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THE FIRST ASSEMBLY



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# THE FIRST ASSEMBLY

A STUDY OF THE PROCEEDINGS  
OF THE FIRST ASSEMBLY OF THE  
LEAGUE OF NATIONS

BY

A COMMITTEE OF  
THE LEAGUE OF NATIONS UNION

INCLUDING

LORD ROBERT CECIL & LORD PHILLIMORE

EDITED BY

OLIVER BRETT

165580  
3/10/21

MACMILLAN AND CO., LIMITED  
ST. MARTIN'S STREET, LONDON

1921



JX  
1975  
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## FOREWORD

IN these disturbed and troubled times events move quickly and this book, based as it is upon the documents issued day by day at Geneva, may in some respects appear to be already more historical than topical. But the record of the First Assembly does not share the ephemeral attributes of most contemporary affairs. So bold, so unique is the political experiment undertaken by humanity at Geneva that the story must remain as perennially interesting as would a graphic account of the assembled Barons upon the field of Runnymede. The following pages, though they may possess the disadvantages in literary style and cohesion inevitable in composite work, can perhaps lay claim to the compensating advantages of reflecting the colour and variety of individual experience and presenting from different angles of vision the most

important event of our time. At any rate it can be truthfully said that the writers of this book, however much they may differ in outlook and temperament, share a common enthusiasm for, and a profound belief in, the League of Nations.

OLIVER BRETT.

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## CHAPTER I

### THE GATHERING OF THE ASSEMBLY

#### I

COMPARISONS, owing to the existence of a superficial adage, invented one can only imagine by some unfortunate who had suffered disadvantageously from an examination of his own qualities in relation to those of a greater man, are regarded with suspicion and disfavour by those who speak the English tongue. Yet the student of history learns his principal lessons by virtue of comparing one set of facts with another; and the record of human progress can only be understood by means of a series of comparisons. The outline of history is no outline at all but the envisagement of things in relation to each other, the nice appreciation of great and little. Affairs that bulk big in their own moment of time are seen later in their proper insignificance by the historian and the poet; whilst things of small beginnings, like the great religions of the world and the institutions by which men govern themselves, are found to grip and grow each year more strongly, until

by slow degrees they wind themselves round the very heart and life of man. It is a comforting thought, when one hears some hard-headed practical fellow deriding ideals—saying of the League, for instance, that it is unpractical, that the Covenant is too ambitious, that the Permanent Court will have no real authority—to reflect that, in the days when representative Government was in the making in this country, there were abroad just the same practical hard-headed fellows shaking their heads with grave misgivings and saying, “Yes, it’s a grand idea, this elected Parliament, but it won’t work”; or, “Well, Magna Carta of course—magnificent idealism, but not really practical”; or of the Curia Regis, “Yes, but they’ll never enforce its decisions, you know.” It is good also to remember that to the “wise” world of His time Christ was just an unbalanced idealist about whom people (outside His tiny band of disciples), if they bothered to talk at all, spoke in terms of pitying contempt; and it is as well to keep in mind that in all the ages to come there will still be wisecracs and pessimists (there are probably such people even in the Elysian Fields) who will greet whatever great new thing shall come to the human race with the same time-honoured slogans. For the lesson one learns from “odious” comparisons is that idealism and progress go hand-in-hand, and do somehow triumph in the end.

The League of Nations is an advance in democratic government: one of the forward

steps by which the world moves on. It is very moving to look back into the past and see the people gathering the reins gradually into their hands. One by one prerogatives are taken from the hands of oligarchies or sovereigns, not so much because people in general object to prerogatives in themselves—indeed it seems invariably to require some signal disaster to stir them to movement in such matters—but because the work is so inefficiently or dishonestly done as to create an intolerable situation. For years the people of this country acquiesced in an illegal system of taxation imposed by the will of the sovereign, until, when the thing became past endurance, they revolted and made a change. Right down to our own time the control of foreign affairs, though in some countries nominally in the hands of Parliament, has in practice been exercised by Monarchs and Cabinets, until the cataclysm of 1914 came as the logical result of leaving the affairs of nations to be decided in the closet rather than openly in the forum. In many countries the power to declare war lay, until no more than two years ago, actually and solely with the sovereign.

Just as, hundreds of years ago, the injustice and ineffectiveness of the then existing methods of civil administration forced the introduction of reforms and institutions which gradually led to the complex forms of modern parliamentary government (institutions which themselves are only steps in human history and are constantly and progressively changing), so, in our day, the



monstrous mismanagement of the relations between people and people has cried out to the world for a new institution to regulate them amicably and to maintain public order. That institution is the League, but in its present form it is only a step. The crucial fact about it is the elasticity of its constitution. Posterity, looking back at what we have fashioned, and comparing it with the League as it will be in their time—still subject to change and still changing and strengthening and growing in perfection and influence—will doubtless place our clumsy handiwork in the museum of time with the folk-moot and the *peine forte et dure*; but they will surely applaud our aims and ideals. For though the machinery need refashioning and the mechanics gain more skill, the principles are eternal.

## II

It was said, when they framed the Covenant at Paris, that the Assembly would not really be good for much. It would be too unwieldy. It would serve for discussion and to bring people together, but hardly for constructive work. The Council of the League, said the wise men, really gave some hope of being a practical useful body. It was compact; it could meet frequently; it represented in fact the power of the world—for in those days it was expected that America, having taken part in the framing of the League, would ratify what her statesmen

had said on her behalf, and take her place on both its organs. The truth of this forecast regarding the Council is apparent to all who have followed its activities in the past year. But it is the purpose of this book to show how far were even those who fashioned the League from realizing the potentialities of the thing they were creating. They felt reasonably certain of the Council. They hardly dared to hope for the Assembly.

Indeed, so fearful were the principal Governments of a failure that, when the American quandary arose, rather than allow the Assembly to meet, as it had been intended that it should meet, soon after the first session of the Council, they postponed and delayed until every precaution to mitigate the expected failure had been taken, until indeed they could postpone and delay no longer. Those who urged a speedy convention were regarded as credulous and irresponsible optimists. The reaction from this delay was the growth, in some quarters, of a fear that the Great Powers wanted to capture the machinery of the League, and hesitated to permit a meeting at which could be voiced the storm of protest which it was believed such a proceeding would evoke from the smaller States. All kinds of extravagant hypotheses gained currency. Some said that, President Wilson's hand being now removed, Europe was seeking an unobtrusive way of dropping the whole idea. Others, that it was no good having the Assembly without America. Others, that the League was

just a capitalist organization to perpetuate an outworn social system, and that, as the working man was not behind it, it really didn't much matter whether the Assembly met or not. . . .

One important factor in the delay 'was without doubt the difficulty of staging so momentous an affair in such a manner that the world, accustomed to the comparatively smooth working of parliamentary machinery, would not be horrified to behold a second Tower of Babel in its midst. The Covenant constituted the Assembly in the sense that it defined its composition, but upon the manner of its proceedings was necessarily silent. A code of procedure for the Assembly was required—otherwise its initial stages, at least, would be the merest chaos. The preparation of this code was in itself no small task, involving an infinity of tact in the reconciliation of the conflicting claims of this or that parliamentary system to serve as a model.

Again, there was an agenda to be prepared. The powers of the Assembly to take cognisance of matters and things are only limited by this requirement, that they shall be "within the sphere of action of the League or affecting the peace of the world." This, if the Covenant be studied, will be seen to give almost as wide a scope as can be imagined. Indeed it is extremely hard to think of any international matter that does not fall within the sphere of action of the League, and there are a number of instances, par-

ticularly those arising under Article XXIII., where the word "international" requires stretching to a wider sense than most people would be prepared to grant to it, if it is to cover the activities which the Members of the League are pledged to undertake. This being so, if the energies of the Assembly were not to be dissipated from the very beginning, the Agenda was a matter calling for the most careful preparation; and it is much to the credit both of the Council and the Secretariat that the draft rules of procedure and the Agenda were prepared with such thoroughness and practicability. Everything at the Assembly depended upon a good start. If it had begun badly, in an atmosphere of confusion and wasted time, the statesmen who attended it would have gone home in disgust, and there might never have been another meeting. But, as will be seen by readers of this book, from the moment in which the President took his place and opened the proceedings until their termination after a month's session, there was never a stumble, never even a pause occasioned by faulty preparations. It should certainly be recognized how much credit is due to the Council and the Secretariat—more especially to the Secretariat—for the success of the first Assembly.

### III

So here at Geneva, shortly before eleven in the morning of the 15th November 1920, the first Assembly of the League was coming together



in the Salle de la Réformation. Not the first International gathering—there had been many of those—but the first World Parliament; a deliberative (not yet however a legislative) body with a definite constitution, a definite responsibility and a definite programme of work; composed not of diplomats but of statesmen; not here to-day and gone to-morrow, but with a continuing personality, an enduring seat and a permanent staff to give effect to its decisions. The meeting-place, the only available hall with anything approaching the necessary accommodation, was, from without, a squat and unimpressive building, exhibiting in its construction most of the worst features of mid-nineteenth-century architecture, and chiefly in the past associated with revivalist meetings, smoking concerts and gymnastic competitions. Inside, however, the supervision of M. Guillaume Fatio and the tireless industry of the Swiss Government has brought about a seemingly impossible thing. In early August of 1920, when the preparations for the Assembly were put in hand, the interior of the Salle de la Réformation was the perfect prototype of desolation. It was empty, it was cold, it was ill-lighted, there was no telephone, the sanitation was imperfect, the lobbies and passages struck a chill into one's bones. And now, on the 15th of November, it really presented the appearance of a workmanlike and comfortable Chamber of Debate. The body of the hall was filled with solid roomy desks and substantial chairs; rows of special seats had been let in

under the Press Gallery for the accommodation of additional secretaries to the delegates and of privileged spectators ; the devastating space of empty platform had been mitigated by the erection of a great canopy with seats for the President and his officers ; immediately below the canopy had been arranged the tribune from which speakers would address the gathering ; behind the tribune ascending rows of seats were to accommodate the Secretariat ; slightly above the level of the President's dais, and extending round three sides of the building, a gallery and an amphitheatre had been converted for the use of the Press and the diplomatic corps ; above this gallery another similar one had been prepared for the general public ; the walls had been repainted ; behind the President's chair had been hung the flags of the forty-one nations. Nor was it only in the Chamber that M. Fatio had worked miracles. Sixteen long-distance telephones had been installed in an upper room ; telegraph and wireless rooms had been arranged ; a number of writing rooms had been furnished and set apart for the use of Press correspondents ; offices for the Secretariat had been equipped ; an excellent restaurant for delegates was available. It needs to be added that the whole of this work and much more, involving extensive alterations to the railway station and the completion and equipment of the Hôtel des Délégations, was carried out entirely at the expense of the Swiss Government, quite apart from their contributions to the League. At times like the present, when

mischievous ill-informed charlatans are only too ready to induce the public to believe that the size of our Budget is attributable to our contribution to the League funds, there is a certain ironical satisfaction in reflecting that one of the smallest States in Europe voluntarily paid at least as much as our annual contribution to the League merely to prepare one of her towns to receive the delegates to the Assembly.

. . . Meanwhile it is a quarter to eleven and the Chamber is beginning to fill rapidly. Great men are sauntering in from all parts of the globe. Some are already seated. There, immediately to the left of and below the tribune, is the gaunt frame of Robert Cecil, sprawled in his chair in the familiar attitude. What will be his part in this heterogeneous gathering? His own country has grown to love the stooping figure, the awkward but somehow convincing gestures, the faint air of diffidence, the tricks of hesitation in the speech, the crushing sincerity, the glacial immobility of the face in repose, and the warm transfiguring smile. But how will they take him in the Assembly? He has come with a great reputation. Will it be enhanced or dissipated?

A few rows behind Cecil, sitting near the centre gangway, you mark a huge bull of a man, massive in countenance, fiery in spirit, with a great noble head set stockily on a giant's shoulders, the shambling gait of a gorilla, and an equal aptitude for scalding oratory or Rabelaisian jesting. He came originally to Paris from North Africa. He set himself to become

an orator; and he has now the distinction of being the greatest in the world. He is not deeply versed in political science, that subject he leaves to his colleagues Léon Bourgeois and Hanotaux, but he is the supreme master of the art of moving men. He would have played, had he lived then, an outstanding part in the French Revolution. The Mountain would have quivered under the lash of his tongue, and the Jacobin Club would have rocked with laughter at the mordant violence of his humour. He is René Viviani, sometime Prime Minister of France, and her Foreign Minister during the war, a man of whom we shall hear again in the history of his country, a man of whose success in the Assembly you feel no kind of doubt.

It was to be foreseen with certainty that between men, emotionally and by education so many leagues apart as René Viviani and Robert Cecil, there would be a clash. That was inevitable. The interesting question was, would this develop into friendship or hostility? If into the former, a personal combination extremely valuable to the best interests of the Assembly would result; if into the latter, as at the outset it was to be feared would be the case, there would be a certain dramatic gain. Drama is the breath of publicity, and publicity was much to be desired, but the effect upon constructive work might conceivably be evil. Since neither likes or dislikes seem to disturb the serenity of Cecil's political opinions, opinions known to be progressive, whereas Viviani, being a man of



temperament coupled with a powerful intelligence, was susceptible to the influence of his personal feelings upon his political outlook, the effect of such a hostility might have even been to drive the French Delegation into a policy of reaction not truly representative of the spirit of that nation and highly inimical to her best interests. The clash came speedily on the question of publicity; they gave and took, tested each the other's mettle, crossed swords again over Armenia, discovered each how much was admirable in the other, and became friends. It is a friendship that may well be pregnant with good for Europe. . . .

Near the outer gangway, almost immediately behind Cecil and rather more than halfway up the floor of the House, sits "Nansen of the North," explorer and humanitarian, with beetling white eyebrows, burning eyes almost fanatical in their intensity, and drooping white moustache; Nansen equally at home in the solitudes of the Arctic or in the capitals of Europe; Nansen, whether organizing a dog-team, or negotiating with a Government, or holding his own in the rough-and-tumble of debate, the same indomitable figure. Not far away, on the right, sits Paderewski, one of the great artists of the world turned statesman, first President of the reconstituted Republic of Poland, now Polish representative in all matters connected with the League. Further to the right, beyond the centre gangway and slightly in front of the Polish Delegation, there is another well-known

figure, a man whose name has been a loved and household word in this country since 1895, "Ranji," the miraculous cricketer, Jam Sahib of Nawanagar, second delegate of India to the Assembly. Much has been written with some justice upon the new men thrown up into prominence by the war, but almost more curious has been the response to its stimulus by these three men, each already among the world's greatest in his particular capacity.

What a galaxy! There, close to Ranjitsinjhi, is Tittoni, the veteran Italian Prime Minister, who preceded Signor Orlando in office. A little in front again, Dr. Wellington Koo, the young Chinaman, who at thirty-four years of age represents his country on the Council of the League and at the Court of St. James. Almost side by side with him, Dr. Benes, the Foreign Minister of Czecho-Slovakia, the outstanding figure of Central Europe at this moment, upon whose efforts the speedy settlement of Central European problems will not a little depend. Next to René Viviani in the French Delegation, Léon Bourgeois, the grand old man of French politics, President of the French Senate, Prime Minister twice, French representative on the League Council, jurist, statesman, whose whole life has been given to bringing about some such organization as the Permanent Court of Justice, and who has lived to be the chief instrument in its creation. Next to him Hanotaux, former Foreign Minister of France, Academician and historian. What a "team"! One feels it will

rival even the British team, which will be a strong combination when A. J. Balfour, its leader, arrives.

The time draws on. It is nearly eleven. The eye continues to wander from face to face and the mind to speculate as to the ultimate possibilities of it all. There's G. N. Barnes, the third British delegate, sitting near the centre gangway beside the empty place of H. A. L. Fisher, who has not yet arrived. There's Millen the Australian, a dour little man, who looks as if he will be troublesome over small things. On the opposite side of the room are the three Canadians, Rowell, Doherty and Foster. There's da Cunha the Brazilian, a man of parts and a wit. There's van Karnebeek, the Dutch jurist. . . . At the back of the Chamber, perched on a desk, like an overgrown schoolboy, is a heavy, jovial-looking fellow, with huge moustaches like the tusks of a walrus and a great unruly mop of grey hair, jesting ponderously with those around him. This is Branting of Sweden. . . . And here in the front row sits Dr. Pueyrredon and the Argentine Delegation, of whom more later.

. . . The Press Gallery is beginning to fill swiftly. The diplomatic and public galleries are already full. The Press Gallery, indeed, is a sight to remember. Two hundred and fifty papers and agencies are there. They represent the habitable globe. . . . The *Times*, the *Telegraph*—every London and many provincial papers. . . . Every French paper of importance. . . . The *Berliner*

*Tageblatt* and a string of Germans . . . the Press of New York, of Chicago, of Philadelphia, of Detroit, even of Los Angeles. . . . Egyptian papers—Armenian papers—Austrian, Belgian, Dutch, Danish, Japanese, Spanish, Swiss, Polish, Russian, Chinese. . . . The whole Press of thirty countries in a bewildering row of faces. The mind whirls as at a kaleidoscope.

And now it is just on eleven. The knot of officials on the tribune is increasing in size; the body of the hall is practically full. Mr. Fisher stalks in and takes his place. The Swiss Guards, picturesquely habited in their ancient dress, begin to stiffen to attention. The little cluster on the tribune disperses, and its members hurry to their seats. The doors behind the dais are dramatically thrown open. A small dapper, alert man enters, followed by the ungainly figure of the Secretary-General. This is Paul Hymans, jurist, author and statesman, Belgium's Minister of Foreign Affairs during the war, her plenipotentiary at the Conference of Peace, her representative on the Council of the League and temporary President of the First Assembly, soon to be confirmed in that unique and illustrious office.

He mounts the presidential dais with Drummond, Secretary-General of the League, on his left hand and de Caemerlynck, official interpreter to the Council of Ambassadors, on his right. The hum of conversation in the body of the hall begins to die away. He takes up a little ivory mallet from the desk in front of him,

and stands poising it between his fingers whilst his eye roves over the gathering—an attitude which in days to come will be well known in that Chamber. This is the supreme moment. It is the coming to pass of many dreams. The imagination kindles at the achievement of bringing this Assembly together. Here it is, in workmanlike form—a practical deliberative body—almost a Parliament. . . .

A bell rings out. The President's mallet raps sharply on the desk before him. Silence. A telegram from the President of the United States. . . . "Under the terms of Article V. of the Covenant of the League of Nations, I have the honour to summon the first meeting of the League. . . ."

"In reply to this summons," says the President, "we meet to-day. . . . En conséquence j'ai l'honneur de déclarer ouverte la première session de l'Assemblée de la Société des Nations. . . ."

The Assembly of the League is in session.

R. B.



## CHAPTER II

### PRELIMINARY WORK OF THE ASSEMBLY : ELECTION OF PRESIDENT — PROCEDURE — ARMENIA

#### I

PRESIDENT MOTTA of the Swiss Confederation opened the proceedings. In a speech welcoming the Assembly to Geneva and gracefully voicing the usual compliments to the distinguished men composing it, he very successfully lifted the proceedings from the beginning to a high altitude of impartiality. His references to the late war, and it was impossible to ignore it, could hardly have been happier. "They," he said, speaking of all the fallen, "sacrificed themselves for their Motherlands, but they laid down their lives for humanity also." It is time for recognition that, wherever the blame for the war may have rested and whatever there may have been of pillage or murder or rape, those who died, be they friend or enemy, are the foundation upon which the League is built. For if there had been no war there would be no League. It was not the Pharaohs only who hardened their hearts in the

Old Testament, the chosen people themselves were not impeccable ; and in our day it has needed the cataclysm of 1914 to bring us generally to our senses. The logical conclusion of these sentiments was voiced by him shortly afterwards thus : “ The more universal the League, the more authority and influence it will possess. The victors cannot for ever refuse to co-operate with the vanquished. Their co-operation is a vital necessity. Hatred is an accursed thing. They must rise to real greatness by, on the one hand, generosity and on the other repentance. I should fail in my duty of interpreter, however unworthy, of Swiss opinion if I lacked the courage to say this here.”

The speech was marked also by a refreshing willingness to face facts. Indeed the following passage contains a lesson which the enormous majority of the population would not harm themselves in imprinting upon their minds. “ Even the most superficial observer,” says M. Motta, “ knows that the structure of human society has already been profoundly changed ” —he was speaking upon the general scope of the League’s activities. “ A new stratum of society, the most numerous and consequently the least prepared, aspires to assume control in the State.” This may not seem very advanced in this country, but addressed to a world gathering it was the plainest of plain speaking ; and the lesson it inculcated is the duty of taking notice. If the public really desires to check and control what are sometimes called “ foreign

commitments" it must take trouble to inform itself on these subjects. An opinion worth having cannot be formed on a short newspaper paragraph; and newspapers generally will not publish extensive foreign information unless the public not only is prepared to read it, but is prepared to demand it.

The reply of M. Hymans was woven round the enunciation of two basic principles. First, that the League was not a perfect institution, that it was susceptible of progressive betterment and change, that time and experience would show how to improve both its machinery and its effectiveness. Secondly, that the League was not and must not be a Super-State aiming at the absorption of national sovereignty. "Our aim," he said, "is to establish frequent and friendly intercourse between independent States and to form ties which will lead to mutual understanding and sympathy. . . . In a word, our ambition is to create by degrees within ever widening spheres a certain common life of nations ruled by the principles of justice, swayed by good faith and loyalty, and inspired by an international spirit." . . .

And then, after verifying credentials, the Assembly proceeded to the election of its President.

This question revealed at the very outset the independent spirit dominating the Assembly. It is no secret that it had been the desire of the Council that M. Hymans, the President for the time being of the Council, should be moved and seconded into the chair without an election.



This was represented as the due of Belgium for the part she had played in the war, a sentiment with which nobody wished to disagree. But something far deeper than sentiment complicated the matter. It is always inadvisable to create precedents when their creation can be avoided. Had M. Hymans been moved and seconded into the chair without a vote, the practice might have grown up in the Assembly—for it is the first time that really counts—the President for the time being of the Council being as a matter of course entitled to preside over the Assembly. Be this as it may, Motta, upon the question being raised, formally proposed that the Presidency of the Assembly “be entrusted into the experienced hands of M. Hymans.” Immediately Branting of Sweden rose in his place. Was it not provided, he asked, in the provisional rules of procedure by which they were for the time being bound, was it not provided that all questions where persons were concerned should be determined by secret ballot? There might come a time when the feelings of the Assembly were by no means so unanimous as they were with regard to the present candidate. What would be the position of a president elected by applause and not by secret ballot? Such an election might not really express the true wishes of the Assembly; a delicate state of affairs might easily arise. He begged them to obviate any such possibility, to apply the rules strictly, even in the present case.

The logic of this was unanswerable. Two

members of the Council, however, essayed to answer it. First Quinones de Leon of Spain, and after him Léon Bourgeois sentimentally appealed to the Assembly not to press the matter "lest there should seem to be a difference among us which really does not exist." Most fortunately the good sense of the President-elect came to the rescue. "If one member of the Assembly asks the rules to be applied," he said, "those rules are to govern us, and they must be applied. The Assembly ought from the very beginning to conform strictly to its own rules." With these remarks, delivered with obvious sincerity and quiet dignity, he quitted the presidential chair; and the round of applause which greeted this admirably just conclusion showed what were the feelings of the Assembly. Motta then temporarily returned to the chair.

The voting cards were handed out. The Secretary-General came forward with the ballot-box. Dr. Parodi called the names of the States in alphabetical order. The chief delegate of each mounted the tribune and placed his voting card in the ballot-box. The last name was called, the last card deposited. The Secretary-General unlocked his box and counted the votes. The result was announced by the acting President.

Forty-one States had voted. By a majority of twenty-one votes Paul Hymans was elected President of the Assembly.

## II

The next step was the settlement of the rules of procedure. Provisional rules, drafted in the Secretariat, had been circulated. The President proposed that, pending the examination of these by a Committee of the Assembly, they should be temporarily adopted as a practical expedient. The only human interest attaching to this very ordinary and reasonable suggestion was that it brought René Viviani to his feet and the Assembly got a taste of his quality in the half-dozen sentences in which he gave notice of certain French amendments. "Naturally," he interjected caustically, "we're not going to discuss these provisional rules *now* : ce serait la meilleure manière de faire perdre du temps à l'Assemblée." There is nothing mealy-mouthed about Viviani.

Tittoni, however, had a point to make, of which he had sounded a note of warning earlier in the day. In the Secretary-General's report on Credentials, the suggestion had been thrown out that, since the Covenant was silent upon the subject, it might be well if the Assembly were to consider the manner in which in its opinion the delegates ought to be appointed. As soon as the reading of the report was over, Tittoni had risen to give his opinion that the manner of appointing the delegates was entirely in the discretion of each Member State; but the question had been deferred until the rules of procedure came up.

Now he intervened in the debate to oppose even the temporary adoption of Rule 5 which dealt with Credentials. The Credentials, he pointed out, had all been approved, therefore no question under this Rule could arise during the present session. But under that Rule, as now worded, he considered it possible for objections of a personal character to be lodged against a delegate. The only question in his opinion which ought to be considered was the regularity of the appointment; to admit anything further would be to infringe the sovereign right of a State to choose its delegates. His objection was, however, withdrawn upon an assurance from the chair that the question of the Credentials of the present Assembly was closed and the Rule for the moment was devoid of force.

Dr. Hagerup of Norway then raised an important point with regard to substitutes. Under Rule 6 substitutes might be appointed to sit in the Assembly in certain cases. Was it, he asked, contemplated that this should apply to the Committees of the Assembly; and, if so, would they have the right to nominate a substitute as a member of a committee? This question, on the motion of the President, was held over for the debate on the constitution of the Committees. The Rules of Procedure were then provisionally adopted, subject to the understanding that it would be possible to modify them as the various points raised (which included a reservation by Lord Robert Cecil upon Rule 15,



governing the appointment of Committees) came up for discussion.

The appointment of Committees now engaged the attention of the House. This subject, however, is fully dealt with in a later stage of this book, and it is therefore sufficient here to chronicle the fact that it was decided that six Committees in all should be appointed, that the Agenda should be subdivided into six parts for submission to them, and that the reports of these Committees should be debated in plenary meeting when they had been completed.

### III

It would perhaps be convenient at this point to deal with Lord Robert Cecil's motion upon Armenia, which was considered at the conclusion of the debate on the Secretary-General's Report, after a discussion on the use of Spanish as an official language in the Assembly. This debate was remarkable for two things: the first speech of Mr. Balfour, chief British delegate, a carefully expressed but rather barren oration; a moving and sincere address from Lord Robert Cecil, and a series of philippics from M. Viviani which take rank among the great oratorical achievements of our time. Although there were many speakers to the motion, the debate speedily became, first a triangular contest between those three, in the course of which their respective seconds ran in and out of the ring with oratorical sponges and towels, and later an amazing alliance

between the two younger men against which Mr. Balfour struggled gamely to stand but which bore him to the ground and rolled him in the dust.

Interest in the Armenian problem in itself has unhappily become more or less academic, for the remnant of that unfortunate race has become involved with the far-reaching problems of Russia and its Bolshevik government. In these circumstances, how far the proposed mediation by America, Spain and Brazil will succeed in its purpose becomes extremely difficult to foresee. Indeed, the most recent despatches from America indicate that President Wilson has abandoned the idea. But no incident in the whole course of the Assembly was more illustrative of the spirit in which that gathering had come together, the determination to face facts and get something done; and few debates had more dramatic interest or showed the Assembly to better advantage than this, in which the veteran statesman and member of the League Council went down before the onslaught of his younger antagonists.

The weapons of M. Viviani and of Lord Robert Cecil have been described elsewhere--in the one case the blasting irony, the vehement wit, the whirlwind of fiery language; in the other the passionate sincerity. The equipment of Mr. Balfour is different. He is an orator who obtains his effects by certain artifices of exquisite dialectic skill. Combining the appearance and qualities of a venerable and sage philosopher,

with a gentle, almost saintly simplicity of address ; looking out upon the world with the untroubled eyes of a child, through horn-rimmed spectacles according admirably with his snow-white hair ; he voices, in a tone gently deprecatory of his own mental powers, insolubly difficult questions of politics and fact, mingled with criticisms deadly and destructive of the proposals of his opponents. To this he adds an oratorical device of peculiar charm. He contrives that in conveying his meaning to his hearer he shall from time to time pause and appear to grope for a word, a trick which suggests both a keen sense of values (for you feel that before using the word of his choice he has sampled its flavour to ensure that it shall exactly express his meaning) and, in addition, a certain sense of indifference to the presence of his audience, especially grateful by contrast with the brilliance and the elaborate technique of, for instance, a Frenchman. The result is the creation of the impression in the mind of the listeners that here is an eminently learned man, so wise that the truth in him pours forth without preparation, without even special endeavour, clothed in a perfection of apposite phrases, and unanswerably directed to the matter at issue.

Of the three principal actors in the drama Mr. Balfour was the first to take the tribune. He followed an unenlivening statement from Dr. Spalaikovitch of the Serb-Croat-Slovene Kingdom and a brief sentence or two from Branting of Sweden. He had only arrived in

Geneva on the previous evening, so that for many members of the Assembly their first sight of the veteran English statesman was when he was seen slowly making his way to the platform; and the spontaneous applause that broke out on all sides can hardly have failed to please him almost as greatly as it flattered the national pride of every Englishman present.

In order to understand what followed, it is necessary to have sufficient knowledge of English politics to appreciate the respective attitudes of Mr. Balfour and Lord Robert Cecil towards the League. Students of the matter will recall that there was, throughout last year, an apparent divergence between these two, which culminated in the composition by the elder man of a series of telling sentences about fanatics directed at the younger, of which he was careful to discharge himself on all appropriate (and some inappropriate) occasions, notably in the House of Commons in the debate on the League of Nations. Now, in the Assembly, there is an ironical note in the opening words: "Lord Robert Cecil has told us that he is prepared to withdraw his suggestion in favour of the Belgian amendment, and, if I am to speak my mind on this subject, I entirely agree with Lord Robert." There was too, perhaps, a certain note of censure on the Council in the Cecil motion; for the Council had already racked their brains without reaching any conclusion. It was perhaps pardonable then that a member of that Council should feel a certain trace of



asperity in the matter, which led, of course, to the obvious defence—it's all very well to criticize, but what more can we do now than we could do then? Be this as it may, Mr. Balfour opened his speech with a flavour of sweet reasonableness—anything to help—very artfully planned to lead up to the difficulties of the case (which certainly no one with any respect for the League or any fairness to individual statesmen ought to disregard). He opened on a note of sympathy . . . and then reminded them that the Covenant made no provision for such a state of things as this. Then he unmasked his batteries. The framers of the Covenant had in mind organized states, with clearly marked frontiers, susceptible to the pressure of civilized public opinion, and in the last resort open to threats of economic pressure. But where were the frontiers of Armenia? And what did Mustapha Kemal care for publicity or public opinion? And, again, what economic pressure could you put on him? For his part, he could not see how the case could be dealt with except on the basis of mandate. Where was a mandatory to be found who would from its own resources carry out, with regard to Armenia, what other mandatories were prepared to carry out with regard to their mandated territories? So far as the Council were aware, no mandatory could be found, unless the other States of the world were prepared to guarantee it against loss and assist it with men and munitions. The Council had failed in obtaining financial assistance for the typhus problem;

why should they meet with success in an attempt to collect it for Armenia ? And without financial aid they would be confined to protestations of goodwill without effective action. He admitted that the Assembly had more chance of getting financial aid than the Council ; and wound up his speech, which, in so far as it was not a lugubrious foreboding of disaster, appeared to support the Belgian proposal of a Committee of six, with the dismal words : “ We stand like people on the shore, looking at the survivors of a wreck, holding on to their ship which is about to be finally foundered. We give them words of encouragement, we express our horror at their position and our sympathy with their misfortunes, but so far we have not been fortunate enough to find a method of giving them effective aid.”

This counsel of despair proved a powerful stimulus to the fighting spirit of M. Viviani. What, he cried, did the Assembly intend to do nothing more than pass sympathetic resolutions and send them to the newspapers ? They had heard from Mr. Balfour that the situation was very grave, and that the Council had done all that it could. Tittoni had reminded them that the Council had searched far and wide for a mandatory without success. Well then, what was M. Lafontaine’s committee of six members going to do ? What could it do but re-enact the failure of the Council ? What could it do but search the map for a mandatory ? He did not want to discourage anybody, but what likeli-

hood was there of a mandatory being found? Well, if that was all the Assembly could do, what would be their portion but ridicule from the world and odium from the unhappy Armenians?

Having thus torn to pieces the proposal of M. Lafontaine, which he pointed out was merely substituting a committee of six for the Council, and after commenting on the fact that it was not the fault of France that the League was not in its inception given an International Force to ensure respect, he appealed to them to decide then and there on their course of action. He urged them to waste no more time, but to pass at once a resolution calling upon the Council to take immediate steps to negotiate with all the civilized Governments with a view to entrusting some Power with the task of taking the necessary measures to stop hostilities between Armenia and Mustapha Kemal.

