandatory Government itself that the latter appoint the plaintiff as one of its own representatives. If the Government has nothing to hide or to fear it should welcome such an opportunity for publicly discrediting its critics. Already it is the custom often to appoint two or three representatives; a fourth or fifth would not be a departure from practice or precedent.

Secondly, the suggestion has been made that members of the Permanent Mandates Commission should develop the habit of visiting mandated territories in order to see for themselves the conditions which prevail, and possibly also to hear complaints. It is possible that such a practice would add to their knowledge, provided they were accessible to the governed and did not spend too much of their visit in being shown what the governors wished them to see. But the time difficulty, from which most of them suffer, already mentioned as an objection to the first proposal, applies with equal force to this. While such a practice, even if occasional, might also prove of value in demonstrating to the native population that the Mandates Commission is a live organism containing human beings interested in them, it is doubtful whether such an innovation would serve as more than an incidental strengthening of the Committee. Quite enough has been said for the proposal here, however, to show that when a member of the Commission finds himself free to visit the territory his travels should be financially or otherwise facilitated by the League, and his forthcoming visit given adequate publicity in the mandated territory.

In the third place, it has been suggested that the Council should appoint a committee of inquiry to visit any area when the administration is severely criticized. This proposal, although it has an evident value and although there is nothing to prevent it from being put into practice, seems inadequate of itself very greatly to improve matters. It is a policy of cure after the illness, and not of prevention before.

Finally, as has been mentioned already, the proposal has been put forward for the appointment by the Council, on the advice of the Commission, of a League representative in each mandated area. The practical value of such a suggestion is seen in the fact that it offers a combination of all the advantages claimed for the other proposals without their defects. Such a delegate would be a permanent means of inquiry and a continuous source of information. He would also afford the natural channel for presenting petitions to the League. His function would be purely advisory; the entire responsibility for administration would continue to rest with the mandatory, which would maintain direct relations with the Mandates Commission. The commissioner would watch over and report on conditions, be informed by right of all regulations, and advise the mandatory government on its own request. There would thus be every opportunity for continuing that valuable attitude of co-operation which has so far characterized the relations of the mandatories with the League. The commissioner would be appointed by the Council on the nomination of the Chairman of the Mandates Commission and the Director of the Mandates section. He would be of a different nationality from that of the Mandatory Power. His staff would be required to speak the language of the district, and he himself if possible. His salary and the expenses of his office could be paid out of the budget of the territory to the amount decided by the Council on the advice of the Mandates Commission. It would be paid direct to the League with the mandatory's annual contribution. The main argument against the appointment of a commissioner is that his presence would undermine the prestige of the government. It is essential that nothing ought ever to be done to prejudice a government's reputation to the point of causing disorder, but in this case the contrary result seems probable. When the government was good, the commissioner's favourable verdict would immensely enhance its prestige. What better evidence of good government than that

coming from such an independent witness? If, on the other hand, when the government was bad, his criticism caused it a little uneasiness, all the better; it would then be all the more anxious to reform. The recent criticism by the Commission of British administration of Palestine has led to more, and not to less, stable government. Had it come earlier, disturbance might have been prevented.

The great advantage of a commissioner as a source of information over a commission of inquiry has been pointed out by Professor Laski.

‘Thereby the League would possess an independent and continuous check upon the work of the Mandatory Powers; its discussion of their work would not be based mainly, as now, upon what the latter had chosen to tell them. It could really investigate trouble; whereas, at present, if it chose to make investigation, most of the relevant evidence would already have perished. Dead natives do not differ from other dead men in being able to tell no tales.’¹

The commissioner might also be an effective instrument for ensuring that the appointment of officials to the administrative service is based on the proper qualifications, and that unsuitable officials are removed.²

It may be urged, in conclusion, that the Permanent Mandates Commission has not merely justified the principles on which it was designed, and the special care with which its constitution was thought out, it has proved the potentiality of an international committee in yet another sphere, and it has earned the logical extension of its powers. The first extension is that of more adequate machinery, on the granting of which its future will undoubtedly depend. The second is the expansion of the area under its supervision. By the spirit of collaboration with governments, which it has promoted with remarkable success, it has made the conferring upon it of the right to supervise the administration of other colonial territories a by no means burdensome sacrifice on the part of the possessing Power. And, let it be remembered, that each

¹ H. J. Laski, *Grammar of Politics*, p. 597.

² Laski, *op. cit.*, p. 598.

colonial Power, except the United States, has accepted by parliamentary procedure the principle that 'the well-being and development' of subject peoples 'form a sacred trust' not merely of colonial powers but 'of civilization'; and further have undertaken 'to secure just treatment of the native inhabitants of territories under their control',¹ but without practical provisions for ensuring that they keep their word. If Article 22 and Article 23 (*b*) are not 'a scrap of paper', then they mean that the Permanent Mandates Commission must become the residuary legatee of nineteenth-century imperialism.

¹ Article 23 (*b*).

IX DISARMAMENT

THE PERMANENT ARMAMENTS COMMISSION AND THE DISARMAMENT COMMITTEES

‘Sometimes one prince quarreleth with another for fear that the other should quarrel with him.’

SWIFT.

IT is no accident that the first of the League’s duties named in the Covenant is the promotion of disarmament. In the minds of those who prepared the Covenant it was by far the most important of the tasks imposed on the League. They wrote it, therefore, into Articles 8 and 9 which follow immediately upon those regulating the constitution of the League.

‘Article 8

‘The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

‘The Council, taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several governments.

‘Such plans shall be subject to reconsideration and revision at least every ten years.

‘After these plans shall have been adopted by the several governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

‘The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

‘The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military,

naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

‘Article 9

‘A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.’

These two Articles are the League’s formal reason for undertaking the work of disarmament. They give it a very special emphasis in the international programme. But behind this formal reason lie the most real and urgent necessities. It is these that are fundamental causes of the move towards disarmament.

The piling up of armaments, and above all the competition to which it led, have been recognized by all historians as one of the chief causes of the Great War. Armaments breed suspicion; no one who reads the story of Anglo-German naval competition can deny it. And what is more, they breed armament firms. The decision of one country to increase its air defence obliges even a friendly Power to do the same, and competition results—as witness the effect on British policy of the French aerial defence scheme for expansion. The very fact of the existence of armaments, moreover, is an encouragement to justify their existence by their use. Since the League would not have been born had there not been the desire to prevent war, it is clearly the League’s duty to attempt to remove competition lest its logical consequences follow.

The economic cost of arms should be enough reason in itself to bring about agreement to disarm. Europe is impoverished by the War, and the world as a whole has little more than a bare subsistence level of income. Yet it has been reckoned that Europe spends at least 3 per cent., and perhaps as much as 4 per cent., of its aggregate income on armaments.¹ In 1928 it spent £524,000,000 net. Sir

¹ The following figures have been taken from the Memorandum on Armaments Expenditure by Per Jacobsson, reissued by the *Economist*, and from J. Stamp, *Current Problems in Finance and Government*.

Josiah Stamp reckons that the chief states use 8 per cent. of their national dividend for defence. With the exception of Germany, forcibly disarmed, all the Great Powers are spending about the same percentage of their estimated national income on armaments to-day as they were on the eve of the War. While the United States and Japan have more than doubled their net armaments expenditure of the years immediately before the War, England and France have increased by about 50 per cent. and Italy by about 90 per cent. Even making a liberal estimate for the fall in the value of gold it may be said that the armaments expenditure reaches, and in many cases exceeds, the pre-War rate. Taking armaments expenditure as a proportion of national budgets the percentage is, of course, much higher. Sir Josiah Stamp has reckoned that in 1913 the United States, Great Britain, and France were spending about 35 per cent. of their budgets on preparation for war, and he considers that in many cases since then there has been an increase. So much for the cost of armaments in time of peace. It is in any case an under-estimate since it does not take into account the manifold indirect results of defence measures, their use of the brain, muscle, and machinery of society for war purposes, their promotion of non-economic industries, their creation of frontier formalities and customs barriers. When the direct cost of war itself is considered, the figures are at least as appalling. It has been reckoned, for example, that the cost of the last war was 'equivalent to twenty full years' work of all the brain-workers, handworkers, and mechanical equipment of the British Isles'.¹

The existence of the League, with the addition in security it implies or can be made to imply, is a further reason for disarmament. It is increasingly the opinion among specialists that with the present organization of world society armaments are necessary as instruments of policy. There is, says Professor de Madariaga, a condition of endemic war between the states of the world. Only by

¹ P. J. Noel Baker, *Disarmament*, p. 13.

accident does it break into the active phase; and in this condition armaments are an essential of every country that values its independence. Armaments are merely a symptom of the disease which afflicts society, and the only way to solve the question is to cure the disease—in other words, so to increase the organs of co-operation that more and more of the issues between countries are taken out of the realm of state policy and decided from outside. It is in this direction and for this reason that the technical committees of the League, described in the earlier part of this book, are perhaps doing more to destroy armaments than all the talk about disarmament which has filled the air for so long.

Finally, as a reason for disarmament, there is a consideration which is less remembered. Armaments are thought of to-day as belonging to the natural order of society. Their novelty is completely overlooked, and with it an element of very great spiritual and practical importance. Armaments date only from the second half of last century. Between 1858 and 1928 the total annual expenditure of the Great Powers in Europe upon armaments has multiplied itself five times, even allowing for the disarmament of Germany and omitting entirely in the last figure all reckoning of Austria-Hungary. The world-total has increased to a still greater extent. This, moreover, is an under-estimate because it does not take into account the rise in the value of gold between the two dates. These figures represent a militarization of society in the West which is impressing a new criterion of spiritual value upon the world and penetrating the inmost recesses of the mind. The patriotic citizen of a powerful country does not feel to-day that his superiority to the rest of the world is based on a superior art or character, philosophy or culture; it is based on battleships and armies and cruisers of the line. And that criterion of spiritual value means in practice that all the new and potentially overwhelming nationalities of the East are likely to make it also the touchstone of their policies.

If the reasons for disarmament, then, are so urgent, why

have they not served to bring it about? Although of all subjects the League has spent most time and said most words upon it, it has in practice proved to be the least important and the least successful of the League's activities. The difficulties which confront the League and which have so far prevented any real improvement in the situation fall clearly into two categories—the political and the technical. The first completely overshadows the second in importance.