Nansen interjected pithily that they had better hurry up and do something, or else, by the time the Armenian frontier came to be delimited, there would be no Armenians to live inside it; and he added that, although it was certainly a risk for the League to take up a question so difficult of solution, yet, as far as he could see, there would be still greater risk to its good name in doing nothing and merely saying the question was too difficult.

Jonescu of Roumania and Doherty of Canada carried on the debate, the one supporting Viviani's proposal and the other that of Lafon-

taine, and the President then called upon Lord Robert Cecil to elucidate the matter further. Lord Robert addressed himself immediately to the task of composing the three resolutions—his own, Lafontaine's and Viviani's—into something that would be acceptable to all. "All I am anxious for," he said, "is that we should not do nothing." Here was an event which had occurred, which was threatening the world with war, which had indeed produced a most disastrous war. The League of Nations which existed to maintain peace could not stand indifferent. He would regard with horror any decision of the Assembly which set aside action in this grave emergency, and declared that a society brought into existence in order to preserve peace was powerless in an emergency of this kind. Then referring to Mr. Balfour's similitude of a shipwreck, "Yes! Gentlemen," he proclaimed vigorously, "that is our situation. A shipwreck is taking place. A nation is actually in process of extermination. Shall we not make some effort to launch a lifeboat to the protection of those who are in this extreme danger, or shall we merely stand aside and say, 'We can do nothing. You must perish because we are unable to intervene'?"

Immediately Viviani rallied to his side. The great thing, he agreed, was to arrive at a solution of which they all approved. He analysed the difficulty of a committee in view of the number of committees already existing; if, however, they attached so much importance to it he was



willing to withdraw his opposition, but he did urge the acceptance of his proposal that the Council should be required to apply immediately to all the Governments of the world to find one willing to negotiate. The Council was there. It could meet that very night, and the Governments could know on the following morning what the Council desired of them. If a negotiator were obtained, well and good. If nobody would undertake intervention, then they must face the fact that humanity by itself was an impotent thing. But they must not on that account despair; rather they must work with more than ever of strength and courage to assure to the Council for the future the power which it lacked to-day. He urged, therefore, that his proposal for negotiation be accepted, but that the combined proposals of M. Lafontaine and Lord Robert Cecil be also adopted, so that if the negotiations failed there would be a body already in existence working out the measures to be taken. This suggestion was at once accepted by Lord Robert Cecil.

To the well-ordered logical mind of Mr. Balfour, swayed only by reason, these combined proposals seemed evidently the merest absurdity. Serenely detached, he sauntered to the tribune in order (as he said) to clear his own mind and those of the other members of the Assembly. Surely, he observed, they should understand M. Viviani's proposals a little better before accepting them. How could they negotiate or ask any one else to negotiate with Mustapha Kemal unless they

had something to offer Mustapha Kemal? How could the League negotiator be in a position to offer anything until there had been a consultation between the Powers concerned in the Turkish treaty? What probability was there that Mustapha Kemal, even if they made him an offer, would care to accept anything they were in a position to offer? After all, he was only the head of a band of brigands; they could only offer him one of two things, money or territory. Was it proposed to offer him either of these? If not, what means of persuasion were there? He did not deny that there might be an answer to these questions, but they should be considered. Again, it was all very well to talk about negotiation, but what was negotiation? Negotiation, as he understood it, was a discussion between two civilized Powers, in which one offered something to the other with a mutual accommodation of interests. But what could they do in the existing situation? Could they treat Kemal as a civilized Power? No doubt the French could furnish an answer to these questions.

Such a speech was an invitation to Viviani to hit back, and he hit back as hard as he could. Difficulties, he snorted, of course there were difficulties. It was their business, it was part of their daily life, to overcome difficulties. They would meet with difficulties in the future from all parts of the globe. But what then were the difficulties of the case in point? That they were in the presence of a savage who took no account of the laws of humanity? But was



this the first time in the history of civilization that a civilized people intervened and prevented savages from carrying out atrocities? That Mustapha Kemal would pay no attention? Well, they could at least make the attempt. Surely the Assembly was not going to meet there for the first time to chronicle its own failure? And why did Mr. Balfour assume that this man, savage though he was, but who certainly knew Europe and the world, would not be impressed when he learned that behind the mediating government there stood the public opinion of the world? Who told Mr. Balfour that such knowledge would have no effect upon those who were violating human laws and massacring whole populations? He still urged his proposals. They were at least something. "If we cannot at least do this much," he said, "then, my dear colleagues, let us draw up the charter of our own impotence. We have no force at our disposal at any spot in the world to maintain justice and uphold the Covenant. Let us, then, divert ourselves with elaborate disquisitions and finely-spun theorems, leaving it to the world to pronounce for our epitaph, 'There is no progress in life and in the heart of man there can be no change.'"

The President then put to the Assembly M. Viviani's motion, "requesting the Council to negotiate with the Governments with a view to entrusting a Power with the task of taking the necessary measures to stop the hostilities between Armenia and the Kemalists," together

with a combination of Lord Robert's motion and M. Lafontaine's amendment to the effect that a Committee of six members should be nominated to "consider and report to the Assembly, during this Session, what steps, if any, could be taken to put an end to the hostilities between Armenia and the Kemalists."

These proposals were carried unanimously.

R. B.

## CHAPTER III

### THE SECRETARY-GENERAL'S REPORT

CERTAIN points in connection with the constitution of the Committees having been decided, the Assembly proceeded to debate upon the Secretary-General's Report on the work of the Council. In every popular Assembly an occasion is found upon which the whole scope of its work is thrown open for discussion. In our Parliament the debate on the King's speech is utilized to furnish this occasion. The precedent has now been established that, in the Assembly of the League of Nations, the Report upon the work of the Council during the period since the last meeting of the Assembly shall serve as an opportunity, not only for commenting upon what has been done, but also for criticizing what has not been done, and generally for ventilating grievances and suggesting new policy. The debate on the Secretary-General's Report which commenced on the 17th November will be found to have been characterized by much plain speaking, much bold, independent, and constructive criticism, and to have been dominated by the inten-

tion to hold the Council responsible to the Assembly for the manner in which its work was carried out.

The debate was opened by Dr. Pueyrredon, the chief delegate of the Argentine Republic. After availing himself of the opportunity of making plain the attitude of his country towards the German Empire during the war, an attitude which he characterized as that of "diplomatic belligerence," he stated that it was the considered opinion of the Argentine Republic that all sovereign States recognized by the international community should be declared to be members of the League of Nations unless they expressly repudiated the obligations of membership. He pointed out that the power of the League lay in universality. The non-admission of particular countries could not fail to create dangerous antagonisms and might even pave the way for a League against the League—a constant menace to the peace of the world. And indeed in such a case the League itself would almost appear in the light of a mere alliance brought together to put a stop to wars, and not as that which it is in reality, a mighty instrument for the preservation and maintenance of peace. After expressing a hope that a formula would be found to allow of the United States of America joining in the work which they had done so much to initiate, he proceeded to develop the second main point of his speech. In order to carry out the principle of the equality of States in the League, he considered that all the members of the Council ought

to be elected by the Assembly, so that, in a stated time, all nations belonging to the League would have been represented on the Council. He admitted that the constitution of the Council was quite effective for its rôle of directing the work of the League, but it was not democratically conceived. To bring this about, it would be necessary to introduce the principle of election. As a matter of fact he did not doubt that the Great Powers who to-day had their permanent place on the Council would necessarily be elected. But then they would hold their positions, not by the clauses of a treaty but by the voice of other peoples, thus expressing the belief of the world that the presence on the Council of the Great Powers constituted the best guarantee of the most satisfactory implement for the execution of the task which they had all undertaken.

Passing to the proposed plans for the Permanent Court of Justice, he considered that here again the determining principle ought to be that of the equality of States, though, of course, he did not mean to imply that there must necessarily be as many judges as there were members of the League. But all countries ought to be amenable to its rulings. By its compulsory jurisdiction, and by its decisions, it ought to protect the rights of all States in their relations with each other, and to safeguard all against any country which might venture to disturb the peace of the world. He pointed out the necessity for the creation of machinery to procure economic international co-operation, particularly in order to



ameliorate the lot of the working classes. Social upheavals, whatever their cause, inevitably reacted upon other countries and unsettled the lives of their populations. It was necessary to establish economic co-operation, a kind of world citizenship, by which Governments might co-ordinate their plans for protecting the interests of the many against the oppression of the few.

This speech, so greatly in the realm of theory, so little, if at all, addressed to the immediate business of the Assembly or to the report on the work of the Council, was followed by some brief but eminently practical remarks from Dr. Hagerup of Norway. This speaker, after a momentary reference to the Scandinavian proposals for amending the Covenant, which would be discussed later, unmasked a proposal of great significance which must have reminded any of his audience who were students of history of those struggles between national assemblies and councils of ministers which have always marked the growth of a parliamentary system. The organization of the League of Nations, he stated, ought to enable the Assembly to exercise control over the Council. After comparing the Council with a Cabinet and the Assembly with a Parliament (a comparison which, by the way, must not be pushed far if it is not to fail) he retracted, almost as if a little frightened at his own boldness, by deprecating the assumption of immediate control by the Assembly. Still he maintained that, in future, the right of control should be recognized.

Indeed it was, in his view, the only means by which the Assembly could exercise any influence at all. He criticized the fact that the minutes of the Council meetings were not circulated amongst members of the Assembly in time to enable them to give instructions to their delegates on the various points. He urged that in future the Report of the Council should be submitted to a special committee of the Assembly for examination. And then, after an appreciative sentence, to show that he was not attacking the Council in its work but merely making constructive proposals for future improvement, he sat down, having in the space of some four minutes given the Assembly more food for thought than the rolling oratory of Dr. Pueyrredon had provided in the space of an hour.

The Assembly, however, was not really in the mood to think about Dr. Hagerup's proposals, for it had been known since the proceedings commenced that Lord Robert Cecil was third on the list of speakers, and his previous intervention on the subject of publicity for the proceedings of the Committees had fired the interest of the House to hear him speak in a full-dress debate. There was a faint murmur of appreciation as he stalked to the tribune, which died away into expectant silence as he stood before them, cold, impassive and perhaps in the smallest degree nervous, his fingers fidgeting mechanically with the few half-sheets of paper which served him for notes. Then, speaking in an even, unemotional voice, he began a careful dispassionate



examination of the work of the Council in the preceding months.

He dwelt a moment on the excellent clearness of the Report, pausing to say a word of praise to the Secretariat ; he voiced the general effect which it had produced on him in the following words : " I think that it forms a complete reply to those who have said in some countries that the League of Nations is dead. The Report shows that the League of Nations is very much alive." He drew their attention to the main divisions of the work of the Council, namely organization and political or constructive work, pausing to remark how, naturally, a great amount of time and energy had in those early months been devoted to organization ; then, after expressing the hope that, in the coming year, the Council would find opportunity to devote the greater part of its time to constructive work, he proceeded to a detailed examination of the main activities of the League up to that date. First he dealt with finance. South Africa, he said (it must be borne in mind that he was a South African delegate) was anxious that economy should be shown in the administration of the League. He understood that up to the present something in the neighbourhood of half a million pounds had been expended. " That," he said, " is a large sum ; but the League exists to prevent war, and you would greatly underestimate the expense if you said that in one single day of the late war twenty million pounds sterling was expended by the various combatants. It does not appear to me

that even so large a sum as half a million pounds spent in one year is anything but a very small premium of insurance against the vast expenditure on war which modern conditions involve."

After touching just so far upon Mandates as to express a hope that the system would be speedily put into operation, he passed on to the Registration of Treaties, commenting with great satisfaction on the progress which had been made in that respect, and pointing out that this function of the League was a fundamental element in publicity. Publicity, he told them, was in the forefront of the Covenant. Here one began to notice that the air of critical detachment was leaving him; a tinge of warmth was colouring his voice; gestures, ungraceful but somehow impressive, were beginning to enliven his delivery. . . . Publicity, he said, was enjoined in the Preamble; it was emphasized as a necessary precursor to disarmament; it was relied upon almost entirely as the great instrument of mediation in the hands of the Council; it was specified in the matter of treaties. . . . One could see this was a subject upon which he considered the Council to have been at fault. With a rebuke none the less deadly because delivered with studied moderation of expression, he arraigned them for the secrecy of their proceedings. He again reminded the House of the warning of Signor Tittoni that it was upon the confidence of the peoples of the world that the power of the League depended, and he gave notice of a motion "that the Council be requested to take into

consideration the means for procuring greater publicity for their deliberations and proceedings.”

By now the attention of every member of his audience was focussed intently upon him. Even those who did not fully understand English seemed to realize from the animation of his voice, the simplicity linked with purpose in his demeanour, the gravity and conviction of his expression, that here was a man who earnestly believed every word he was saying and who, whatever might be its value, had a message which at all costs he must deliver to mankind. “What,” he now asked, “has the League done to secure the peace of the world?” He thought it had done much, but that there were points on which the Assembly should receive further information. What, for instance, was the real present position with regard to Danzig? . . . The significance of this question is lost unless it is recollected that on the previous afternoon the Council had held a private meeting on the subject of Danzig, when it had reached conclusions which had not at that time been published.

Here, before proceeding to the question of Poland and Lithuania, a matter which obviously demanded consideration in the review of the efforts of the League to secure the peace, he interpolated a moving appeal on behalf of Armenia. The arguments and illustrations by which he led up to his proposal that the Assembly should consider ways and means for settling that harassing problem have been fully examined elsewhere in this book. It suffices here to record

that, among the many human and moving things which in that debate he found occasion to say, not the least moving and human were those which he said in relation to that tragic country.

Poland and Lithuania he considered of special interest, as it was the first instance when a member of the League had asked for intervention under Article XV. ; but here again, as had been the case with the question of the Registration of Treaties, the Assembly was confronted with another unanswerable argument in favour of publicity. There were, he said, some indications in the Report that one of the parties to the dispute, after it was submitted to the Council, had nevertheless proceeded with hostile actions. Such a thing was utterly inconsistent with Article XV. of the Covenant, which provided for a delay of nine months, and prohibited any hostilities until after that delay had elapsed. It therefore became a matter of first importance that the Assembly should know exactly what had been taking place. Now, under Article XV. the parties to any dispute were required to communicate to the Secretary-General a statement of their case with all relevant facts and papers, of which the Council was empowered to direct publication. Furthermore, there was every indication that publicity was to be the principal weapon of the Council in such a matter. He therefore respectfully urged upon the Council immediately to lay all the facts before the Assembly and publish them to the world. That



was the procedure contemplated by the Covenant; that was the engine proposed to be set up as an alternative to the force of arms, namely instructed and impartial public opinion, a thing which could not exist unless the full facts were authoritatively and universally made known. He hoped it would not be necessary for him to move the motion of which he had given notice, calling for full publicity in this matter.

Finally he dealt with the Financial Conference at Brussels. He did not propose to discuss the financial aspects of it, but he wished to stress certain passages in the Report. He first urged as an imperative necessity upon every Government to endeavour to restrict its ordinary expenditure to an amount coverable by its ordinary revenue, rigidly to reduce all expenditure on armaments, to abandon all unproductive extraordinary expenditure, and restrict even productive extraordinary expenditure to the lowest possible amount. Statements presented to the Conference showed that on the average some 20 per cent of the national expenditures was still being devoted to the maintenance of armaments and preparations for war. This was an expenditure which the world could not afford. The Conference had accordingly recommended earnestly to the Council of the League the desirability of securing a general and agreed reduction of the crushing burden of armaments. The second passage to which he drew attention read as follows: "The Conference hopes that the Assembly of the League which is about to meet

will take energetic action to this end" (*i.e.* the bringing about of the reduction of armaments). The third passage had reference to the proposed commission on international credit and ran as follows: "This assistance can only be effectively accorded the countries which are prepared to assist one another in the restoration of their economic life and to make every effort to bring about within their own frontiers the sincere collaboration of all citizens which is required in order to produce the full results desired."

This concluded the speaker's detailed criticism of the work done; it remained for him to sum up and deliver his peroration. All things considered, he congratulated the Council on their work. It was a great step forward. They had begun well. Here the tones of his voice deepened and swelled to earnest exhortation. "Do not let us be afraid of our power," he begged them. "Let us go forward from strength to strength." Then, with a long forefinger of warning held out above their heads, "It is not by doing too much," he proclaimed, "that the League is in any danger. The one danger which threatens the League is that it may gradually sink down into a position of respectable mediocrity, a useless complication in the diplomatic machinery of the world." . . . He told them that he was in his own person an example of a bold policy of reconciliation. He was there to represent South Africa as a substitute for General Smuts. Not many years before, General Smuts was one of



the most redoubtable and successful commanders of the Boer forces in arms against the British Empire. He himself was the son of the Prime Minister who conducted the war on behalf of the British Empire. Yet now, in the fulness of time, the late General of the Boers had sent the son of the British Prime Minister as his representative in the Assembly of the League. How had that come about? Not by timidity, not by shrinking from a bold action, but by a great act of trust. Surely that was an example to the League. "Do not," he adjured them, "do not let us be afraid. Do not let us shrink from even strong measures of pacification and reconciliation. Believe me, they will justify themselves in the future. I say to this Assembly with all the emphasis at my command, let this be their motto: 'Be just and fear not.'"

With these words he brought to an end a speech which placed him among the great figures of the Assembly; and left the tribune in a tumult of applause.

The debate was resumed on the following morning by Dr. Nansen. He had intended, he said, to make some general remarks on the work of the Council, but now considered they would be superfluous in view of Cecil's speech on the previous day, with which he found himself in entire agreement. He hoped that the spirit of that speech would guide the League in its future activities. Then he proceeded to the question of the repatriation of prisoners of war, upon which he presented a report to the Assembly.

The history of the question is as follows: In February 1920 the Supreme Economic Council requested the Council of the League to study what measures might be taken to help and liberate the prisoners of war then in the territories under the government of the Soviets. The Council considered the matter, decided that it was one in which the League should intervene, and, during April, appointed Dr. Nansen to investigate the facts, study the measures to be taken, co-ordinate the work already being performed by governmental and voluntary agencies (especially by the International Committee of the Red Cross), and report to the Council both on the measures taken and the provision of credits. Nansen threw himself into this gigantic task with a determination and energy that refused to be daunted by any obstacles. He organized a service of steamers down the Baltic; he equipped depôts of food; he even arranged a service to Vladivostock. He extended the scope of his work to embrace not only the repatriation of prisoners to and from Central Europe and Russia, but also from the latter to both America and France, and to and from Bulgaria, Serbia and Greece. By the time the Assembly met, upwards of 200,000 out of nearly twice that number had been returned to their homes. It was a work of humanitarianism ranking high in the record of human exploit. Indeed, but that it would be a digression in this book, which is an account of the Assembly proceedings and not a

review of the work of the League, the dramatic narrative of the great explorer with its vivid picture of the sufferings of those unfortunate people, its tale of gigantic difficulties mightily overcome, its tribute to the humanity and devotion of Governments and individuals alike, would merit reprinting in full. One passage, however, demands to be set out. "Never," he cried in tones of the deepest conviction, "never in my life have I been brought into touch with so formidable an amount of suffering as that which I have been called upon to endeavour to alleviate. But this suffering has been only an inevitable result of a war such as that which convulsed the world in 1914. It is right for the League to deal with questions such as that of bringing the prisoners to their homes, but the real lesson which I have learnt from the work which I have undertaken is this—that it is vital for the League to prevent for evermore a recurrence of catastrophes from which such incalculable human suffering must inevitably result." The sustained applause and the warm resolution of thanks for his great work conveyed to the speaker some intimation of the high regard which his achievement had created for him among his colleagues.

Mr. Barnes carried on the debate. His speech was remarkable for two things : courage in voicing his convictions, and independence, in that he appeared before the Assembly as the spokesman of working-class opinion, and not as an echo of the policy of the British Government. This

was the subject of a certain amount of criticism ; for some held the view that, as the Assembly was a gathering of nations, the delegates should have a Government mandate for all their proposals. The fallacy of this view is evident. It is of obvious value that the Assembly should be cognisant, in addition to the policy of national governments, of the views of large minorities ; for at any moment a large minority (such as the British Labour Party) might become a majority, and turn out a Government on a question of foreign politics. Before, therefore, the Assembly of the League commits itself to a decision, it is just as well that it should know whether there is in any nation a party likely to be antagonized by that decision, and conceivably able to overthrow the Government of the day on that very issue. Mr. Barnes, therefore, has performed a great service in striking out an independent line, and has paved the way for the time when members of the Assembly may possibly be elected instead of, as at present, being nominated.

Mr. Barnes commenced his speech by drawing the attention of the House to the work of the International Labour Office, laying down the principle that there can be no permanent peace until there is industrial peace, until the workers of the world have a greater share in the world. He deprecated class antagonism, which he considered to result from misunderstandings on both sides, and pointed out how the International Labour Office gave an opportunity to worker and employer to "hammer out their differences



on the anvil of common sense." He then reviewed the proceedings of the various Labour Conferences, especially that at Washington, at which he was a British delegate, and drew attention to the need for setting up the panel provided for in the Labour Convention to deal with complaints concerning non-fulfilment by nations of Conventions and Recommendations.

Then he squarely demanded of the Council why it had done nothing to stop the war between Poland and Russia; and, after voicing his belief that this conflict might easily break out again, appealed to the Council even at this late stage to take some action to safeguard peace. Then deliberately and dispassionately he exposed his views upon the admission of Germany to the League.

It was a subject which, however difficult and delicate, it was absolutely necessary for the Assembly to discuss. The French Government, it will be remembered, had allowed it to be stated without contradiction in the French Press that if Germany were admitted to the League at the Assembly, France would withdraw. It was felt in many quarters that if the subject were even discussed there would be a scene, an apprehension strengthened by the attitude of the French Delegation with regard to the placing on the Agenda of the application of Austria and other countries which had arrived late. This created an impossible situation, for clearly it would have been the worst kind of weakness for



the Assembly tacitly to acquiesce in the blocking of a subject by a threat of the displeasure of any particular delegation. On the other hand, the German Government, conscious of the difficult situation created by the French attitude, and (it is hard to resist this conclusion) playing on the natural reaction which such behaviour was sure to produce on the other members, was angling for an invitation to join the League (which as likely as not she would have spurned scornfully if it had been made), and even went so far as to address a most injudicious document to the League on the question of Mandates. The result of this conflict of purposes and ideas was to surcharge the atmosphere of the Assembly with a certain electric uneasiness; and it is very greatly to the credit of Mr. Barnes that, quite unmoved by the wiseacres who whispered of possible "scenes" and "regrettable incidents," he courageously opened the forbidden subject and relieved the tension.

His argument was simple. It rested upon this thesis. It was not for the Assembly to apportion blame for the late war or to assess the damages caused during its continuance. That was done by the Treaty. The Treaty must be taken as a fact, and it must be assumed that the ex-enemy countries would be held, with such modifications as would be found wise and desirable, to the bargain they had made by those who represented the Allies. The business of the Assembly was to look at the

matter purely from the point of view of the peace and prosperity of the world, and from that point of view he submitted that all the ex-enemy States should be admitted as soon as possible. He pointed out that those States had participated in the League Financial Conference, and that the Conference would have been a failure without them. He paid a tribute to the co-operation of Germany in the work of the International Labour Office. He begged them to face the alternative risk of the formation of new alliances, and concluded with a plea that the German people, freed from their former Government, might be dealt with as people responsible for their own destiny, and who had given signs of repentance for the past. . . .

Herluf Zahle (Denmark) and van Karnebeek (Holland) continued the debate. The latter raised an important point in asking for an interpretation of Article 1 of the Covenant. This Article enjoins the registration of treaties, the wording being, "no treaty shall be binding until it is registered." Did that mean the parties were not bound until it was registered? Or that they were bound but could not demand execution before registration? Or that the treaty could be executed but the parties could not rely on the treaty in making their appeal to the League? This question will be dealt with more fully in M. Tittoni's reply. Motta, President of the Swiss Confederation, closed the proceedings of the day by congratulating the Council on all they had done.

The debate next morning was opened by Senator Lafontaine of Belgium. He raised a somewhat Utopian point by throwing out some remarks on the question of the internationalization of raw materials, after which, on the subject of disarmament, he drew attention to the interesting fact that it was not pacifists nowadays who were demanding disarmament, but the economists and financiers. He considered, however, that the world ought to be told that the time for disarmament had not yet come. All that could be achieved at present was to consider the national armies and navies as at the disposal of the League as an instrument for checking private war between nations, which was now at last recognized as an international crime. Rodriguez of Venezuela followed with some general remarks on the scope of the League's work. Then came Rowell, a Canadian delegate, who repudiated Lafontaine's suggestion regarding raw materials, and stressed the fact that the primary work of the League was to prevent war. He concluded with an appeal to the nations forming the Council to give leadership to the rest of the world, in the course of which he gave it as his considered opinion that unless the Council was prepared "to back up its own decisions by invoking the powers of the League, the economic and other power if necessary," so that it would deserve and command the respect of nations, it would cease to hold the respect of the nations. "The Council," he said, "is on trial before the Assembly . . . what the world is waiting for from

the League is two or three important pieces of work well done."

Tittoni, the Italian member of the Council and chief Italian delegate to the Assembly, then replied on the debate. He associated himself with Lord Robert Cecil on the question of publicity. He defended the non-publication of the documents regarding Poland and Lithuania on the score that the Secretariat was at the time moving from London to Geneva. He agreed that the Assembly should have the right not only of voting subsidies of credit but also of verifying the accounts. He outlined the history of the case of Armenia, saying that the Council had done all that was in its power. He stated (in reply to something that had fallen from Motta and had been echoed by Rowell) that the members of the Council did not regard themselves as mouthpieces of their Governments, or of their countries, but as magistrates whose duty was the execution of the highest principles of justice and right. Da Cunha, also a member of the Council, here interjected, "You speak for all the Council. That is exactly our view." He gave his own interpretation of the point on the registration of treaties raised by van Karnebeek, which he said had now been referred to a special Committee. In his opinion this Article meant that treaties became binding once they were signed, without necessarily being registered; but that unless they were registered the parties could not appeal to the League for their execution. He dealt a gentle rebuke

to Rowell for so categorically repudiating Lafontaine's proposals regarding raw materials, saying that it was a pity to shut the door to all possibility of discussion and argument; and he concluded by a quotation from a previous speech of Motta, which, if it did not in so many words endorse the ideas of Barnes regarding Germany, at least laid down the same general principle, "The more the League of Nations is universal the more will it possess of authority, impartiality and power."

This terminated the debate.

R. B.



## CHAPTER IV

### PUBLICITY

BEFORE following the proceedings of the Assembly into the Committee stage, it is not out of place to make a few general remarks on one of the salient problems which was thrown up by the debate on the Secretary-General's Report. The question of publicity occurs and recurs continually throughout the meeting of the Assembly. It underlies even matters which appear to have no relation to it, as, for instance, the degree of control to be exercised over the Council. For it is clear that, broadly speaking, large assemblies tend in the direction of publicity, whilst small executive councils, by some inherent quality in their nature, lean towards secrecy in their proceedings. Publicity demands the existence of two things: a fact to be made public, and a public desirous of knowing the fact; and, although this may seem a somewhat elementary statement of the case, it is far too little remembered when the question of the publicity of the League is the subject of comment in speeches or writings. Propaganda and publicity must

not be confused with each other; both have come to mean something different and more debased than in their origin. Indeed, their meanings have tended to coalesce, though there is still a distinction. Propaganda, which ought to mean the marshalling of all the facts of a case in the light of a specific idea, has nowadays come to mean, in its common acceptation, the agglomeration of any partisan statements or opinions, true or untrue, false or valid, which the ingenuity of the propagandist can bring together. Publicity, which ought to mean the dispassionate presentation of facts to the public, has come to be the synonym for advertisement. Of the two words it is difficult to say which has the more unpleasant implication.

Now the reason for this invasion of the realms of definition is that, in its endeavours to assure publicity in its true sense, the League is forced to watch most carefully that it is not accused of conducting propaganda in any sense. Any suspicion that the League was utilizing its publicity service for disseminating more than the most purely objective statements of fact would expose it, not only to the accusation that it was doing pro-League propaganda, but possibly also to the accusation that it was doing anti-national propaganda. The growth of either of these beliefs to any appreciable extent would do incalculable harm, and might indeed ruin the whole credit of the League. The expression "to any appreciable extent" is used, for of course there will always be a certain number

of irresponsible or unscrupulous people who will bring such accusations, with however great care the League conducts this section of its work.

Before proceeding to examine the particular difficulties in the way of obtaining publicity, and considering proposals for overcoming them, it is just as well to touch upon another side of the question. There is a difference between *publicity* and *publication*. The League is required by its constitution to "publish" a certain number of things. It is also under the obligation, not express but certainly implied, of maintaining public interest in its work and in the problems brought before it. Now publication does not necessarily mean publication in the organs of the Press; but publicity except through the medium of the cinema (which we will discuss later) is unthinkable without the co-operation of the Press. Where the Covenant directs that all treaties shall be registered and published, the League does its duty if it makes them accessible to the public, as at present, through the medium of its printed Official Journal. There would be nothing to be gained by the publication, let us say, of the terms of a Fishing Agreement between China and Japan in the columns of the daily Press. It is accessible to the public in a printed record which any one can buy; but there is no duty on the League to take any active steps to induce the newspapers to publish the text. On the other hand, the implication of the Covenant is that the principal

weapon in the settlement of a dispute between two nations shall be the operation of the weight of public opinion. The duty of the League is to bring to the disputants a sense of the overwhelming public demand for a settlement. This necessitates something very much more than the reproduction in printed form, in the official publications, of the documents submitted by the parties. It necessitates the issue by the League of the fullest information concerning the dispute, purveyed with studied and strict impartiality to all existing organs of public opinion. It throws upon the League the duty of making definite efforts to secure the reproduction of this information in a popular form in the columns of the daily Press. It creates a duty on the part of the Press to give facilities to the League for conveying its information. And, above all, it throws a duty upon the public which may best be elucidated as follows.

It is impossible to escape from the commercial aspect of the question. Papers are costly and their space is valuable. If they are going to devote any considerable space to international affairs, somebody has got to pay for that space. It must either be paid for directly by the League, or it must be paid for indirectly by the subscribers to the papers. Now payment by the League can be dismissed at once, because that would be condemned, and rightly condemned, as official propaganda. That throws us upon the subscribers for payment, and, when it is said that they must pay indirectly for the space



taken up by League intelligence, what is meant is that a paper depends upon circulation. This circulation (setting aside devices for inducing it which may or may not make a certain difference) depends broadly upon the popularity of the paper with the mass of the people. That is obviously governed by the publication of the kind of reading matter which the public as a whole wants to read. If, therefore, the Press generally is to be expected to make a serious contribution to the publicity of the League, it must be in proportion to the public interest in the League and the public demand for news about the League. It is only in this manner that the affairs of the League will become "news," and until they have become news, just as the proceedings of national parliaments are news, the maximum of publicity will be impossible to obtain. In other words, it must somehow be brought home to the average citizen of every State member of the League that the proceedings of the Assembly or the Council, the tasks undertaken by the League, the proposals of the League for alleviating international difficulties, are just as important and just as much a part of his political life as the legislative or administrative proposals of the national parliament of his country. The difficulty here is that the League has grown into a powerful international organization in just over a year, whereas in most countries national parliaments have been the growth of centuries. The ancestors of the citizens of to-day have fought and frequently



died for their parliamentary institutions. It is ingrained in them to make at least a show of interest in home politics. At certain stated intervals they vote to elect their representatives. From time to time their representatives come among them again and make a personal explanation of what has been done by the Government of the country. All this and many other things besides combine to develop and maintain in the average man or woman a certain interest (perhaps somewhat nebulous, perhaps not always intelligent, but quite definite) in national government. But in the case of the League, no single feature of this kind as yet exists. The League is something remote in a foreign country. There are no elections for the League; it is an innovation (which is always regarded with suspicion); there is no party machinery. Consequently the public generally is only to any extent interested in the League—in so far as there can be said to be any real interest in the League at present—because, in spite of the swiftness with which our recollections of tragic happenings pass away, there is still in the world a great corporate dread of war from which some measure of escape is provided by hugging the general idea of a League of Nations, half trusting that it may be able to obviate great armed conflicts in the future, half distrusting its power to do anything of the kind, and finally taking the attitude that foreign relations is the job of the Government, and it is for them to make a success of the League if they can.

That is the kind of spirit the existence of which renders publicity impossible ; for obviously no newspaper can afford to be continually publishing reading matter which its subscribers find dull or incomprehensible. It is therefore necessary to arouse interest in foreign affairs and the League, and in international affairs generally, in the mind of the average man and woman of each country ; and, as we have dismissed as improper the expenditure of money for this purpose by the League itself, we find that the great factor in the organization of the publicity of the League is to be found in the various League of Nations Unions, the so-called Voluntary Societies for the League. Their great duty is to create in the public mind a thirst for information ; and if they neglect that duty in the pursuit of other perhaps more spectacular issues, they are failing the League in its hour of need.