Nowhere is it more important than in relation to armaments that the facts of the world have changed more rapidly than the mental attitude of humanity or the social machinery for dealing with them. The world is interdependent to an extent that has never before been equalled. This process of unification takes new leaps forward every year. As has been remarked already, it is due to economic tendencies—growing specialization and division of labour, easier communications, a higher standard of living not only expanding demand to include more and more goods produced in the far corners of the earth but also adding greatly to the possibilities of travel and of intellectual contact. These developments have enormously increased the number of connexions between nationals of different countries. They mean that as materials and transport and markets abroad have become a more important part of the national life so action regarding them has become a more important part of national policy. Facts have changed in this way; but the old theories of the state and law still prevail. A state is sovereign and completely independent of others in its activities. There is no external and international authority upon which it may rely for the enforcement of principles of justice—of principles, that is to say, which will secure to it the materials it needs in spite of all attempts at aggressive or restrictive measures by other states. While there is no criterion of justice, no imposition of rules by an authority, no rule of law, it is inevitable that a government which values its independence shall be able to back up its words in the councils of the world by some-

thing other than the logic or the justice of its appeal. That something is force, in the shape of conscript armies, bombing planes, and battleships. Even to-day a speech at the Assembly of the League is effective, as every one knows, less by measure of its eloquence or reasonableness than of the armed power its deliverer wields. In present conditions the paradox holds, that the theory of state independence, expressed in the word sovereignty and accepted by the dominant school of international law, is the chief danger to real independence; for it expresses itself in armaments, and places every single nation at the mercy of a combination of states, resting the independence of a weak country upon the willingness of more powerful states to forbear from attacking it. It is this that is meant when the view is urged that armaments to-day are necessary as an instrument of policy. They will remain so until international organization has so far developed that in these important spheres of policy—what have here been called the technical spheres—the formulation of rules and principles is based not on a silent coercion by powerful interests, but on what are clearly the needs of the world seen from an international view-point, and expressed with authority either by disinterested and denationalized experts or by agreement between the makers of national policy. In the meanwhile it is fair to say that the politician—especially if he belongs to a Great Power, with whom the responsibility for the League's work chiefly rests—is not in a position that enables him seriously to recommend disarmament. Quite the contrary. Although his influence in open debate on the Council or the Assembly is much less dictated by power than before the War, it is still largely so in the secret places where decisions are taken or projects quietly killed. That it is even less so in the technical Committees of the League is a fact of the greatest importance to-day and of happy augury for the future, but at the present arms still remain a necessary instrument of policy.

This means, in sum, that there is insecurity, and that insecurity necessitates armaments. But the other view is

also sound, that armaments lead to insecurity. Arms are valuable only relatively to those possessed by other people. A scheme of disarmament which decimated all the armaments of the world would leave the relative strength of each country substantially where it stood before. It would thus not affect security while it would diminish the danger from the piling up of armaments. That is true, and the fact that nevertheless nothing of any significance has been done by the League indicates the second difficulty in the way of disarmament. That is the technical complexity of the whole problem. It is true that this is of great importance; but it is not the fundamental point simply because it is quite possible to envisage a solution of it immediately the political factor disappears. The Esher scheme of providing a ratio of armaments for each country¹ has indicated the lines along which solution can be found. So also has the Draft Convention of 1930.² The Russian Government once offered to divide their standing army by four provided the surrounding states did the same. It is impossible to read Professor Noel Baker's study of disarmament³ without being convinced that, given the will to disarm, no single one of the technical difficulties need prove insuperable. Their importance, however, as a screen for political hypocrisy makes it always necessary to remember them. Each one of them is technically susceptible of solution, whether it be the fixing of a ratio, with all the problems of reserves, aerial defence, and the finding of a base year, or the traffic in arms, or chemical warfare, or civil aviation. If the technical solution were even to imply an advance in the exertion of international authority it would not therefore be self-condemned. Nothing so advanced as the type of international supervision already imposed in fact upon the states of Central Europe need be contemplated. If in the case of the manufacture of arms or chemicals or of the organization of civil aviation some degree of international

¹ For original form see A. 31, 1922, p. 12.

² C.P.D. 292 (1).

³ P. J. Noel Baker, *Disarmament*, 1926.

co-ordination and control were deemed necessary, it seems fair to suppose that no interference with private property or national sovereignty nearly so drastic as that of the Allied Transport Council would be necessary. But something along those lines would certainly be recommended by any independent and disinterested person or group of persons.

There is a final obstacle to technical agreement. While the health official as such has no vested interest in the maintenance of ill-health, the same can hardly be said to apply to the military technician in relation to an army and a navy. His obligation to ensure defence may sometimes mean to him simply that he should maximise armaments.

2

Disarmament as a problem is not less important because of the overwhelming difficulties which it raises. The methods by which the League has approached it remain to be described. But the complexity of the whole question and the number of attempts at solving it make anything like a full discussion of it impossible here. The chief cause of failure, as we have seen, is the lack of international government and of order in international society. It is, therefore, true that the study of the real step forward towards disarmament has already been made in earlier chapters of this work, when the first beginnings of international government have been described. On the further development of this part of the League's work disarmament must ultimately depend. For that reason the detailed description of all the manifold and multiform activities of the League directly aimed at disarmament diminish in importance. They become from the viewpoint of a practical politician an almost unessential part of the task of building up an international organization. That, and the vastness of the subject, are the reasons why the League's activities in this direction during the last ten years are only described here in the broadcast outline.

The Committees in which the League's activity is ex-

pressed are, first, the Permanent Advisory Commission for Military, Naval, and Air Questions, and secondly, the long line of mixed and temporary committees set up independently of the Permanent Commission in order to do the work which, by the nature of its organization, the latter was incapable of performing.

The Permanent Armaments Commission is named permanent only because a committee of some sort happens to be specifically provided for in Article 9 of the Covenant. The cynical may say that its permanence resides also in the determination of the Powers that their armaments shall remain permanent; they may assert that to be the reason why statesmen who were unwilling that the Economic Committee should be regarded as permanent made no objection to calling the Armaments Commission so. In fact, of course, this Committee's characteristic feature is to be immanent rather than permanent, since it never meets. Its importance is entirely negative, lying solely in its failure to take a single step towards achieving its purpose. But it is necessary to remember that the Peace Conference, while naming a commission in the Covenant, did not specify its membership or organization. That was determined by the Council at Rome on May 19th, 1920. The Conference decided in principle upon disarmament. Indeed, that was one of the conditions by which it succeeded in imposing complete disarmament upon Germany.¹ It even envisaged a progressive reduction every ten years. But it left to the Council the duty of preparing an exact and technical scheme through the instrumentality of a commission. That the agreement on principle, however, was purely nominal and had yet far to go before it became sincere was evident as soon as any attempt was made to apply it to the ex-Allies. Although in honour bound to bring about immediate disarmament the Council appointed a commission composed of one military, one naval, and one air officer for—and to be appointed by—each state member of the Council. No one supposed, and

¹ See preamble to Part V of the Treaty of Versailles.

least of all the able and clear-sighted statesmen on the Council, that these officers would really agree upon their own extinction. This was obvious from the start, and the first Assembly, which met less than six months later, had, as we shall see, important reforms to suggest.

The nominal duties of the Permanent Armaments Commission are three. By Article 8 it must collect materials for disarmament, making a technical study of the means to achieve an already determined end, namely, progressive reduction. It must, by Article 1, examine the position with regard to armaments of a state applying for membership of the League. Thirdly, should the Council decide, under such Articles as 10 and 16, to apply military sanctions, the Commission must advise as to methods and as to the part to be played by the various states. The proposal made by the French at the Peace Conference¹ that this Commission should also be given the task of supervising disarmament in ex-enemy countries was not acceded to, and in any case this provision was not intended to apply to the similar disarmament of Allied countries. These latter were countries 'of good faith', and such a provision with regard to them would mean distrust besides an unwarrantable interference with the sacred and universal rights of sovereignty.

That the Permanent Commission was useless for securing anything but a rigid maintenance of armaments was apparent from the beginning. It was clear that the composition of the Commission was unsuitable even if the object of the Commission were not to draw up a technical plan as Article 8 implied but to negotiate upon the principles of disarmament, as the fact that its members were not only appointed by but responsible to governments² definitely suggested. Yet it was not the Great Powers who proposed other action. The initiative was taken by the Prime Ministers of Denmark, Norway, and Sweden at a meeting in August 1920. Their recommenda-

¹ See Miller, ii. 318.

² See Report of Monsieur Bourgeois to the Council, May 1920.

tion was adopted by the Dutch delegate, put forward, and accepted at the first session of the Assembly. It resulted in the creation of the Temporary Mixed Commission. In the composition of this two principles were aimed at. Members were to be independent; this was secured, as far as it can ever be secured, by having them appointed not by governments but by various other international organisms. They were to be of wide competence, and this also was achieved. The new Committee contained six members appointed by the Permanent Advisory Commission, six by the Council for their knowledge of social, economic, and political questions, four members of the Economic and Financial Committee, and six delegates on the Governing Body of the International Labour Organization drawn equally from the employers' and labour groups. The aim was clearly to obtain a committee more or less denationalized in its collective nature. Its members should be neither entirely militarists, nor officials, nor technicians, nor the satellites of statesmen; and in this purpose considerable success was achieved. A real degree of independence and international spirit was shown by the Committee until in 1924 its authority was taken away from it and it was transformed into what was known as the Co-ordination Committee.

In the meanwhile, however, the Mixed Committee had been very active. The first of its direct achievements was the Draft Treaty of Mutual Assistance. This it presented to the Assembly in 1923, after it had sounded governments by inviting their views and after it had considered both a French and a British scheme. Although the Treaty was rejected it must be regarded as the first real step forward, for it recognized the principle that, in spite of the agreement contained in Article 8 of the Covenant, disarmament would prove impossible in practice without greater security. Furthermore, the first words of the Treaty make exactly the provision for outlawing war¹ about

¹ By this was meant aggressive war, as any one who reads the Paris Pact cannot fail to see.

which so much was heard to the credit of Briand and Kellogg when the Pact of Paris was signed six years later. 'The High Contracting Parties solemnly declare', it states, 'that aggressive war is an international crime and severally undertake that no one of them will be guilty of its commission.'

But the Mixed Committee was of at least equal importance in indirect ways. Much of the League's work has been due to the ceaseless effort and enthusiasm of a few men. Lord Cecil, for example, is to be found at almost any meeting of a League organ when disarmament is under discussion. Much that is constructive has come from the most divergent sources. The Third Assembly produced the famous Resolution XIV, sometimes regarded as the starting-point of achievement. A Scandinavian delegate hinted at the need for arbitration as a means of determining the aggressor state. Governments, by their comments, the Shotwell committee of private American citizens, by its suggestions, the French and English Prime Ministers—all contributed to the drafting of the Protocol, which the Fifth Assembly produced in a few weeks out of discussion in Committee and in plenary meeting. But underlying all this activity is the Temporary Mixed Commission. All the good will in the world would have been unavailing without its preliminary work. To it belongs the honour of having initiated the substance, to the others of having accepted and improved it. The Commission was responsible for the general treaty principle which became the basis of Resolution XIV. It had substantially framed that resolution. The recognition that security was the foundation of disarmament was essentially its achievement. This, the first principle of disarmament, was the core of the Treaty of Mutual Assistance against aggressive war. It made at the same time a study of the method of determining the aggressor which was the seed from which sprang the second and vital principle of arbitration.¹ The two

¹ By means of a special sub-committee which worked with the Permanent Armaments Commission, see 4 A.C. iii. 206-8.

main theses of the Protocol, that is to say, were due to the Committee's initiative. If a comparison be made of the Draft Treaty and the Protocol it is seen that even the form is to some extent similar; the alteration is rather on the lines of expansion, of co-ordination, of more consistent application, than is it a change of principle.¹

The Mixed Committee, therefore, can rightly claim the Geneva Protocol as being broadly its own handiwork. That this failed was not the Committee's fault. It was signed on the spot by fourteen states, and others soon followed. Among these were Spain, France, Czecho-Slovakia, Jugo-Slavia, Poland, and Belgium. But at this point the British Government, which had been in favour of the Protocol, fell, and was replaced by a Conservative administration frankly opposed to it. For this change of British policy the Committee cannot be held responsible. It is fair, indeed, to assume that had the change come a few months later England would have signed. Further to her ratification that of only one other permanent member of the Council was needed to bring the Protocol into effect, and the rapidity with which England's decision in 1929 to sign the Optional Clause was followed by that of Italy and many other countries makes it reasonable to think that England alone is responsible for the failure of the Protocol.

The Mixed Commission also studied the question of chemical warfare and prepared a draft convention on the traffic in arms.

After the Protocol the next step was to prepare more directly for disarmament. While the Protocol still had some chance of coming into effect the Council reformed the whole disarmament organization. Whether the Temporary Mixed Commission had done too much, whether it was regarded as having accomplished its task, or whether

¹ See Baker, P. Noel, *The Geneva Protocol*, 1925, Chap. I, and compare Articles 2 and 5 of the Treaty with 11 and 12 of the Protocol, similarly 5 (para. 3), 6, 7, 8 with 13; 10 with 15; 14 and 15 with 19 and 20; the definition of aggression with 4-10 of the Protocol.

now that the real question of armaments was about to be tackled the more powerful states wished to have their fingers more deeply in the pie, the fact remains that the authority of the Mixed Commission was taken away from it and given to a new Committee known as the Disarmament Committee of the Council. This had ten members appointed by and to represent the ten states of which the Council then consisted. It was assisted by the Mixed Commission under a new name, shorn of its responsibility and authority. The Co-ordination Committee, as it was called, had six members appointed by the Permanent Armaments Commission, the Chairman and one member of each of the Economic, Financial, and Transit Committees, and four members¹ nominated by the Governing Body equally from its two non-official groups.

A year later, in December 1925, the Council set up a special Preparatory Committee for the Disarmament Conference, which had long been projected. This resembled the Council Committee, having, like it, a representative of each state member of the Council, but it was also to have delegates from any other countries upon which the Council should determine. Five years later no less than thirty states were thus entitled to be represented, and among those actually sending delegates were the United States, Russia, and Turkey. Until the end of 1930 this Committee was not able to agree upon any plan that might prove suitable for consideration by the proposed conference.

At the same time the Council substituted a new Mixed Committee for the Co-ordination Committee. This was to act in the same advisory capacity to the Preparatory Committee as had its predecessor to the Council Committee. It was to be dependent and subordinate. The Preparatory Committee had become, as it remained, the central organ. Its advisory bodies were now, however, more elaborately organized. They were: (1) the Mixed Committee, having two members from the Economic,

¹ Instead of six as in the Temporary Mixed Commission.

Financial, and Transit Committees, two from the employers and two from the labour representatives on the Governing Body, but without any delegates from the Permanent Armaments Commission. (2) These last were formed into a special 'Sub-Committee A' for military questions. (3) There was a special 'Sub-Committee B' for economic questions.

(4) The most important was the fourth. On the recommendation of the Eighth Assembly the Preparatory Committee created the Committee on Arbitration and Security at its fourth session in November 1927. On this all the countries represented on the Preparatory Commission are entitled to nominate a member. In fact the majority have nominated the same members to both Committees. The duty of this Committee as defined by the Eighth Assembly is 'to consider, on the lines indicated by the Commission, the measures capable of giving all states the guarantees of arbitration and security necessary to enable them to fix the level of their armaments at the lowest possible figures in an international disarmament agreement'. This Committee has considered many questions in conjunction with other League Committees, such, for example, as emergency communications. It has prepared a model treaty and a preliminary draft convention for strengthening the means of preventing war. With the help of the Financial Committee, and on the proposal of the Finnish delegation in 1926, it has prepared a Draft Convention for Financial Assistance¹ to states threatened by aggression, which bids fair to be one of the most important parts of the League's security-creating machinery.

3

In the midst of this welter of committees it is possible to see certain tendencies at work. From these conflicting tendencies we may draw certain conclusions, not only with regard to the political and technical question of disarma-

¹ See Report of the Fourth Session, A. 11, 1930, p. 7; also *supra*, p. 83.

ment, but that relate also to the construction and use of committees in international affairs. No one can claim that the League's fight against armaments has been successful, but yet even in this most ineffective of the League Committees' activities some germ of what must be called international government can be detected. Fruitless as the Geneva Protocol proved to be, none can deny that its failure made the Locarno agreements necessary. Without that initiative and preparation, and without that failure, the Locarno treaties would not have been negotiated and signed, except, perhaps, after a long interval of debate. After turning down such a carefully thought out contribution to security—a contribution which, moreover, was almost in effect, England could not go from Geneva leaving nothing accomplished. It is thus first and above all to the Temporary Mixed Committee, of more or less independent experts, that this real step forward must be attributed, small though it be. And further, the share which the same Committee's earlier product, the Treaty of Mutual Assistance, had in preparing the ground for the Pact of Paris has already been mentioned.

In sum, several things become clear from even a brief study of the organization charged with the work of international disarmament. The technician is a failure, and therefore the Permanent Armaments Commission in its present form is a failure. After all, an expert militarist is not specially suited to bring about disarmament. Initiative, then, must come from the politicians if solution is to be found. In fact it is to politicians that the original initiative of any sort of progressive measure has been due. This is particularly true of the politicians of small countries. They, it was, who were responsible for the creation of the Temporary Mixed Commission in 1920, for the General Act prepared by the Ninth Assembly in 1928, and for the Draft Convention of 1930. But the politicians, as much, on the whole, as the technicians, have shown a marked lack of enthusiasm for anything more practical than the idea of disarmament. The politician also, it must

be confessed, has failed. The reason for his failure has already been analysed above as being chiefly the continued insecurity of international relations, the prestige-value of armies and battleships, the state of anarchy which permeates world society. But it has also been seen above that one of the causes of that condition of anarchy and insecurity is the existence of armaments itself. There is, that is to say, a vicious circle. And so far, the nearest the world has been to leaping out of this circle was when a type of independent and in some sort denationalized body prepared a scheme. This Committee was neither political nor was its expertness predominantly military. That body, as we have noted, was—like the dormouse when it became too rowdy—shoved quietly into the teapot. It did not represent the armaments policies of the states concerned, and these states were not willing to have their policy dictated from outside. They were not willing to have an independent view of what they ought to do in the matter of disarmament publicly expressed.¹ Instead they replaced the Committee by another which was composed of government nominees—the Disarmament Committee of the Council—and since then the succession of other Committees has followed the same plan. That applies to the Preparatory Commission for the Disarmament Conference and to the Arbitration and Security Committee.

Never was the need for some outside and definitely non-national authority more apparent than in this whole general problem of disarmament, upon which agreement by the old pre-war method of bargaining and negotiation seems well-nigh impossible. This has been acknowledged by implication in the Preparatory Commission's recommendations. The Draft Convention of 1930 recommends

¹ This fear of public opinion, manifesting itself in a determination to avoid an independent judgement, is an all too real force. To take only one illustration out of many possible: the Director of the Disarmament Section of the League found that his presence at the meetings of the Armaments Commission was distinctly unwelcome. He would have been an independent witness. See S. de Madariaga, *Disarmament*, p. 81.

the creation of a Permanent Disarmament Commission whose members shall not represent governments. It is provided that they shall not have the power of appointing substitutes; but the necessity for making them at least as independent of their governments as the members of the Mandates Commission is overlooked.¹ Members should not be allowed to hold paid posts under their governments. Otherwise they may be predominantly war officials, and the function of a war official is to give evidence and not to be judge in his own cause. The majority of members should be nationals of small countries, and eleven should be the absolute maximum size of the Committee. Probably it would be more valuable if smaller. The remaining provisions of the Convention are above reproach. Freedom of procedure and a quorum of two-thirds are stipulated for. But most interesting and useful of all are the provisions for the hearing of witnesses² and of plaintiff and defendant,³ because they emphasize the judicial function which such a Committee—in common with the Mandates Commission—would have to perform. The proposed Committee, indeed, would be of the utmost value. Besides examining reports and witnesses, it should be entrusted with the preparation of schemes for progressive reduction. In this way its independence, like that of the Temporary Mixed Committee, would be one of its most vital assets.

There are also certain particular aspects of the general problem which show a similar need for independence, and which may yet indicate the road to follow. They have each been studied by the League through the medium of a special committee. They are the manufacture of arms, chemical industry, and civil aviation. Each is at the border-line between civil or defensive and military use. In each case suggestions have been made that the solution lies in instituting or maintaining national control, and—in

¹ See *supra*, pp. 174-5.

² Article 46 of the Convention; see C.P.D. 292 (1).

³ Article 52.

the first two cases—of prohibiting export. But the argument loses somewhat in cogency when we find that it is put forward always by governments within whose territories an ample supply of the necessary plant and raw materials is already in existence, by countries—that is—which would suffer nothing from even a complete restriction of export. But in each case also the proposal has been made that the only sane and durable method of putting anxieties to rest is by internationalizing these industries, and in this way taking them out of the control of any one state or nation and destroying the possibility of employing them as instruments of national policy. The least advanced of these methods would be an international cartel. While that would have great advantages over an industry organized on a national basis competing with other national industries, it would not create the same sense of security as would an international industry more directly controlled by the League or by an international board acting as the League's agent. In time of emergency the former could always be broken up by the mere exercise of sovereignty; the latter could not. And it is what would happen in emergency that is the crucial test.

SOCIAL AND HUMANITARIAN WORK

THE COMMITTEE FOR THE PROTECTION AND
WELFARE OF CHILDREN AND YOUNG PEOPLE

‘The child must be put in a position to earn a livelihood and must be protected against every form of exploitation.’

Declaration of the Rights of the Child.

APART from the fact that Article 23 gives the League definite duties, it would in any case be essential that there should be some sort of international co-operation in the social and humanitarian field if any hope of progress in it is to be maintained. The traffic in women and children, for example, would not be a difficult problem to solve were it not carried on across national boundaries. It is precisely the ease with which criminal misrepresentation has in the past been able to attract its victims out of one administrative area into another, and to entrap them there beyond the reach of law, that necessitates international control.

The Committees which deal or have dealt with child welfare problems and the traffic in women, like the Opium Committee, have inherited their function from pre-War times. As in the case of drug traffic, it was not until the last ten years of the nineteenth century that a world conscience on the treatment of women and children began to form. This corresponded with the change from the fatalist individualism and *laissez-faire* outlook of the nineteenth century to the organized collectivism of the twentieth. From the realm of ethics these questions had been transferred to that of social policy. Instead of being regarded as the natural province of religious organizations working for a change of heart in erring humanity, which is receiving due punishment for its sins, they were increasingly conceived as being suitable for control by state or other collective action.

The first International Congress of Benevolent Societies

was held in 1890. At a Congress in 1899 those voluntary organizations concerned with the suppression of white slave traffic set up the International Bureau, which was to co-ordinate their work. On the invitation of this the French Government convened a Conference in 1902. But the resulting agreement, which was signed by fifteen governments in 1904, proved ineffective. It was not until the Conference and Convention of 1910, which provided for the infliction of severe punishment on offenders, that more practical consequences followed. But by 1920 only nine states were parties.

Something was also being done about this time in the realm of child welfare. The Fifth Congress of Benevolent Societies in 1911, which sat at Antwerp under the chairmanship of the Belgian Minister of Justice, Count Carton de Wiart, considered the treatment of abnormal children, and made certain recommendations regarding the law of minors. In 1913 the Belgian Government, again through the influence of such men as Lejeune and De Wiart, called the First Congress on the Protection of the Child. At this forty-two states were officially represented, as well as a large number of private institutions.