But it must not be forgotten that there is a duty on the League as well. It is somewhat unfortunate that "the League" has two distinct meanings. It means in its wide sense the whole world, the members of the League, the States which belong to it ; but in the sense in which it is now used, "the League" means the machinery of the League, that is to say, the collection of individual men who compose its respective organs, namely, the Council, the Assembly and the Secretariat. The duty of the League in the matter of publicity is to withhold nothing. This is what was meant by Lord Robert Cecil

when he urged the Council to "take definite steps towards publicity." The Council of the League in the past has given a certain amount of ground for adverse comment by its over-caution with regard to information. In the beginning it was decided, in view of the impossibility of holding the working sessions of the Council before a large audience, that the working sessions should be held in private, but that there should at each "reunion" be one or more public meetings, in which all that had been decided should be announced in reasoned statements made by the various rapporteurs. This system proved to be completely unworkable. An air of mournful unreality overclouded all the public proceedings. By an unfortunate coincidence, the meetings were invariably held in richly furnished apartments, and the consequence was that the public, when it attended, found itself ushered into something suggesting more than anything else the baronial hall of a transpontine melodrama. Less and less public regard was paid to the public meetings, and finally, after a dismal occasion at Brussels, when the members of the Council found themselves making speeches to an empty room, the system was abandoned as impracticable. But now they were in a dilemma. Meetings to which the public as a whole were admitted had proved a solemn farce. Meetings from which the public were excluded meant a return to the very secrecy which had been execrated in the Supreme Council. Meetings to which the whole Press were admitted

would necessitate a council chamber of the size of the small Queen's Hall, and free deliberation would become impossible; meetings in a small room, to which a few only of the Press were invited, raised the invidious question of the selection of the Press. The critics of the Council ought, in justice, to remember that the problem was by no means easy of solution. The solution adopted was to issue a *communiqué*, prepared by the Information Section of the League, and authorized by the Secretary-General at the conclusion of each meeting. But it is a curious fact that no *communiqué* has, in the history of journalism, succeeded in giving satisfaction. There is a selection of news to be made, and in the process of selection the whole human element of the matter is invariably swallowed up. Furthermore, a difficulty then arose in that leakages began to take place; unauthorized statements were made to journalists by irresponsible members of the staffs of delegations, and, by the time the Assembly met, there is no doubt that the publicity arrangements of the Council of the League were quite as bad as they could humanly contrive to be. Meetings took place at which decisions were reached which were withheld from the Press for days, and every symptom began to appear of retrogression into the ways of secrecy.

Very fortunately the proceedings of the Assembly have furnished a feasible suggestion to make to the Council. It will be remembered that when the publicity of the Committees was



argued out, the final decision—a compromise between the original proposal that the meetings should be private and no minutes should be kept, and Lord Robert Cecil's counter-proposal that the meetings should be open to the public, and that full records should be kept—was that the meetings should normally be private, though the Committees should be empowered to admit the public if they chose, that minutes should be kept and should be published as early as possible. At the time that this proposal was adopted, it must not be disguised that there was a certain amount of head-shaking, and some doubts expressed whether the minutes would give any real indication of what had really taken place in the Committee, and also whether they would reach the journalists sufficiently early to be of use. In both respects the arrangement was found in practice to work sufficiently well. The printed *Procès-Verbaux* of the Committees of the Assembly gave as ample a record of what took place as the most voracious inquirer could desire. Full minutes have always been kept of the proceedings of the Council. A practical solution, then, of the problem of the Council's publicity would be to continue to meet in private, but to circulate to the Press not later than the day following the meeting the full minutes. It must be quite obvious to the most suspicious person alive that anything remotely approaching secret diplomacy or the suppression of material facts would be quite impossible. These minutes could be amplified by journalists being given



access to the members of the Council if they wanted to question them on any special subject. In addition to this, it would be extremely valuable if a means could be devised for admitting representatives of the Press from time to time to the meetings of the Council. This is a problem which is not of the first importance, and will solve itself in time.

The publicity of the Assembly, of course, is a different matter. That worked eminently satisfactorily at the first Assembly. The most careful and elaborate arrangements were made by the League staff for the reception of the Press in Geneva, and for the provision to them of conveniences for their work and information. The amount of publicity which the proceedings of the Assembly received in the British Press was therefore conditioned solely by what, in the judgment of the editors of the various journals, was the amount that the public wanted to read about the League. It will be found that this varied from between a column and a half in the case of some papers to as little as a third of a column in others. Taking an average, it would be fair to say that the Assembly received in the British Press rather more than half a column's publicity a day. This, whilst not by any means all that could have been desired, was not discouraging, and enables one to hazard the hope that the League has begun to take hold in the public imagination in this country.

Summarizing, then, it is necessary to distinguish between "publication," "propaganda"

and "publicity." Mere "publication" is sufficient in the case of certain documents which are not of any great general interest. "Publicity" must be courted by the League on every possible occasion. The League is doing less than its duty if it withholds any single international fact from the public. "Propaganda" is something which should be undertaken not by the League, but by the Voluntary Societies (such as the League of Nations Union) as part of their educational campaign, to arouse and maintain that public interest in the work of the League without which publicity is impossible; and the duty of the great publicity organs of the Press is to throw open to the League in generous measure all the news and editorial space which is warranted by the interest shown on the subject by their respective subscribers, and to watch carefully for an increase in that interest, and see to it that any such increase is given effect by a corresponding increase in the allocation of space. More than that cannot justly be demanded.

Before leaving this subject a word must be said with regard to the use of the cinema. Until recently publicity was, practically speaking, confined to the written and the spoken word. The cinema has made it possible to achieve publicity through the eye, and it needs to be recognized that, for bringing home to the general public, particularly that part of it which is ill-educated, the purpose, the achievements and the general nature of such a meeting as the Assembly, there is no medium which is even

comparable with the film. It is fatally easy to generalize about what the average working-man does or does not read, but it must be obvious that no written medium exists by which it is possible so readily to blend instruction with entertainment. It is asking a lot of the average working-man, and indeed of people even better educated than he, to expect him to read the work of an international assembly in skeleton, so to speak, and to summon up interest in people with foreign names which he cannot pronounce. This applies with precisely the same force to the citizens of foreign countries with regard to British names. It is quite another thing to show him a fifteen or twenty minutes' film of various aspects of the work of such an assembly sandwiched between a five-reel love drama on the one hand and Douglas Fairbanks or Tom Mix on the other. After the concentration of following the elaborate plot of a piece of film-fiction, the mind responds gratefully to a total change of subject. And unquestionably you can butter the dry bread of facts and resolutions by showing pictorially the appearance of the delegates, the League in session, the buildings in which it is housed, the manner in which a treaty is registered, and so on.

But the possibilities of cinema publicity do not begin and end with pictures of the Assembly or the Council. All kinds of developments are possible. You can make a film—it would be a very terrible and a very striking one—out of typhus in Poland; not a propagandist film, but

a pictorial record and representation of what is to-day actually taking place. You could film the repatriation of prisoners of war—you could show the prisoners being embarked on the ship, you could show them arriving at the port of disembarkation, and their welcome. You could show the taking of a plebiscite. You could show mandates in operation. This is not propaganda, it is mere publicity. And going to propaganda, you could show the immense burden of armaments. You could show the dangers of the opium and white slave traffics. Now, setting aside propaganda as something we have agreed must not be done officially, and must only be done most scrupulously even by an unofficial organization, look at the vistas which are opened up by the possibility of cinema publicity.

An experiment was made at the Assembly, with the co-operation of the Gaumont Company, of making a connected film round the subject of the League. Owing to the time of year and the resulting bad light, and owing also to the fact that the members of the Council were apparently only capable in the dark of generating the necessary mental energy for carrying on their discussions, it was not possible to film the Council; but a number of interesting pictures were taken and their reception has been really beyond any expectation. A short film, playing for about a quarter of an hour, was made up and sent round by the Gaumont Company, as a special Graphic number, to (in the neighbourhood of)



1000 picture theatres, and from all accounts was enthusiastically received by the audiences ; whilst a long film embodying, in addition to the pictures taken at Geneva, a few interesting statistics on armaments and economics has also been prepared ; and this has been exhibited with the most encouraging success by the League of Nations Union at most of the more important meetings organized by it since the beginning of the year. It was first exhibited at a mass meeting at the Albert Hall where, although the speakers included Lord Grey, Lord Robert Cecil, Mr. Fisher, Mr. Barnes and Mr. Clynes, its reception was quite as enthusiastic—and this is saying a great deal—as that of any of the speakers, and a constant patter of applause, as the various incidents revealed themselves, testified to the keen attention of the audience to what they were seeing.

Bear in mind that, speaking generally, to have seen a thing encourages a man to read about it afterwards. A man who has seen a film showing him the Assembly of the League in session, will not feel, when he sees an announcement about the League or Assembly next day in the morning paper, that it is something that has no interest for him. He will feel this is something more about the rather interesting film he saw yesterday, and he will read it. We therefore are arriving at the conclusion that the best medium through which to work in order to arouse that public interest in the work of the League, without which we have agreed no effective written publicity is



possible, is the picture theatre. That, then, is the medium of which the Voluntary Societies, the League of Nations Unions, must avail themselves first in their campaign to capture the public imagination. But active co-operation by the League itself is indispensable. The League must give facilities for films to be taken, and in this case the League means the individual men who represent their countries upon it. Every member of the Council or Assembly who puts obstacles in the way of films being taken, either of himself or his colleagues or of the machinery and the work of the League generally, ought to recognize that he is deliberately placing an obstacle in the way of the formation of that solid public opinion behind the League for which he himself in his public utterances is perhaps the most clamorous of appellants. These words are written advisedly in view of the opposition mingled with ridicule against which the proposal to film the Assembly of the League was compelled to struggle. And it will doubtless be a consoling thought to those who succeeded in preserving themselves from the vulgarity of the ordeal of being cinematographed, that, in the days when it was hardest to maintain public interest in the work of the League, they were in reality doing no more than tripping up the feet of others who were working for the same end as they themselves professed to have in view.

R. B.

## CHAPTER V

### FORMATION OF THE COMMITTEES

WE have seen the Assembly becoming conscious of itself as a living organism through the process of the debates upon the Secretary - General's Report.

But even before this stage had been reached, and the vital force infused into the body, it was necessary to set up the machinery which would enable the body to cope with the vast mass of work that lay before it. Accordingly, at its second meeting, the Assembly was asked to approve a scheme for classifying and grouping the raw material of the Provisional Agenda.

The plan chosen was the obvious one of assigning the work to Committees to discuss, and finally to report upon to the Assembly itself. To say that it was obvious is not to say that it was easy to carry out. Let any one who doubts the difficulty turn to the Agenda List (see Appendix IV.) and try his hand at arranging the subjects named in it into groups logically connected with each other, and evenly divided under the smallest possible number of headings. He will then be in a posi-

tion to appreciate the achievement of carrying the proposals, with only one important alteration, in one sitting through an Assembly, uncertain of itself, and actively conscious of its unfamiliarity with its own rules of procedure.

The credit lies between the Secrétariat who framed the scheme and the President of the Assembly, M. Hymans, who gave the first proof of his fitness for the position to which he only that morning had been unanimously elected, by the tact and firmness with which he handled the discussion.

It may be remarked in passing that there is no more interesting way of measuring the increasing efficiency of the Assembly as a deliberative body than to compare the verbatim record of its first controversial discussions, with those of the later meetings, when, to quote Kipling, "the ship had found herself." In the first instance, the despatch of business was interrupted several times by questions and misunderstandings on the part of delegates, requiring explanations and rulings from M. Hymans, given always with admirable clearness. Later on it is rare to find any speaker straying from the point.

But to return to the matter in hand. The scheme for distribution of work laid before the Assembly by M. Hymans suggested that the study of the questions on the Agenda should be divided between six Committees, and that all the Member States should be entitled to be represented on each.

*The First Committee* would deal with matters

of general organization: Firstly, the Rules of Procedure for the Assembly, which after their adoption would replace those Provisional Rules under which the Assembly was at the moment working. Secondly, it should examine the Amendments to the Covenant suggested by the three Scandinavian countries. Next, it should study the relations which should prevail between the Council and the Assembly of the League, and establish the relative competence of each. Next, the method of election and nomination of the four non-permanent members of the Council which it is the duty of the Assembly to appoint.

*The Second Committee* would deal with questions bearing on the technical bodies required to execute the functions entrusted to the League of Nations by the Covenant. This would include the study of the relations between the technical bodies and the Council and Assembly of the League. Secondly, matters of hygiene, including the institution of a permanent Health Organization, the progress of the campaign against typhus undertaken by the Council, and the agreements concerning the control of the traffic in women and children and the trading of opium. Thirdly, questions of transit, and the setting up of permanent machinery for dealing with matters of this nature placed by the Peace Treaties within the jurisdiction of the League. Fourthly, the creation of a permanent Economic and Financial Organization, for which a wish was expressed by the Brussels Conference; and, lastly, the claim of



India to be represented on the Governing Body of the International Labour Office.

*The Third Committee* would deal with the draft organization of the Permanent Court of International Justice.

*The Fourth Committee* would be in charge of questions bearing on the general organization of the Secretariat and the finances of the League.

*The Fifth Committee* would consider applications for membership from States not included in the Annex to the Covenant. It would also study the Scandinavian Resolutions bearing on the reduction of armaments, and the preliminary steps to be taken in order to apply the economic penalties named in Article VI. of the Covenant if need arose.

*The Sixth Committee* would deal with the obligations of the League with regard to Mandates under Article XXII. of the Covenant.

This was a heavy programme. Yet in the debate that followed only two proposals for re-adjustment of the burden of work between the Committees were put forward, and in the end only one was adopted. This concerned the Fifth and Sixth Committees and emanated from M. Bourgeois, the chief French delegate. He pointed out that under the proposed scheme the Sixth Committee would have too little to do, since under Article XXII. of the Covenant Mandates have to be examined by the Council before they are submitted to the Assembly. He, therefore, proposed that the questions concerned with reduction of armaments and the economic



blockade should be given to the Sixth Committee. The common sense of this was obvious in view of the fact that the terms of none of the Mandates had yet been even laid before the Council, and the suggestion was adopted.

Dr. Perez, one of the Argentine delegates, rose next to point out that in his opinion the Second Committee had more work to get through than any of the others, and suggested relieving it of two questions, namely, the admission of India to the Governing Body of the International Labour Office, and the Economic and Financial Organization of the League.

M. Hymans, however, objected, on the ground that the logical connection of the subjects before the Second Committee would be spoiled if this were done, and he urged that no alteration should be made. Lord Robert Cecil then rose to inquire whether the discussion of the "Economic and Financial Organization" was to include a report on the actual work of the Brussels Financial Conference, for if this were the case he would share the view of Dr. Perez that the Second Committee would have too much to deal with. The President assured him that the Committee would not enter into such a wide question, but merely discuss the organization of permanent machinery to carry out the resolutions passed at Brussels. When this point had been cleared up, criticisms and comments were almost over, and the Assembly voted for the appointment of the Committees, and accepted the plan for the distribution of their work. The result was

announced by the President as being "practically unanimous." (The matter being one of procedure was not among those for which a unanimous vote was required.)

The Six Committees were thus duly appointed,<sup>1</sup> and the suggestions for the names under which they should henceforth be known, put forward by the French delegate, M. Hanotaux, were adopted at the same time.

As has been said already, M. Hymans had laid down the fundamental principle that every Member State should be entitled to representation on each. A motion was passed, allowing the delegates within the Committees to nominate substitutes other than those who sit in the Assembly, providing, however, that such substitutes could not be elected as Chairmen, nor be entrusted with the Committees' Reports, neither could they sit in the Assembly in the unavoidable absence of the original representative.

A discussion followed upon the election and status of the Chairmen of the Committees, of some interest because it is the first manifestation of the Assembly's very proper jealousy of its own prerogatives, which became a powerful factor in later and more far-reaching discussions.

The motion that the six Chairmen of the Committees should *ex officio* become Vice-Presidents of the Assembly brought the Italian delegate, M. Tittoni, to his feet to point out that the Assembly would thereby be deprived of its right of electing its own Vice-Presidents.

<sup>1</sup> See Appendix III.

The objection was removed by Mr. Fisher, who showed the advantages of the Chairmen being Vice-Presidents of the Assembly on account of their technical knowledge of the groups of subjects under the charge of their Committees. He proposed that the Assembly should keep its privileges of choice by electing six others, in addition to them. This suggestion was adopted.

We now come to the discussion of an important point which had to be decided before the Committees could settle down to their work, namely, that of whether or no their discussions should be public.

The third meeting of the Assembly, during which this question was argued, may be called a landmark in its history, for it came then to grips for the first time with a momentous matter of principle.

Lord Robert Cecil sounded the challenge by inquiring what was the proper moment for the South African Delegation to bring up its proposal as to publicity for the proceedings of the Committees. The President replied that in his opinion it should be done after the Chairmen had made their preliminary statements to the Assembly upon the subjects which their Committees were about to examine. Thereupon M. Viviani rose to express the view of the French Delegation that the point should be instantly decided. He spoke in no spirit of opposition, and his remarks revealed the clear logical perception so characteristic of Frenchmen, which he applied to the form of procedure to prove why

the point, once raised, must be taken before those more germane to the actual subject of debate. He convinced the Assembly, without exerting the powers which on the very next day laid the foundations of his reputation as the finest orator in that gathering of public men.

Immediately after him Lord Robert Cecil rose and gave the Assembly its first experience of his own gifts as a speaker.

The doctrine of publicity was one with which he had identified himself on every possible occasion ever since the Covenant was framed in 1919. Those who have heard him proclaim his belief in it from public platforms or on the floor of the House in England will be able to form an idea of the personal impression he made upon his new foreign audience in the course of this short speech, and of the tone of conviction which gave force to such phrases as the following :

“ But the principle of the thing is what I care most about,” or, again, “ I am satisfied that nothing would produce a better effect on the opinion of the nations of the world than that the Assembly should make a definite move towards publicity, and towards what was one of the principal ideas of the Covenant, that we should get rid of what was foolishly called secret diplomacy, and come out in the open and discuss, as far as we can, all the matters with which we deal publicly.”

His practical proposal was that “ each Committee should decide what portions of its deliberations should be held in private, the general rule



being that the sittings should be public unless there was a special decision to the contrary. Full minutes should be kept of the public sittings and such minutes of the proceedings at the private sittings as each Committee should direct."

Objection to Lord Robert's motion was raised by M. Tittoni, head of the Italian Delegation and representative of Italy on the Council of the League. He argued that the Reports of the Committees would in any case be published, and that too many public discussions would prolong the work and weary the delegates. M. Viviani suggested a compromise, namely, that full minutes should be kept and published, although the public should not be admitted to the sittings of the Committees. There was some further discussion, in which Sir James Allen, delegate of New Zealand, supported Lord Robert, and Mr. Fisher, representative of Great Britain, agreed with M. Viviani. Lord Robert finally withdrew his motion in favour of M. Viviani's, only stipulating that the publication should be immediate. Thus the question was decided.

This little struggle between the representatives of the two points of view, which ended in complete victory for neither, may seem to have been waged round a question of detail. It was in reality a fragment of the great campaign for publicity which is one of the characteristic marks of the new era of political thinking in which we are now living. No discussion of its probable outcome or effect can be gone into here, although the theory and practice of publicity as it concerns



not only the Assembly but also the League itself as a whole are discussed more fully elsewhere in this book.

The session was resumed in the afternoon to discuss the proposals that the Chairman of each Committee should, not less than a day after his election, present to a plenary session of the Assembly a general objective statement on the group of questions to be dealt with by his Committee, and that, after this statement, any Delegation could put forward any observation upon the questions dealt with. Tittoni moved a formal resolution to suppress these proposals as being wasteful of precious time. Mr. Barnes dissented. He thought it a good thing that the Assembly should give a word of advice and instruction to each Committee before they started on their work. M. Tittoni had said that the discussion of the Report of the Secretary-General would give sufficient scope for any general remarks upon matters to be submitted to the Committees, but that was not so. For instance, there was the question of admission of ex-enemy States. That question did not appear in the Report, and he considered it of the greatest importance that the Assembly whilst fresh should give advice to the Committee which was to deal with the matter. He drew a picture of the Committees coming back with cut-and-dried Reports to an Assembly already tired.

The effect of this speech was to rally to the support of Signor Tittoni the greatest orator of the Assembly. Whether it was the question

of ex-enemy States that flicked M. Viviani on the raw, whether there was something irksome to him in the unemotional elocution of the British delegate, or whether it was that he feared that if a vigorous opposition to this proposal were not immediately forthcoming the debate would linger on indefinitely without result, is foreign to the purpose of the narrative. But those who marked the growing impatience of this dynamic Frenchman during the course of Mr. Barnes's speech prepared themselves for a burst of withering eloquence, and they were not disappointed. Hardly had the British delegate turned to leave the tribune when Viviani was on his feet. With a flush on his cheeks and baleful purpose in his look he left his seat. One almost fancied one could see his lips moving in anticipation of the words. Arrived at the tribune he paused like some great impresario gathering his audience under the spell of his magnetism. He announced drily, but somehow weightily, that he was there in the name of the French Delegation to support Tittoni. He spoke a sentence or two of commonplace very artfully contrived to create atmosphere; and then he overwhelmed the Assembly with argument and invective. Of course, he snarled sarcastically, it was obvious that an entirely new organization like the Assembly could not always be bound by parliamentary precedent and must in certain respects create a system of its own; but was that a reason for burdening the League with a procedure which was going to involve meeting after meeting to

listen to innumerable dissertations varied with questions and answers? After all, what was the purpose of a Committee? It was to take the spadework off the hands of the Assembly; it was to consider the problems before the House and propose tentative solutions. But until a Committee had found a solution and put it forward as practical and efficacious, what purpose was to be served by pronouncements on the subject in the plenary Assembly? Suppose they accepted these proposals, what was going to happen? The Chairman of a Committee would come, say, to-morrow morning; and he would give the Assembly, what? His personal opinion. But however eminent he might be, what was the value of that? What mattered was the opinion of the Committee, not that of the Chairman. Could the Chairman evolve out of his inner consciousness the opinion of a Committee which had not even met? Furthermore, there was a danger that some one, who did not really represent the opinions of the majority of his Committee at all, might be elected Chairman of a Committee out of deference to his personal qualities, and there they would be condemned to listen to an address, possibly in complete contradiction to the real views of the Committee; and then there would be a debate, and finally, after wasting days, or perhaps even weeks, listening to all this premature discussion, the members of the Assembly would go to their respective Committees with their minds completely coloured by what had taken

place in the Assembly. How was that in the least feasible; and what liberty would such a procedure leave to the Committees, who obviously ought to be free to bring to the Assembly solutions which they had worked out in cold blood and in an atmosphere of calm? Yet this was the proposal, and when all this had taken place, back they would come again to the Assembly, and the plenary discussion would be re-opened in order that a Committee which had first of all preceded its work by a public discussion in the Chamber and had then gone to talk it over in private might now return and lay its labours before them.

So, having tossed the hapless proposal high on the pitchfork of ridicule, he changed his tone to one of gravity and warning.

He wished, he said, to identify himself with some words of M. Tittoni spoken that very morning. The Assembly was there to get things done; and he took the liberty of saying that if the debates were going to go on in this manner, if upon all these subjects they were going to have a speech from the Chairman and another from the Rapporteur, and then a Report, and then a plenary discussion, they would remain in Geneva not merely for a number of days but for weeks and weeks. Public opinion outside would grow restless. It was not as though they disagreed upon the principles, they clearly did not. They were merely arguing as to the best way of carrying them out. Did they intend to expose to the public, which had the



right to know and which expected them to do their business with reasonable rapidity, the spectacle of an Assembly, groping its way along, now turning piteously to a Committee and now to the plenary gathering? He begged them, if they had any regard for their good name, if they wished to retain the serious attention of the world, to dismiss these proposals. They had an example to follow from practically every public assembly. The basis of parliamentary work was the Committee. It was for the Rapporteur, the spokesman of that Committee, to make known by his Report what had been considered and decided in the Committee. The part of the Assembly was to consider the Report, to debate, and finally to pronounce a decision. "These," he concluded quietly, "these are the considerations which I have the honour to lay before the Assembly, whom I thank for their attention."

And no more was heard of the proposals.

Before going on to examine the work of the separate Committees, it may not be out of place here to notice some of the inferences which were drawn from actual experience of the working of the machinery which we have just seen set up.

Any one with experience of Committees will agree that a Committee of forty or fifty is much too large for rapid and efficient work. The fear was natural that the Committees set up by the Assembly with a representative from Member-States on each would prove unworkable. As a matter of fact they got through their work



in a remarkable way, but only by devolving detail, after general preliminary discussions, to sub-Committees. The Reports of the sub-Committees form the basis of the Resolutions and Recommendations adopted by the Assembly. These had to pass through two ordeals of criticism, first in the Committee, then in the Assembly, before they were finally approved. It had been expected that Resolutions adopted by the Committees would meet with no opposition in the Assembly; this did not however prove to be the case. Many decisions of the Committees, and some of the highest importance, were much modified, or even completely reversed, in the Assembly.

It may naturally, therefore, suggest itself that the Committee stage is unnecessary and wasteful of time; the idea that each country should have its share in drawing up the Resolutions is an illusion, as the actual shaping was done by small sub-Committees, whose business was to draft, and not to represent their countries' point of view.

Another unsatisfactory feature of the system is that for long periods the Assembly does not meet at all. It has to wait for the Reports of the Committees. This is a profound mistake, especially from the point of view of publicity.

Moreover, under the system of six Committees (and it would be impossible to appoint more) it is inevitable that some of the Committees have a large number of subjects to deal with. This leads to the proper consideration of some

subjects being crowded out, an undue amount of time being given to those first on the list.

It would be unwise to attempt, on the experience of one Assembly meeting, to lay down the best method of tackling the business, but there is evidence to show that the two main objects sought by the Committee system were not fulfilled. These were (a) the saving of time by having two or even three Committees sitting simultaneously, and (b) the improvement of general discussions by private sittings.

Without going into detail, it may be said that on the whole the Committees lost as much time as they saved, and that the myth of the advantage of privacy was exploded by actual experience. The discussions which took place in private differed in no appreciable degree from those held in open session.

It would be worth while making the experiment of carrying on the Assembly meetings without a break, by having the preliminary discussions of each item on the Agenda in the Assembly itself, if necessary in secret session, and of appointing at the end of the discussion on each subject an *ad hoc* Committee to draft Resolutions. These Committees would report direct to the Assembly, and their Resolutions and Recommendations would be confirmed, rejected or modified after a full-dress debate.

The work of the Assembly would thus go on without interruption. The Reports of the Committees would be considered as soon as they were ready without waiting for the completion of the

general discussion on the whole Agenda. By holding the meetings of the Committees in the same building as the Assembly, delegates doing Committee work could keep in touch with, and even intervene, if necessary, in the Assembly when important matters arose. The system of substitutes adopted at the last Assembly would make this arrangement quite feasible.

The advantages gained, were this system found practicable, would be a saving of time, more efficient methods of work, and a great enhancement of the prestige of the Assembly itself.

B. D.  
R. B.  
A. C. S.

## CHAPTER VI

### THE FIRST COMMITTEE

#### GENERAL ORGANIZATION

AT the second session of the Assembly the terms of reference of the First Committee were decided to be as follows :

I. Rules of Procedure of the Assembly.

II. Amendments suggested to the Covenant by Denmark, Norway and Sweden.

III. Relations between, and respective competence of, the Council and the Assembly.

IV. Method of selection and nomination of the four non-permanent members of the Council.

Mr. Balfour was elected to be the Chairman of this important Committee.

#### I. RULES OF PROCEDURE

Taking the subjects enumerated above in their order, the Rules of Procedure of the Assembly must first be dealt with. These may seem to some to be mere questions of detail, but in so far as they will probably regulate for many years to come the proceedings in the

Assembly of the League, and will therefore have a great, though indirect, bearing upon the success of that body, they are undoubtedly of importance. The draft Rules presented to the Assembly by the First Committee were based principally upon: (1) The Covenant; (2) The provisions of the Rules of Procedure of the Council adopted at its session at Rome; (3) The provisional Rules of Procedure prepared by the Secretariat; (4) The provisions of the Rules of Procedure in force in several Parliaments; and (5) Draft amendments submitted by the Delegations of Sweden, Switzerland, Australia, Portugal and China, and by the Hon. N. W. Rowell, delegate of Canada.

The task of co-ordinating all these different documents was by no means an easy one, but the Committee succeeded in drawing up Rules of Procedure of an almost definitive character which would serve as a guide, both for the discussions of the First Assembly and for the work of future Assemblies.

The guiding principle throughout was that the members of the League are the origin and the source of the whole organization. Hence it is the members of the League who can by a majority at any time summon a session of the Assembly, settle the place of its meeting, propose the questions to be placed on its Agenda, and name their representatives and their substitutes in the Assembly. As a general rule, however, the Assembly shall meet by right once a year on the first Monday of September, and proceed



to choose its President and Vice-Presidents, to verify the credentials of its delegates, draw up its Agenda, and define the composition and work of the Committees. To the President will fall the task of expressing and realizing the powers of the Assembly, the Rules of Procedure giving him the necessary means. With respect to the direction and management of the work entrusted to the President and to the various officers, the Rules of Procedure have been inspired by the principles which are in force in different countries of the world, and which have in their favour the experience of centuries. There are provisions for the drawing up of the Agenda and the Committees; for the suspensory "previous" question; for voting on parts of a proposition separately; for the application of the closure; for voting on amendments; for the system of voting by "standing-up" or "sitting-down" or by the "Appel Nominal," or by secret ballot in the case of all decisions relating to individuals.

During the time in which the Assembly is not sitting there falls to the Council the task of carrying out the results of their deliberations. The Secretary-General as an executive officer has to collect the opinion of the members of the League with regard to the summoning of an extraordinary session of the Assembly. It is he who has to communicate the order convening the session to the different members, who has to prepare the Agenda, who has to register the names of the representatives and of their sub-

stitutes, and who has to present his Report to the Assembly.

A delicate and important question arose in connection with Rule 16, which provides that French and English shall be the official languages of the Assembly. Of the forty-two nations represented at Geneva, fifteen were Spanish-speaking, and these put forward the request that their tongue should be used on equal terms with French and English. It was felt, however, that, both from the point of view of the practical working of the League, and from that of keeping the expenditure within reasonable limits, this was not a feasible suggestion. The difficulty, however, was largely met by allowing every delegate to speak in whatever language he might prefer, furnishing either a French or an English translation. The Spanish-speaking delegates accordingly withdrew their proposal at the present session, although making a reservation in regard to the future. The manner in which this question was handled and the attitude of the Spanish-speaking delegates was specially interesting as an example of the spirit of friendly co-operation and the willingness to sacrifice personal desires and ambitions to the common interest and the common good, which characterized the Assembly as a whole.

## II. THE AMENDMENTS TO THE COVENANT

1. *Scandinavian Amendments*.—The amendments to the Covenant suggested by Denmark,

Norway and Sweden, which the Committee had to consider, fell into two categories. In the first category fell practically identical amendments proposed by each of the three countries to certain Articles in the Covenant, which were intended merely to render explicit or to fill certain gaps in the existing Covenant, but which did not conflict in any way with its essential principles. In the second category fell more the controversial amendments, which proposed definite changes in the Covenant.

The essential points in the first set of amendments were the following: (1) That the Assembly should meet each year at the times fixed by its Rules of Procedure, and that on the demand of ten members of the League the Secretary-General should immediately summon a meeting of the Assembly at the seat of the League; (2) A method of selecting the four non-permanent members of the Council; (3) That the word "generally" be omitted from Article XIII. in order to make the recourse to arbitration in certain cases specified in this Article more absolute and precise; (4) That, at the request of a member for whom the application of the provisions of Article XVI., in regard to military, economic and other measures against a Covenant-breaking State, might entail serious economic danger, the Council might authorize this member to maintain intercourse, in such measure as the Council should decide, with the Covenant-breaking State.

The second set of amendments, which were drawn up by the Norwegian Government in

collaboration with the Swedish and Danish Committees, proposed to amend the Covenant by providing for the creation of Conciliation and Arbitration Commissions to which disputes should be submitted, and by which disputes should be investigated, it being left in the last resort to the Council or Assembly to deal with the matter in the event of this procedure failing to settle the dispute. The Norwegian and Swedish draft proposals in regard to these Commissions are practically identical, but the Swedish Government dissociated itself from the Norwegian proposal to confer upon the Conciliation Commission the right to assume the rôle of Courts of Arbitration.

The discussion in the Committee dealt, not with the substance of the amendments, but with the question of whether any amendments to the Covenant were permissible at this stage. M. Viviani (France) proposed that the Committee should, on principle, refuse to consider any amendments to the Covenant, partly because, in his opinion, it had not the requisite competence, partly because such action would result in a reversal of the provisions of the Treaty of Versailles. On the other hand, the Scandinavian delegates urged that their amendments were not contrary to the principles of the Covenant, but merely rendered that document more explicit and amplified it. The Chairman (Mr. Balfour) recognized that the amendments did not conflict with the essential principles of the Covenant, and that the Covenant would one day require



amendment, but he considered that a little delay was advisable.

The Report of the First Committee on Amendments was presented to the Assembly by the Chairman and Rapporteur, Mr. Balfour. Mr. Balfour stated that the Committee had decided that the moment was inopportune for making amendments, for the following reasons: (1) That to change the Covenant would be to change the Treaty of Versailles, of which the former document was an integral part; (2) that before amending the Covenant, it would be advisable to have more experience of its actual working than could have been afforded by ten months' working of the Council and a fortnight's work of the Assembly. The proposals made by the Committee for dealing with the Amendments were embodied in the following Resolution:

The Assembly of the League decides

(a) That the Amendments to the Covenant proposed by the Danish, Norwegian and Swedish Governments shall, at the moment, not be taken into consideration by the Assembly, and

(b) That the Council be invited to appoint a Commission to study the said proposals of Amendment.