As a result of these activities the Peace Conference was called upon to insert a paragraph in the Covenant, passing over to the League the responsibility for organizing international co-operation for the benefit of women and children. This responsibility, which had been voluntarily undertaken from time to time in the past by the Belgian and French Governments, was now given over specifically to international control. The members of the League 'will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children'.¹

The first action of the League was to call the Conference on White Slave Traffic. This met at Geneva on June 30th, 1921, and thirty-five states were represented. It drew up a convention by which the contracting parties

¹ Article 23 (c)

agreed to adhere to the conventions of 1904 and 1910, and to take certain further measures. The Conference also recommended that the League should set up an advisory committee to gather information and to watch the execution of the treaties. This suggestion was applied by the Council in its resolution of January 14th, 1922,¹ which set up a committee of nine members assisted by five assessors, who were to keep in touch with the various national and international institutions existing for related ends. In 1924 the International Association for the Promotion of Child Welfare applied for affiliation to the League, and by resolution of December 10th, 1924,² the Council re-organized the Committee along the lines of a recommendation made by the Fifth Assembly. The Committee was renamed 'The Advisory Committee on the Traffic in Women and Child Welfare'. Five assessors representative of the Association for the Promotion of Child Welfare and kindred organizations were appointed. To the members of the Committee a representative of Belgium was added, in deference to that country's long patronage of the movement for protecting children. This made the number up to eleven, and a request for further increase in the size for her benefit was refused to Switzerland.³ The assessors have also been increased from time to time.

Since its reconstitution by the Fifth Assembly to include Child Welfare the Committee has sat in two sections, one being the Traffic in Women and Children Committee and the other the Child Welfare Committee. The members of the double committee are appointed by governments, including, beyond the five Permanent Members of the Council, the United States, Denmark, Poland, and Uruguay among others. The Committee had twelve members at the beginning of 1930. These may, and habitually do, sit in either Committee. There are, further, six assessors for the Traffic in Women and Children Committee and thirteen for the Child Welfare Committee. Assessors are restricted to the Committee to which they

¹ 16 C. 112.

² 32 C. 135.

³ 33 C. 463.

are appointed, and they are nominated by the particular organizations specified by the Council, including the International Labour Office and the Health Organization of the League.

The Traffic in Women and Children Committee has conducted extensive investigations with the help of private money from America. As a result of these it presented a report to the Council in 1927. The Committee has, besides, to consider the annual reports of all parties to the Convention and, if necessary, to make recommendations to the Council upon them. Additional information is supplied by the private societies, which are represented by assessors.

The charter of the Child Welfare Committee is the Declaration of the Rights of the Child, commonly known as the Declaration of Geneva, which the Fifth Assembly accepted as the binding pronouncement. This begins by declaring that 'beyond and above all considerations of race, nationality or creed, the child must be given the means requisite for its normal development, both materially and spiritually'. The Committee has already done valuable work, although the Council has not always welcomed it. In a report presented by Sir Austen Chamberlain, the Council accepted the statement that 'Child Welfare is not primarily a matter for international action'. But some of the Committee's work has very definite value, and could hardly be undertaken by anything but an international body. Besides dealing with moral dangers and such questions of hygiene as the prevention of blindness, the Committee has studied several legal problems of real importance, and on some of them has prepared draft conventions, the value of which was specially recognized by the Ninth Assembly. The conditions of illegitimate children; the legal age of consent; the repatriation or relief of foreign minors; the bringing to justice of a guardian who forsakes a child and goes abroad to escape the penalties—these have all been studied by the Committee with the help of specialists, and in each case with some practical result.

THE OPIUM COMMITTEE

And in their shadow ever at their side
Are the wraiths of all their hopes and dreams that died.

EDWIN MARKHAM.

THE drug scourge does not affect only a small band of throw-backs haunting the remote and hidden opium dens of adventure stories. It penetrates every section of society. The literate as well as the unlettered, rich and poor, police, actors, university students are all afflicted by it. Victims are made in secret. They are never unmade, for they will pay any price and go to any lengths to satisfy their craving. Addiction, therefore, once it has got a grip upon society, spreads irresistibly. It has never been known to disappear, and that is a significant fact since in its most virile form the vice is new and would have been impossible without the existence of an advanced chemical science. Just as, apart from death, there is only one solution for the individual addict, there is one solution for society as a whole, and that is such a severe limitation and strict control of the manufacture of drugs that there is no surplus whatever over medical needs which is capable of getting into illicit trade. That, however, in spite of every protestation, has not been done, and addiction consequently spreads with a sure and devastating advance. But its steadiness is not always slow, as Russell Pasha has demonstrated before the Opium Committee by exact statistics.¹ Drugs were unknown in Egypt ten years ago. In that period of a decade half a million addicts have been created out of a population of thirteen millions. Heroin addicts are now to be found among peasants and town-dwellers in every city and village of Egypt. It is against this background that the League's Advisory Committee must be considered.

¹ See his report delivered at the 13th Session.

Opium is a peculiarly international question. Drug traffic is like a disease. It cannot flourish in one quarter without spreading beyond. Not only does the growth, preparation, or consumption of opium or the coca-leaf and their products increase the probability of drug dissemination among an ever wider public, but by lessening vitality it adds to the danger of epidemics. National control has already proved inadequate. This is not unnatural because the traffic is easy, a considerable consignment taking up a small space, and because the more illicit it is the more profitable does it become, for the drug addict is willing to pay any price. Finally, narcotics have what is definitely an international, if not a world, market. Opium is normally grown in one country, manufactured in a second, and eaten, smoked, or consumed in one of its derivative forms in a third. When it is so easy to smuggle international control is clearly the only measure.

The Opium Committee is the outcome of several earlier currents of activity. Although international action to combat opium dates only from the Shanghai Conference of 1909, before this there had been movements in England, America, and China, which gradually gained in strength. They were manifested by questions in the House of Commons, by the creation of the British Society for the Suppression of the Opium Trade in 1874, by the passing of a resolution in the House condemning Indian Opium policy as indefensible in 1891, and finally by the Royal Commission of 1893. A strong anti-opium movement also existed in China. But in the meanwhile the British Government had not hesitated to demand and obtain from China an indemnity of six million dollars for opium confiscated from British smugglers.¹ And although the East India Company piously stated as early as 1817 that they would gladly abolish the opium trade, of which they enjoyed the monopoly, 'in compassion to mankind',² in

¹ See Morse, *The International Relations of the Chinese Empire*, who gives the differing views on this case, which arose out of the so-called 'Opium War', pp. 306-7.

² J. P. Gavitt, *Opium*, p. 11.

1834 it was true that 'for more than a generation the Company had carried on a large trade with China without any Chinese war having been laid to its charge. There is no doubt that it played a double game in the opium trade'.¹

A similar anti-opium movement to the British was born in America soon after her acquisition of the Philippines brought her first into contact with the problem. And this resulted, through the agitation of one or two reformers, in converting President Roosevelt. On the President's initiative the Shanghai Conference was called. Thirteen countries were represented at this. It made certain recommendations, but little else was done except to make clear the strong vested interests which would have to be tackled before progress could be made. It led, however, in 1911 to the agreement between the British Empire and China, hastening the effects of their treaty of 1907 to the extent of making all export of opium to China illegitimate by 1917. It led also to the convening of a conference at The Hague in 1912, and The Hague Convention, signed by all the twelve governments represented there, which was finally signed by forty states and became the foundation of the Opium work of the League. This Convention 'to bring about the gradual suppression of the abuse of opium, morphine, cocaine' was ratified, after two more conferences in 1913 and 1914, by thirteen states, and was to come into force on December 31st, 1914. In fact it never did so. The War changed the whole position, and during it production and consumption were greatly increased. Medical needs were more, and the drug-taking habit extended rapidly at a time when control was relaxed almost to the point of disappearance.

In order to enforce ratification of the Hague Convention, those who were in favour of suppressing opium traffic by international action succeeded in making it a part of the Treaty of Versailles. Article 295 provides that ratification of the Treaty shall be regarded as ratification of

¹ J. Rowntree, *Imperial Drug Trade*.

the Convention. British officials, in particular, were also anxious to bring these questions within the scope of the League.¹ And accordingly a clause was inserted in their amendment which was accepted by the League of Nations Commission at its thirteenth meeting on March 26th, 1919.² This, without material alteration, became Article 23 (c) of the Covenant:

‘The Members of the League . . . will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs.’

The question of how the League was to fulfil the second part of this task was put on the agenda of the First Assembly. Sir William Meyer, Indian representative, delivered a report³ in the Second Committee summarizing the position. It was resolved by the Assembly⁴ that ‘an Advisory Committee be appointed by the Council, which shall include representatives of the countries chiefly concerned, in particular China, France, Great Britain, Holland, India, Japan, Portugal, and Siam, and shall, subject to the general directions of the Council, meet at such times as may be found desirable’. A similar decision was taken by the Council on February 21st, 1921.⁵

Unlimited powers of investigation and initiation were given to the Secretariat of the League by the Assembly resolution of December 15th, 1920. ‘The Secretariat of the League is entrusted 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.’ And failure in achievement cannot, therefore, be attributed to lack of authority.

The Committee’s terms of reference under the Assembly resolution are ‘to secure the fullest co-operation between

¹ Miller, *Drafting of the Covenant*, i. 219.

² *Ibid.*, i. 339, and ii. 355.

³ I A.C. ii., p. 245; see also p. 161.

⁴ Dec. 15, 1920. I A. Pl. 538.

⁵ 12 C. 55 and 56.

the various countries' and 'to assist and advise the Council in dealing with any questions which may arise'.

Nomination and payment of members was left to the governments, but the assessors were to be experts appointed by the Council, and to have their expenses defrayed by the League. Meetings of the Committee have lasted for an average of ten to fifteen days, the session of January 1930 lasting for nearly four weeks. They are held generally in public, and minutes are printed; but the Committee may decide at any moment to go into private session.¹ The practice since 1923 has been to hold only one sitting a year, but an extraordinary meeting was called in September 1927. Procedure—following the general rules of the technical organizations—is under the control of the Committee. According to the rules of procedure adopted at the first session decisions are taken by majority vote, and the quorum of the Committee is a majority of the members.

Among the dominating figures of the Committee are Sir Malcolm Delevingne (Great Britain) and Sir John Campbell (India), who have been present at every session of the Committee since its inception, and the Dutch delegate M. Van Wettum, of whom the same is true with one exception. M. Bourgois, for France, acted as a substitute for the first French member at the second meeting of the Committee, and has sat as a member ever since. The Portuguese Minister at Berne, M. Ferreira, sat at the first eleven sessions, but was then replaced by Dr. de Vasconcellos, the Secretary to the Portuguese delegation to the League. Of the above members of the Committee Sir Malcolm has long been Assistant Under-Secretary at the Home Office in London. He has a thorough knowledge of the subject, and is completely conversant with the British system of domestic control. He was the friend and colleague of Mr. Barnes at the Labour Commission of the

¹ This power is taken away from the Committee by implication of the Council's drastic decision at its 59th Session that all sub-committees shall meet in public.

Peace Conference, and Mr. Barnes was one of the original sponsors of the proposal to the Assembly for an Opium Commission. Sir John Campbell has been Under-Secretary first to the Government of the United Provinces of India, and then to the Government of India itself. He retired from the Indian Civil Service in 1922, and has since had several appointments, finally one to the Home Office in 1929. He has done work for the League as a commissioner for the settlement of Greek Refugees. M. Van Wettum was in Java for many years as Inspector of the Dutch opium monopoly there.¹ He, like M. Ferreira and M. Bourgois, represented his country at the Hague Opium Conference of 1912. M. Bourgois was also for some time in the Far East before being attached to the Ministry of Foreign Affairs.

The assessors were more definitely wedded to the anti-opium cause. M. Brenier was in the French service in Indo-China and at The Hague Conference. Mrs. Hamilton Wright had long co-operated with her husband in his anti-opium mission. But above all stood Sir John Jordan, of whom fifty years' experience in the British diplomatic service in the Far East had made an ardent defender of the Chinese and a frequent critic of Indian Government policy.

Of the late members of the Committee M. Chao-Hsin-Chu and Prince Charoon (Siam) were the best known. It was Prince Charoon who stated, 'Siam will always support any measure which goes to the root of the evil'. The newer delegates are those from Switzerland and Italy. Dr. Carrière, the Swiss Director of the Federal Public Health Service, has sat at all sessions with the exception of the eighth since 1925, when his country ratified The Hague Convention and was invited to send a representative. S. Cavazzoni, who has sat since 1927, has been perhaps the most progressive member. He is an ex-

¹ He is described by Gavit (p. 24) as 'of a highly conservative temperament, responding negatively to the urgency of reformers and idealists and very positively to any Dutch commercial interest'.

Minister of Labour of Italy. There have been six leaders of the American unofficial delegation since it was first sent in 1922. Including substitutes, who have several times replaced members of the Committee, Japan has been represented by six delegates, Germany, Siam and China by three, and Jugo-Slavia by two. The Bolivian delegate, M. Cuellar, appointed for the seventh session in 1926, and living in Paris, has been present at three meetings and absent from four.

As first constituted the Committee consisted of the representatives of eight countries assisted by three assessors. By the twelfth session the number of members had risen from eight to fourteen, and several other Governments were applying for admission. The original countries were chosen by reason of their interest in the drug problem either as producers or as consumers. It was soon found, however, that some of the most important states in this respect were outside. For this reason, on the original suggestion of the Committee, the Assembly, the Council, or the Governments, Germany and Jugo-Slavia, the United States, Bolivia,¹ Switzerland,² and Italy were successively invited to send delegates. And it was further decided that Turkey should be invited immediately she had ratified The Hague Convention in accordance with the Treaty of Lausanne.³ The result, which we shall discuss later, was that thirteen out of the fourteen countries represented on the Committee until 1930 were drug-producers or drug-manufacturers.

The main achievement of the Opium Committee is the Conferences of 1924-5 and the convention resulting from them, which came into force in September 1928. The First Conference, which dealt with the Far Eastern problem of production and smoking, and which was expected to arrive at a conclusion within two weeks, was

¹ It was debated whether it were necessary first to ask the Opium Committee's advice about inviting Bolivia, but it was finally decided to make the invitation: 32 C. 123, 139.

² By the Assembly.

³ 41 C. 1223.

condemned as useless by all its chief promoters.¹ Nothing was to be done 'until circumstances permit'. This was largely due to the attitude of the Indian Government, which seemed to regard the opium-eating practice of Indians as a legitimate, and in any case a domestic, affair. It considered that it had fulfilled its international obligations by making opium manufacture a government monopoly and by undertaking to export only to countries which legally admitted imports and did not re-export. Fortunately, something has since been done by India to effect precisely those ends which the Geneva Conference failed to achieve. 'In June 1926 the Government of India announced that exports, except for medical and scientific purposes, would be stopped in ten years . . . a reduction of 10 per cent. of the exports during 1926 being made each year.' Further, 'the area under poppy cultivation in British India was reduced by 38 per cent. in 1926 and by a further 26 per cent. in 1927'.²

This is especially interesting since India was one of the chief causes³ of the failure to accept the American proposal at the Second Conference, one which was in many ways similar to her subsequent action.

This proposal was originally made by Sir John Jordan. It suggested that 'India be invited to reduce its present export of opium to Japan, Siam, and the possessions of the European Powers in the Far East by 10 per cent. each year for a period of ten years'. The Americans adopted it, but the Second Conference was unable to agree to it.

The Second Conference did nothing in fact but rather less vaguely than in The Hague Convention reaffirm the

¹ Gavit, p. 177.

² 12th Session of the Opium Commission, Minutes, p. 203.

³ It is such action as this that seems almost to justify Treitschke's indictment of British imperialism as going with a bible in one hand and an opium-pipe in the other. Nor is it far-fetched to compare some part at least of twentieth-century opium policy with the profession of high principles which in the nineteenth century went with the promotion of the gin and gun trade in the wilds of Africa.

principles which that contained, namely, to limit manufacture to medical and scientific needs. But in view of the already complete failure to observe these solemn undertakings, mere repetition was clearly valueless. What was required was not the mere reiteration of sound principles but some specific arrangement for their application. It was precisely this that the American delegation rigidly demanded. It was their failure to get it that caused them to withdraw from the Conference and the Chinese to follow their example.

But there is one achievement of the Second Conference, adopted perhaps because of the danger to the reputations of those concerned of a complete breakdown after the American withdrawal. This was the provision for a Permanent Central Opium Board to receive and notify information of measures taken to enforce the conventions. Apart from this it may be said that the Conferences left the probability that The Hague Convention would be applied no greater than it was before. The failure of the Committee to check the increase in manufacture even in countries making adequate returns is borne out by statistics. Those, for example, which made returns for 1923 showed a manufacture in 1928 increased by 26 per cent. over 1923; and this figure becomes 27 per cent. if the first four years are compared as a period with the last four years.¹

The need for reorganizing the Committee in view of its lack of success in improving the position was recognized by the Council on June 12th, 1929. It was the Venezuelan delegate who took the initiative. The matter was referred to the Assembly, which recommended at its tenth session 'that the Advisory Committee be instructed to ensure more effective representation on that Committee of non-manufacturing countries'.² There was criticism of the

¹ Based on figures extracted from the Government returns. See, for the latter, Minutes of Opium Advisory Committee, 13th Session, Annex 3, Part II, p. 260; and see Document C. 656, M. 234, 1924, xi.

² 10 A.C. v. 56.

Committee's work, but it was considered that much of its ineffectiveness was due to the conservatism of governments and was not attributable to the Committee. Certain resolutions were defeated in consequence, because they could not be regarded otherwise than as a vote of censure on the Committee. It was felt that insufficient progress had been made with the ratification of the Geneva Convention, and it was generally agreed that the League's work so far had been either inadequate or unsuccessful, and that no headway was being made in the fight against the traffic. The motion demanding the representation of non-manufacturing countries arose from the feeling that 'countries which had suffered from the traffic, or countries which had an indirect interest in its suppression',¹ are more closely in harmony with the aims which the Committee was formed to serve than countries having commercial or fiscal interests bound up in the maintenance of the traffic, however definite may be the announcement of their desire to end it.

The question as to how the broadening of representation could be achieved in detail was left by the Council to the Opium Committee to answer. The lines along which the choice could be made were indicated in a note submitted by Sir John Campbell which formed the basis of this section of the Committee's report to the Council. Among the non-manufacturing countries whom it recommended for representation were first, and most important, those 'which at present suffer severely from the illicit traffic . . . because such countries are in a position enabling them to place at the disposal of the Committee information of special value . . . as to the sources of the traffic, the methods employed by domestic and international smugglers, the identity of certain international traffickers, and the defects of control which facilitate their operations; such countries are, for example, Egypt, Canada, Austria, Uruguay'. Secondly, non-manufacturing countries which are of special importance geographically

¹ Professor Noel Baker, 10 A., *Journal*, p. 231.

may be represented; and thirdly are those which have shown particular interest in the work of suppressing the traffic.

The Assembly resolution envisaged an enlargement of the Committee. This, the Committee replied, would impair the efficiency of its work which, it was asserted, had been greatest when the Committee was smallest. It would further increase the length of sittings, already too long. But as the Committee itself proposed a further increase—the addition of Turkey and Persia, both producing countries, on their ratification of The Hague and Geneva Conventions—it is difficult to see how all their recommendations could be carried out. A possible solution was suggested, however, by the proposal that when the reorganization took place invitations to governments to be represented should be for a limited period, preferably of three years. A way-out might be found by providing for changing membership as in the Transit Committee.¹ But, on the other hand, it is of the utmost importance that once a government has become associated with the Committee's work that association should be maintained. And if the proposed change were to be brought about at the cost of ending or interrupting the co-operation of governments it might be worse than useless. Besides ending for a period of at least three years the collaboration of some member who had fully acquainted himself with the work of the Committee, and with its problems in all their complexity, it would increase the numbers of new members at each session. This changing element is already too great in the view of several members of the Committee, who complain that some governments never allow their representatives time to learn the difficulties which confront the Committee.

This position was drastically changed by the Council at its fifty-ninth session in May 1930. The Committee was increased in size by 50 per cent., seven non-manufacturing countries being added. Of these neither Spain nor Bel-

¹ See Chapter VI.

gium had been proposed by the Committee in its report,¹ suggesting certain countries which might perhaps be added. While the Committee was doubtful—with the notable exception of Italy, a non-manufacturing country—about the advisability of adding as many as two or three members, the Council decided to add seven. And further, the whole position was to come up for reconsideration in two years. Members' appointments were to expire in three years, when the Committee would either be reorganized or new members nominated. The Committee's future evidently depends upon the ability it shows for coping with the situation during the next two or three years. A further interesting resolution proposed by Mr. Henderson was passed unanimously by the Council at the same time. By this all sub-committees of the Opium Committee must hold their sessions in public.

But on the whole it may be seriously doubted whether any reorganization on the lines proposed by the Assembly, and carried out by the Council, will prove sufficient. The Committee is suffering from defects which are inherent in its composition. Perhaps the least among these is the type of country it represents. The governments of manufacturing countries in any case have to be consulted before any new action can be taken, and one great merit of the Opium Committee lies in the influence of its members on the making of national policy. The Committee, in this way, is kept in touch with practical possibilities, and is prevented from coming to decisions which lack all prospect of application. This very virtue, however, contains the seeds of vice. It will slow down the pace of the Committee to that of the slowest government, whose policy is important. That, in certain circumstances, may be necessary. But it may go further; it may put the pace of the Committee on a still lower level. It may prevent the Committee from reaching any decision at all, except to burke every progressive movement, for fear that in doing otherwise it will be condemned as hasty, and its work

¹ Of the 13th Session.

prove ineffective. This danger is particularly marked when, as in the Opium Committee, the members owe their appointment, their responsibility, and their prospects of promotion to their governments. When even nominally the members of a Committee must take their instructions from a government, their individual responsibility for the success or failure of the Committee's labour disappears, and with it the probability of personal co-operation. Initiative, invention, and experiment, after all, are dangerous adventures on which no interest demands that it shall embark. For the interests of humanity are too vague and too distant not to be obscured by the technical difficulties that loom so near. In such conditions the result is inevitable. The Committee's meetings become an opportunity for demonstrating the high principles of every state and its unfortunate subjection to circumstances that prevent it from translating principle into practice. It is therefore the least common denominator of all the governments represented that is the utmost content of the Committee's resolutions. And perhaps something less than this, for when a member is appointed by a government his actions commit his government, and although he may go less far he may never exceed instructions, whether written or in the shape of his colleagues' opinions.