This Commission shall report to the Council, who shall place the conclusions before the Assembly at its next Session.

The Scandinavian delegates expressed themselves in favour of this Resolution. The Swiss delegate (M. Motta), while accepting the proposal to adjourn the final consideration of the Scandinavian Amendments, entered into a vigorous



protest against the argument that the Covenant should not be amended because it was part of the Treaty of Versailles. He pointed out that the Covenant contained in itself a clause providing for its revision. The Portuguese delegate (M. Alfonso Costa) adopted the same attitude, and was in favour of amending the Covenant at the present session. In view, however, of the probability of other States having become members of the League by the time the Assembly met for the second time, he accepted the Committee's proposals in regard to adjourning the discussion on Amendments. M. Costa proposed the following Amendment to the Committee's Resolution :

That the Commission will study the Scandinavian proposals and also such proposals as shall be submitted to it within a period which the Council shall determine.

This Amendment was accepted by the Chairman and embodied in the Resolution, which was passed by a majority vote of the Assembly, the President ruling that this was a question of procedure, and thus did not require a unanimous vote.

2. *Other Amendments.*—At this point it may be of interest briefly to enumerate some of the Amendments to the Covenant, which, in virtue of M. Costa's addition to the above Resolution, will come before the Commission which the Council is to set up. In addition to the Scandinavian Amendments already referred to, there are (1) certain Portuguese Amendments closely related

to these ; (2) a Canadian Amendment in favour of cutting out Article X. from the Covenant ; (3) the Argentine Amendments, the non-acceptance of which was the cause of the withdrawal of the Argentine Delegation from the Assembly. These amendments dealt with the admission of all Sovereign States to the League in such a manner that, if they do not become members, it is only because they do not desire to do so ; with the admission of small States, but without the right of voting ; with the constitution of the Council by election on democratic lines ; and with obligatory submission of disputes to the Courts of Arbitration and International Justice.

### III. RELATIONS BETWEEN, AND RESPECTIVE COMPETENCE OF, THE COUNCIL AND THE ASSEMBLY

One of the most important questions that came before the Assembly was the relationship that should exist between itself and the Council. It is very commonly assumed that the two international bodies have much the same relationship to one another that a House of Commons or of Representatives bears to a House of Lords or Senate, but this is not founded on fact. In certain cases the Council and the Assembly have special rights, in others identical rights ; moreover, each possesses both legislative and executive powers.

Under the Covenant and the various Peace Treaties, certain duties are assigned specifically

to the Council and certain to the Assembly ; in certain cases the two bodies are to act conjointly, and in certain others the decision is left to the "League of Nations," without specifying which of the two bodies is meant. Thus to the Assembly falls the admission of new members to the League, the election of four non-permanent representatives on the Council, the reconsideration of inapplicable treaties, and the consideration of international conditions whose continuance might endanger the peace of the world. The Council has independent competence in such matters as the formulation of plans for the reduction of armaments, advice in regard to cases of aggression, formulation of proposals for the establishment of the Permanent Court of International Justice, definition of mandates if not previously agreed upon by the Members of the League, and receiving the annual reports of the Mandatory Powers. The Council has also many duties in connection with the Peace Treaties. The consent of the Council, for instance, is necessary in the matter of the amendment of the Bulgarian Treaty with regard to the articles that refer to customs regulations, shipping, ports, waterways and railways, and is also necessary for any modification of the "Minorities Treaties," or for the alienation of the independence of Austria. The two bodies act conjointly in regard to amendments to the Covenant, which can only take place when ratified by the whole of the Council plus the majority of the Assembly, and in regard to the

appointment of additional members of the Council, who are to be nominated by the Council with the approval of a majority of the Assembly.

In other cases the "League of Nations" only is mentioned without specification of Council or Assembly. Perhaps the most important of all the provisions of the Covenant on this subject is that which provides that both the Assembly and the Council may deal with "any matter within the sphere of action of the League, or affecting the peace of the world."

The Committee had before it two documents, a legal statement on the competence of the Council and the Assembly prepared by the Secretary-General, and the Report on the same subject presented by Mr. Balfour and adopted by the Council at San Sebastian. The gist of the first of these documents is contained in the preceding paragraphs.

Mr. Balfour's Report at San Sebastian deprecated any attempt at precise delimitation of the relations between the Council and the Assembly, and laid down three general principles to be communicated to the Assembly, viz. :

(a) If one of the organs of the League has dealt with a question coming within the sphere of their common activity, it is inopportune for the other organ to take measures independently with regard to this question.

(b) In cases where the Council may be of opinion that the Covenant or a Treaty has not clearly assigned the competence to one of the two organs of the League of Nations, the Council may propose the establishment of a mixed Committee, composed of delegates from the



Council and delegates from the Assembly, to determine the questions of competence involved.

(c) The Council considers it useful to present to the Assembly at each session a general report on the work accomplished by the Council since the last session of the Assembly.

During the discussion in the Committee, various questions of principle were raised by Mr. Rowell (Canada), and the Swiss Delegation advanced various definite amendments for consideration.

After prolonged discussion, the whole question was finally referred to two rapporteurs, M. Viviani (France) and Mr. Rowell (Canada), whose Report, as finally presented to the Assembly by Mr. Balfour, was more or less an amplification of Mr. Balfour's Report to the Council at San Sebastian. In the Report, the Assembly is recommended not to attempt to formulate in explicit language the precise functions which the Council and the Assembly are respectively to perform, nor to deal with difficulties arising between the two bodies according to prearranged rules, but according to the dictates of tact and common sense, treating each case as it arises on its merits.

The Committee rejected for the present, while appreciating its purpose, the proposal in Mr. Balfour's San Sebastian Report to appoint mixed Committees to determine questions of doubtful competence between the Council and the Assembly.

The Committee also rejected the Swiss pro-



posal of allowing Committees which had failed to complete their labours in the course of a session of the Assembly to retain their mandates until their discussions were completed.

In regard to the nature of the executive effect of decisions of the Council and Assembly, the Report states that while the Council and Assembly should be considered to have complete authority in all matters which the Covenant or Treaties have committed to them for decision, there are matters referred to in the Covenant which are not within the competence of these organs, but require the concurrence and action of the Governments concerned in the form of international conventions. In these matters the responsibility of the Governments represented at the Assembly cannot be engaged, and the action of the Assembly should accordingly take the form of a recommendation or invitation leading up to agreement between the Governments.

The following principles were suggested by the Committee for adoption :

(a) The Council and the Assembly are each invested with particular powers and duties. Neither body has jurisdiction to render a decision in a matter which has been expressly committed to the other organ of the League.

(b) The Assembly has no power to reverse or modify a decision which falls within the exclusive competence of the Council. The same respect must be shown by the Council for the decisions of the Assembly.

(c) Under the Covenant, representatives sitting on the Council and the Assembly render their decisions as

the representatives of their respective States, and in rendering such decisions they have no standing except as representatives.

(*d*) The Council will present each year to the Assembly a report on the work performed by it.

The discussion on the Committee's Report revealed a strong tendency to strengthen, or rather guarantee, the power of the Assembly. Lord Robert Cecil expressed the belief that in the course of time the Council would come to be regarded as the executive power of the League, responsible, not as to its decisions, but as far as criticism was concerned, to the whole body of the Assembly. He urged that it should be made quite clear that every matter within the general competence of the League, whether left to the decision of the Council or otherwise, must be investigated and discussed in the Assembly, and to this end suggested that the following words should be added at the end of Article (*a*) of the Report :

But either body may discuss and investigate any matter which is within the general competence of the League.

This important Amendment was adopted by the Assembly.

A lengthy discussion took place on the question of retaining or suppressing the word "exclusive" in Article (*b*) of the Report, which ran as follows: "The Assembly has no power to reverse or modify a decision which falls within the exclusive competence of the Council. The

same respect must be shown by the Council for decision of the Assembly." M. Politis (Greece) asked for its omission on the ground that the whole trend of the Assembly's discussions had been to show that when one organ was working on a certain problem, the other could not act upon the same problem. M. Viviani, one of the two rapporteurs, accepted M. Politis' amendment; Mr. Rowell, the other rapporteur, strongly opposed it. The whole of the Canadian Delegation, with the support of the Swiss Delegation, took the view that, if the word "exclusive" were omitted, it would follow that, in a matter in which jurisdiction is conferred upon both bodies, the Assembly might find itself absolutely impotent if the Council had acted first. The President requested the two rapporteurs to go into the matter with Mr. Balfour, Chairman of the First Committee, and try to find a formula which would conciliate all sides. The result of this was that Mr. Balfour, M. Viviani and Mr. Rowell recommended the suppression of the whole of Article (b) from the Report on the ground that the real object of this clause (viz. to provide that, where the Council had exclusive competence, its decision could not be questioned by the Assembly and *vice versa*) was already expressed in Article (a).

The Report, as amended by Lord Robert's important addition to Article (a) and by Mr. Balfour's deletion of Article (b), was then passed by the Assembly.

#### IV. SELECTION OF FOUR NON-PERMANENT MEMBERS OF THE COUNCIL

Article IV. of the Covenant provides that the United States, British Empire, France, Italy and Japan are to be permanent members of the Council, while the Assembly may select "from time to time in its discretion" four other members. Provisionally, until the Assembly met, Belgium, Brazil, Greece and Spain were nominated to serve on the Council.

In considering this question, the Committee had before it two documents :

(1) The Amendments to the Covenant proposed by the Danish, Norwegian and Swedish Governments in regard to the method of selection and appointment of the four non-permanent members of the Council.—The object of these Amendments was to provide that the four members in question should be selected by the Assembly at its annual meetings (the Danish and Swedish Amendments stipulate by majority vote) for a period of four years from January 1 of the following year ; that a member appointed for one period should not be appointed for the following period ; and that on the occasion of the first appointment, the four members should be appointed respectively for periods of three, four, five and six years, thus preserving a continuity that would be impaired if all four members retired at the same time.

(2) The Proposal of the Swiss Delegation.—This arose out of the decision of the First Com-



mittee not to submit at present to the Assembly proposals which would constitute Amendments to the Covenant. The Swiss Delegation, who were in agreement with this decision, nevertheless considered that the Scandinavian Amendments referred to above, in respect of the four non-permanent members of the Council, did not necessarily imply a modification of the Covenant, but merely laid down regulations regarding the application of one of the provisions of the Covenant. Accordingly, the Swiss Delegation proposed that the Scandinavian Amendment (in the Danish-Swedish form) should be inserted in the Rules of Procedure, with the addition of the words, "the order of the States which will be represented on the Council (*i.e.* for periods of three, four, five and six years on the first occasion of election) shall be determined by lot."

The Swiss Delegation based their argument on the fact that the election of the four non-permanent States, members of the Council, undoubtedly falls according to the Covenant within the exclusive competence of the Assembly, and therefore, by virtue of its autonomy in this matter, the Assembly has the right to determine according to its own desires the manner in which these elections shall take place.

The discussion of the Committee, with a view to fixing upon a general method of selection, principally dealt with the following points :

- (a) System of rotation.
- (b) Method of selection.



- (c) Duration of the mandates.
- (d) Dates of the partial renewals.
- (e) Re-eligibility.
- (f) Temporary arrangements and methods of distribution of seats in 1920.
- (g) Form to be given to the decision of the Committee.

The Report of the Committee, as presented to the Assembly, represented a compromise between various opposing views. For example, a difference of opinion appeared as to the interpretation of the first paragraph of Article IV. of the Covenant, laying down that the four non-permanent members "shall be selected by the Assembly from time to time in its discretion." Some of the Committee interpreted this provision to mean that the selection of the four members should be entirely free, and not subject to any regulations on the part of the Assembly, either in respect of apportionment of seats or of the progressive limitations of choice. In other words, only regulations exclusively affecting the actual procedure of selection can be considered as compatible with the Covenant. On the other hand, other members of the Committee considered that Article IV. gives the Assembly absolute liberty not only to regulate at will the method of election and the duration of mandates, but also to introduce any system of apportionment of seats or of rotation calculated to increase the prestige of the Council, and to enable it most effectively to watch over the common interests of the whole world.

Again, part of the Committee inclined to the view that the election of the members should always be a selection, and that special consideration should therefore be given to international political, economic, social and financial relations of every sort, as well as to the respective situations of the various States at the time of the election. Other members considered it essential to guarantee to members of the League the certainty of obtaining a seat in turn, in order to prevent the risk of their losing interest in the work of the Council, and they therefore proposed that the duration of the mandate of the non-permanent Members should be reduced to a short period—*e.g.* two years—in order to accelerate the rotation as much as possible, and to require that a member who had sat on the Council should not be re-elected until all the other members had also sat on the Council. Other members of the Committee, again, objected to replacing the system of free selection provided for by Article IV. by this system of obligatory rotation. The Committee finally decided not to adopt any rigid system, although it was generally felt that justice, as well as expediency, requires that all members of the League should in turn obtain a seat on the Council.

The question of the duration of mandates revealed a further difference of opinion. Part of the Committee favoured as short a period as possible, to give all members of the League the chance of being represented on the Council within reasonable time. Others, however, favoured a

longer period in order to give the members sufficient time to familiarize themselves with the course of business and thus exercise an appreciable influence by the side of the permanent members.

A very lengthy discussion centred round the proposal of the Chinese delegates to distribute the four non-permanent seats upon the following geographical basis—three seats to the European and American members of the League, and one seat to the members from Asia and the other parts of the world. In support of this idea it was urged that the members of the League who are not permanently represented on the Council fall naturally into these three groups, and that the non-representation of any of these groups might jeopardize friendly relations between them and weaken the League. On the other hand, it was urged that any hard and fast system of apportionment would be contrary to the Covenant, since it would involve restriction of the freedom of the Assembly by introducing a system of representation foreign to the Covenant.

Finally, there was a decided difference of opinion on the subject of whether the regulations recommended by the Committee were or were not “ matters of procedure ” within the meaning of the Covenant. The Committee eventually adopted by a majority the view that all the proposed Resolutions dealt with matters of procedure.

These Resolutions were as follows :

(1) The mandates of Belgium, Brazil, Spain and Greece as members of the Council, as provisionally

conferred by Article IV. of the Covenant, will expire on December 31, 1920.

(2) In execution of Article IV. of the Covenant, the non-permanent members of the Council shall be selected one at a time and by secret ballot for a period of two years. If no member obtains at the first ballot an absolute majority of votes, a new ballot shall be taken, but on this occasion the voting shall be confined to the two members who obtained the largest number of votes at the first ballot. If at this ballot two members obtain an equal number of votes, the President shall decide by lot.

At each annual meeting, the Assembly will select two of these four members. The mandate conferred upon these members will date as from January 1 of the following year.

No member shall serve for more than two consecutive periods of two years. Members ceasing to hold office after one or two periods of two years, as the case may be, shall not be re-eligible until after the lapse of a period of four years.

(3) At its Session in 1920 the Assembly shall, as an exception to the rule laid down above, proceed to select all four non-permanent members of the Council. The mandates shall be two for one year and two for two years. After the election the President shall determine by lot which members shall hold office for one and which for two years.

The principle of non-re-eligibility shall not apply to the elections at the present Session.

(4) Of the four non-permanent members to be selected by the Assembly in 1920, three shall be selected from among the members of the League from Europe and the two American Continents, and one selected from among those from Asia and the remaining parts of the world.

(5) The present provisions shall be deemed matters of procedure within the meaning of Article V. of the Covenant.



When the Report came to be discussed in the Assembly the question raised in Resolution (5) was warmly debated. The Australian delegate (Mr. Millen) was of opinion that it was not competent for the present Assembly itself to determine what is a matter of procedure or not; if it were competent to do so, it could little by little alter the whole text of the Covenant by the simple expedient of declaring question after question to be merely one of procedure. It was, of course, important to settle this problem at the outset, as the method of voting either by majority or unanimous vote depended on whether the matter to be voted on was one of procedure or otherwise. M. Benes (Czecho-Slovakia) proposed the following Resolution to dispose of the difficulty :

That the Assembly proceed this year with the election of the non-permanent members of the Council for the duration of one year only, without any restrictions at all, and that the different proposals and the resolutions which the Committee has worked out be referred to the Commission to be set up to study Amendments to the Covenant, and that the next Assembly decide the question of principle in regard to the method of electing the non-permanent members of the Council.

Finally, Mr. Balfour performed the difficult feat of reconciling the extraordinarily divergent views of the Assembly by bringing forward the following motion in place of the Resolutions of the Committee :



*Resolutions*

(1) The mandates of Belgium, Brazil, Spain and Greece as members of the Council, as provisionally conferred by Article IV. of the Covenant, will expire on December 31, 1920.

(2) In execution of Article IV. of the Covenant, the non-permanent members of the Council shall, at the present session of the Assembly, be selected one at a time and by secret ballot for a period of one year. If no member obtains at the first ballot an absolute majority of votes, a new ballot shall be taken, but on this occasion the voting shall be confined to the two members who obtained the largest number of votes at the first ballot. If at this ballot the two members obtain an equal number of votes, the President shall decide by lot.

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

*Recommendation*

The Assembly is recommended to vote for the four non-permanent members of the Council to be selected by the Assembly in 1920, so that three shall be selected from among the members of the League in Europe and the two American continents, and one selected from among those from Asia and the remaining parts of the world.

It will be noted that the first Resolution is identical with the first Resolution of the Committee; the second is an amended version of the first paragraph of Resolution (2) of the Com-

mittee; the third is in substance M. Benes' Resolution; while the fourth Resolution of the Committee is changed into a Recommendation to the Assembly to vote in a certain way at this first session.

In this form the Resolutions and Recommendation were carried by the Assembly.

When the voting for the four non-permanent members of the Council took place, Spain, Brazil and Belgium were re-elected and Greece was replaced by China. The election of the last named may doubtless be attributed in part to the Recommendation passed by the Assembly.

J. B.

## CHAPTER VII

### THE SECOND COMMITTEE

#### TECHNICAL ORGANIZATIONS

*Chairman.*—M. TITTONI (Italy).

*Vice-Chairman.*—M. JONESCU (Roumania).

#### I

THE Second Committee met for the first time on November 19. We have seen already that it had more subjects to tackle than any of the others, and although it is perfectly true that there was a logical connection between the various items on its Agenda, this was rather of the mechanical kind, and in point of fact this Committee dealt with some of the most human and attractive aspects of the League's work, as well as with some of the driest and least inspiring details of its machinery.

Much of this variety appeared even in the chief business of the Committee, namely, the setting up of the three International Organizations of Health, Communications and Economics.

The rest of its work was mainly the examination of matters that appealed very directly to

imagination and sympathy. The League's campaign against typhus, the suppression of the opium trade and of the traffic in women and children, all touched the real life of the world, and were all dealt with in the Second Committee. For the sake of clearness it will be best to follow the progress of each subject separately through the Committee until its ultimate fate was decided in the Assembly itself.

First come the Technical Organizations, and as a preliminary to them the definition of their relations with the other organisms of the League beside which they were henceforth to take their place.

In the early days of the Assembly, M. Bourgeois had described it as passing through "that obscure and thankless period during which the materials are scattered over the ground, and the architect alone can in his mind's eye visualize the majestic lines of the future edifice."

The words apply exactly to the work of the Second Committee upon the foundations of the Technical Organizations. These creations have repellent names, but they are in fact the instruments through which the League will do most of the practical work that the Covenant pledges it to perform for the satisfaction of the simplest and most universal needs of mankind. The Council and the Assembly are, so to speak, the directing brain, the Technical Organizations must be the eyes and hands of the whole body of the League. Much must depend, therefore, on the perfect balance and connection being found and kept.

## RELATIONS BETWEEN THE TECHNICAL ORGANIZATIONS AND THE COUNCIL AND ASSEMBLY

The general idea had been worked out by the Council of the League in Resolutions in May 1920, which the Second Committee passed as they stood and embodied in their Report to the Assembly. The discussion of them by the Assembly produced a very hot debate, but as the argument really arose upon a side-issue it will be well to deal first with the Resolutions themselves, especially as they were finally passed, without alteration, in the form in which they had first been considered by the Committee.

In the Resolutions the Technical Organizations were implicitly defined as bodies whose staff was under the Secretary-General of the League.

Their functions, broadly speaking, will be to give advice and help within their own spheres, not only to the Council and Assembly but to the individual Member States as well. Therefore a certain amount of independence and flexibility had to be left to them, but at the same time they must remain under the control of the responsible organizations of the League. The Resolutions were framed to adjust the balance between these requirements. They arrange that the Technical Organizations shall prepare their own Agenda, but must communicate it to the Council before it is discussed. Likewise the result of their discussions must be communicated to the Council before being submitted to the Member States.

The Organizations may ask the Council to



make its decisions at its next meeting, and they have power to draw the attention of the Assembly to these decisions if they choose.

These provisions were too judicious to provoke argument, but a much larger question was fought out during the discussion of that part of the Second Committee's Report which contained them. This question was whether any Technical Organizations should be set up by the first Assembly of the League. Mr. Rowell pointed out that their establishment was provided for under Article 23 of the Treaty of Versailles, which laid down that they should be "subject to . . . International Conventions existing, or hereafter to be agreed upon." These International Conventions did not yet exist. Later on in the debate Mr. Millen, the Australian delegate, supported this point, and added to it the argument that until the Conventions were created not a single State was bound to support the Technical Organizations nor contribute to their upkeep. The Assembly, in the opinion of these delegates, would be going beyond the text of the Covenant in erecting the machinery and allocating the expenses of the new Organizations.

Mr. Rowell went yet farther. He foresaw a difficulty for the non-European countries in finding enough first-rate men among their citizens who could be spared to represent them so often at so many Conferences, and he felt that if the distant States fell back upon their second-rate men the influence would gravitate into the hands of the European States, who would thus gain an

unfair advantage. In dealing with this part of his subject he made an observation which had an element of the comic in its results. He said that, with all respect to Europe, Canada was not prepared to turn over to her sole charge the great problems with which the Technical Organizations must deal. "Why," he went on, "we do not permit even the statesmen of the Mother Country, for whom we have the greatest respect, admiration and affection, to settle any of our Canadian affairs."

At this a rustle of excitement passed over the Assembly, and all eyes were turned to the seats occupied by the delegations from different parts of our Empire, and more especially the representatives of Great Britain. But if the world at large thought, as it apparently did, that some challenge to the Mother Country had been sounded, the demeanour of those Anglo-Saxons should have reassured them, for it was that of calm and even somnolent approval. Nevertheless the buzz aroused by the incident echoed through certain sections of the continental Press for days.

M. Hanotaux was a good deal stirred by Mr. Rowell's criticisms upon his Report. He contended that they were ill-founded and ill-timed. There was a moment when there seemed to be real danger of a cleavage of opinion and misunderstanding between the statesmen of the Old World and the New, but the debate was brought into line again by M. Ador, the Swiss delegate, and Lord Robert Cecil. The latter gave full

weight to Mr. Rowell's difficulties, especially those that were caused by the distance of some States from the centre of action. (This indeed was a trouble that cropped up more than once during the Assembly.) He suggested that for the coming year the Technical Organizations should be tried tentatively. He believed firmly himself that they would turn out so useful and cost comparatively so little that they could be made permanent with general goodwill in the second year. The other difficulties might, he suggested, be talked over privately by representatives of the Committee and of those who held Mr. Rowell's views before any vote was taken on the Report. Mr. Rowell warmly agreed to this, and in his second speech took care to remove any impression that he had meant to attack European statesmanship.

When the Assembly met next day M. Hanotaux could announce that by changing some of the wording in the Resolutions for setting up the various Organizations all the difficulties had been removed. The effect of the compromises will be seen below, in the sections upon each of the Technical Organizations themselves.

## II

### THE INTERNATIONAL HEALTH ORGANIZATION

This Organization differed from the other two whose establishment was also discussed by the Second Committee, in that its machinery

was already in existence, in the shape of the "Office International d'Hygiène Publique" in Paris, set up by a Conference in Rome in 1907.

In this case, therefore, the duties of the Assembly were covered by Article XXIV. of the Covenant, which says: "There shall be placed under the direction of the League all International Bureaux already established by General Treaties, if the parties to such Treaties consent."

Mr. Barnes, the British delegate, who was the member of the Second Committee in charge of this subject, announced to the Assembly that the Paris Office did in fact welcome the idea of linking up with the League, and the expansion of its duties involved thereby. Under these circumstances the scheme sailed very smoothly both through the Committee and the Assembly itself. The Resolutions (see below) were passed with a few verbal amendments. The Argentine Delegation did indeed put forward a suggestion which was supported by the Chilians, to the effect that representation on the Permanent Commissions of this and the other Technical Organizations should be by Continents rather than by States. The proposal was not pressed, and is mentioned here chiefly because the idea of representation by large world groups may perhaps in some cases provide the solution of the future difficulties of space and time that some non-European States foresee when they are called upon to take their due share in the League's work.

It remains to give a résumé of the Resolutions



passed by the Assembly for the establishment of a Health Organization under the League of Nations.

This should consist of :

(1) The Office International d'Hygiène Publique, which should become the General Commission. Its members already include representatives from the United States and Mexico (who signed the Rome Convention of 1907), although they are still outside the League. In future it would also include Member States of the League who are not signatories of the Rome Convention.

(2) The Permanent Commission. This should meet at least four times a year, and whenever summoned to consider urgent business. It should have power to call in technical advisers, and should itself consist of nine members, four of them being from countries permanently represented on the Council of the League, and five to be chosen by the General Commission with due regard to geographical considerations as well as to scientific attainments.

(3) The International Health Bureau at Geneva, which should consist of a Medical Secretary and Staff.

This is the connecting link between the Paris Office and the League, and also between the whole organization and the Governments, for the Medical Secretary has the right of communication with the Health Offices of the various countries, and of direct access to the Secretary-General of the League.

The duties of the Health Organization are, broadly put :

To advise the League of Nations upon health matters.

To bring the health authorities in different countries into closer touch.



To be ready to give advice and help upon drafting or revising international health conventions.

To co-operate with the International Labour Organization, the Red Cross, and other similar societies.

To organize health missions at the request of the League, with the consent of the States concerned.

The expenses of the Organization, when not provided for by the Rome Convention of 1907, should be paid out of the funds of the League of Nations.

The Resolutions epitomized above now only await the approval by the Member States of the League and the other signatories of the Rome Convention. The Permanent International Health Organization will then be able to begin its work, and is likely to be not the smallest of the benefits the League is bringing to the world.

### III

#### ORGANIZATION OF COMMUNICATIONS AND TRANSIT

The Assembly found little to comment upon and nothing to criticize in the Resolutions which embodied the labours of the Second Committee on this subject.

The Report of M. Hanotaux reminded them that the Covenant binds the League of Nations to make provisions for freedom of international transit, and that the Peace Treaties give it specific duties connected with such matters in certain areas (as, for instance, the Kiel Canal). The necessity for this Organization was beyond

dispute, therefore, and the question was reduced to how it should be constituted and what its powers should be.

Here, again, much of the spade-work had already been done. As long ago as the early days of the Paris Conference in 1919 the French Government had convened a Commission of Delegates from the States represented on the Ports, Waterways and Railways Commission, and from certain other Powers as well, and had asked them to make suggestions to the Council of the League as to the best way of setting up its own Permanent Organization.

The Council, guided by this advice, had framed Resolutions, and thus it was that the Second Committee began its examination with an experts' scheme ready to its hand. The Resolutions which it sent to the Assembly differed little from those prepared earlier by the Council.

The Organization was to consist of :

(1) A general Conference on Freedom of Communications and Transit, to meet for the first time at Barcelona as soon as possible after the Assembly, and on future occasions to be convened by the Council at Geneva (unless for special reasons it were held elsewhere).

(2) An Advisory Commission, whose headquarters should be at Geneva. It should consist of one representative for each State permanently represented on the Council (that is to say at present four) and of other members, to be appointed as determined by the Conference. The total number of members of the Commission must not exceed one-third of the members of the League.

Henceforward all international Agreements and Conventions regarding ports and waterways would be drawn up by this Organization. All disputes would be referred to it, and from it, in the last resort, to the International Court of Justice.

This, briefly described, is the organization by which the League intends to carry out one of its greatest services to the cause of peace. The Assembly confined itself to the mere discussion of its machinery. Yet when M. Hanotaux asserted in his Report that the business yielded to none in its importance, his words must have found an echo in the minds of many Delegates, whose countries have learned by bitter experience what it means to possess no port, or to see their rivers controlled by rival Powers.

## IV

### ECONOMIC AND FINANCIAL ORGANIZATION

It will be remembered that when the work of the Committees was distributed between them a question was raised in the Assembly as to whether the study of the proposed Economic and Financial Organization would also involve a Report upon the work done by the Brussels Financial Conference, at whose suggestion this part of the League's Technical Organization was to be set up.

The President replied that it was not intended to burden the Second Committee with so great

a task. Its duty would merely be to study how best to carry out the Brussels recommendations which had been embodied in Resolutions adopted by the Council of the League.

The Council had been greatly impressed with the usefulness of the Brussels Conference, and it was plain that it saw immense practical possibilities for solving many of the world's present difficulties by setting up a permanent Economic and Financial Commission. The Resolutions in fact went somewhat farther than the terms of reference of the Second Committee, for they indicated some of the specific questions that, in the opinion of the Council, might usefully be examined at once.

Among these was the distribution of the world's supply of raw materials, involving the problem of monopolies. As soon as this was touched upon in the Second Committee and in the Assembly it became apparent that the point of view of the New World was different from that of many of the European countries in regard to this matter.

It was natural that countries whose prosperity is due to their command of raw material should hesitate to commit themselves to proposals which might lead to a complete undermining of that prosperity. This attitude was made very clear in the debate, notably in a speech by Mr. Rowell, the Canadian delegate, who put the case in the light in which he believed not only his own country but the rest of the American continent would be likely to look at it. But the point

was not pressed even by him. The question of principle was not really what was before the Assembly, who were only called upon to approve the setting up of an Advisory Economic and Financial Organization. There was no difference of opinion about this; and the debate ended in the Assembly passing a Resolution stating that it considered it "indispensable that the Economic and Financial Commission should continue its work without delay in the manner indicated by the Council."

Thus once more the spirit of goodwill in the Assembly and the united desire to accomplish concrete results triumphed over divergence of interests. The discussion had indeed thrown up some danger signals which may perhaps be useful guides for the future. On the other hand, it is possible that their guidance will never be required. The balance of supply and demand in international markets is already very differently adjusted from what it was when the Assembly was in session. Many of the economic troubles from which the world has suffered in the past two years have been due to ignorance or misunderstanding of conditions. If the Advisory Economic and Financial Commission can remedy that, there is no State which will not share the benefits that its existence will bring.

## V

With the passing of the Resolutions upon the Technical Organizations the main part of the



constructive work of the Second Committee was done. Five other items remained on their Agenda, three of which dealt with matters already undertaken by the League in the interests of the world; namely, the trade in opium, the traffic in women and children, and the campaign against typhus. Before we go on to this group of subjects we must notice briefly two others, which at first sight do not seem to have much connection with the other business before the Committee, although in fact they both concern the Technical Organizations. These are the consideration of the claim of India to be represented on the governing body of the International Labour Organization, and the question of special passports for the Secretariat of the League.

It will be remembered that the International Labour Organization is an integral part of the League of Nations, but on an entirely different footing from the Organizations with which we have been dealing in this chapter, in that it does not come under the Secretary-General, but has an autonomous administration of its own. This includes a governing body, and it is laid down in the Peace Treaty that on this governing body the eight chief Industrial Powers of the world should be represented.

The Organizing Committee of the Washington Labour Conference, in whose hands lay the selection of these eight, had not included India among them. This was the complaint which had been placed by the Government of India

upon the Agenda of the Assembly and referred to the Second Committee for examination.

The Committee at once decided that the Assembly was not competent to pronounce upon the question. This was inevitable in view of the clause of Article 393 of the Treaty of Versailles which leaves to the Council the final decision on this matter.

No protest was raised in the Assembly against the Second Committee's decision, and as therefore no opinion was expressed upon the rights and wrongs of the matter, any discussion of it here would be out of place; but since the Indian delegates were allowed to state their case before the Assembly we may note the principal points of their argument, especially as they revealed the existence of strong feeling.

Sir William Meyer complained that the Organizing Committee at the Washington Labour Conference, which contained representatives of the United States, Great Britain, France, Italy, Japan, Belgium and Switzerland, had proposed all the seven States to which they collectively belonged as suitable to sit on the Governing Body of the Labour Organization as representing seven out of the eight foremost industrial powers of the world. The eighth selected was Germany, and when the United States declined to sit for the present, Denmark was put in to replace her.

On what principle, he asked, were Switzerland or Denmark preferred before India? He used some remarkable statistics to give point to his question. There were nearly 28,000,000 agri-

cultural workers in India who came within the scope of the International Labour Office. With her 141,000 maritime workers, lascars, etc., she was under this heading second only to Great Britain. She had 20,000,000 industrials, and the mileage of her railways was more than that of any country except the United States.