It is to such psychological factors as these that the Opium Committee owes its failure to achieve greater things. And there is a further reason of the same order. The Committee consists of experts. An expert is fitted to state the technique of a problem. He is more, he is essential if the problem is to be understood. But he is not always the best man to be entrusted with its solution. On the contrary, he may be the worst. The limitations of the expert are an axiom of politics; and if it is true in the international sphere that the technical field is often more fruitful of agreement than the political, it yet remains a fact that the expert is apt to dwell too much upon detail and to lose perspective, to emphasize small difficulties to which a broader view would give their right proportions.

The principle on which the Royal Commission system in England has been based is fundamentally this distinction between the special and the unspecial mind. An expert must be used to give information, he must undergo cross-examination, but the results obtained must be garnered and arranged by some one who sees it as only one portion of a picture that comprises the whole of human life.

In taking a broad view of the Committee as a whole these considerations are of outstanding significance, but there are others which it is important to bear in mind. The mere existence of the Committee attracts into one place the organized anti-drug opinion of the world. It is partly a result of this concentration—in itself a healthy sign—that criticism of this Committee is perhaps stronger than of any other. Something more concrete has also been achieved. Whether or not the two opium conferences of 1924-5 should have been separate, and in spite of the defection of the United States, the Geneva conventions were a step in the right direction, and particularly valuable was the establishment of the Permanent Central Board.¹ The slow ratification of these conventions, and the continued absence of Turkey, Persia, and the Soviet Union, are indications of the obstacles created by governments.

But there is one fact from which there is no escape. Conditions are not improving; they are growing worse, and that in a sphere which is newest and over which there is most possibility of control—the highly manufactured forms of the drugs. In short, what Sir Malcolm Delevingne has called ‘the indirect method’ of tackling the problem has failed. There was a sharp increase during the War years of anarchy, and that increase has not even been checked. It seems natural, therefore, that the Committee should turn to direct methods. The Assembly has decided in principle upon limitation of manufacture, and to that policy—in itself a condemnation of the indirect method—the whole League, including the Opium Committee,²

¹ By Chapter VI of the Second Geneva Convention, 1925.

² The chairman said on February 14, 1930, that ‘the Committee has

stands bound. Methods of applying limitation, however, differ. It may be doubted whether merely a 'Scheme for Stipulated Supply' will prove adequate. What the Americans proposed in this was a system by which each government undertook to specify the exact amount of drugs required, to name the factory from which it would buy, and to regard all other manufacture as illegal. But although this method would be a great advance upon the past it is open to two serious objections. It maintains drug manufacture as a profit-making business organized for profits. It fails, therefore, to destroy the motive force which lies behind the expansion of manufacture—the enormous profits which can be made. A large part of the plant of each factory maintained would necessarily remain idle, since one factory alone would be enough to supply the whole legitimate needs of the world. An army of officials and inspectors would be necessary. And even then so vast would be the equipment ready to hand that the incentive to make use of it would be exceeding strong. So powerful do the vested interests seem to have been in the past that it is not easy to believe they would not also succeed in exerting their power to evade the law in the present. There is also a second and still graver reason. Any convention for limitation would apply only to the so-called habit-forming drugs; others, presumably, could be manufactured without restriction. But there is difference of opinion on what constitutes a habit-forming drug and on which drugs should be excluded from regulation. Codein, to take one actual example of what might become widespread, is regarded at present as not habit-forming, and is therefore excluded from schemes of control. But some experts hold the contrary view, and there is evidence always been opposed to limitation'. This statement does seem to suggest that, if it represents his personal opinion, it must be a little difficult for him to remain chairman of the Committee after the Assembly resolution that limitation is to be the League's policy. It cannot be easy for the chairman of a League Committee appointed by the Assembly, who is therefore the servant of the Assembly, honourably to try to carry out an Assembly policy to which he is fundamentally opposed.

to prove them right. Since, however, codein can be converted in any case without much difficulty into the most harmful forms, clearly it would be an all too easy means of leakage. Nor is codein the only opening for evasion. Even if it be included in a system of rationing or stipulated supply there are already, and there will continue to develop, many other methods of defeating the law. Given the desire to evade it, the immense profit that can be made from evasion, and the ease with which the drug can be combined with other chemicals for transit under the guise of some harmless article of trade, it appears idealistic to hope for much practical effect from any mere rationing system. If anything effective is to be done, and the League stands committed, it is evident that more direct action is needed. The Chinese delegate has proposed an international factory controlled by the League at Geneva, forming the sole legitimate source of manufactured drugs.

One factory would be capable of producing more than enough for the medical needs of the world. If each government supplied to an international authority statistics of its medical needs at the beginning of each year, and that authority guaranteed supply, all other manufacture could be stopped. A drug factory requires complicated machinery; it cannot be secreted or disguised. Where none is permitted to exist it is possible to enforce the law, but where a number are licensed—and the number claiming the right to a licence is sure to be large simply because each country and each existing factory has an equally valid claim—the strength of the law is the weakest and most backward administration on which enforcement must depend. Such a method multiplies the possibilities of corruption. To forbid is easy, to limit is hard. Nor need the productive capacity of international organization be doubted. International action has already proved capable in peace of reconstructing a nation's finances, and in war of controlling the production and supply of munitions, food, and raw materials¹. There is no reason why it should

¹ See Chapter II, section 1.

be unable to supervise a factory. It has limitless resources of business ability from which to draw for the actual organizing of the trade, and opium is only one of the commodities which are increasingly demanding a rationalized and internationalized production. Such a policy, moreover, would fix the demand for the raw drug, and make its over-production more improbable, and its growth for illicit purposes less easy. Nor is the type of international authority required far to seek. The Permanent Central Board, in existence since December 1928, already receives the statistics of estimated medical needs, together with other statistics. It can draw the attention of the Council and of contracting states to the accumulation of drugs in any country. It is smaller than the Opium Committee, containing only eight members, and being, therefore, of exactly the size of the Committee when, according to Sir John Campbell, the Committee did its best work. Its members are appointed by the Council¹ for five years; they must be experts, be drawn from manufacturing and consuming countries, and may not 'hold any office of direct dependence on their Governments'. In every particular the Board is well suited to perform administrative work.

The Central Opium Board, indeed, is a more suitable body for performing the whole function of the Opium Committee than that Committee, however it may be reformed, can ever aspire to be. The Committee may have its uses as a means of sounding governments. It may be of value as a channel of communication between the national administrations responsible for dealing with drug growth, manufacture, import, or distribution, and those whose duty is to see that obligations imposed by international law are carried out. But it cannot safely be trusted with either that supervision or the initiative towards further achievement when it works alone. That a committee independent so far as possible of government influence is a better method of gaining authority with

¹ Together with the U.S.A. which, however, declined to nominate.

governments themselves and of achieving a given international aim is the clear and undeniable lesson of mandates and disarmament organization. The Mandates Commission has succeeded largely because of the quality of its members, largely because its members may not occupy any paid official post at home, and must come chiefly from non-mandatory countries. The need for the same system in the case of disarmament is increasingly recognized.¹ In the anti-opium cause the need is overwhelmingly present. The composition of the Opium Committee resembles the first proposal for the Mandates Commission which was seen, fortunately early enough, to be unsuitable. The Central Opium Board represents the fuller experience of the League. It is based on the same principle of independence as the Mandates Commission and as the proposed Permanent Disarmament Commission. The very fact that the Board was set up on these principles is in itself an acknowledgement of the unsuitability of a committee organized as is the Opium Advisory Committee. It is upon the Central Opium Board, I suggest, that the function of the Committee must be made increasingly to devolve. The Board must meet in public. It must regard the Committee much as the Transit Committee or the Governing Body regard the Transit or the Labour Conference.

¹ Draft Convention of Dec. 1930, Article 42.

XII

CONCLUSION

'We have been frequently told during the course of these debates that the world moves with a majestic deliberation, and that nature does not leap forward suddenly. Man, however, has mastered nature and made her his slave. He has wrested her secrets from her, and the progress of civilization continues with ever increasing speed. The steam which drives our engines transports us with the speed of a whirlwind. Electricity gives us light and bears our messages to the antipodes as swiftly as a flash of lightning, and aeroplanes will carry us to-morrow through space to the ends of the world on wings stronger than those of eagles and of sea-birds.

'We have lived through all these wonderful changes, and we cannot conceive what life would be without them. Yet it is said that in respect of things economical, social, and legal we must wait and have patience.

'The peoples are tired of waiting. We must add fresh miracles to those that have recently been accomplished.'

LA FONTAINE, in the First Assembly.

WE have now considered several groups of men. They vary so widely as to appear, at first sight, almost unconnected. But their most essential feature is the same and they have much else in common. To each of them is committed a single task, not always of the same complexity or perhaps of equal importance, but a task which is concerned with one aspect and one function of world society. They are international, that is to say, a word and an idea that is comparatively new. In their origins they have this in common, that each came because the need for it was recognized long in advance. It was seen first by progressive individuals here and there, thinking in different parts of the world, and finally coming together with some more or less developed scheme of organization. The expert committees are the outcome of unofficial activity. But in their more immediate origin, in their powers and constitution, in their authority and independence, in the nature of their personnel, and in the success of their endeavours they differ to a marked degree. They differ so much, in fact, that those who regard them from too close, and forget both their historical and their functional background, are

apt to believe them incomparable. This applies in particular to the Governing Body of the Labour Organization. Its independence is so unquestionably defined by treaty and so stabilized by custom that its essential nature as only one facet of the League of Nations as a whole is overlooked. Yet if world society be looked at in its entirety, it becomes clear at once that labour, like education, and like health and finance and the government of backward peoples, is only one of its functions. The fact that fear lest revolution spread west induced the statesmen of Paris to draft Part XIII of the Treaty, and to recognize the real unity of world society in one of its aspects more fully and probably much earlier than they will recognize it in others, is, after all, relatively to the facts of world society itself, a mere accident. It does not alter the nature of things. It is merely a reminder that progress is sometimes won by striking a holy dread into the powers that be. For the Governing Body, with the Labour Conference and Office, is not of a different order from the other technical organisms of the League; it is further advanced along the road they are now travelling.

We have seen that much of the League's work has its roots in the last quarter of the nineteenth century. We have followed the line of development from the Allied experiments during the War to the League's organization. The committees, as we have seen, are all advisory to the Council. They exist in virtue of its resolutions, and their constitution has been defined or confirmed by its decisions. But it would be a mistake to conclude that the Council is the sole source of their authority. In each case several other sources exist. The Economic and Financial, Transit and Health Committees are based on the recommendations of a technical conference in each subject. The Opium and Intellectual Committees spring from resolutions of the Assembly. The Mandates Commission, like the Military, Naval, and Air Committee and the Governing Body, derives its position from the Peace Conference which named it. But the rest also are specifically implied

in the Covenant; and all, wherever they originated, have been confirmed in their constitution by the League Assembly. At least their foundation, then, is sound. It exists both in the tendencies shown by history and in the will expressed by all nations of the world—with the exception only of those four or so which do not yet recognize their part in the world. And in several cases—Russia and the United States in Health and Disarmament, Mexico in the Labour Conference, the United States in the Economic, Financial, Intellectual, Opium, and other Committees—more or less official collaboration by these non-member states is the regular practice.