When it was a question of contribution to the funds of the League, India's importance was recognized at once. She appeared in the first class of assesses, while Belgium and Switzerland were in the third, and Denmark in the fourth.

Perhaps the most interesting of the other arguments used by the Indian Delegation in their appeals for an early reconsideration of the claims of India to a seat in the Labour Council was one used by Sir Saiyad Ali Imam.

"There is an impression," he said, "that because India is within the British Empire, therefore her membership of that Empire is sufficient for the protection of her interests. I would like to mention that so far as fiscal, economic and labour interests are concerned, there is not always necessarily identity between her interests and the interests of the rest of the British Empire. Therefore there is an additional reason why India should be given a certain amount of recognition."

As has been said, the Assembly did not feel itself competent to discuss the claims so earnestly urged by the Indian delegates. They did not even go the length of giving them the "sym-

pathetic reception" for which Sir William Meyer said his Delegation had hoped. As matters stand, India has no prospect of obtaining her desires in this matter until the appointments to the Governing Body are considered again in 1922. The two intervening years, it was pointed out, are likely to be full of precedents, and first principles will be established, difficult to reverse. From the tone of the speeches in the Assembly it seems improbable that India will be content to let the matter rest.

## VI

We now come to the question of passports for the Secretariat. The work of the Committee on this subject need not detain us long. Yet the Report presented by M. Polic is an example of how considerations of wider interest bore even upon the matters of detail settled by this first Assembly, whose every step was beset with pitfalls of precedent and new international principles. The Secretary-General had urged that the staff of the Secretariat should not have to apply to the States of which they were nationals for diplomatic passports and visas. He considered that this would cause inconvenience and delay, and, moreover, would be contrary to the spirit of a purely international institution such as the Secretariat. He proposed that he should be empowered to issue special passports, with all proper precautions. The Provisional Committee on Communications and Transit appointed



by the Council had agreed with his suggestion.

Not so, however, the Second Committee of the Assembly. To them it appeared that from the legal point of view the issue of a passport was "an act of sovereignty and authority," and that as the League of Nations was not a State possessing sovereignty of its own, there could be no "national" of the Secretary-General.

On the other hand, States could not delegate one of their rights of sovereignty to the Secretary-General by means of a Resolution passed in the Assembly.

For these reasons the Committee could not recommend the Assembly to agree to the Secretary-General's proposal, but suggested instead that he should be allowed to issue Identity Cards to League officials, which would entitle the holder to receive, upon presentation, diplomatic passports and visas from the consulates of every Member State in whose territory he might be travelling.

By adopting this Recommendation and Report the Assembly solved a rather pretty little problem in the theory and practice of State sovereignty, and showed themselves fully awake to the dangers which would beset the League if it interfered ever so slightly with the prerogatives of individual members.

We now come to that part of the Second Committee's work which was directed to the cure of past evils as well as to the prevention of future ones.



## VII

## SUPPRESSION OF TRAFFIC IN WOMEN AND CHILDREN

The discussions on this subject are interesting, both because they give the history of previous efforts to cope with the scandal, and because of the part taken in them by Mdle. Forchhammer, the Danish technical expert, who made her first speech in this debate.

The question when it came before the Committee divided itself naturally into two parts, the first, arising out of permanent conditions, being the problem of how to take international action to suppress the ordinary traffic; the second, arising out of special conditions, being how to restore to their homes the women and children deported during the war, of whom there are a very large number in the territories of the former Turkish Empire.

As regards the first of these questions the Committee had before it a Report by the Secretary-General, which summed up the measures hitherto taken by the Governments of different countries with a view to fighting the White Slave Traffic. They amounted, as M. Jonsescu, the Roumanian delegate, remarked in his own Report, to "very little indeed."

The first Congress ever held was in 1899. It set up an international bureau in London to assist the voluntary associations existing to combat the evil.

In 1904, fifteen Governments met to draw up

an Agreement and propose a Convention. The Convention never came into being. By the Agreement the contracting Governments pledged themselves to certain measures, appointing authorities, keeping control at ports and railway stations, etc.

In 1910, after another International Conference, the signatory Governments pledged themselves to make the procuring of women and girls under age, with or without their consent, a criminal offence. Many of the States, however, have not carried these Resolutions into effect.

The Council of the League, at its meeting in May 1920, appointed a special official on the Secretariat to be in charge of these questions, and recommended a Conference of the voluntary organizations in every country.

Difficulties arising from the present conditions of international relations had, however, prevented this Conference from being held.

In the Committee, Mdlle. Forchhammer fought for the despatch of a Commission of Enquiry to the various countries—but the Committee would not vote for any such Resolution on the ground that it was an interference with the rights of States, incompatible with international law. They suggested instead that the Assembly should authorize the Secretary-General to send out a *questionnaire* to all Governments, and, moreover, that the Governments who signed the previous Agreements should be urged to put them into operation.

The Assembly should also request the Council

to invite these Governments to another Conference to be held before the next Assembly meets.

This was the gist of the Resolutions of the Second Committee on the general question of the traffic as passed by the Assembly.

Dr. Nansen pressed that all the recognized Governments of the world should be invited to the Conference, not only those who had signed the earlier Agreements. This was by no means the only time that Dr. Nansen was the champion of a more all-embracing policy in the Assembly. His own experience of the friendly co-operation of non-member States during his work in repatriating prisoners encouraged him to believe that it was the right one, especially in humanitarian matters. But on this occasion he failed to carry his point, and dropped it rather than endanger the unanimity of the vote. The objection to his proposal was raised by M. Jonscu (Roumanian delegate and rapporteur on this subject), on the ground that the first Conference should be limited to those countries who had already shown their goodwill on the matter and therefore were likely to reply to the invitation.

We now pass to the second part of the question, namely the measures to be taken to rescue the women and children deported during the war. Mdlle. Forchhammer was keenly interested in this. In the Committee she spoke of the large number of Armenian and Syrian women still in captivity in Asia Minor, and urged that steps should be taken to deliver them.

Later, in the Assembly itself, she said that she was disappointed that the Resolution of the Second Committee was not stronger. She would have wished it to commit the League to some special action on behalf of all these victims of the war. As it stood, the Resolution only invited the Council to set up a Commission of Enquiry to Armenia and Asia Minor. Of this Commission one member was to be a woman. The expenses of it were to be borne by the League of Nations.

Mdlle. Forchhammer declared herself ready to vote for this Resolution, even though it fell far short of what she thought ought to be done, but she begged that the word "especially" might be inserted before the words "Asia Minor and Syria," so that the great spheres outside might not be excluded.

But even although her speech made a great impression upon the Assembly, it is not certain whether it would have carried her colleagues out of their masculine disinclination to go beyond their legal rights, if it had not been for the support it got from the Persian delegate, who asked that his countrywomen carried off to Russia might not be left outside the protection of the League.

M. Jonscu replied that the Second Committee had felt that other States might be offended if it was assumed that the League had power to send a Commission of Enquiry to any country without the consent of that country. Therefore it was not possible to go further towards meeting Mdlle. Forchhammer's wishes

than to add "Turkey" to the States already mentioned in the Resolution. They must keep their activities within the limits of the Turkish Peace Treaty, where they were on sure ground.

The Persian delegate objected very strongly. Northern Persia and Azerbaijan adjoined Armenia, he said. They had suffered more than Armenia. The treatment of the inhabitants by troops of Czarist Russia had recalled the tales of the days of Tamerlane or Genghis-Khan. He thought it as improper to leave these territories outside the scope of the Commission as M. Jonscu, for other reasons, thought it improper to include them.

In the end a balance between zeal and prudence was struck by Sir George Foster (Canadian delegate), who suggested that the Resolution should propose an Enquiry "in Armenia, Asia Minor, Turkey, and in the territories adjoining those countries."

Thus Persia's wishes were met, and Mdlle. Forchhammer's appeal had not been entirely without result.

## VIII

### THE CAMPAIGN AGAINST TYPHUS IN EASTERN EUROPE

The scene of this part of the Second Committee's work is, as a matter of fact, mostly laid in the Hall of the Assembly itself.

The story opens there with that section of the Secretary-General's Report which recapitu-



lates the efforts made by the Council during the year 1920 to begin effective action by the League to check the epidemic that had started in Russia, and to prevent it from spreading westwards.

In April a Commission of doctors was appointed to work with the Polish authorities and the Red Cross Societies to organize hospital units to be despatched to the spot. The plan was drafted and the cost estimated. It amounted to three and a half millions sterling, too large a sum for the Red Cross Societies to provide. The Council of the League decided to try to raise two million pounds from the Governments of the world, and leave the Red Cross Societies to appeal to private generosity to make up the rest.

The Secretary-General accordingly applied to the Governments of twenty-eight States, and Mr. Balfour, to whom the Council had entrusted this piece of work, set himself to obtain £250,000 of the total sum for immediate use. But when the Council met in August he was obliged to report that a promise of £50,000 each from Great Britain and France, conditional upon the response of four other Governments, was all he had been able to secure. And meanwhile the news from Eastern Europe showed that there was serious danger of the disease spreading in the autumn.

Mr. Balfour appealed again, and a certain number of promises of contributions to the general fund of £2,000,000 came in. Belgium offered £1000, Greece £10,000, Canada \$200,000, Persia £2000, Siam £1000. Poland's finances

could bear no more beyond the 800,000 marks allotted in her annual budget to warding off the danger which was more instant for her than any other State. Austria, nearly bankrupt as she was, offered 100,000 crowns and Germany a million paper marks. (Germany, however, also stipulated that her experts should sit on the Executive Committee, and the Council could not see their way to give this position to the representatives of a non-member State.)

But all these were only promises, and fell far short of the total besides. Mr. Balfour had to confess failure at the Council Meeting in October, and it was decided then to put the matter before the Assembly.

Meanwhile a mission of three medical experts set out for Poland in order to get ready a Report which would enable the Assembly to judge of all the facts and the precise urgency of the danger.

This is how matters stood when the Assembly met. It was clear that for dealing with such a matter as this the Council machinery was not adequate. It had failed to stir the imagination of the world. The list of contributions given above should bring shame to some of us who ought to have been leaders, but were content to remain among the rank and file.

The warmer atmosphere of the Assembly and its human contacts awakened the sleeping consciences better than any reasoned written appeals had been able to do. No doubt behind the scenes the delegates from the countries where the danger was already more than a threat

were able to impress its horror upon colleagues to whom it had seemed a shadowy far-away thing. At all events, when the Report of the Second Committee came up for discussion on December 7, three weeks after the depressing statement in the Secretary-General's Report, it turned out that a great change had come over the attitude of the members of the League in the interval.

Sir George Foster, the Canadian delegate, who had been appointed Chairman of the Subcommittee to examine the subject, presented his Report which had been approved by the Second Committee. It added a few more contributions from States to the previous list, namely a conditional £40,000 from Spain and 100,000 florins from Holland. An unconditional 100,000 francs from Japan and 50,000 from Switzerland, with a small sum from Bulgaria. It stated that the mission of experts just returned from Poland and Galicia reported the epidemic to be "very grave," that the infection was widely distributed in Russia and the adjoining countries, and "continually increasing," and that Poland's resources of medical equipment were being excellently used, but were "altogether insufficient" even for Poland herself. Finally, the Report said that an urgent and immediate appeal for funds should be made by the Assembly to all the countries in the world.

Sir George Foster accompanied the Report with a fine appeal to the spirit of humanity. He put in a warning too. "Infection," he said,

“knows no boundaries. It makes its way, carrying desolation and distress to countries that are still more distant.” There was a moral here which the countries who receive large numbers of immigrants might well draw. The next speaker, however, did not come from one of them, but from India, which is protected by its climate from this particular plague of typhus.

The Jam of Nawanagar (better known to us as “Ranji”) made a speech which enchanted the Assembly. As representing the ruling Princes of India, he promised to appeal to them as soon as the Chamber of Princes should be opened in India in February 1921. He believed that they would respond with more than conditional promises which, as he remarked, “do not even cure an individual cold.”

Every speaker who rose during this debate said something worth repeating if space allowed. Ranji was followed by that practical philanthropist Dr. Nansen, and after him rose one after another the delegates who had received instructions from their Governments since the Assembly’s session began, to offer money, or to withdraw conditions on previous offers. M. Hanotau for France was followed by Mr. Balfour, who described the physical and moral results of typhus upon a population, with his characteristic grasp of the essential connections between problems. The delegates of Persia, Greece, the Netherlands, China, Spain, Poland, and Roumania all pledged their Governments to definite contributions, and at the end of a



memorable debate the Assembly was able to pass Resolutions recommending the opening of the anti-typhus campaign within the limits of the funds already promised, and the appointment of a Committee of three to take all possible steps to raise more.

## IX

### TRAFFIC IN OPIUM

The meetings of the Second Committee and the Assembly in which this matter was dealt with can hardly be called discussions. There was no need to debate upon how a system of international co-operation should be set up, for such a system had been in existence ever since the year 1912, when the first international opium Convention was signed at the Hague by twelve States. By that Convention the Government of the Netherlands undertook to be the medium of communication between States, and to take the initiative in inviting the others to ratify and carry out the provisions of the Convention. The business of the Assembly was therefore to give effect to the wish of Holland to hand over her duties, now that the League of Nations had become the proper centre for all such international activities. It had also to be decided whether the work should be done by the Council and Secretariat themselves, or whether they should be assisted by an Advisory Committee from States most closely interested in the opium trade.



The latter plan was chosen, and the States originally named in the Resolution were Great Britain, France, Holland, Japan, and China. To these the Second Committee added Siam at the instance of the Indian delegate, and Portugal at the request of her representative, who proved that her colonies in Macao and the Far East gave her the right to claim special interest in decisions regarding this matter.

While these Resolutions were passing through the Second Committee the Chinese representative, Mr. Tang Tsai Fou, gave an account of what had been done in China since the year 1907, when his Government had bound themselves by an Agreement with Great Britain to stamp out the cultivation of opium and the practice of opium smoking within their borders inside a period of ten years. He described how the poppy fields had been destroyed, and the public opinion of the rising generation entirely converted. As a proof of this, he told the story of the destruction of the foreign opium in Shanghai in 1917. There were thousands of cases, containing several million dollars' worth of opium, the possession of merchants. The question of how to dispose of it, now that its sale had become illegal, was very simply settled by the Chinese Government, who bought the whole stock from its owners, burned it to ashes, and had it thrown into the sea.

It so happened that one of the Indian delegates to the Assembly, Sir William Meyer, was in Shanghai at the time, and was an eyewitness of this. He spoke in the Assembly of the great

impression the scene had produced upon him, especially through the enthusiasm of the crowd who were looking on.

The debate on the opium trade was indeed an encouraging one for the supporters of the principles of the League of Nations. It gave an illustration, perhaps as good as any to be found in our present world, of what international co-operation can do when it has the backing of public opinion. In this case it seems to have accomplished a great deal already, but there was no suggestion that much does not remain to do. The Chinese delegate himself pointed out that the aid of other countries was absolutely necessary, especially that of America.

The Assembly therefore decided to invite the United States to be represented on the Advisory Committee.

## X

We have now traced the course of all the business on the various subjects that stood upon the Second Committee's Agenda at the beginning of its sittings. At its final meeting it disposed of one or two matters which had arisen since. The first was the question of the League's intervention on behalf of children in countries affected by the war. A Resolution was passed and approved by the Assembly asking the Council to consider the necessity of appointing a High Commissioner to co-ordinate the various efforts that were already being made by charitable

organizations. In the course of the discussion, it was made clear that the League was not actually taking over the work itself. M. Viviani spoke on this point, which he felt should be emphasized, lest any misunderstanding of it should cause voluntary effort to slacken.

The use of Esperanto as an international language was another subject that came before the Second Committee, who drafted a Resolution of the mildest nature. It only committed the League of Nations to "following with interest the experiments" that were being made in the public schools of some members of the League, and to asking the Secretary-General to prepare a Report on the results. But even this was too much for the Assembly. In a very few words, that distinguished man of letters, M. Hanotaux, disposed of the Resolution. The use of Spanish as an official language had been refused, he observed, by that very Assembly. How, then, could they institute an enquiry into any other? French, he said, should defend its traditions against new and untried creations. He moved the adjournment of the question, and no voice was raised to oppose the suggestion.

The Assembly then devoted itself to the consideration of the last of the activities of the Second Committee, namely, the Resolutions upon the Organization of Intellectual Labour. These contained proposals for which the Belgian delegate, M. Lafontaine, stood sponsor. He presented a stupendous picture of the progress of international thought within the last seventy-

five years. "Whilst nations have been striving with one another," he said, "thinkers have been crossing the frontiers of the various countries and meeting one another in conferences." Between 1840 and 1850 the conferences had numbered only ten. In the four years preceding the war, no fewer than five hundred of them had been held, and had dealt with matters of every nature. He asked the League of Nations to give these movements the same kind of help that had been afforded to the manual workers of the world by the establishment of the International Labour Office.

M. Lafontaine impressed his hearers powerfully, although the impressions were of opposite kinds. It may have been the prospect of the world's future evoked by his statistics that appalled the few, but it is certain that his arguments or his enthusiasm swayed the many. When the British delegate, Mr. Barnes, rose to move the previous question, he found himself supported only by the votes of the other five members of the British Empire and by the delegate from Cuba. When, on the other hand, M. Lafontaine's motion was put, the representatives of thirty-four States rose to their feet. Whether the proportions would have been the same had his proposals been pushed to an immediate vote of hard cash is a question that can never be answered, for they only recommended an enquiry into possibilities on the part of the Council. Yet even this vague threat had sufficed to create that solidarity of opinion

between Great Britain and the Dominions, against the rest of the world, which has been the bugbear of pessimists in other countries ever since the Covenant was framed. No lesser question had availed to produce it. Now, in the closing hours of the Assembly, it materialized for the first time, and Mr. Balfour, and all his colleagues, stood up as one man to oppose any organized encouragement of intellectual activity on the part of the League of Nations.

B. D.



## CHAPTER VIII

### THE THIRD COMMITTEE

#### PERMANENT COURT OF INTERNATIONAL JUSTICE

#### PART I

FROM time to time in the history of the civilized world the idea has emerged that disputes between contending States might be settled by reference to a third Power. Sometimes the idea of mediation has prevailed, sometimes that of decision by arbitration. Not to go too far back, there is the well-known Twenty-third Protocol, signed by the Congress of Plenipotentiaries, which met at Paris in 1856 for the settlement of peace after the Crimean War, in which the wish was expressed that "States between which any serious misunderstanding may arise should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly Power."<sup>1</sup>

The eighteenth century is sometimes said to have been the age of mediation ; while the latter

<sup>1</sup> *International Tribunals*, by W. Evans Darby, LL.D., 4th edition, p. 300.

half of the nineteenth century was so pervaded with the idea of arbitration that it is sometimes known as the century of arbitration.

A great impulse was given to International Arbitration by the Treaty of Washington between Great Britain and the United States of America in 1871, referring to arbitration the *Alabama* Claims, certain prize captures, the Fishery rights, and the boundary between the United States and Canada on the western side of America.<sup>1</sup>

Then came the Hague Conference of 1899, which at great length dealt with mediation, international commissions of enquiry, and international arbitration, and went so far as to form what was called an international tribunal, consisting really of a panel of potential arbitrators, with an international bureau and register established at the Hague, and with a suggested code of procedure.<sup>2</sup>

Side by side with these formal international conferences or congresses there were various voluntary associations, such as the Institute of International Law, the International Law Association, and the Inter-Parliamentary Conferences, which put forward various schemes for international arbitration, all of which may be found in Dr. Darby's book.

Then came the Second Hague Conference of 1907, which repeated and elaborated what had been done in 1899 in its Convention for the Pacific Settlement of International Disputes. Special

<sup>1</sup> *International Tribunals*, p. 312.

<sup>2</sup> *International Tribunals*, pp. 604-633.

reference should be made to Article XXXVIII., which is as follows :

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Contracting Powers as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes regarding the above-mentioned questions, the Contracting Powers should, if the case arise, have recourse to arbitration, in so far as circumstances permit.

The first part of this Article is a reproduction of a similar Article in the Convention of 1899, but the last paragraph, beginning "consequently," is a new addition.<sup>1</sup>

At this Conference it was attempted to form a Court of International Justice, but the scheme broke down, by reason of the difficulty of reconciling two rival positions. Such a Court should have always represented in its composition the great States of the world, while, on the other hand, all sovereign States have in international law equal rights. Nevertheless, the draft Convention relative to the creation of a Judicial Arbitration Court<sup>2</sup> was made an annex to the first wish (*vœu*) expressed by the Conference, and in the Final Acts of the Conference it was stated that the Conference was unanimous

1. In admitting the principle of compulsory arbitration.

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<sup>1</sup> *The Hague Peace Conferences*, by A. Pearce Higgins, LL.D., p. 123.

<sup>2</sup> Pearce Higgins, *The Hague Peace Conferences*, p. 498.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the last four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference further unanimously adopted the following Resolution :

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure ; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

The form which the *vœu* took was as follows :

1. The Conference calls the attention of the Signatory Powers to the advisability of adopting the annexed Draft Convention for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the Judges and the Constitution of the Court.

But even this Court, if it had been called into being, would have been one before which the disputing States would only come by mutual agreement, and not a Court in the true sense,

before which a complaining State could cite another to appear.

The idea of international arbitration took increasing hold after the Second Hague Conference, and besides treaties providing for arbitration in its specific meaning, treaties providing in general terms for arbitration in cases generally described as justiciable matters were framed, the most conspicuous being the group of treaties known as the Bryan Treaties between the United States and many other Powers. But while these Treaties give encouragement to the idea of arbitration in justiciable matters, they were a long way from creating a Court. First, for the reason already given, that when each dispute arose it would, notwithstanding the obligations of the treaty, be necessary for the parties to agree to bring the dispute to arbitration. In other words, the treaties are not treaties submitting disputes to arbitration, but treaties agreeing to make a treaty of submission to arbitration—agreeing, as it were, to agree. Secondly, because in each case arbitrators would be designated *ad hoc*, and there was no mention of a permanent Court. This second observation may equally be applied to the so-called International Tribunal of Arbitration constituted by the Hague Treaties. What is required is an established impartial tribunal, one ready to hand, not one to be created *ad hoc* by the parties if they should agree, as very likely they would not agree, upon its composition. The desideratum is not realized by a list or table of Judges



out of whom a temporary tribunal may be selected. The only use of such a list is to suggest possible arbitrators to the parties. And if one looks at the composition of the temporary Tribunals of Arbitration which have been formed since the first Conference at the Hague, one will find that it has frequently happened that Judges have not been chosen out of that list, but from some other source.

Another approach towards the establishment of an International Court was made at the First Hague Conference and elaborated at the Second. The Third Title or Part of the Convention for the Pacific Settlement of International Disputes relates to International Commissions of Enquiry, which were to function "in disputes of an international nature, involving neither honour nor vital interests, and arising from a difference of opinion on points of fact." A noteworthy use of this provision was made on the occasion of the Russo-Japanese War, when the Russian Fleet in panic fired upon the English trawlers on the Dogger Bank.

Italy and Argentina made a treaty for referring all questions without exception to arbitration in 1898. The United States and the Latin States of America had a Conference in 1890 and adopted a uniform Treaty of Arbitration between themselves, which, however, was not ratified by a sufficient number of the Powers to make it binding. The Latin States of America had a second Conference in 1902, when they adopted arbitration for disputes not affecting the national

independence or the national honour. It is not known whether this Treaty was ratified.

Seventeen arbitrations in all are claimed for the International Tribunal at the Hague as having been submitted to it between 1902 and 1920. But two have never been completed, and two at least of the others were before special arbitrators not on the Hague panel, and can only by a stretch be considered as cases which come within its scope.

During the course of the late war a number of publications were issued by individuals and by associations submitting schemes for the prevention of future war. Some writers laid stress upon recourse to Arbitration, others upon a European or World Federation or League.

All agreed in dividing disputes between nations into disputes which are justiciable and those which are not, and suggested that the former should go before some form of Tribunal, whether called a Court or a Body of Arbitrators, and whether established in permanence or appointed *ad hoc*. The general idea was that it should be a permanent body.

All agreed in referring all other disputes to some body which would not proceed upon legal principles which would be in such cases inapplicable, but would act—as it is sometimes expressed—as a Council of Conciliation.

All these writers agreed that it should be incumbent upon every State party to the League to submit, or to consent to the submission of, any dispute either to the Court or to the Council,

and that there should be a moratorium (to use a convenient application of a word hitherto employed in commerce), that is to say, that no State should have recourse to war, pending the decision of the Court or Council, as the case may be.

As to the constitution of the Court and of the Council, there were many diverse views. All the writers admitted that to some extent every State party to the League should have some voice in the appointment of the Court and of the Council; but they differed widely as to the extent and as to the weight to be given to the smaller States.

Most of them would have created an artificial body of eight Great Powers—the old six European Great Powers, with the United States and Japan added, but China excluded, and would eliminate from the League, and therefore from voice in the Court or Council, what they called backward or half-civilized States. Some hesitated about the admission of any of the South American States, forgetting that, if their schemes were to be of any use, they must at least contemplate what is likely to happen during the next fifty years, and that during that period the A.B.C. States (Argentina, Brazil and Chili) are likely to become some of the most important in the world. Most of them would have divided States in the League into two classes only: (a) the Great Powers, (b) all the rest, putting the eight Great Powers on an equal footing *inter se*, and all the others, however much they differ in importance, also on an equal footing *inter se*.

It was, however, precisely because some of the

smaller States resented the idea of giving a special position to the Great Powers that the attempt at the Second Hague Conference to form a Judicial Court failed.

Some of the English and American writers suggested as a balance to the moratorium that the Court or Council should have a power analogous to that of injunctions, introduced by the old Court of Chancery in England and transferred to the High Court of Justice, that is, a power of issuing interlocutory orders, restraining a State from continuing acts in respect of which a complaint is made, pending a decision as to their legality or propriety. As to the mode of enforcing judgements and such interlocutory orders as have just been mentioned, the writers differed a good deal, some being content with a moral sanction, others advocating the use of an international boycott, and others, if necessary, actual force of arms. As to the moratorium, it was to be enforced by boycott, and possibly by force of arms.

The principal publications were by (1) Viscount Bryce, who with certain friends put forward *Proposals for the Prevention of Future Wars*, first published in February 1915, and revised in April 1917; (2) the British League of Nations Society, its publications extending from 1916 to 1918; (3) the American League to Enforce Peace, which had a meeting in Philadelphia on June 17, 1915, and issued its publications from 1916 to 1918; (4) the Fabian Society, which published a work on International Government in 1916, largely the work of Mr. L. S. Woolf, and (5) subsequently a



work by Mr. Woolf, called *The Framework of a Lasting Peace*, in 1917 ; (6) Mr. Lowes Dickinson, who has written several pamphlets ; (7) the Organisation Centrale pour une paix durable, 1916 to 1917 ; (8) and the Draft Treaty prepared by a Dutch Commission which is translated by Mr. Woolf.

Most of the writers were statesmen rather than lawyers, and they did not work out the procedure by which disputes were to be referred. Their general language was that disputes were to be submitted to a Court. Whether that meant that they were to be submitted by common accord of the disputing States, or whether it meant that a State which supposed it had suffered injury should be entitled to have recourse to the Court or the Council, make its complaint, and have the other State summoned to answer it, as happens when private individuals seek relief from the Sovereign or from a Court of Justice, they did not discuss. In this respect matters appeared to be left as they were under the Hague Conferences.

In these circumstances the British Foreign Office, late in 1917, appointed a Committee, of which the writer was Chairman, and the other members were :

Professor A. F. Pollard,  
Sir Julian Corbett,  
Dr. J. Holland Rose,  
Sir Eyre Crowe,  
Sir William Tyrrell, and  
Mr. C. J. B. Hurst, now Sir C. J. B. Hurst,



with Mr. A. R. Kennedy as Secretary ; and as Mrs. Kluyver in her work *Some Documents of the League of Nations*, published by the International Intermediary Institute at the Hague in 1920, observes on page 63, " In England a Committee, presided over by Lord Phillimore, Privy Councillor, had been appointed to consider the League of Nations' problem. The Committee presented a Report in 1918, which contained a draft convention, including the general substance of those parts of the Covenant which are directly concerned with the settlement of international disputes. A copy of that document was sent to President Wilson, and the President built upon it a redraft."

Shortly afterwards the French Government also appointed a Commission. Finally the matter came before the Peace Conference at Versailles, and a Draft Agreement for a League of Nations was presented to the Plenary Inter-Allied Conference on February 14, 1919.<sup>1</sup>

This scheme as it finally took form as the Pact or Covenant of the League of Nations was embodied in the Treaty of Versailles between the Allied Powers and Germany. The Articles which bear directly or indirectly upon judicial proceedings are XI., XII., XIII. and XIV.

*Article XI.*—Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the

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<sup>1</sup> Cmd. 2, presented to Parliament, March 1919.

peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding between nations upon which peace depends.

*Article XII.*—The members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

*Article XIII.*—The members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the Court of Arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

*Article XIV.*—The Council shall formulate, and submit to the members of the League for adoption, plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

The next step was that five neutral Powers, who might be called the European neutrals of Teutonic stock—Denmark, Holland, Norway, Sweden and Switzerland—met in February 1920, presided over by Dr. Loder, Judge of the Supreme Court of Holland, and one of the Dutch delegates, and elaborated a detailed project for the Permanent Court of International Justice contemplated by Article XIV. of the Covenant, its composition, its jurisdiction, its procedure. This document became of great value when the International Committee of Jurists took up the matter later in the year.

In February 1920 the Council of the League of Nations decided to entrust the examination of the question to a Committee of Jurists. The Committee met at the Hague, holding its first session on June 16, 1920, and forming a project which was finally completed on the 24th of July

and forthwith transmitted to the Council. The members of the Committee were :

Baron Descamps ( <i>President</i> )	. Belgium
Dr. Loder ( <i>Vice-President</i> )	. Holland
M. Adatci . . . . .	Japan
M. Altamira . . . . .	Spain
M. Fernandes . . . . .	Brazil
M. Hagerup . . . . .	Norway
M. de Lapradelle . . . . .	France
Lord Phillimore . . . . .	Great Britain
M. Ricci-Busatti . . . . .	Italy
Mr. Elihu Root . . . . .	United States

The principal Secretary was the Under-Secretary-General of the League, Commendatore Anzilotti, and his principal Assistant was M. Hammarskjold. Mr. Root brought with him his colleague, the Secretary of the Carnegie Endowment for International Peace, Dr. James Brown Scott.

The scheme was contained in sixty-two Articles, comprising four principal subjects: the composition of the Court, the ambit of its jurisdiction, the law to be administered, and its practice or procedure.

The first two subjects are and were the more contentious ones, and required considerable discussion before agreement was reached. In the end the Report was unanimously agreed upon with only certain reservations by M. Adatci and M. Ricci-Busatti.

As to the composition of the Court, the difficulty of adjusting the claims of all the States parties to the League to be treated as equal



or equally sovereign in the eyes of international law, with the practical necessity of securing representation upon the Court to the Greater Powers, whose adhesion would give material weight to its decisions, and from whose subjects as being much more numerous a larger choice, with the prospect of the selection of greater men, could be made, was reconciled by a happy expedient proposed by Mr. Root, and derived from his American experiences, which recognized the two organs of the League, the Council composed of the great Powers and certain selected smaller Powers, and the Assembly on which all the Powers are equally represented.

Another part of the scheme was directed to secure that the members of the Court should, as far as possible, be nominated for judicial rather than political reasons; that they should either be Judges versed in the trial of cases, or lawyers of weight and experience in international questions. It was also desired by some at least of the members of the Committee to preserve continuity as much as possible with the Hague Court of Arbitration.

The result was as follows. Nominations were to be made by the representatives of the different States who are or may hereafter by adhesion become parties to the Second Hague Conference, each State by its Hague representatives acting together to have the power of nominating two candidates. This provision has since been somewhat altered by the Council and further by the Assembly. Out of that body



of candidates the Council and the Assembly were each to select as many Judges as were required. Where the votes of the two bodies fell upon the same people, as they assuredly would in some cases, these were to be deemed elected. As regards the rest there were to be further elections, and if, and so far as, divergence of views still showed itself, a Conciliation Committee to be formed from the two bodies was to be set up, having power to recommend only, but with the great probability that their recommendations would be accepted by the two bodies. This Conciliation Committee was to be allowed to travel outside the list of nominations if its members thought that in this way they could select some one on whom both bodies would agree. As a provision *in extremis*, or it might be said *in terrorem*, if there was continuous disagreement, the Council and the Assembly lost their rights, and the Judges already elected were given the power to co-opt their brethren.

As to the number of Judges, after much discussion it was fixed at eleven, with four deputies, this number being rather large but not so large as to make the Tribunal impossible, and giving opportunity for each of the great States to have a representative, with a sufficient residuum for the smaller ones. The accession of Germany and the other formerly hostile nations to the League was deliberately contemplated; and to give room for them, it was made possible that the number might be increased to a maximum of fifteen judges and six deputies.

It is not necessary to mention all the provisions for effecting these arrangements which were worked out in the scheme. It should however be stated that there was an express declaration that the Judges should be "elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial office or are juriconsults of recognized competence in international law" (Article II.). The Judges were to be elected for nine years and could be re-elected, and provision was made for filling up vacancies which might occur during that period. Their salaries and pensions were to be determined by the Assembly upon the proposal of the Council, with an additional salary for the President (Article XXIX., since XXXII.). The seat of the Court was fixed at the Hague, and the President and Registrar, which latter officer might be Secretary-General of the Permanent Court of Arbitration, were to reside there (Article XXII.).

The one other important point of the composition of the Tribunal was the question of the introduction or elimination of Judges derived from the States which on any occasion came before the Court. One or two Utopian members said that this consideration should be disregarded, that the Judges would be Judges pure and simple, and might be relied upon to disregard the claims of their respective nations. But the majority felt that this was too exalted a standard, or perhaps it should be put, that however well the

Judges themselves might behave, the people belonging to the opposite nations would be inclined to impute partiality, and that the Tribunal ought to be above all suspicion. This being so, it then became the question whether there should be elimination or addition. Elimination of any of the larger nations would weaken the Court, and there might be cases, as, for instance, a dispute between the United States and Great Britain, in which questions might arise to be determined according to the common system of Anglo-American law, of which the jurists of other countries would have no knowledge. Moreover, if there was a dispute in which one of the Latin nations was concerned, there would be plenty of other Judges of the Court who would understand the Latin point of view; if, on the contrary, Japan were concerned, and the Japanese representative was eliminated, there might be no Judge who would appreciate the Oriental point of view. It was therefore determined that the national Judge should be retained, with, as compensation, the addition of the national Judge of the other litigant, if it happened that the other litigant had not a Judge in the ordinary composition of the Court. This is worked out by Article XXVIII.

The next question concerns the ambit of jurisdiction. States alone were to be admitted to be parties to sue. Some mischievous suggestions, one of which went so far as to enable a citizen to sue his own State before the International Court, were rejected.

Then came the most difficult question next to that of the composition of the Court. Article XIV. of the Covenant, already given, is so worded as to make the Court little more than a Court of Arbitration for cases in general. It is true that members of the League agree by Article XIII., that disputes suitable for submission to arbitration shall be so submitted, and that it follows from this, that they agree that they ought to submit such disputes either to the Permanent Court of International Justice or to some form of arbitration ; and that they agree by Article XII. that they will submit any dispute likely to lead to a rupture either to arbitration or to an enquiry by the Council ; and that by Article XI. matters may apparently be brought before the Council by a State acting unilaterally, without previously obtaining the consent of the other disputing State to its being so brought ; and this provision might enable the Council to insist upon a case either going to Arbitration or to the Permanent Court. But except by this circuitous mode no State could procure the hearing of its complaint by the Permanent Court unless the State complained of agreed. It is also true that in certain special cases relating to Labour disputes and disputes as to Transport, the complaining State has, under the Treaty of Versailles, a power of making an unilateral complaint, and that in certain of the subsequent Treaties the claims of certain oppressed minorities can be brought before an International Court. But subject to this modification and with these



exceptions, it remains that under the Covenant the Court differed only from the Hague Court of Arbitration in being permanent and with a permanent system of procedure, instead of being established *ad hoc*.

The great majority of the Committee of Jurists felt that this was most unfortunate, and with the exception of the Japanese representative, who made his reservation upon this point, and of the Italian representative who made a reservation rather upon the form and mode of carrying out the resolution of the majority of the Committee than upon the substance of it, the Committee determined to deal with this question in the manner following. They felt that what was wanted was a real Court to which a complaining State could go with its complaint, and request that the State complained of should be cited to answer it; and they felt further that if the disputing States ever got so far as agreeing to come and submit their dispute to arbitration they had already got a long way towards agreeing; while what was really necessary for the peace of the world was to have a Court which would deal with cases when the parties had not got so far towards agreement.

The Covenant is itself a treaty between all the States party to it, and the Statute creating the Court would have in like manner to be a treaty (as it now is)—a supplementary treaty as it were—and might include any provisions to which the contracting States were ready to



agree, even if they were not part of or directly flowing from the original Covenant; so the Committee thought that it might advance a step and make it part of the treaty by which the Court was established, that the contracting parties should agree that they should be liable to be cited by any other of the contracting parties. Accordingly they framed Article XXXIII. as follows :

When a dispute has arisen between States, and it has been found impossible to settle it by diplomatic means, and no agreement has been made to choose another jurisdiction, the party complaining may bring the case before the Court. The Court shall, first of all, decide whether the preceding conditions have been complied with; if so it shall hear and determine the dispute according to the terms and within the limits of the next Article.

In this matter there has been, as will be hereafter stated, a lamentable falling off at Brussels, which has been partly, but only partly, remedied by an ingenious and valuable proposition made and accepted at Geneva.

The next point to be considered was the law which the Court should administer. Some dangerous suggestions had been made by various writers that if there was no definite rule of law the Court should decide on what it thought ought to be the law. These suggestions were ruled out, while, on the other hand, sufficient provision was made to prevent the inequitable use of positive legal prescriptions. A slight addition was made to this Article at Geneva,

and it will therefore be set out in its amended form in the latter part of this treatise.

With regard to the procedure of the Court, as this paper is not intended to go into technical detail, very little need be said. The lines of procedure in cases of International Arbitration were laid down when the *Alabama* Arbitration between Great Britain and the United States was held. These lines have been usually followed in subsequent arbitrations and were made general in Chapter III. of the Conventions for the Pacific Settlement of International Disputes passed at the Hague in 1899 and again in 1907. Some modification or addition had to be made to comply with the provision which enabled a State to proceed unilaterally, including Article LII. enabling the Court to decide when the State complained of did not appear or failed to defend its case. Third party States who might consider that their interests would be touched by a decision between the two disputing States were allowed to apply for leave to intervene, and it was left to the Court to say whether leave should be given or not (Article LX.). By Article LXI. it was ruled that intervention should be of right where the construction of a treaty to which a third State was also party would come into question.

One Article of importance is Article XXXIX., which was slightly altered by the Assembly at Geneva, becoming Article XLI., and in its final form is as follows :

The Court shall have the power to indicate, if it considers that circumstances so require, any provisional

measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

The various writers in modern times who had suggested schemes for pacific settlement of international disputes, had been much exercised as to what should be done in the way of enforcing the interim injunctions which, as already stated, they proposed to introduce. Some, as has been said, recommended that the interim orders of the Court should be compulsorily enforced; but if even final orders were not to be so enforced, or at any rate only with many provisos and conditions, it would be foolish and impracticable to make stronger provisions in respect of interlocutory orders. Article XXXIX. was a kind of intermediate provision. The Council of the League is to be notified of any such interlocutory orders, and would no doubt intervene diplomatically or otherwise if it found the case was urgent.

It was in this form that the scheme was reported by the Committee of Jurists to the Council.

## PART II

The Report of the Commission of Jurists was first considered by the Council at its meeting at St. Sebastian in August 1920. The Council determined to lay the Report before all the States

parties to the League, recommending to them the most serious consideration of it. Pending a meeting of the Assembly, the Council itself took the Report into consideration. At its meeting at Brussels in October 1920, certain alterations were made. Some of these were minor ones, and a modification of Article V. was again altered at Geneva by the Assembly, in December 1920. The alterations of importance made at Brussels were, first, the addition of two Articles providing for disputes in Labour questions, as laid down in Articles 415 to 423 of the Treaty of Versailles, which specifically provides that the High Court of Justice should have jurisdiction to deal with these questions, and Transport questions, with regard to which Article 376 said that disputes with regard to the interpretation and application of the clauses concerning Transport should be settled as provided by the League of Nations. Then, secondly, the most serious and much-to-be-regretted alteration was the obliteration of the power of a State to present its complaint to the Court by unilateral application, and a return to the view of Article XIV. of the Covenant that the Court could only sit where both parties agreed to refer their cases to it. This step back was, however, subject to a certain qualification. Where the Treaty of Versailles or any other treaty provided, or should provide, any terms for unilateral complaint, then the Court was to be open to them.

The scheme underwent its final revision at the first meeting of the Assembly of the League



of Nations at Geneva in December 1920. There it was referred to the Third Committee, which again sent it on to a sub-committee. M. Hagerup, who had been the Norwegian representative on the Committee of Jurists, was fortunately made reporter both of the sub-Committee and of the Committee. The sub-Committee made further alterations and the full Committee some more, the most important and valuable of these being made in full Committee on a proposition of the Brazilian delegate, M. Fernandes, who had also been a member of the Jurists Committee. This addition will be stated at length when it comes in its place. It may be shortly described as a suggestion of two protocols for signature. The Assembly adopted the Report of the full Committee; and the total sum of important changes between the draft evolved by the Committee of Jurists and the scheme as it received its final form from the full Assembly is as follows.

The first is in the provision for the list of States which should have the power of nominating candidates. The Jurists' scheme contemplated only nations which had acceded to the Hague Conventions taking part in the nomination, it being understood that Nations or States which had not been parties to the Hague Convention of 1909 could always subsequently accede to it, and in this way the new States, such as Poland, could have their members on the Hague Court at International Arbitration, and have their nominations, also the British Dominions, which count as several States in the Covenant, but were



all included in Great Britain at the Conventions of the Hague. The subsequent arrangement made at Brussels, and confirmed at Geneva, makes a simpler provision, enabling members of the League of Nations not represented on the Permanent Court of Arbitration at the Hague to draw up lists framed by National Groups (Article IV.). The number of candidates which each State should nominate was increased at Geneva from two to four. The second alteration of importance is the introduction of the clause for Labour and Transport complaints.

The third was the important alteration already foreshadowed as to the jurisdiction of the Court. It is left now that its jurisdiction is only either in cases which both parties refer to it, or in matters specially provided for in treaties, with a further provision that where the special treaty simply states that disputes shall be referred to a Tribunal to be instituted by the League of Nations, the Court now created shall be deemed to be that Tribunal. To this, in the final revision by the full Committee, were added these words :

The members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol, to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning . . .

As to the law to be applied by the Court, the

provisions as to which, as already said, had been very carefully and precisely framed, an addition quite harmless, but probably unnecessary, has been made enabling the Court if the parties agree to decide a case *ex aequo et bono*; a Continental phrase not familiar to English lawyers, but which apparently means "as the Court thinks morally fair and right." This power is only given when the parties specially agree that it shall be.

The only material alteration in procedure is the addition of Article LIX., that any decision of the Court has no binding force except between the parties and in respect of the particular case.

Having thus traced the development of the scheme for the Court, it will be convenient to set out verbatim the really important provisions under the three heads, the composition of the Court, the extent of its jurisdiction, and the law which is to be administered by it, as they finally stand.

*Article V.*—At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration, belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under Paragraph 2 of Article IV., inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates

nominated be more than double the number of seats to be filled.

*Article VIII.*—The Assembly and the Council shall proceed independently of one another, to elect, firstly the Judges, then the deputy-Judges.

*Article IX.*—At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

*Article X.*—Those candidates who obtain an absolute majority of votes in the Assembly and the Council shall be considered as elected.

In the event of more than one candidate of the same member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

*Article XI.*—If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

*Article XII.*—If after the third meeting, one or more seats still remain unfilled, a joint Conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Committee is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Articles IV. and V.

If the Joint Conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been appointed shall, within a period to be fixed by the Council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes amongst the Judges, the eldest Judge shall have a casting vote.

*Article XIII.*—The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

*Article XXXI.*—Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a Judge of the nationality of one of the parties only, the other party may select from among the deputy-Judges a Judge of its nationality, if there be one. If there should not be one, the party may choose a Judge, preferably from among those persons who have been nominated as candidates as provided in Articles IV. and V.

If the Court includes upon the Bench no Judge of the nationality of the contesting parties, each of these may proceed to select or choose a Judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the Court.

Judges selected or chosen as laid down in Paragraphs 2 and 3 of this Article shall fulfil the conditions required by Articles II., XVI., XVII., XX., XXIV., of this Statute.

They shall take part in the decision on an equal footing with their colleagues.

### *Competence of the Court*

*Article XXXIV.*—Only States or members of the League of Nations can be parties in cases before the Court.

*Article XXXV.*—The Court shall be open to the members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute towards the expenses of the Court.

*Article XXXVI.*—The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory, *ipso facto* and without special agreement, in relation to any other member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning :

- (a) The interpretation of a treaty ;
- (b) Any question of international law ;



- (c) The existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction the matter shall be settled by the decision of the Court.

*Article XXXVII.*—When a treaty or convention in force provides for the reference of a matter to a Tribunal to be instituted by the League of Nations, the Court will be such Tribunal.

### *Law*

*Article XXXVIII.*—The Court shall apply :

- (1) International conventions, whether general or particular, establishing rules expressly recognized by the contesting States ;
- (2) International custom, as evidence of a general practice, accepted as law ;
- (3) The general principles of law recognized by civilized nations ;
- (4) Subject to the provisions of Article LIX., judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

Then follow the two protocols. The first is in this form :

The members of the League of Nations through the undersigned, duly authorized, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

Then the Optional Clause :

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that from this date they accept as compulsory, *ipso facto* and without special convention, the jurisdiction of the Court in conformity with Article XXXVI., Paragraph 2, of the Statute of the Court, under the following conditions.

The instrument is called "Statute for the Permanent Court of International Justice, provided for by Article XIV. of the Covenant of the League of Nations."

The latest news which has reached the writer of this part of the book is to the effect that the following States have already signed the first protocol :

Portugal.	China.
Greece.	Brazil.
Uruguay.	Norway.
Sweden.	Holland.
Switzerland.	Italy.

Great Britain.	Poland.
Costa Rica.	New Zealand.
Japan.	Denmark.
Paraguay.	India.
Siam.	France.
Salvador.	Panama.
S. Africa.	Cuba.
	Venezuela.

The following have also signed the Second Protocol, agreeing to recognize the jurisdiction of the Court as obligatory without the need of any further convention in respect of any other State accepting the same obligation :

Portugal.	Switzerland.
Denmark.	Costa Rica.
	Salvador.

The case of Portugal may be taken as typical. The declaration is in French, and is made in the following words :

Au nom du Portugal je déclare reconnaître comme obligatoire de plein droit et sans convention spéciale, vis à vis de tout autre membre ou État acceptant la même obligation, la juridiction de la Cour, purement et simplement.

(Sig.) AFFONSO COSTA.

The Treaty between the Allied and Associated Powers and Austria has the same provisions with regard to Transport and Labour disputes which are contained in the Treaty of Versailles. There are also several clauses for the protection of racial, religious and linguistic minorities, which are to constitute obligations of international concern, and to be placed under the

guarantee of the League of Nations, and with regard to which Austria agrees that any member of the Council may call the attention of the Council to any infraction or danger of infraction (Article LXIX.), and then follows this paragraph :

Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article XIV. of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article XIII. of the Covenant.

Similar provisions are contained in the Treaties with Bulgaria, Hungary and Greece.

The draft Mandate in respect of Mesopotamia which is to be submitted to the Council forthwith, as printed in the *Times* of February 3, 1921, contains the following clause :

*Article XVII.*— . . . If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided by Article XIV. of the Covenant of the League of Nations.

A similar provision appears in the draft Mandate for Palestine printed in the *Times* of February 5.

It remains, however, that the jurisdiction of the Court is imperfect until all the members of the League have adhered to the Second Protocol, and Great Britain has so far set a bad example by holding back.

All the energies of those who favour the League of Nations should be employed to procure the adhesion of Great Britain to it.

PHILLIMORE.



## CHAPTER IX

### THE FOURTH COMMITTEE

#### ADMINISTRATION AND FINANCE

THE first meeting of the Fourth Committee of the Assembly was held on November 18, 1920, and was presided over by His Excellency Señor Quinones de Leon (Spain), who outlined the work entrusted to the Committee.

This work consisted principally of the examination of the following :

1. The first and second Budgets of the League, covering the period to December 31, 1920.
2. The provisional estimates for the 1921 Budget.
3. The future method of apportioning the expenses of the League.

Before proceeding to the detailed examination of the Budgets it may be useful to briefly summarize some of the smaller matters of interest which were discussed by the Committee.

*Staff and Organization of Secretariat.*—The Secretary-General read a document which dealt with the question of the staffing and organization of the Secretariat. He stated that he had included a clause which empowered him to dismiss

members of the Secretariat in case of inefficiency before the end of five years, the normal duration of their employment, but he also proposed to add to the clause "the right of appeal to the Council being always reserved."

Confidence was expressed by members of the Committee in the Secretary-General regarding the selection of the personnel, this confidence being justified by the appointments which had already been made.

*Methods of selecting Staff.*—It was stated by the Secretary-General that, in the absence of definite instructions in the Covenant regarding the method of selecting the staff, he had considered the competence and qualifications of the candidates. As far as salaries were concerned, whenever he had to fix them, he took three elements into consideration :

1. The salary previously received in his own country by the person whose appointment was contemplated.
2. A certain sum which might be called "expatriation allowance."
3. The very high cost of living in Geneva.

The opinion was expressed that no nation should monopolize the posts of the Secretariat, and it was suggested that a full list of the members be published, so that all might know to what extent the various nations were represented on the Secretariat. The Secretary-General stated that French and English being the official languages of the League, it had been found necessary to appoint the subordinate staff prin-

cially from these two nations, but apart from such appointments he hoped it would be found that the various nationalities were fairly represented. The Committee adopted the following recommendation :

It will be desirable to create a special body within the Secretariat to assist the Secretary-General in the selection of the staff.

### I. FIRST AND SECOND BUDGETS OF THE LEAGUE

The Council of the League of Nations, on the report presented by Señor Quinones de Leon (Spain), at its session of May 19, 1920, held in Rome, approved the Budget estimated by the Secretary-General for the period ending on March 31, 1920, and for the period from April 1, 1920, to date of payment of the next contribution on June 30 of the same year.

It may be useful to summarize the expenditure as follows :

	Summary to March 31.	Estimate for April, May and June.
A. Direct expenditure by Secretariat .	£89,000	£55,000
B. Indirect expenditure by Secretariat	41,500	64,500
	<hr/>	<hr/>
	£130,500	£119,500

The direct expenditure may be divided into

- (a) Initial expenses.
- (b) Expenses of personnel.
- (c) Expenses of upkeep.

The indirect expenditure was incurred by

organizations such as the International Labour Organization, and others fulfilling certain special tasks. These bodies work to some extent autonomously, although they depend on the League of Nations for payment of their expenses.

The British Comptroller and Auditor-General was called upon by the Council to audit the accounts for the organization period. This audit was approved by the Council at its session at St. Sebastian.

The audited accounts for the first fiscal period, from May 5, 1919, to June 30, 1920, showed an excess of income over expenditure amounting to £114,271:11:8½, but this result was reached by taking credit on the income side of the account for contributions amounting to £111,883, payable by a certain number of States, which had not been received at the date to which the accounts were made up. The result of this tardiness on the part of States to pay their contributions in time was that it was impossible to set aside any amount for working capital, as the assets of the League at this date consisted principally of these unpaid contributions, and there was a comparatively small cash balance in hand.

At the session of the Council in Rome it was further decided that hereafter the financial period for the Budget of the League of Nations should correspond with the calendar year. This is the custom followed for their own budgets by the majority of the States that are members of the League.

*Monetary Unit.* — Throughout the first fiscal period the pound sterling had been used as the basis. This procedure was justified for the time being by the fact that the Secretariat was in London, though only temporarily ; but as soon as the League had settled down at its permanent seat in Geneva it was thought preferable to adopt a monetary unit which was more generally in use among the States. Four solutions of this difficulty have been proposed, viz. :

1. The Swiss franc.
2. The mark (gold).
3. The franc (gold).
4. A special currency belonging to the League.

Finally, it was resolved to adopt the gold franc as the most suitable standard, as it is used in a large number of countries. Moreover, the franc is based on the decimal system, and this renders much easier the reduction of other currencies to terms of francs (gold). To convert a given sum expressed in gold francs into terms of any national currency, in view of the present-day equivalent of the U.S. dollar and gold, it is necessary first to express the sum in dollars by dividing it by 5.1826 (pre-war parity, and therefore present-day value of gold francs), and then in the ordinary way to convert the result obtained into national currency required at the day's rate of exchange.



BUDGET FOR SECOND FISCAL PERIOD,  
JULY 1—DECEMBER 31, 1920

At the St. Sebastian session on August 5 the Council approved the Budget for the second fiscal period, which amounted to ten million gold francs apportioned as follows :

	Gold Francs.
I. Direct Expenditure (Personnel and Upkeep) . . . . .	3,275,000
II. Indirect Expenditure (various Commissions) . . . . .	1,750,000
III. Expenditure of International Labour Office . . . . .	3,250,000
IV. Amount required for the creation of Working Capital or Reserve . . . . .	1,725,000
	10,000,000

In order to give a better idea of the nature of the above proposed expenditure, the following analyses are appended, viz. :

1. *Direct Expenditure of the Secretariat*

	Gold Francs.
1. Salaries, Wages and Allowances . . . . .	1,600,000
2. Travelling Expenses (including attendance at Council Meetings) . . . . .	240,000
3. Expenses of Council Sessions . . . . .	15,000
4. Meeting of Assembly . . . . .	500,000
5. Property Account—	
(a) Installation at Permanent Seat of League (non-recurring Expenditure) . . . . .	100,000
(b) Maintenance at Temporary Seat . . . . .	150,000
(c) Furniture and Fittings (not yet paid for) . . . . .	200,000
6. Branch Office, Paris . . . . .	50,000
7. Removal to Permanent Seat of the League . . . . .	50,000
8. Office Expenses, Printing, Stationery, etc. . . . .	160,000
9. Library Account Books, Periodicals, etc. . . . .	70,000
10. Official Gazette (publication and distribution) . . . . .	30,000
11. Interest Charges . . . . .	10,000
12. Unforeseen Expenses of the Secretariat . . . . .	100,000
	3,275,000
Total Direct Expenditure . . . . .	

## *2. Indirect Expenditure under the control of the League of Nations*

	Gold Francs.
1. Administrative Commissions and Minorities Questions (advances reimbursable) . . . . .	200,000
2. Commission of Enquiry to Russia to close up Accounts . . . . .	5,000
3. General Conference on Freedom of Communication and Transit—Preliminary Action . . . . .	80,000
4. International Bureau and Commissions . . . . .	80,000
5. International Financial Conference and subsequent Action . . . . .	575,000
6. International Statistical Commission—Preliminary Action. . . . .	100,000
7. Permanent Advisory Commission for Military, Naval and Air Questions, Secretariat and Meetings of Commissions . . . . .	100,000
8. Central Bureau for the Regulation of Arms Traffic . . . . .	25,000
9. Permanent Court of International Justice, Hague Advisory Committee and subsequent Action . . . . .	150,000
10. Permanent International Health Organization—Executive Committee and Secretariat . . . . .	40,000
11. Permanent Mandates Commission Secretariat, Cost of Meetings of Commission . . . . .	50,000
12. Repatriation of Prisoners of War, Expenses of Dr. Nansen, etc. . . . .	75,000
13. Campaign against Typhus in Poland, Organization Expenses (reimbursable) . . . . .	20,000
14. Unforeseen Expenses . . . . .	250,000
Total Indirect Expenditure . . . . .	1,750,000

The apportionment of the proposed expenditure in the Budget for the Second Fiscal Period was again necessarily made strictly in accordance with Article VI. of the Covenant, which states that

The expenses of the Secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

The method adopted by the Postal Union is to classify countries according to size and importance and allot to each class proportions of the total cost.

Following this method, the share of Great Britain was  $\frac{25}{478}$  of the whole. This was also the share of S. Africa, Australia, Canada and India, so that, with New Zealand ( $\frac{3}{478}$ ), the members of the British Empire were bearing  $\frac{28}{478}$ , or over  $\frac{1}{4}$  of the cost of the League.

A number of countries, including Australia and S. Africa, protested that this method was unfair.

## II. THE PROVISIONAL ESTIMATES FOR THE 1921 BUDGET

In accordance with the resolution passed at the Paris session of the Council on September 20, 1920, preliminary estimates in respect of the League of Nations and the International Labour Office, for the third fiscal period covering the 1921 calendar year, were submitted for the approval of the Council at Brussels on October 27, 1920. These estimates were regarded as provisional, as it was probable that a number of alterations in the estimates would have to be made at the time of the Assembly, in order that the Budget, when finally ratified, might contain such appropriations as might be necessary to carry out the decisions of the Assembly.

The following is a summary of the items, viz. :

*General League Expenditure*

	Gold Francs.
1. On Capital Account (including Printing Office)	2,000,000
2. Direct Expenditure: Working Expenses of the Secretariat (Article VI. of the Covenant) . . . . .	5,800,000
3. Indirect Expenditure under the Control of the League of Nations (Article XXIV. of the Covenant) . . . . .	'3,500,000
4. Amount required for the creation of Working Capital or Reserve . . . . .	2,350,000
5. International Labour Office, Estimated requirements for 1921, according to Budget adopted by Resolution of the Governing Body of the International Labour Office, October 7, 1920 . . . . .	7,000,000
Total of both Budgets . . . . .	20,650,000

1. *Capital Account (2,000,000 Gold Francs)*

As a result of the resolution adopted by the Council of the League of Nations at its San Sebastian session, the Secretary-General was authorized to proceed to Geneva to secure suitable accommodation for the League.

After visiting several properties in Geneva, the Secretary-General and his colleagues decided on the Hotel National, which the owners offered to sell for 6,500,000 Swiss francs. After some negotiations, however, they agreed to accept the sum of 5,500,000 Swiss francs, payable as follows:

Payable Nov. 1, 1920. 500,000 Swiss francs.

Balance, equal instalments every 6 months.

Interest on balance of purchase price from Nov. 1, 1920, payable with instalment due.

Rate of interest based on Swiss National Bank, official rate current during each preceding 6 months' period.

When the property was purchased it was undergoing thorough repairs. Certain altera-

tions have been made to render the building more suitable for occupation by the League. The Council at its Paris session approved the draft contracts for the purchase of this property, and designated Sir E. Drummond and Sir Herbert Ames to execute them on its behalf. The estimate of 2,000,000 gold francs includes two instalments of 500,000 francs, each plus interest.

The Hotel National property covers 8600 square metres. Since it would be impossible to erect further structures without depreciating the value of the estate by cutting down trees, options were secured on two adjoining properties.

One of the conditions of sale was that the League should purchase from the hotel company such furniture as might be suitable for the carrying on of its work. This furniture was offered and bought at a reasonable price.

## 2. *Direct Expenditure (5,800,000 Gold Francs)*

	Gold Francs.
1. Salaries, Wages and Allowances—	
(a) Secretariat . . . . .	4,200,000
(b) Household Staff . . . . .	200,000
2. Travelling Expenses of Officials of the League .	150,000
3. Meeting of Assembly at Geneva . . . . .	150,000
4. Property Account—	
(a) Installation at Permanent Seat of League .	25,000
(b) Maintenance . . . . .	225,000
(c) London Office—Winding-up Expenses . . . . .	50,000
5. Further Removal Expenses (non-recurring) . . . . .	25,000
6. Office Expenses—Printing, Stationery, Cable-grams, Telegrams and Postage . . . . .	550,000
7. Official Journal—Publication and Distribution . . . . .	100,000
8. Interest Charges . . . . .	75,000
9. Unforeseen Expenses of the Secretariat . . . . .	50,000
	<hr/>
Total Direct Expenditure . . . . .	5,800,000



3. *Indirect Expenditure*

	Gold Francs.
1. Administrative Commissions and Minorities Questions . . . . .	..
2. Freedom of Communication and Transit Organization. General Conference at Barcelona . . . . .	500,000
3. International Bureaux and Commissions . . . . .	100,000
4. International Financial Organization . . . . .	250,000
5. International Statistical Commission . . . . .	100,000
6. Permanent Advisory Commission for Military, Naval and Air Questions . . . . .	200,000
7. Central Bureau for Regulation of Arms Traffic . . . . .	50,000
8. Permanent Court of International Justice . . . . .	1,500,000
9. Permanent International Health Organization. Executive Committee and Secretariat . . . . .	225,000
10. Permanent Mandates Commission, Cost of Meetings . . . . .	100,000
11. Repatriation of Prisoners of War. Expenses of Dr. Nansen, etc. . . . .	150,000
12. Organization for the Supervision of the Opium Traffic . . . . .	50,000
13. International Blockade Commission . . . . .	75,000
14. Unforeseen Expenses—Special Commissions of Inquiry . . . . .	200,000
Total Expenditure . . . . .	3,500,000

4. *Working Capital or Reserve* (2,350,000 gold francs) :

The second Budget of the League authorized the appropriation of the sum of 1,725,000 gold francs for the creation of a working capital or reserve. It was not anticipated then that the heavy expenses consequent upon the removal of the Secretariat to its permanent seat and its establishment there would be incurred during the Second Fiscal Period. The Council, however, decided that the transfer should take place in 1920, and consequently the greater part of the sum allocated for the purpose of working capital

will be absorbed for other purposes during 1920. This made it necessary to include a similar appropriation in the new Budget on account of the delays which frequently occur in the voting of credits by Parliaments.

The third Budget of the League as outlined above was approved by the Council of the League at Brussels on 27th October 1920.

### III. THE FUTURE METHOD OF APPORTIONING THE EXPENSES OF THE LEAGUE

It will be remembered that to comply with Article VI. of the Covenant it was necessary that the expenses of the Secretariat should be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union. The difficulties of this adaptation, however, were fairly considerable.

(a) Certain countries enumerated in the Universal Postal Union list are not yet members of the League, nor likely to become so within the immediate future.

(b) Several countries enumerated have been much diminished in area.

(c) The amount of the total permissible annual expenditure of the Universal Postal Union (fixed at 125,000 francs) is so inconsiderable and the individual allotment so very small that criticism was not likely to arise even if two countries of differing wealth and resources were asked for similar amounts. Where, however, as in the

case of the League, the assessment would be much higher, the contributing nations would desire a more carefully considered scale.

To meet this difficulty the Council at its Rome session decided that the International Financial Conference at Brussels be asked to appoint a Committee to consider the principles on which the expenses of the League should be distributed among the Members.

This Committee, composed of nine members, held several meetings, but did not find it possible to decide upon a definite and general basis for the final apportionment of Members' contributions. While the Committee was in session it was suggested that the changes needed to make the present system more equitable could be brought about without an amendment of the Covenant if the Universal Postal Union could be persuaded to adopt a method of distribution which would satisfy the League. An inquiry was therefore sent to the Federal Council, who stated in reply that they did not doubt that it would be possible after a short space of time to obtain a more equitable system of apportionment which might serve as a basis for the allocation of the expenses of the League in conformability with Article VI. of the Covenant. This apportionment would be based on the indices proposed by the Committee of Experts appointed by the League of Nations to examine the question. The Committee ultimately decided that the best basis was ability to pay, and as the most accurate criterion they would have proposed to adopt the

national income of each Member State. Unfortunately, these were not available in all cases. In the same way estimates of national wealth were available only for a few States. The Committee thereupon examined various criteria, such as national revenue, population, budget receipts, area, trade—external as well as internal,—postal statistics, etc.

None of these criteria met with general acceptance. Apart from the fact that statistics are in many cases not prepared on a uniform basis, the present economic condition of most countries is at the present time abnormal. They, therefore, came to the conclusion that any revised apportionment now made should be strictly temporary, and they recommended :

(a) That net public revenue receipts for 1913, the last normal financial year, and population should be taken into account as indices of ability to pay, subject to the qualification that the population index should in no case exceed that of the European member of the League possessing the largest population, and that allowances should be made for any other exceptional circumstance.

The Committee had not time to explore fully the relative importance to be assigned to population and net revenue, but considered that suitable index numbers would be obtained by taking the percentage of each country's population and net revenue to the aggregate population and net revenue respectively for all members of the League.

(b) That the system in use by the Postal Union of grouping countries into classes under which each nation is charged with certain units, and the number of units assigned to each class should remain unchanged, but

that in place of the present method of assessment the indices referred to above be combined for the purpose of this grouping. Where political boundaries have changed since 1913 revenue figures would be roughly distributed on a population basis.

The Committee does not consider that the above scheme should remain in force for more than a very limited period without further examination, and it recommends that if a permanent financial Commission is appointed one of the tasks should be the elaboration of a scientific method of assessment.

#### IV. FINDINGS OF THE ASSEMBLY

1. The Assembly adopted the Budget of the first financial period ending June 30, 1920, and of the second financial period ending December 31, 1920.

2. The Assembly adopted the Budget for the year 1921.

3. Resolutions were passed conveying suggestions to the Council as to the method of presenting the Budgets, and for the appointment of two Commissions, one to study the organization of the League and one to work out a sounder method than that laid down in the Covenant for apportioning the expenses of the League.

S. D.



## CHAPTER X

### THE FIFTH COMMITTEE

MR. BALFOUR remarked quite audibly during the election of the four non-permanent members of the Council that he had never seen such a machine. The machine was seldom visible in the same way, but it was quite clearly working in the matter of the election of the Chairmen of the six Committees. There was considerable surprise amongst the uninitiated at the choice of M. Huneeus of Chili as Chairman of the Fifth Committee, and there seemed little reason for his election except that the country he represented was as far removed from Central Europe as it was possible to find one.