We have found that all the committees, save those for Finance, Opium, and Mandates, have the power to appoint special committees of experts and thereby to associate with them in their work any amount of leading opinion from outside. The significance and value of this can hardly be stressed too much. It enables the committees to cope with any question whatsoever by obtaining the men most competent to deal with it from all parts of the world. Interests may be represented, acknowledged experts consulted, and those sections of the world community likely to be affected by prospective action can be associated with the work and even persuaded to accept conclusions which otherwise they might have discredited or condemned. In sum, it means that the machinery is ready to hand and that what is chiefly needed is the courage and faith to give it real work to do. In each case the initiative towards more constructive action is awaited and demanded—whether it come from the committee or some other more powerful body.

If we regard the work done by these international organs it is not difficult to appreciate its immense value and its startling novelty. Nor is it hard to estimate the point reached in the development of a world organization, to test its success by the problems that exist unsolved, and to see the tendencies in this development which appear to promise most for an eventual solution. But it may be

added at once that not the most optimistic student of international relations can find the solution to be easy or sure; on the contrary even he will see that the world has moved and is still moving faster than the mechanics charged with its control. To say that it may get out of hand again at any moment is no dream of an alarmist. It is the practical view of every government that finds disarmament impossible. The truth is that the mechanic is working with equipment that is, for the most part, generations old, with instruments suited to the stage-coach in the day of the airplane, and the political plant which supplies him would have been scrapped on principles of efficient business generations ago. Moreover, the other obstacles in the way of control are so great, they have so often proved insurmountable in the most recent past, that the future demands every effort if its uncertainty is to be decreased.

2

The lesson taught by Allied experience during the War was that continuous international agreement and co-operation on technical questions was not difficult to secure, provided that the duty of securing it were confided in specialists more interested in their subject than in national politics and prestige. It was discovered that direct contact between departments of state through their ministers or officials was more fruitful of collaboration than the formal method of relations only through foreign offices, by diplomats trained to regard their states as sovereign personalities of which each single act involves the whole. And it was upon this principle that the League's technical organization was moulded. This discovery means much in its general implications, for it implies that the world has found out, or is in the process of finding out, that it does not consist of isolated units organized for self-sufficiency and mutual competition, having need of other isolated units only as an exception. It means that the discovery has been made that the world

itself is the unit, with bonds that link it closely together in every one of its functions. Such an implication has, of course, a meaning of the most far-reaching importance to the political organization of society. It indicates that the theory of the sovereign state is out of line with the facts of to-day. And it means that the organization of the world as a political unit—unpopular though it be in certain quarters—is the unavoidable consequence of modern conditions. In that development nothing is more significant than the League of Nations and the technical experiments it is carrying on. Not only are these co-ordinating the technical organization of the world along the various functions of society, and improving the conditions of life at the same time, but they are also developing a habit of co-operation and of mutual confidence. That 22 conventions have been brought into being by the League, and 29 by the Labour Organization,¹ is evidence enough of the source of international legislation. This makes a total of 51 international statutes in ten years, and of these 44 can be ascribed to the technical organs of the League.² That is clear proof of the value of the technical committees and their effect on international relations. But it is also the symbol of a new development in political organization.

Technical as opposed to political contact can be seen to be the basis of this change. It is a principle which is quite susceptible of reasoned defence.

'Technique', as Professor Laski has said,³ 'keeps the trivial in its right perspective. If a Foreign Office is brought in to grapple with a dispute about railways, almost inevitably a hinterland of discussion beyond railways begins to pervade the atmosphere. And to keep discussion technical has the great additional advantage of keeping it undramatic. It cannot easily be made a journalistic sensation. It cannot be surrounded with that miasma of report and scandal which have poisoned so many international conferences in the last few years. It makes the triumph much less accessible when, *a priori*, the nature of the triumph is not intelligible enough to be news.'

¹ Until Jan. 1930.

² 15 from the League and 29 from the I.L.O.

³ *Grammar of Politics*, p. 619.

Even in such an apparently unpolitical subject as the supply of health information, where the benefit of it to all concerned seems most unquestionable, the same inhibitions arise. Under the old system health information 'proceeds through diplomatic channels and Foreign Offices, for which naturally enough, any report of plague or cholera carries with it visions of disaster, restrictions, reprisals, and other fantasies which attend the unknown, and thus leads, if not to suppression of facts, at least to delay and to studied ambiguity in their presentment which defeats the object of the notification'.¹ Under the new system information comes direct from the national ministries of health. These are less interested in the probability of consequent political action. For them the problem is more purely technical. It is, for example, to prevent the spread of parrot-disease. Their interest is confined to their function as the guardians of public health.

But there is a further reason for the existence of the technical international committees. They form an invaluable means of invention. The regular meeting of a body of experts conversant with particular questions and conditions in many parts of the world affords a constant opportunity for all sorts of problems of international interest, which would not otherwise have been raised, to be discussed in a common spirit. It makes possible the growth of an international approach to international difficulties, of a world view-point upon the needs of world society. Such a nucleus of opinion cannot help but project a certain light of invention upon international affairs. But a merely academic spirit of invention would be of little practical value if it did not take into account the possibilities of securing an application of its suggestions before it made them. A purely expert group might go too fast for governments and earn for itself the reproach of being abstract and unpractical, unless it were kept fairly continuously in mind of the views of government departments. This has been secured in the past by appointing

¹ Hutt, *International Hygiene*, p. 44.

to the committees officials of these departments, who, therefore, besides being expert in the subject, are familiar with the views and practice of their departments, and who also have sufficient authority to back up the committee's recommendations on their return, when the department's policy is being debated. These men at their best form a link between the national and the universal outlook. At Geneva they remind the committee—perhaps even too incessantly at times—of their national conditions; at home they bring the international view-point into discussion, keeping continually in the mind of authority the thought that its decisions will not be confined in their effects within national frontiers. It means above all, as Sir Arthur Salter has pointed out, that officials can 'discuss policy frankly in its earlier stages, and before it has been formed and formulated in their respective countries'—before it has become fixed, therefore, as a part of 'national policy' with all the magic and mythical implications that term involves.

From a consideration of the questions dealt with in Part II there emerges a further interesting conclusion. It is that given certain conditions an international expert committee may perform a judicial function with marked success—with success broadly proportionate to the degree to which its composition makes it disinterested. Provided that the member states of the League are agreed upon a policy, they may suitably appoint a committee to see that that policy is duly carried out. When the committee is properly constituted it will adopt methods of judicial procedure and evolve principles for the just application of policy. This fact is not surprising; it is the international parallel of the tendency in domestic law to set up new tribunals of technicians for particular sets of cases.¹ But in order to secure adequate supervision such a body must be given authority, and the machinery for putting its authority into effect. That presupposes in international affairs a willingness on the part of states to incur

¹ See W. A. Robson, *Justice and Administrative Law*.

obligations. They may have to send reports, to provide for impartial inquiry within their territory, to be held responsible to the League. They must surrender, in certain respects, their claim to sovereignty. In return the experience of such an organ as the Permanent Mandates Commission shows that they can rely upon sympathy and justice. But in order to secure this resort to the judicial instead of the armed settlement of disputes states must have agreed previously upon common purposes. That is not always easy. It was not hard to secure such an agreement about her colonies from a defeated Germany, but the process of reaching concord on a scheme of disarmament is more difficult. When once such agreement has been reached, however, whether it be in the Minorities articles of the Treaty of Peace or in the Opium Conventions, it is essential to provide the proper machinery for ensuring the application of law and the fulfilment of obligations. In this way it may be seen that the Mandates Commission represents one of the most advanced stages in the evolution of organs of international government. While, perhaps, the Economic Committee is concerned with the study of over-production in coal, and may be negotiating an agreement, an international coal committee on the lines of the Mandates Commission would have the duty of allotting quota and securing application, thus exercising a partly judicial, partly administrative, function. It would represent the third stage, the first being the establishment of a need by the investigations of the Economic Committee, the second its recognition by an international conference in a general legal instrument, the third the creation of a reliable disinterested tribunal of four or five men to supervise its application.

3

Certain general principles relating to the structure and procedure of the committees as such stand out from the experience of these ten years. Taking questions of pro-

cedure first, as the less important, it is clear at once that the practice of appointing substitutes must be condemned, as it has indeed been condemned by the Governing Body and the Transit¹ and Mandates Commissions. Members are nominated not as representatives of their countries, but as individuals and for their expert qualifications. To allow them to be replaced is therefore defeating the purpose of their appointment. It tends to create the impression that seats are not filled by the Council but are in the gift of national departments of state. The development of a united spirit in the committee and a sense of responsibility in common, are obviously impossible when members are liable to change every session, and when the acts of one work out their consequences during the term of the next. Moreover, it is not likely after all that a member will develop an intense interest in the committee in two or three sessions, and it is precisely that which is most required of him. The same criticism applies to a short tenure of membership. In the case of some countries members change nearly every year. This seems to be due with Japan to her policy of shifting her diplomats regularly in order to make them familiar with the general rather than with any particular field. But the Japanese have much to gain—in their influence on the course of League events, at least—by modifying that policy and placing more trust in their citizens abroad. There is an almost unique opportunity as the only non-European country having a national on each committee, for often a Japanese member is able to speak with an independence and disinterestedness which no one from a western country could claim.

There are also details of procedure which it may be worth while mentioning. First, the possibility of applying the practice of concurrent translation, which has so much shortened the work of the Labour Conference, to committee work also, should be thoroughly explored. Half the time which each committee spends in debate is wasted by

¹ See *supra*, p. 148.

the necessity for translation. That these constant interruptions allow time for passions to cool and for reconsideration is, of course, true; but it is doubtful whether the type of expert who sits on a League committee is likely very often to lose control of himself, and it is also extremely doubtful whether, even if he does, the exhibition of his real thoughts and motives is not more valuable than a guarded statement couched in terms that are so elegant and high principled that they mean nothing. First thoughts are not always the worst. And this suggestion, that there is time for reconsideration, in any case applies only to those who understand the first language spoken and for whom translations therefore are useless. Secondly, as we have seen, the chairman is elected for one year or for an indefinite period. While the former method distributes the honour more equally, the latter has the great advantage that it accustoms one man to the duties necessary, making him in time an expert in the function and causing the work therefore to go more harmoniously, quicker, and more constructively. Thirdly, much has been said about the value of publicity for each committee's work. Yet it is the exception for them to meet in public. The committees have much to gain from taking the public, or at least the Press, into their confidence. Minutes of every committee should be published, and of the majority of special committees. These serve as a most valuable index to the actual position. They build up an extensive documentation on all the subjects of international legislation, as well as on those unsolved questions which may any day prove sources of international friction. Minutes should never be altered except by permission of the committee publicly granted. The value of minutes is not to idealize but faithfully to report.