Whatever the reasons were, it transpired that no better selection could have been made, M. Huneeus performing his duties with rare tact, courtesy, judgment and impartiality. He adopted one method which facilitated the work of the Committee enormously and carried it smoothly over more than one difficult moment—he suspended the sitting for a quarter of an hour each afternoon for tea. This was the

greatest comfort to the members of the Fifth Committee—though one member was overheard to remark in a disgusted tone as he surveyed the array of teapots, “Is there nothing to drink?”

The Agenda of the Fifth Committee was extremely simple—the examination of the applications for admission to the League by new States,—but the absence of precedents, the vagueness of certain articles of the Covenant, and the general political situation all combined to make it impossible to prophesy what was likely to happen.

Even in regard to the Agenda a certain difficulty was created by the fact that the application for admission from Austria, Bulgaria and Albania had arrived later than the date which had been laid down by the Council as the latest on which items for the Agenda could be received.

These applications were not therefore included with the others but put separately on the Agenda. There was first of all in consequence, before the Assembly, the question as to whether these applications should be considered at all. There was some hesitation in raising the matter, for no one wanted to precipitate a controversial debate before the Assembly had found itself and opinion was more generally known. However, soon after the provisional rules of procedure had been adopted, Lord Robert Cecil raised the question of this item of the Agenda. The Chairman ruled that, according to the provisional rules of procedure, it was competent for any member of the Assembly to raise any question whatever, and

that such a question, if the Assembly so decided, could then be sent for examination to one of the Committees. Lord Robert accordingly raised the question of these applications, and although it appeared that there was some opposition, such opposition was not openly shown, and it was decided that the application should be referred to the Fifth Committee. Certain questions and remarks appeared to raise the question as to whether the Committee was to examine the applications or merely the acceptability of the applications and report, but the Chairman made it perfectly clear that the Committee was to examine these applications in the same way as other applications.

At the first meeting of the Committee very important general questions were raised. The main questions in the minds of every one were the responsibilities which the League would assume under Article X., the result on the individual recognition by each member of the League of any new State admitted, and the interpretation to be given as to ex-enemy States of the expression "effective guarantees of its sincere intention to perform its international obligations." Minor questions included those of the final determination of frontiers, the minimum to be required of a State in regard to size and population, period for which it had existed as a State, etc.

The discussions, at this and other meetings, of Article X. were among the most important of the Conference. The points of view varied to the

greatest possible extent. On the one hand, the Canadian Delegation considered it totally useless and wished to expunge it from the Covenant; on the other hand, there were those who looked on it as the keystone of the whole arch and considered that without it the League would have no justification for existence.

Two quite definite principles emerged from the general discussion, one of which Lord Robert Cecil was in the main responsible for, the other M. Viviani. These were, firstly, that Article X. does not commit the members of the League to recognition in perpetuity of existing territorial divisions, but only to resistance of any attempts to interfere with these by external aggression. In other words, Article X. declares that war must not be resorted to in order to change the map, but lays no embargo on any such changes being brought about by arrangements of a peaceful character.

This interpretation was insisted on again and again, and notably by M. Motta in his speech on the admission of Austria, in which he enunciated the principle with great clearness.

Moreover, it was expressly stipulated in the Resolution which admitted Finland to the League that this admission did not prejudice the decision of the Aaland Islands question, which may result in the handing over of a portion of Finland to Sweden.

The other principle, which was laid down with equal clearness, was that Article X. does commit the members of the League to active interference

in the case of aggression. An attempt was made in the Committee to arrive at some formula which would admit the Baltic States, without committing the League to full responsibility in the event of further upheavals in Russia, an attempt generously made out of sympathy with these little States and the desire to secure for them the status which they so ardently wish ; but the general sense of the Committee was against any weakening of the very definite responsibility laid on members by that Article. This was due partly to unwillingness to tamper at this stage with the Covenant, but much more to the extraordinary value given to that provision by the great majority.

The discussions on the questions of *de jure* recognition did not, on the other hand, lead to any very definite result. It soon became apparent that international law was not very explicit in the matter. A sub-committee of three jurists appointed to examine the question presented a majority and a minority report. There was some support of Lord Robert Cecil's opinion, that *de jure* recognition was recognition of Governments and not of States, and that as the League was a League of States, the question of such recognition did not arise. He pointed out that there were, at the Assembly, States represented whose Governments were not recognized by some members of the League.

There was, however, a very general feeling that it was dangerous to emphasize any distinction between Governments and States, and a strong



desire to secure the governmental status of Assembly delegates.

The question was greatly complicated by the fact that there was the very greatest variation in the degree of recognition which the different countries applying for admission had secured. Lithuania, for example, had been recognized *de jure* by Germany and Soviet Russia only, while Armenia claimed *de jure* recognition as a signatory of the Treaty of Sèvres, by all the other signatories, and this claim seemed indisputable.

Although no definite principle was enunciated as to the bearing of *de jure* recognition on the question of admission to the League, the general impression conveyed as the result of the discussion and the action taken was that countries which were prepared to vote for the admission of any State to the League ought to prepare the way by according a *de jure* recognition.

This fact may be very helpful to countries which were not admitted at the First Assembly, as it gives them a very real argument to urge in their claim for recognition. The *de jure* recognition of a country does not involve any very great responsibility on any State. Admission to the League, on the other hand, does involve responsibility, and it is only right that the lesser should precede the greater.

One of the less apparent results of the Assembly among the many which will eventually emerge will undoubtedly be that the greater and firmly

established States will realize their individual responsibility to show friendliness and to give help to new and struggling countries.

The really burning question of the Committee was, however, the interpretation of the expression "effective guarantees of its sincere intention to observe its international obligations." This arose naturally over the admission of Austria and Bulgaria, particularly the latter. No one exacted "the pound of flesh," no one professed to be contented merely with "a cloud in the sky, the size of a man's hand," but the discussion practically ranged between these extremes.

This difficulty was increased by the fact that exact information was not available as to the extent to which these countries had met their treaty obligations, nor as to the degree in which any non-observance was due to ill-will, or merely to circumstances beyond their power at the moment to change. The evidence tendered was occasionally of a kind which startled one with a sense of the importance either of the body deliberating or the question at issue. At one point part of an article by a Bulgarian in a French paper was quoted to throw discredit on the Bulgarian Prime Minister. This led to one of the most entertaining incidents of the Committee. Lord Robert Cecil asked to see the newspaper in question, and glancing through it demanded the *parole*. He pointed out that the article in question was not directed by the writer against the Bulgarian Prime

Minister but against his own country — the quality of his patriotism being revealed by his appeal to French financiers to refuse any credit for business enterprise in his own country. “Furthermore,” said Lord Robert, “I confess, I can give no weight to a statement in a paper, the leading article in which is an appeal to France to join with the United States of America in destroying my country of origin.<sup>1</sup>”

It was actually proposed at one point by a most important delegate, and supported by other delegates, that the question as to whether Bulgaria had given effective guarantees should be referred to Marshal Foch, and that the Committee should abide by his decision.

Nothing but the great difficulty of arriving at a criterion could have induced a responsible statesman to make such a proposal, which was ruled out by the prevailing good sense of the gathering.

There is no doubt that M. Viviani, in his great speech in the Assembly on the admission of Austria, expressed to the satisfaction of the majority of the delegates the general sense of the Assembly of the interpretation to be given to the phrase in question, and his explanation is of the greatest importance, as it was definitely associated with the question of the admission of Germany.

“Il y a l'élément moral, il y a l'élément matériel. On ne s'est pas contenté de la sin-

<sup>1</sup> England. Lord Robert Cecil's country at Geneva was S. Africa.

cérité de l'intention, car cela, c'était matière à arbitraire et à appréciation. On a voulu que la sincérité des intentions se manifestât au regard des peuples. Par quoi? Par des garanties effectives, c'est-à-dire, non par des paroles mais des actes. Donc l'Allemagne pénétrera ici quand elle aura donné conformément au texte et à l'esprit de l'article 1<sup>er</sup> du pacte les garanties effectives de sa sincère intention de remplir ses obligations. . . . Quand les garanties réclamées par le Pacte seront données, quand ceux qui ont jeté l'humanité sur ce calvaire et dans cette calamité auront commencé à montrer leur sincère intention par des actes, qui donc se lèvera pour déclarer que la Société des Nations ne sera pas universelle? Ce ne sera pas nous."

No other provision of Article I. of the Covenant created any real difficulty. The Permanent Commission on Naval, Military and Air Forces had examined the military strength of each of the States making application, with the exception of the ex-enemy States, whose cases were covered by the different treaties, and in every case recommended either that the present standard be maintained or that the forces be increased. What might have been the very difficult problem of reduction of armaments did not therefore arise.

Neither was there any difficulty about defining the exact meaning of "a fully self-governing State." In each case it was quite clear that the State asking for admission satisfied that



condition, with the exception of Lichtenstein and Albania. In the case of the former it was established that Lichtenstein was fully self-governing, except in regard to its customs and juridical arrangements, and this, in conjunction with its small population and territory, led to the rejection of its application. In the case of Albania, it was established that Albania was fully self-governing, except in certain portions of its territory, which were in temporary occupation of Yugo-Slavia, but, although her claim for admission was rejected in Committee, the Assembly admitted her to membership.

Two very important discussions arose on the question of additions to the provisions of Article I. of the Covenant. The first arose out of a proposition by Lord Robert Cecil that States admitted to the League should be required to enter into minority treaties similar to those which had been imposed on Austria, Czecho-Slovakia, Greece, Hungary, and other countries. This proposal, made quite clearly in the general interest of peace and security, provoked the most startling opposition and one of the ablest speeches of the Assembly from Mr. Rowell of Canada. Mr. Rowell declared that any such stipulation would in effect be an amendment to Article I. of the Covenant, and that to the mind of the New World the perpetuation of minorities was politically disastrous. He insisted that the Governments of Canada and the United States devoted enormous energy to assimilating minorities, not to encouraging



them, and that such a provision was impossible in a World League. Mr. Rowell's intervention was effective in bringing the Committee, too apt frequently to look only at Europe, to wider ground, and Lord Robert Cecil's proposal was ultimately adopted in the form merely of a Recommendation to countries concerned. Finland and Albania, the only countries immediately concerned, expressed their complete willingness to conform with the Recommendation.

Perhaps the most interesting item in a very piquant debate was the statement by Dr. Benes of Czecho-Slovakia, one of the ablest men at the Assembly, that the minority treaties constituted the very best protection for the majority in such countries as his own. By providing minorities with a court of appeal the majority were relieved of enormous difficulties in dealing with complaints of hardship and oppression.

One of the real personalities of the Assembly, M. Restrepo of Columbia, will always be associated in the minds of those who attended the Assembly with H. E. Zoka ed Dowleh, representative of Persia, as the champion of small States. M. Restrepo insisted that the fulfilment of the provisions of Article I. of the Covenant should be the only condition required for admission to the League, and that no other circumstances, political or otherwise, should be taken into account. "When you refuse the application of Esthonia," he declared, "because of the conditions in Russia, you are amending the Covenant by adding 'circumstances permitting.'"

M. Restrepo went so far as to offer 20,000 men if required for the defence of any small country against aggression, and repeated his offer when M. Viviani interrupted with the request that it might be recorded in the minutes. The logic of M. Restrepo's argument was unassailable, but he was unable to persuade either the Committee or the Assembly that circumstances should not be taken into account.

The Committee, as a whole, did not examine the applications for admission, but relegated this duty to three sub-Committees who reported to the main Committee.

M. Poulet of Belgium reported on the Baltic States, Finland, Esthonia, Latvia, Lithuania and on Luxemburg.

Lord Robert Cecil (South Africa) reported on Austria, Bulgaria, Albania and Lichtenstein.

Dr. Nansen reported on Georgia, Armenia, Azerbaijan, Ukraine and Costa Rica.

The terms of reference of the sub-Committees were as follows :

The sub-committee shall, in respect of each applicant, investigate the following points :

- (a) Is its application for admission to the League in order ?
- (b) Is the Government applying for admission recognized *de jure* or *de facto*, and by which States ?
- (c) Is the applicant a nation with a stable government and settled frontiers ? What are its size and population ?
- (d) Is it fully self-governing ?

- (e) What has been its conduct, including both acts and assurances, with regard to (1) its international obligations; (2) the principles of the League as to armaments?

When the reports of the sub-Committees came back to the main Committee there was some embarrassment as to which application should be taken first. The feeling was general that the earlier decisions might influence the later. There was undoubtedly ground for this opinion, though it seems scarcely likely that the ultimate decision of the Assembly would have been different from what it was.

The hesitation, however, to commence the discussion of any particular application and even to come to a conclusion of the deliberations was very marked. There was such a nervous tendency to move the adjournment before the decision was made as to provoke outbursts from several of the more outspoken representatives, including Dr. Nansen, of whom there will always remain a picture standing waving his arms up and down and shouting, "We'll never get on at all if we go on in this way."

The first new State actually to be accepted by the Committee was Austria. To the recommendation of the sub-Committee there was practically no opposition. M. Motta, however, made it quite clear, that his vote was given on the assumption that the inclusion of Austria in the League did not settle for ever the question of the Vorarlberg.

Costa Rica was next unanimously recom-

mended for admission, the same unanimity rejecting the applications of Azerbaijan, Ukraine and Lichtenstein.

The admission of Finland and Luxemburg caused no difficulty, but there was some opposition to the recommendation that the applications of the Baltic States and Georgia should be adjourned, with the proviso that in the meanwhile they should be allowed to participate in the work of the Technical Organizations of the League. A few delegates were in favour of admission, pure and simple. Lord Robert Cecil made a great effort to secure admission, with reservations as to the responsibility of the League under Article X. or as to voting rights in the Assembly, but the recommendation was eventually carried.

With regard to Albania, there was much sharper division of opinion, and, in a meeting prolonged till the members remaining were small, the recommendation was carried that the application of Albania should be adjourned until its international status had been fully defined.

It was Lord Robert Cecil again who pleaded this seemingly lost cause, and his determination carried him to the Assembly, where he had a great triumph in securing the admission of Albania to the League by an Assembly in a very good humour.

The most difficult and hotly debated cases before the Committee were those of Armenia and Bulgaria.



The dramatic reception given to Lord Robert Cecil's appeal on behalf of Armenia early in the Conference had brought this unhappy country very prominently into the minds of everybody, and there was a universal desire to do everything possible for its salvation and establishment. The sub-Committee which examined its application reported, however, that great as was their desire to assist Armenia they were unable to recommend that admission to the League should be accorded.

On the very afternoon on which the sub-Committee reported it was announced that President Wilson, in response to the appeal to the Powers from the Council of the League, had agreed to undertake personal mediation in the Armenian situation. The atmosphere of the Committee was fairly tense when the sub-Committee made its report, but became highly electric when M. Viviani, in a speech bitterly criticizing those who spoke of or wept over the sufferings of Armenia without doing anything, demanded, to the amazement of his audience, the admission of Armenia to the League. This speech gave the keenest delight to some of the more liberal spirits present, but Lord Robert Cecil, though he quite evidently shared their delight, felt bound to point out that such action would make it impossible to administer Armenia under the mandate of any member of the League and might prejudice rather than forward her interests. The rather piquant discussion which followed left the matter undecided for the



time being, but feeling rose high a few days later when the papers announced that the meeting of Ministers of Italy, France and Great Britain in London had pronounced against the admission of Armenia to the League. Such a pronouncement by three members of the League on a question which was being discussed by the Assembly, and which was entirely the latter's business, aroused the most indignant resentment.

The report was circulated, however, that this announcement had been made in error, and when next the case of Armenia came before the Committee there was very little to be said, except to acquiesce in the adjournment of the application.

The application of Bulgaria aroused the fiercest opposition. The sub-Committee had reported favourably, but there was every evidence before the report was considered that the recommendation would be hotly contested. The main difficulty consisted in the paucity of unbiassed evidence as to the fulfilment of the terms of the Peace Treaty, combined with the shortness of the time which had elapsed since the Treaty came into force. The evidence which the sub-Committee had received had been sufficient to convince them of Bulgaria's sincere intention to fulfil all that was required of her, but not enough to convince certain members of the main Committee.

Eventually a compromise was reached in the decision that the application should be sent back to the sub-Committee in order that further

information might be obtained, and the leading opponents of admission declared their willingness to abide by the results of this examination of facts. When the sub-Committee had secured further evidence even more favourable to Bulgaria these members loyally adhered to their declaration and the question was settled, except for the final sanction of the Assembly, which was by this time quite assured.

The question of the admission of Germany was not raised at any point in the Fifth Committee. It could hardly have been so raised under the terms of reference, but it hovered naturally on the periphery of the discussions. The general feeling was undoubtedly one of thankfulness that it had not arisen. Any discussion of that question would have obscured other issues and might have resulted in the rejection of the application of States which were admitted. It would probably have interfered with the general good temper and real desire for agreement which, in spite of some acrimonious passages, characterized the discussions. The result to those who had the opportunity of following the meetings of the Committee right through must seem highly satisfactory, and a very great testimony to the efficiency as a deliberative body of the Assembly of the League.

A. C. S.

## CHAPTER XI

### THE SIXTH COMMITTEE

OF the Committees, the Sixth alone made a real effort to carry on its discussions in public. The experiment was not a very great success, the reason apparently being that the public, especially that section of it comprising newspaper reporters, seemed to lose interest in any gathering from which they were not excluded. Towards the end of one such sitting the public was represented by one lady reduced to a comatose condition; while at every private sitting so many people, not delegates, but presumably with some right or other to be present, drifted in and out that the meeting might just as well for the purposes of secrecy have been held in the street. Apparently no objection was taken even in the most secret meetings of the most private sub-Committees to the presence of a black and white artist, whose assiduity in sketching some of the more picturesque of the delegates was one of the features of the Assembly.

Undoubtedly in the Assembly the fact of the public nature of the gathering exercised some

influence upon the speakers, but in the Sixth Committee it apparently made not the slightest difference to the discussions whether or not the myth of privacy was maintained.

The greatest admirer of M. Branting could not call him a good chairman. He exhibited scarcely any quality which is appreciated in a holder of that office; added to that, his command of neither English nor French was by any means perfect, and, though he may have understood most of what was said in either language, his remarks in a French quite unique were frequently unintelligible.

The choice was doubly unfortunate, as a good chairman is one of the most essential things in an international gathering, and the Committee was deprived of the very valuable contributions which M. Branting outside the chair would certainly have made to the discussions.

The first meeting of the Committee was a terrible experience. There was a weight of unreality which the Chairman did nothing to lift, a torturing sense of impending fiasco, accentuated by the announcement that no material for a discussion on mandates was available nor likely to be available for three weeks.

The feeling of awkward discomfort had reached a pitch almost maddening when Lord Robert Cecil, presumably with the object of adjourning the meeting, proposed that the discussion on the question of Disarmament and the Economic Blockade could perhaps be most usefully initiated

by an exposition of the whole of each question by one of the members of the Committee, and suggested that M. Viviani be invited to favour the Committee with an *exposé* of the situation as regards the former.

The Chairman did not apparently grasp the whole purport of Lord Robert Cecil's remarks, but he clutched at the suggestion and there and then called upon M. Viviani to deliver an address on the question of disarmament. It is doubtful whether M. Viviani had ever given any amount of thought to this matter; it is certain that no other man in the world, however well informed, would have done what M. Viviani did; he took a deep breath, rose to his feet and delivered the most amazing improvisation that any one present had ever heard. As a work of art it was faultless, perfect in the construction and lucidity of its argument, without a flaw in the limpidity and clearness of its expression, but as a contribution to the discussion, or rather as an opening to the discussion, it was a hopeless failure. M. Viviani not only saw nothing to be done, but he saw nothing to be discussed. The result of this draught<sup>1</sup> of eloquence was that the Committee, for a few moments vitalized by a powerful injection, fell back into a condition of perplexed impotence more hopeless than before.

At no time in the whole Assembly, perhaps, did Lord Robert Cecil reveal more clearly the amount of study and thought which he has given to all the problems of the League than in

<sup>1</sup> French, *courant d'air*.



the speech he made in reply to M. Viviani. It was an improvisation as brilliant as, though of a character absolutely opposite to, that of the French statesman, and what he laid down in that speech as the possible lines of discussion became practically the report of the Committee.

The result of this intervention was that it was decided to hold a public sitting, at which Dr. Charles Lange of Norway and Mr. Wellington Koo of China should expose the general principles of the question. This meeting was held in the old Town Hall and most admirably stage-managed, all the arrangements, including those for photographs, being more than usually adequate. Nothing could have been less effective. Dr. Lange knew too much about the subject, Mr. Wellington Koo too little. The former, speaking the most beautiful French, went at such length into the history of previous attempts to come to an international understanding on the subject that long before he had finished the public and many of the delegates had silently departed. Mr. Koo urged the general difficulty of accomplishing anything at the present moment to a dispirited remnant pining for the adjournment. The discussion on general principles continued through several sittings without any definite advance being made, and the Committee was heartily glad when the question was referred to a sub-Committee under the chairmanship of Mr. Fisher of Great Britain, which eventually made what was, under the circumstances, a laudable report.

The difficulties in arriving at any resolutions which would indicate a visible step in advance were obvious and very real. The Permanent Commission on Naval, Military and Air questions had been sitting for some months. The total results of their labours were, firstly, a pronouncement against the use of poison in any form in warfare, and secondly, recommendations as to the armament strength of each of the States applying for admission to the League. In every case they had recommended either that the present strength of armaments should be maintained, or that it should be increased. If a Commission of experts had in several months been able to arrive at nothing more than a pious resolution about poison gas, what could a Committee of the Assembly hope to arrive at in a week? And if it had been found impossible to effect any reduction in the case of new States joining the League, how could any reduction in armaments be pressed upon the Great Powers members of the League whose military resources were known to be inadequate to what they considered urgent present needs.<sup>1</sup> Moreover, it had so far been found impossible to effect the reduction in military strength imposed by the Peace Treaties on the ex-enemy countries. This was a very great obstacle in the way of the Allied Governments, who, with all the good intentions in the world and in spite of economic pressure,

<sup>1</sup> One of the most dramatic incidents of the Assembly was an interruption by M. Viviani during a discussion on the responsibilities of the League under Article X., "Je n'ai plus d'hommes."

still felt unable to run any risk of letting slip the victory which had been won and endangering such peace as had been secured. There was also in the minds of many the possible danger from a country which had openly declared itself the enemy of the League, and seemed prepared to justify its peculiar opinion by force whenever and wherever it could use it. It must also be said with regret that the attitude at that moment of the United States towards armaments did not tend to allay the general uneasiness or to encourage hopes that the time had come for a universal abolition of arms.

The Committee enquired into the results of the Convention for the Control of the Trade in Arms and Ammunition which was signed at St. Germain in September 1919, among the signatories being the United States, Great Britain, France, Italy and Japan, and reported that none of the parties to the Convention had ratified it or made any but the most meagre attempts to carry out its provisions. They recommended that the Council should be invited by the Assembly to urge upon all Governments, without delay, speedy ratification of, or adhesion to, this Convention.

The Committee drew attention to the fact that no steps had been taken in regard to the private manufacture of munitions denounced by the Covenant, and recommended that the Council should be urged to take steps to investigate this serious problem.

The Resolutions on disarmament were pre-

ceded by a preamble which recalled the pronouncements of the Supreme Council and of the International Financial Conference on the disastrous effect of armaments on the economic situation, with special and very pointed reference to part of the preamble of Section V. of the Peace Treaties. This declares that the disarmament of certain Powers signatory to these Treaties should be provided for "in order to render possible the initiation of a general limitation of the armaments of all nations."

The Resolutions invite the Council to speed up the work of the Permanent Commission on Military, Naval and Air questions, to secure the advice of experts in matters of a political, social and economic nature in addition to that of soldiers and sailors, and to form a section in the Secretariat of the League to superintend and facilitate all incident work.

Great disappointment at the timidity of these Resolutions has been shown by a large section of the public, who expected that the Assembly would have been able to accomplish something definite in the way of disarmament. This disappointment is, however, ill-founded, as the Resolutions in themselves give an indication of the genuine desire for disarmament which dominated the Assembly. The discussions which led to these Resolutions were of the greatest value in throwing light upon the whole question, and in focussing attention upon the principal difficulties in the way. The existence of the Convention of St. Germain, as well as the failure



to carry out its provisions, was a revelation to the great majority of delegates. Many things were whispered in the ear which cannot be uttered upon the housetops, but which will carry their message to the right quarters. The difficulties are known, the recalcitrants are under observation, and the next Assembly will have a good deal to say in the matter if some progress has not been made by September.

There remains one other Resolution, which was modified by the Assembly into a Recommendation. The Resolution was evolved from a suggestion, made by Dr. Lange at the first public meeting of the Committee, that the only practical way in which to effect a reduction of armaments was to reduce the budgets of the different countries for their naval and military expenditure.

The Resolution called upon the Council to submit for the consideration of the Assembly the acceptance of an undertaking not to exceed for the first two years following the next financial year the sum total of expenditure on the military, naval and air services provided for in the latter Budget unless by request of the League for League purposes, or in exceptional circumstances, which should be notified to the League.

This Resolution would not, if passed, have committed any single member of the League to anything, and yet it met such opposition from a section of the Assembly, headed by France, that in form it had to be changed from a Resolution which required unanimity to a Recommenda-



tion which was passed by a very large majority. It is extremely difficult to assign any reason for the opposition of the French delegates. That opposition gave the Recommendation a significance that the passing of a unanimous Resolution would not have commanded. It probably gave the "anti-waste" party in France a whip to beat the Government. The action of MM. Bourgeois, Viviani and Hanotaux was possibly due largely to their passion for logic; they could see no hope of disarmament in the near future, why pass idealistic resolutions? This was one of the many occasions when the radical difference between French and British ways of thinking came out clearly. Mr. Fisher had himself moved the Resolution, explaining carefully that in so doing he did not bind his Government in the very slightest to follow the suggestion. To the French mind that attitude is irritatingly incomprehensible; in their mental processes the finish must be "logically predicated from the start."

There was doubtless also in the minds of the Frenchmen the general fear of the effect upon Germany of any move towards disarmament at the moment. But, whatever were their motives, it was generally recognized even in French circles that their action was unfortunate. One of the really tense moments of the Assembly came when France voted thus against a Recommendation which clearly commended itself to the conscience and good sense of the civilized world.

Even greater reluctance was shown by the Committee in dealing with the question of the Economic Blockade. The subject admittedly bristled with difficulties, many of them of a highly technical character, and the members of the Committee could hardly be blamed if they felt their incompetence to discuss the matter with any profit. Some members, however, were eager to get something done, chief of these being Lord Robert Cecil, and his insistence carried great weight, partly because of his personality, but more because it was realized that his experience as British Minister for Blockade during the war had given him an unequalled knowledge of the subject.

It apparently came as a shock to the representatives of some of the smaller nations to learn that the relationship which would exist between members of the League and any member who went to war in defiance of the Covenant was a state of war, to which all the rigour of that state applied. It is an understanding quite clearly laid down in the Covenant, though hitherto insufficiently realized. It would be quite agreeable to many members if this remained a dead letter, but to some it was unthinkable that the League's great weapon should be allowed to rust away neglected.

The ground had to some extent been cut away from the feet of the Committee by the proposal of the Council to appoint a Commission on Economic Blockade, and the suggestion was reasonable enough that the decision of the matter

should be adjourned until the report of that Commission should be available, presumably at the next Assembly. Lord Robert and his supporters were, however, very insistent that, while the more difficult details might well be left to the deliberations of a Commission of experts, there were certain aspects of the question on which the Assembly could pronounce immediately and on which a pronouncement was urgently called for. One of these was the machinery by which the Economic Blockade should be set in motion. Who was to judge as to when a State had broken the Covenant? Could, for instance, any individual member decide for itself that a neighbour had broken the Covenant and immediately apply the Economic Blockade and call upon other members to do the same? At one moment it appeared that this was Lord Robert's point of view. The obvious dangers, however, of such freedom struck the imagination of the Committee. On the other hand, if it were left to the Council to decide, what would be the position if a powerful member of the Council became a breaker of the Covenant?

Other difficulties presented themselves in the most acute form to some of the smaller countries; in particular, M. Motta pointed out that Switzerland would in certain circumstances find herself in a most uncomfortable position owing to the very high percentage of foreigners resident in the Confederation. The prevention of all intercourse between the nationals of a Covenant-breaking State with her own people would in certain cases

be a most formidable task. A similar difficulty, it was clear, would be experienced by Norway, very large numbers of whose nationals are sailors serving in foreign ships. It was realized also that the incidence of the burden of a general economic blockade of any country would fall necessarily much more heavily on some countries than on others, and that it was highly desirable to devise some system of sharing the burden.

The general discussion on this question was of a most illuminating character, and will serve a useful purpose when the Commission on Blockade meets. A sub-Committee was appointed to make suggestions for a line of action which might reasonably be adopted pending the working out of a complete scheme. The report of this sub-Committee is substantially that which was adopted by the Assembly.

The decisions taken are of the highest importance. A clear declaration that the League is in earnest about its economic weapon, and the establishment of machinery, however rudimentary, to set it in motion, will prove a powerful deterrent to any would-be breaker of the Covenant.

The Council of the League had proposed to the Assembly that an International Blockade Commission should be set up by a mixed committee of the Council and the Assembly, but under the authority of the Assembly, for the purpose of studying the problem and settling the general plan of action, the organization of the



more permanent machinery required, and the principles on which it would work.

The sub-Committee examined this proposition and recommended that the Council should be asked to appoint the International Blockade Commission and place the conclusions of that Commission before the next Assembly, that the Commission should not exceed eight in number, of whom at least half should not represent States which are permanent members of the Council.

This Commission will consider the steps necessary to bring into full effect the provisions of Article XVI. of the Covenant, but the sub-Committee made further recommendations in order to render as far as possible the economic weapon of the League immediately effective. The following is a summary of these Recommendations, which are provisional and subject to review at the next Assembly on the report of the International Blockade Commission.

It shall be the duty of the Secretary-General to draw the attention of the members of the Council to any facts which in his opinion show that a member of the League has broken the Covenant. Any member of the Council may then ask for an immediate meeting of the Council to consider the matter, and the minutes of the meeting shall be sent to every member of the League. Every member who is satisfied, on receiving this report, that the Covenant has been broken shall break off diplomatic relations and prevent all intercourse between people residing within its territory and those residing within the



territory of the Covenant-breaking State. The legislation necessary to this should be immediately passed by each member of the League. Relations, however, of a purely humanitarian nature may be maintained. When the Covenant-breaking State has a seaboard the Council should forthwith consider which members can most conveniently be asked to institute an effective blockade by sea.

These recommendations apply equally to States not members of the League who have been invited under Article XVI. to accept the obligations of membership for the purposes of settling a dispute, whether or not they accept the invitation.

These recommendations having been accepted by the Assembly, there now exists very simple machinery for using the economic weapon of the League. The Blockade Commission will either improve this machinery or construct something more effective of a different character, but the machinery exists and can be put into motion if the occasion arises without unnecessary delay.

The opinion had been prevalent for months before the Assembly that the Powers concerned would contrive to delay the drawing up of the Mandates until it was too late for the Assembly to make any pronouncement upon them. This opinion was amply justified by events. The only part of the proceedings of the Assembly which degenerated to the level of farce was that concerned with this subject. The Council had

put the question of Mandates on the Agenda, and had called upon the Powers concerned to submit the Mandates in time for the meeting. The very worst impression was created by the hesitation of the Powers to comply with this request. It was not until the Assembly was nearing its close that a rumour spread that the Council had actually received some draft mandates. A mandate sub-Committee was immediately appointed under the chairmanship of Dr. Nansen, which quite properly asked the Council to let them see and examine these drafts. This request was at first refused, but on the vigorous protest of the sub-Committee, copies of the draft mandates for Palestine, Mesopotamia and Syria were circulated confidentially to the members of the sub-Committee with the stipulation that no reference was to be made to them in their report. This quite inexplicable condition was bitterly resented by the sub-Committee, who made another protest to the Council. The latter, however, refused to alter their decision, and the sub-Committee was left in the position of being prevented from making to the Committee or to the Assembly the report which they had prepared on the "A" Mandate. The protest against this method of treating the Assembly made by Lord Robert Cecil in the Assembly drew from Mr. Balfour an unfortunate speech, in which he affirmed in the most emphatic manner the sole right of the Council to deal with the question of Mandates, and intimated that neither he nor his successors on the Council as representatives of Great Britain

could pay attention to what the Assembly or any member took upon himself to say on the question. His speech did not, however, greatly influence the Assembly, which had by that time not only established but had vindicated its claim to criticize freely the work of the Council and to make any suggestion which it judged proper, and the natural irritation which the speech aroused was tempered by the great personal respect in which the doyen of British statesmanship was held and the deference accorded to his views. A clear and temperate reply by Lord Robert Cecil led to the adoption of the only course possible under the circumstances of pressure of time, the passing of the report of the sub-Committee to the Council of the League. The report contented itself with making general observations on the "A" Mandate to the effect that the mandatory should not make use of his position to increase his own military strength or to exploit for himself or his friends the natural resources of the Mandated territory. With regard to "B" Mandate the report did little more than draw attention to the draft "B" Mandate prepared by the British League of Nations Union, which seemed to the sub-Committee to contain provisions well worthy of the consideration of the Council.