With regard to the structure of committees, it is possible to say in the first place that appointment by an international body, such as the Council or a conference, has proved more successful than nomination by governments. *A priori*, that is not hard to understand. Government

nomination makes the committee into a diplomatic conference of accredited representatives. It means that members owe their first duty not to an organ of the world as a whole, but to a national unit. This is borne out, as we have seen,¹ by the experience of the Opium Committee. Members, it may be added, should be paid by the League for the same reason. In the second place, the size of each committee has increased by from one to thirteen members. Committee meetings already tend sometimes to have a leisurely and somewhat impersonal note. This is due partly to the need for translation after each speech lasting as long as the speech itself. But as a committee grows more and more to resemble a conference this danger increases; its members get the habit of delivering set speeches, and this is the death warrant of a committee. Real compromise comes more often from four or five at the most than from a large number, if only because four or five are able to know each other, appreciate the sincerity of differing views, and feel a sense of common duty and responsibility in face of a common task.

4

Finally, there are certain more general and more fundamental conclusions which can be drawn from a study of this sort. These have been foreshadowed already. It must be remembered that they have exceptions and vary with the varying circumstances in which each committee finds itself. We have seen how the foundation-stone of the League's committee organization was laid during the last year of the War, and how it was translated into the terms of a theory of technical and semi-official organization. We have admitted the unquestionable truth of Sir Arthur Salter's contention, which has been applied in the practice of the League, that 'the more the activities of the world come into contact with each other, not by contact at national frontiers but by cutting across them, the broader

¹ Chapter XI.

will be the basis of peace'.¹ We have observed how the recommendations of these expert committees have been translated into legislation, how they have become, therefore, and are becoming, an important source of law. We have seen the *esprit de corps* which committees have developed when confronted by an urgent task. The whole structure, then, has been built upon the success of the principles taught by the War. That is its strength since it shows the immense possibilities of the international committee as an instrument of government.

But that is its weakness also because in the War there was an immense and dramatic need making action imperative. In peace the drama and the immediateness are absent. It is no longer a case of replenishing provisions with starvation and panic a few days off. The need now may be as real even though it be less tense and immediate, but it is hidden by the calm flowing of everyday events, just as another need was hidden in the serene days of July 1914. The absolute necessity for doing something to diminish tariffs is agreed upon by every one. The same applies in varying degrees to such other world problems as raw materials, the treatment of subject peoples, narcotics, the international co-ordination of education. But the necessity has existed for the last decade, and there seems no particular reason why it should be met this year rather than next year. On the contrary, every one can say that if he waits a little longer some one else may offer to make a sacrifice, and then the difficulty will be easier to surmount. 'Now or never' does not often arise in peace. Those times when it has, in fact, arisen—such as the collapse of Austria, the Russian epidemics, the Greek refugees, and the troubles in Syria under French mandate—have shown the League's committees at their best. These are the tasks which they have solved with most apparent ease and gusto. This is partly because the initiative to solution came from an aroused public opinion,

¹ 'Economic Causes of War', in *The Reawakening of the Orient*, p. 157.

partly because they were given a single and definite task, partly because the responsibility was cast upon them.

These three motive forces are exactly those which most need to be augmented in the everyday work of the League. The need for action exists all the time. The organization for expressing it, however, always and inevitably lags a little behind the most apparent necessities. But when the necessities themselves are visible only to a few, and when the organization hardly exists at all, it becomes clear that the incentive to action is very little indeed and merely flickering at the best. The Council and the Assembly are very largely concerned with other and mainly political business, and they are the organs on which chief hope of initiative must be placed under the present system. But what is needed is not even something merely to express initiative but something to seek it and produce it. Such an organ would be merely an attempt in peace to reproduce conditions that the dramatic exigencies of war created of themselves.

Corresponding to these closely interwoven needs, the one for initiative, leading to the giving of a definite task to these technical committees, the other to the stressing of their responsibility, two tendencies can be clearly detected in their development. The first leads to associating with them a wider, better informed, more interested and more authoritative group of men; the second to increasing their autonomy and dissociating them, though not completely, from their dependence on the Council.

There are several ways in which the first tendency can be expected to work itself out, varying with the particular circumstances of each case. The inclusion of two types of interest so far outside the League's organization is aimed at. The first is political—ministers of state. The remarkable degree to which the committees of the League correspond to the normal division of political systems into departments of state under the control of a cabinet minister has already been pointed out.¹ This tendency

¹ See Chapter I.

suggests that the coincidence is no accident. By associating the responsible minister concerned with each technical section of the League in the form of a council or additional body of some sort, a great access of authority is gained. More definite contacts are made. Those capable of taking big decisions are made to follow and interest themselves in the function of world society which concerns them. In no case is the work urgently requiring consideration insufficient to warrant such a complication of the League's organization. Such a Council of Ministers could have the form either of a special committee of the Council or of a special section of a general conference. This need has been recognized particularly in relation to the Economic and Intellectual Committees,¹ but for the same reasons it might be extended to all the others in Part I of this study, with the possible exception of those in Part II. The second type of interest, the importance of which is gaining an increasing recognition, is non-political and non-official.² Just as labour and employers are included in the Labour Organization, it has been suggested that teachers' and doctors' associations, industrialists, consumers, connected private international unions and similar groups might be associated with the relevant sections of the League. It should not be difficult to find practical means of organizing them in general conferences.³ The value of their presence is to give precisely that type of criticism and publicity of which the League stands in urgent need. Such a policy would greatly reduce the justice of the contention that the League, instead of being a league of nations, is only a league of governments. Some such development is envisaged in Article 24 of the Covenant, but little or nothing so far has been done to apply that Article. This tendency is no more than a projection into the international sphere of the growing importance of group organization within modern communities,⁴ and the

¹ See Chapters II and V, sections 7.

² See *supra*, p. 163.

³ Certain possible methods have been suggested earlier.

⁴ See Chapter II, 7, and Chapter I.

increasing tendency of democracy to provide for consulting them. On the whole, it seems clear that over the whole decade the committees (treated in Part I) which have done most work are those which have been associated with a regular conference, sometimes containing ministers as well as unofficial interests. Such a conference, besides being the constitutive organ of the committee, should have the power by majority vote to obligate all governments to place conventions before the ratifying authorities within one year.¹ The committee should decide the conference agenda.² There is a fairly well-defined line of development running through the League's committees which shows the evolution of this type of organization. At one end of the scale is the Governing Body of the Labour Office, with its own composition following that of its Conference, on which its composition partly depends. It is increasingly the custom for ministers of labour to be present at the Conference, sitting, on a basis of equality, beside the representatives of trade unions and industrial groups. The Transit Organization, which also has a conference with a committee to some extent appointed by it, was consciously modelled upon the Labour Organization. So in a more remote way was the Economic Consultative Committee. The Health Committee also has what might be called a technical conference in the other committee, more than twice its size, which sits at Paris. It may almost be wondered also whether the Opium Committee, owing to its great increase in size, will develop into a small conference, producing the Central Board or another organ as executive committee.³ And a small executive committee has already been created for the Intellectual Committee.

The second general tendency—towards independence—is indicated by several facts. The growing accumulation of other business for the Council's consideration has led it to

¹ Compare all this with the Labour Organization, *supra*, pp. 161–6.

² *Supra*, p. 162.

³ The Council envisaged a development of the subcommittee system in the Opium Committee. Cf. Minutes of 59 C. and *supra*.

leave the technical organs to go more and more their own way.¹ Whenever a change in the constitution of League committees has taken place so far it has had the effect in general of stressing this tendency towards autonomy. The Economic Committee, for example, was given important additions to its power in 1927.² It was specifically 'authorized to take any steps it may consider necessary in the course of its investigations and preparatory work, including the consultation of experts and forming of sub-committees, without on each occasion referring the matter to the Council'. This line of development towards independence is also to be seen in a comparison of the League's organs. Labour, for example, is dependent only for its budget. Intellectual Co-operation is dependent only partly for its budget. The Transit Committee is appointed entirely and the Health Committee in part by a body which is independent of the Council and Assembly, and on which are included states not members of the League. They have thus almost a better claim to universality than the Council itself. They both also enjoy certain powers of decision upon conventions without reference to the Council. In sum, it would seem that the contention of Mr. Barnes at the First Assembly, which then met with much opposition, has been borne out by practice. 'In his view the technical organizations to be established should collaborate not with the Council of the League of Nations—in respect of which they should remain largely independent—but rather with the nations themselves.' The fear of this view was founded on the fear that the technical committees might develop into 'super-ministries', a tendency which need give less cause for trembling to those anxious for order and peace in world society than, shall we say, the tendency to erect tariff-walls or to build submarines.

Fear that the organization may develop too fast to suit

¹ Cf. Rappard, *Uniting Europe*, p. 223; Howard-Ellis, *Origin and Structure of the League*, p. 132.

² 47 C. 1455, and see Chapter II, p. 40.

the member states has had an important share in determining events. It was not unnatural when the League began, under distrust and the accusation of impractical idealism. But to-day it can be carried too far. This fear is much more marked in the League proper than in the Labour Organization, and this apparently for three reasons. Labour is the most powerfully organized group within states. More pressure is brought to bear upon governments for action relating to it. There is less need, therefore, to fear that governments will object when progressive measures are taken. Secondly, the League Secretariat has inherited in a greater degree than the Labour Office the traditions of loyalty, respectability, and service which characterize the British civil servant. To him precedent, rather than constructive thought, is often what seems to need most emphasis. He hopes that institutions will develop of their own accord, and waits for others to take the lead. In the third place, the natural tendency to postpone 'dangerous' questions is less counteracted in the League by what might be called unofficial vehemence. Private organizations form no part of the League's system, whereas they play an important role in that of the I.L.O. In fact the League is continually pointing out to private international bodies that it is official and cannot affiliate them. In consequence it suffers sometimes, as we have seen, from a lack of criticism leading to suggestion and initiative. There is therefore a certain danger lest the League Secretariat, and the League as a whole, should grow out of the timidity of childhood into the self-satisfaction of youth.

To the man or the country, the generation or the class which is meeting with success, making great profits, and finding itself more comfortably off than others and at other times, it always seems clear that there is a providence that rules the world and orders all things for the best. In the midst of an air-raid or of trench warfare, or even of an economic depression, men are less ready to see a divine hand at work. They will then admit the possibility that

certain intelligible rules of cause and effect may be working themselves out in the circumstances around them. They are more prepared to believe, therefore, that human reason by knowledge of these may control the surrounding conditions. We see these two views at work upon the League of Nations to-day. The one regards the League and finds it good, remembering forcibly what an incredible advance Geneva represents. It would have us settle down in the stalls and admire the scene, content to trust in the gloomiest moments that the author has a happy ending up his sleeve. In the terms of this philosophy the most devastating epithet which can be applied to a student of the League is to call him impatient. In that word lies his utter condemnation, for it means that he does not see and trust, with the fatalism of the stoic, the Hand that in its own good time will order all things for the best. But to the second type of approach it appears that when patience means sterility it is impatience that has become the virtue, for in impatience lies the only hope of progress. A man of this view, while he recognizes fully the broad distance travelled, disconcertingly insists on keeping his face turned toward the future, on stressing the importance of the distance still to go, and on refusing to blind himself to the formidable obstacles which may wreck this journey as they have wrecked myriads of others before it. The primeval forces of ignorance and superstition, indolence and fear have wrought continuous havoc upon man in the past; to-day they are the reinforcements of commercial greed and nationalist ambition. One of the most hopeful replies to them, I would urge, is made by the fact and the work of the League Committees, by the tendencies of development they show, and by the lesson of practical possibilities they teach.

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