The whole affair was immensely unsatisfactory, and the Sixth Committee felt and had every right to feel aggrieved at the scant courtesy and consideration which had been shown them by the Council. The action of the Council in placing

Mandates on the Agenda and then withholding all means for their fruitful discussion savoured either of the most humiliating vacillation and timidity or of chicanery of the most undignified character.

A. C. S.

## CHAPTER XII

### REFLECTIONS ON THE FIRST ASSEMBLY

THE preceding pages have described the activities and atmosphere of the Assembly; it remains to consider what verdict we shall pass upon it. Did it do its work? Was it successful? The answer to both questions, in my judgment, is in the affirmative. Whether the general public will agree depends chiefly on what they expected, and that again depends on the proper construction of those articles of the Covenant which define the functions of the Assembly. Firstly, then, let us note that under the Covenant the Assembly is not primarily an executive body. It is quite true that under Article III. it can deal "with any matter affecting the peace of the world," and it may, therefore, perform executive acts. But, except in one instance, that is not normally its duty. The one exception is that the admission of new States has to be agreed to by two-thirds of the Assembly. How it performed this duty has already been described, and I do not think it will be seriously disputed that its work in this respect was well done.



Beyond this, however, it attempted hardly any executive action. There was, indeed, the case of Armenia, where the urgency of the peril and the strength of the Armenian claim to world consideration seemed to require the direct intervention of the Assembly. Even here, however, it decided to take action partly through the instrumentality of the Council, and so far as it kept the matter in its own hands it was constrained to appoint a special committee for the purpose. The arrangement was perhaps the best that could be made under the circumstances, but it did not work very well, since there were two organs of the League dealing on parallel lines with the same question. It is, indeed, obvious that to have a committee taking executive action sitting by the side of the Council, which has been endowed with executive functions itself, is not a very convenient form of procedure. Moreover, it was decided that since the Assembly is not a continuous body, the committees appointed by it come to an end at the close of each session on the analogy of Parliamentary committees, so that if any executive matter is likely to require attention for some weeks, the Assembly cannot, with its present powers, deal with it directly at all. An attempt was made to get over this difficulty by asking the Council to continue the appointment of the Armenian Committee by the Assembly, but it was felt that this would only needlessly complicate the machinery of the League, and if anything could be done for that unhappy country, it was the business of the

Council to do it. Unfortunately the revolution in Armenia made any assistance for her extremely difficult, and it seems likely that beyond the general demonstration of belated sympathy nothing much was achieved in this respect by the Assembly. It is a melancholy reflection that if the Assembly had been in existence six months earlier, Armenia might have been saved. But in actual result, for which neither the League nor its organs are responsible, the fatal words "Too late" must be written against the attempt to bring succour to this martyred nation. One other matter of an executive nature was to some extent dealt with by the Assembly, namely the dispute between Poland and Lithuania. Here the Council had already acted, though when the Assembly met it was extremely doubtful whether its action would succeed in stopping hostilities. The Assembly confined itself to a demand for full information, and an imposing Blue book setting out the whole correspondence was, after a certain delay, presented to it. Meanwhile peace had been re-established, and further action on the part of the Assembly was unnecessary. It may, however, well have been true that the discussion of the question in the Assembly contributed towards this satisfactory result. If so, it is an example of the value of public discussion, a value which was established by many other incidents in the history of events at Geneva.

If the executive activity of the Assembly was restricted, a good deal of legislation was accom-

plished, as has already been recorded, nor is it desirable to deal again with the facts as to the Court of Justice or other proceedings of a legislative character. It may, however, be noticed that the Assembly took no action for the revision of treaties under Article XIX. or for the amendment of the Covenant under Article, XXVI. These very special functions of the Assembly will no doubt be part of its future labours. Indeed, Bolivia gave notice that at the next meeting of the Assembly it intends to ask for a revision of its Treaty with Chili, an intention against which the Chilean representative protested. As for amendments to the Covenant, a Commission is to be appointed to consider these and make propositions on the subject next September. It was felt, perhaps rightly, that it would be unseemly at the very first meeting of the Assembly to raise the question of changes in its fundamental statute.

In this connection, there was a very noteworthy tendency on the part of the Assembly to magnify its office, a thoroughly healthy symptom in all vigorous organizations. Take, for instance, the question of disarmament. Many complaints have been made that the Assembly did not in this respect do enough, but any one who reads Article VIII. will see that as a matter of fact the limitation of armaments is one of the questions specially assigned to the Council, who are to formulate plans for the consideration and action of the several Governments of the members of the League. Here, then, the Assembly exerted

its rights under Article III. to deal with a subject which in the first instance fell within the sphere of the Council. So too, under Article XIV., it is for the Council to "formulate and submit to the members of the League plans for the establishment of a permanent Court of International Justice." Here, perhaps, it may be said that "the members of the League" means the Assembly, and no doubt that is sometimes the meaning which is properly given to that expression in the Covenant. But as a matter of fact certain of the delegates insisted that the final decision as to the acceptance of the Court should be reserved for the Governments of the members of the League, an insistence which is in principle much to be regretted, since it throws doubt on a fundamental fact, namely, that the Assembly is not a meeting of international experts but a Conference of the Nations of the World. Still, the Assembly did not merely decide upon the plans proposed to it by the Council; they considered the matter afresh, debated it for many days in committee and in the Assembly itself, and made several changes in the proposals as originally submitted. In both these cases, then, the Assembly on the invitation of the Council undertook duties which might have been performed by the Council itself. And the same is true of much of the work which came before the Second Committee, which has already been described.

It might perhaps be said that the curious dispute between members of the Council and



of the Assembly which arose about Mandates was another instance of the readiness of the latter body to extend its functions, but it would be more true to say that the controversy arose mainly from the extreme obscurity of the eighth paragraph of Article XXII. Moreover, by that time the right of the Assembly to examine and discuss any matter within the scope of the League, even if it was actually under consideration of the Council, had been definitely conceded in the Report of the Fourth Committee as adopted by the Assembly. Apart from these instances of the general appetite for exertion displayed by the Assembly, there were some direct decisions tending to extend its scope of action. In the first place, it was laid down that the Budget was a matter peculiarly for the Assembly to deal with. That was a very important decision, for we in this country know well that control of finance implies control of all other powers of administration.

In the second place, the very able and distinguished President of the Assembly gave a ruling which prevented the regulation requiring unanimity to lead to mere impotence. He ruled that though decisions of the Assembly required unanimity under Article V., that principle did not apply to mere expressions of opinion. Now, as a matter of fact the cases in which the decisions of the Assembly have a force beyond that of a weighty expression of international opinion are very rare, as any one who reads the Covenant with attention will agree. Indeed this must



be so, because the whole conception of the Covenant is not to create a super-State which will be able to give orders to the members which compose it, but rather to organize international co-operation, or, at the most, a kind of alliance, for the purpose of preserving peace. It is therefore a most valuable addition to the powers expressly conferred by the Covenant that the majority of the Assembly should be able to register its opinions in the shape of formal resolutions, and will greatly extend its usefulness in the future. In actual fact the resolution urging the limitation of armaments to the figure provided in the national Budgets for 1921 was a majority decision. So, too, when it became clear that it was impossible to obtain unanimity for the regulation providing that, in the election of the four non-permanent members of the Council, one should be allotted to Asia, a recommendation to the same effect was substituted for the regulation, passed by a large majority and acted upon next day when the election was held.

In the third place, by one of the procedure rules any resolution that has been proposed to the Assembly is automatically sent to committee, and if there is no suitable committee in existence, one can be appointed under Rule 5 by a majority vote. Once in committee, the rule of unanimity no longer applies, since the decisions are only provisional until confirmed by the Assembly. On the other hand, a committee can send for any member of the Secre-

tariat of the League and obtain any information that the Secretariat possesses. The result will be that a resolution, even if it fails to secure the unanimous acceptance of the Assembly, may be certain of being thoroughly discussed and elucidated, and it is this discussion and elucidation which form the principal means by which the Assembly affects international questions. It may well be that these developments of the powers of the Assembly will not have much effect on what we have called its legislative and executive functions, though even there they may have some influence, but their value for facilitating deliberation and discussion, the two most important duties of the Assembly, is very great.

The deliberative action of the Assembly fell naturally into two divisions, which, however, necessarily overlapped. There was a discussion on the report of the Council, and there were independent resolutions dealing with matters of international interest. It was quite natural that at the first Assembly there should be some little uncertainty as to the attitude of the Council towards the discussion of its report by the Assembly. At first it was doubtful if any member of the Council would take part in the discussion at all, and it was only by a kind of afterthought that the chief representative of Italy gave explanations, which were carefully described as not being on behalf of the Council, of certain actions of the Council about which questions had been asked. In future no doubt

this constitutional prudery will disappear, and it will become more and more part of the regular procedure of the Assembly to criticize the actions of the Council during the preceding year, and to ask and receive explanations where they are required. This is as it should be. Nobody, however distinguished, works any the worse for knowing that his proceedings will come up later for public discussion before the world ; and this is true not only of the Council but of the Secretariat, admirably as that body has, on the whole, discharged its duties.

Beyond this the Assembly made some attempt to discuss urgent world problems. Ultimately this will be by far its most important duty, but in its first session it did right to proceed with the greatest prudence. It refused, for instance, to discuss the very pressing economic question on the ground that this had already been dealt with at the Brussels Conference of economic experts. Perhaps this was right, for there was nothing very much to be added to what had already been said. Again, except for a passing allusion, it did not enter upon the main Russian question. So too the position of Germany only came up once, and that was in the immensely valuable debate over the admission of Austria. On that occasion one was able to see how such discussion might in the future develop, and how desirable it is that national points of view, such as those of France and Switzerland, should be openly stated in a moral and intellectual atmosphere, which compels impartiality and

moderation. The repatriation of prisoners of war was debated more than once as part of the discussion on the report of the Council, and the Assembly appreciated what the Council had done. Conversely it discussed its inaction in failing to prevent the renewal of hostilities between Poland and Russia last spring. - This was perhaps the most direct attempt of the Assembly to enter upon the consideration of pressing world problems. A discussion was initiated by Mr. Barnes in an admirably temperate speech, which brought a characteristic reply from M. Paderewski, not perhaps altogether suitable for an Assembly the main purpose of which is the preservation of peace. Still, here again, nothing but advantage can result from the clear exhibition of the several points of view of the British working-man and the Polish patriot. At present these two do not understand one another, and they can only hope to do so by a frank interchange of opinion. Indeed it was remarkable in all these discussions how much can be said, if it is said under conditions such as those which prevailed at Geneva, without offence. In another debate one of the speakers described some of the provisions of the Pact of London of 1915 as "immoral and illegal." Three of the Powers who were responsible for the Pact were present, yet none of them resented this description or, as a matter of fact, contradicted it.

On the whole, these discussions were a most valuable part of the direct work of the Assembly,



but valuable as they were, they were only a beginning. In future Assemblies it is to be hoped that there will be less detail work to do, for which a body of that kind is really not very well fitted, and on the other hand it will discuss with greater and greater freedom the most difficult questions affecting international relations. There might well be, in the future, debates on Russia and all the perplexing difficulties arising from the existence in Russia of a Government unrecognized by any other State, probably unacceptable to the vast majority of the Russian people and yet the only apparent alternative to anarchy in that vast territory. Then there are the multitudinous problems of the Middle East—Arabia, Palestine, Syria, Armenia, Mesopotamia, Persia,—each of which, partly through bad luck and partly through bad management, presents complexities which urgently require full and candid discussion. So too we may find that the solution of such thorny questions as German reparation and race equality and many others can only be reached in the public forum of the Assembly.

Under the old procedure in the House of Commons, it was customary for the House to resolve itself into a Committee on the State of the Nation when affairs were critical, and it is to be hoped that at the next Assembly we may have a discussion on the State of the World, worthily initiated and sustained by the leading statesmen of all countries. Why should not the Prime Minister of the British Empire or



of France take advantage of the unequalled platform that the Assembly affords for the purpose of drawing the attention of mankind to any matters which may threaten the peace of the world or which may require the efforts of men of goodwill for their adjustment. He might be followed by other statesmen of like calibre, and the result could not fail to be the greatest benefit to mankind and to the tranquillity of all countries. Even imperfect as were the discussions at Geneva, no one could doubt that they were of great use. It was by discussion that the unopposed entry into the League of Bulgaria was secured and the membership of Albania was unanimously accepted. The open expressions of opinion by members of the Assembly admonishing the contentious States in Central Europe has undoubtedly contributed to the more peaceful atmosphere that has recently prevailed in that part of the world. Nor is it of less importance that the other organs of the League, the Council and the Secretariat, know for the future that their work will be scrutinized, that it will be criticized where it is open to criticism, and that it will receive the approval and support of public opinion where that approval and support may justly be claimed.

And yet all this, important as it is, was perhaps not the most important part of the work done at Geneva. In a recent publication Mr. Wilson Harris has well said :

The real achievement of the Assembly was to find itself. It met as a collection of forty-one Delegations

from as many countries, differing in race, colour, in language, ideals, in traditions, in constitutional practice, in political thought. It had welded itself before the Conference was a fortnight old into a single cohesive, self-conscious instrument confident of itself, convinced of having a mission to discharge, and resolute to discharge it. In the atmosphere of unity and conciliation thus generated, difficulties were faced and surmounted, compromises substituted for deadlocks, and antagonisms smoothed away into understandings. It was in the Assembly Hall at Geneva that the true spirit of the League was first visibly manifested.

And this is eminently true. It was a matter of common observation to those who attended the Assembly, and created a deep impression upon them. More than one individual who "came to scoff, remained to pray." It was from this point of view that the Assembly was an unqualified and even a surprising success. And, after all, at the start its chance of success did not seem a very good one. The reputation of the League was very far from established when it met. Many thought, partly through ignorance, that the Council had failed in its duties, that it had been timid and unsuccessful. Then the existence of the Supreme Allied Council was in itself a handicap. Two supreme international bodies existing at the same time must more or less impede one another's actions. An incident during the currency of the Assembly illustrates what is meant. The Assembly were considering the possibility of admitting Armenia. The Supreme Council, without apparently communicating in any way with the representatives

of the Entente Powers at Geneva, suddenly issued a decree that Armenia must not be admitted. As a matter of fact that decision was in accord with the best opinion at the Assembly, but its publication was rightly thought to be an instance of the arrogance of those who composed the Supreme Council towards the League, and a hindrance to the latter's usefulness. Finally, just before the Assembly met, the United States had by an immense majority rejected the Presidential candidate who was most in favour of the League, and many people, in that country and elsewhere, were already shouting with ghoulish glee that the League was dead. It was in these circumstances that a body consisting of forty-one different nationalities, of divers modes of thought, culture, religion, language, race, colour met, and it was not surprising that disaster was freely prophesied as a result. Some thought that it would definitely break up. It was said that if any thorny question, such as the admission of Germany, were raised, certain important members of the Assembly would leave its precincts. Even if this did not happen, it was anticipated in some quarters that the essential weakness of such a body would end in disruption. Yet, when one of its members, the Argentine Republic, withdrew, for reasons which were quite incomprehensible to the majority of the Assembly, it hardly suffered an appreciable shock. Others who did not take so desperate a view, even some of the best friends of the League, were very apprehensive

that the Assembly might degenerate into a kind of international drawing-room meeting—that formal speeches full of well-meaning platitudes would be made, that resolutions of unimpeachable propriety would be passed, and that it would then separate, each member resolving that he would never again waste his time by attending so useless a body. And yet, in spite of all these apprehensions, the Assembly undeniably succeeded. Its session very distinctly raised the reputation of the League. It has shown that the danger of disruption is not great, it has accomplished much, and, above all, it has impressed the world. In almost every country the reports in the newspapers were full and frequent, and that is not a bad test of the public interest in the subject. If it is asked how this result was attained, three chief reasons may be given. Firstly, Geneva was an admirable selection as a place of meeting. Its central position made it possible for most of the European delegates and many of the others to come fresh, as it were, from their respective countries instinct with national opinion. Indeed in several cases the delegates returned during the session for brief visits to their own homes, thus renewing their national vigour and actuality. And then the freedom from the war-atmosphere resulting from meeting in a neutral country was of incalculable advantage.

Secondly, it was the keenness of those who were there, their determination that the Assembly should succeed, which so largely promoted its



success, and this was perhaps specially true of the smaller nations. France and Great Britain were certainly represented by personalities of great eminence—the Assembly could ill have spared the ripe experience of M. Bourgeois, the wide knowledge of M. Hanotaux and the splendid eloquence of M. Viviani. Nor were the gifts of Mr. Balfour, Mr. Fisher and Mr. Barnes of less value. But even so the Assembly very greatly depended upon what may be described without offence as the smaller members. Dr. Nansen from Norway embodied the very spirit of the League, fearless, single-minded, almost heroic. M. Motta, the President of the Swiss Confederation, with all the subtlety of the Italian and the good sense of the Swiss; Mr. Rowell of Canada, with his clear vision and intellectual rectitude; M. Benes of Czecho-Slovakia, M. van Karnebeek of the Netherlands, M. Paderewski of Poland, M. Politis of Greece and many others by the distinction and vigour of their exertions in the Assembly secured its success.

Lastly, and perhaps most valuable of all, was the publicity of the proceedings—indeed, it was this publicity which gave the smaller nations their chance. It enabled individual character and intellect to count. It was not only Norway that spoke, but Dr. Nansen. It was the knowledge that the world was looking on that made it impossible to disregard eloquence or wisdom, whether they came from the representatives of a great country or a smaller one. Not that it was true, or that it ought to have been true,



that representatives spoke merely as themselves ; for the Assembly must remain, if it is to be of any value, an Assembly of Nations, and not of individuals. It is right that the weight attached to the utterances of the representative should depend largely on the importance of the nation he represents. When France and Great Britain acted together, they had usually enough weight to carry their way in the Assembly. But even they had to show that the view they supported was a reasonable one, which, indeed, it almost always was. On the rare occasions when they took an attitude that could not be sustained in argument, as, for instance, on the Mandates discussion, they did not venture to go to a division. And if this influence of an onlooking world affected the actions of the larger countries, it had even more influence with the smaller States.

If publicity forced the Assembly to consider outside opinion, it was also the main cause of the popular approval it secured. The public cannot be expected to support what it does not understand. On the other hand, if the matter is fairly explained to them, they will generally pass a lenient judgment, particularly on foreign affairs. Had the bare results of the proceedings of the Assembly on disarmament alone been announced, they would have been universally and warmly condemned. But since all the reasons which led up to its action were given to the world at the same time, even those who were most disposed to criticize were compelled

to admit that the Assembly had much to say for itself. Nor did publicity bring the evils which it is supposed to bring in its train. Sometimes it is said that unanimity would be impossible if international conferences were held in public. One State or another would be sure to take up, without sufficient consideration, a position from which *amour propre* would forbid it to depart. No trace of any such effect appeared in the Assembly; on the contrary, the ever-present public opinion secured reasonable utterance, and therefore made agreement more easy. Neither were the discussions indiscreet, nor did they become unreal in the effort to avoid indiscretion. Publicity may have made speakers more careful as to what they said, but they said it with great freedom, and the fact that they phrased their observations carefully was in itself an advantage. The matter was brought to a test in one department of the Assembly's work. The Committees generally sat in private, but occasionally sat in public, and when they sat in public the debates were certainly in no respect inferior to those which took place in private. In short, publicity turned out to be the Assembly's greatest asset. It was this, and this only, that gave it an advantage over the Council. The Council has done much excellent work. It is habitually attended by men of great ability. Its size makes it a much handier administrative instrument than the Assembly. Most of those concerned in the framing of the Covenant believed that the Council had much the brightest prospects of

success. The Assembly was expected to be the weak point of the whole scheme. If these anticipations have been deceived, it is because the Council has been unable to shake itself free from the old traditions of "secret diplomacy." Unless it can be induced to imitate the Assembly in this respect, it is doubtful whether it will ever receive that public support without which its best efforts must be vain.

But though the first meeting of the Assembly must be pronounced successful, it must also be acknowledged that much more should have been done, or at least might be done in the future. The delegates should be more directly representative of the nations from which they come. Two out of three should be elected, if not directly, at any rate by the popular assembly of their country. The third member, representing the Government, should be, as at Geneva, entrusted with the duty of voting, so that there would be no question of divided counsels in any decisions the Assembly might have to take. Then more advantage should be taken of the power to substitute one representative for another. Although only one Minister should attend a session as a representative of his country, yet it is by no means necessary or desirable that he should always be the same. The Prime Minister might go to certain important sessions. For others the Foreign Secretary might attend, or some other member of the Cabinet, even if the present plan, which has much to recommend it, of allowing a special League Minister to attend, usually

were persisted in. By this means, too, a woman could on occasion take the place of one of the other national representatives.

The internal procedure of the Assembly will doubtless require modification from time to time. Perhaps the actual Committee system is not the best which could be devised. Greater facilities might be given to the Press, and, above all, better arrangements might be made for silence in the Assembly Hall. Indeed, a really adequate League building is urgently required, and if it is thought that the expenditure on bricks and mortar out of the League funds would be resented, is it too much to hope that a millionaire of imagination might come to the rescue? Nor is the future in other respects all plain sailing. Many problems will have to be faced, especially as to the distant parts of the world. A representative who has taken some weeks, or even months, to reach Geneva is at a disadvantage as compared with one who has come there in a few hours. It may be that, in the future, chambers of the League or sections representing different geographical areas will have to be formed, which will meet in other places than Geneva, while the whole League itself will meet in that town from time to time. At any rate, one thing is essential—the Assembly must be made and kept a reality. Its powers and duties must be sufficient to make it worth while for the representatives to consist of really important individuals, and it must have all the machinery necessary for its continuous life.

The work of the Secretariat must not be hampered. Let us not forget that the preservation of peace is not only vital, but increasingly difficult. Now that we have time and opportunity, we must build up the prestige and authority of the League, so that when the storm breaks it may stand. In achieving this result, the reputation and position of the Assembly will not be the least important factor. Its first session has shown that in its conception it is practical and capable of vigorous existence. It has the principle of life within it ; we must take care that it is not killed either by weak indifference or reckless innovation. If not, we shall hardly answer for our failure to God or man.

ROBERT CECIL.





## APPENDICES

## APPENDIX I

### REVIEW OF THE ASSEMBLY'S DECISIONS

#### ADMISSION OF NEW MEMBERS

1. ALBANIA.—Admitted by the Assembly, contrary to the Recommendation of the Fifth Committee, with a Recommendation that she accepts the guarantees accepted by several other States as regards minorities.
2. ARMENIA.—Adjourned, in view of the uncertain conditions prevailing in the country.
3. AUSTRIA.—Admitted.
4. AZERBAIJAN.—Rejected, owing to its chaotic condition.
5. BULGARIA.—Admitted, after a struggle in the Fifth Committee. Serbia, Greece and Roumania withdrew their opposition after it was proved Bulgaria had done her best to comply with the Treaty.
6. COSTA RICA.—Admitted.
7. ESTHONIA.—Adjourned, owing to the situation in Russia. Given representation on the Technical Organizations of the League.
8. FINLAND.—Admitted, with a Recommendation that she accepts the guarantees accepted by several other States as regards minorities.
9. GEORGIA.—Adjourned, owing to the situation in Russia. Given representation on the Technical Organizations of the League.
10. LATVIA.—Adjourned, owing to the situation in Russia. Given representation on the Technical Organizations of the League.

11. LICHTENSTEIN.—Rejected, owing to its small area and its incomplete self-government.
12. LITHUANIA.—Adjourned, owing to the situation in Russia. Given representation on the Technical Organizations of the League.
13. LUXEMBURG.—Admitted.
14. UKRAINE.—Rejected, owing to its chaotic condition.

## AMENDMENTS TO THE COVENANT

1. ARGENTINE.—It shall be made possible for all sovereign States to join the League if they desire to do so.
2. CANADA.—Complete elimination of Article X.
3. SCANDINAVIA—
  - (a) Annual meeting of the Assembly.
  - (b) A system of rotation amongst the non-permanent members of the Council.
  - (c) Relaxation of the automatic blockade in case of small States economically dependent on a big neighbour.
  - (d) Extension of the system of arbitration under the League.

The Assembly decided to appoint a Commission to examine and work out amendments in the light of experience, which should report to the next Assembly.

Of the above suggested amendments :

No. 1 led to the temporary retirement of the Argentine Delegation from the Assembly.

No. 2. The consideration of this was facilitated by an interpretation of Article X. approved by the Fifth Committee on the Admission of States, which ran as follows : “ Article X. does *not* guarantee the territorial integrity of any member of the League. All it does is to condemn external aggression on the territorial integrity and political independence of any member of the League, and calls upon the Council to consider what can be done to resist such aggression.”

No. 3. (a) This was included in the Rules of Procedure.

No. 3. (b) Was referred to the Amendments Commission.

No. 3. (c) Was incorporated in the Report approved by the Assembly to form the basis of the International Blockade Commission's work.

No. 3. (d) Was referred to the Amendments Commission, except in so far as the extension was effected by the creation of the Court of International Justice.

#### ARMAMENTS

1. A Recommendation was adopted requesting the Council to submit for the consideration of the members the acceptance of an undertaking not to exceed the current military Budget during the next two years, unless required to do so by recommendation of the League or by reason of exceptional circumstances notified to the League.

2. The Council asked to request the Permanent Military, Naval and Air Commission to complete its technical examination into the present condition of armaments.

3. The Council asked to instruct a temporary Commission of competent persons to submit proposals for reduction of armaments, and to form within the Secretariat a section for this Commission, for the publication and exchange of information, and for considering the means by which military information so exchanged could be verified.

4. The Council asked to investigate the problem of the private manufacture of armaments and consider whether the contemplated International Office of Control for the Traffic in Arms could co-operate in this matter.

5. The Assembly declared its high sense of the gain to civilization which would ensue from a strict control of the Traffic in Arms, and invited the Council to urge upon all Governments the ratification of the Convention of St. Germain.

#### ARMENIA

1. The Council was requested to approach the nations of the world with the hope of bringing hostilities to a close.



2. President Wilson, Spain and Brazil agreed to do their best.

3. The Great Powers opened an investigation through their representatives in Constantinople to find out the best methods of approach.

4. A special Committee of six Members was nominated to consider and report to the Assembly before its conclusion what steps, if any, could be taken to put an end to the hostilities between Armenia and the Kemalists. Before the end of the Assembly, however, political conditions in Armenia had become so chaotic that the special Committee was unable to make any definite recommendations, and the matter, with the material that the Committee had gathered, was referred to the Council.

### BUDGET

1. The estimate of 21 million gold francs for 1921 was approved.

2. Members were requested to take measures to ensure early payment of this contribution and to notify the Secretariat by January 1 on what date payment may be expected.

3. The Secretary-General shall submit to the Council three months before each Assembly a draft Budget for the following year, which should be communicated to each Member.

4. The Council requested to see that one month before each Assembly the Budget approved by it should be in the hands of each Member.

5. At the beginning of each year the accounts of the League shall be audited by a Government chosen by the Council, and a report circulated to all Members three months before each Assembly.

6. The Council requested to appoint a small expert Committee to investigate the organization, methods of work, efficiency, number, salaries and allowances of the Secretariat and the Labour Organization, and to have the report in the hands of all Members by June 1.

7. The Council requested to appoint a special Committee of five to examine the allocation of expenses and to attempt

to arrive at a more equitable scheme than that based on the International Postal Union. This Committee should submit its report to the Council by March 31, and it should be circulated to all Members.

#### COMMISSIONS APPOINTED BY THE ASSEMBLY

1. Allocation of Expenses.
2. Amendments.
3. Armaments.
4. Armenian Women and Children.
5. Blockade.
6. Economic and Financial.
7. Health.
8. Opium.
9. Secretariat.
10. Transit.
11. Treaties.
12. Traffic in Women and Children.

#### COURT OF INTERNATIONAL JUSTICE

1. The scheme for the permanent establishment of the Court, drawn up by the Jurists Commission at the Hague, amended and approved by the Council at San Sebastian and Brussels, was adopted after further amendments by the Assembly.

2. The power of compulsory adjudication, being considered an amendment of the Covenant, was not granted to the Court, but a protocol was adopted whereby individual States may accept compulsory adjudication, either completely or with specified limitations.

3. It was decided to submit the scheme to all States in the form of a protocol for ratification as an international agreement, the Court to come into being after a majority of members have ratified.

4. The Statute as approved is final, and the States subscribe to it as it stands.

5. The cost of the Court will be met from the funds of the League.

6. Should the Court be put into operation by the majority, Members, whether they ratify or not, have the right and obligation to take part in its organization.

7. The day after the Assembly's approval 22 States signed the protocol, being a sufficient number to provide the majority necessary to bring the Court into being.

8. The Court is open to all nations that care to join it, whether they are Members of the League or not.

### ECONOMIC BLOCKADE

The Assembly requested the Council to appoint an International Economic Blockade Commission of eight members to report through the Council to the next Assembly. Half the Commission should represent States which are not permanent members of the Council.

### ESPERANTO

The Second Committee passed a Resolution expressing interest in Esperanto, hoping that the teaching of it may become more general, and asking the Secretary-General to provide a report on it for the next Assembly. The Assembly, however, voted against discussion of the motion, and in favour of an adjournment of the question.

### INTELLECTUAL LABOUR

1. The Assembly approved the assistance given by the Council to the development of international co-operation in the domain of intellectual activity and recommended the Council to continue its efforts.

2. The Assembly invited the Council to regard favourably what is being done to the above end, and to report to the next Assembly what educational influence they had exerted to developing intellectual co-operation and to report on the advisability of forming a Technical Organization attached to the League.

## LITHUANIA

*(Recent action of the Council)*

1. A Commission of the League has been sent to Vilna to arrange a plebiscite.

2. The Council has asked certain nations to send small military contingents to the plebiscite area to keep order and act as police.

3. Great Britain, France, Belgium, Spain, Swēden, Norway agreed to send contingents. The Governments of Denmark and Holland also agreed, but have to obtain the sanction of their Parliaments.

## MANDATES

*(Recent action of the Council)*

1. A permanent Mandates Commission was created on the following lines :

(a) It shall consist of nine members.

(b) The nine members shall be appointed by the Council.

(c) The majority of the nine members must be nationals of non-mandatory States.

(d) The Commission shall examine the annual reports of the Mandatory States and advise the Council as to the execution of the terms of the Mandates.

2. " A " and " B " Mandates, as submitted by the Mandatory States, are being studied by the Council and will be considered at the meeting of the Council in February.

3. " C " Mandate, as submitted by the Mandatory States, after being altered and defined by the Council, has been approved and published by the Council.

4. The Assembly made the following Recommendations :—

A. That the Members of the Mandates Commission should not be dismissed without the assent of the Assembly.

- B. That " A " Mandatories should not use their position to increase their military strength.
- C. That " A " Mandatories should not use their power to exploit for themselves or their friends the natural resources of the mandated territory.
- D. That " A " Mandatories should pass as soon as possible an organic law in the mandated territories, which, before coming into force, should be submitted to the League for consideration.
- E. That future draft mandates should be published before they are decided on by the Council.

#### NON-PERMANENT COUNCIL MEMBERS

1. (a) The following States were re-elected :
  - Belgium.
  - Brazil.
  - Spain.
- (b) The following State was elected in the place of Greece :
  - China.

2. The method of selection to be followed in the future was left to the detailed study of the Amendments Commission before the next Assembly, that Commission taking as a basis the proposals and Resolutions of the First Committee.

#### OPIUM

1. The Assembly accepted from Holland the duty, hitherto exercised by her, of dealing with this problem.

2. The Secretariat was directed to collect all data regarding the production, distribution and consumption of such drugs.

3. The Council was requested to appoint an Advisory Committee from the interested countries, which Committee should report to the Council three months before each Assembly.



## PUBLICITY RESOLUTIONS

1. That the Council consider how it can give greater publicity to the matters that come before it.
2. That all documents in the dispute between Poland and Lithuania be forthwith made public.

## REGISTRATION OF TREATIES

1. The Assembly appointed a special Commission to consider the exact scope and extent of Article XVIII., which provides for registration.
2. Up to the end of the Assembly 69 Treaties had been registered.

## RELATION BETWEEN ASSEMBLY AND COUNCIL

Report adopted laying down the principle that while each party should be supreme in those matters especially assigned to it, in all other matters neither body should interfere with a subject which has become the special charge of the other, but either body may deal with any matter within the sphere of action of the League, or affecting the peace of the world.

## RULES OF PROCEDURE

Secretariat proposals accepted with a few changes as a definite system of operation :

1. Assembly meets annually on first Monday in September and at such other times as decided by itself, by a majority of the Council, or by request of ten Members.
2. Agenda to be circulated three months in advance, each Member having right to propose any subject it desires.
3. Meetings to be public unless a majority votes otherwise.
4. Closure may be adopted by a majority vote.
5. All other decisions except those of procedure, or unless otherwise provided by treaty, to be unanimous.

6. The Secretary-General to present a report at each Assembly on the work of the Secretariat, and on the measures taken to execute the Assembly's decisions.
7. English and French to be official languages, although any delegate is free to speak in any language he pleases, if he provides for the translation of his speech.

## SECRETARIAT

1. The report of the Secretary-General was approved.
2. The salaries of the higher officials, after some criticism, were left unchanged.
3. The First Committee suggested a five-year limitation to tenure of office, but the Assembly refused to accept it as a binding principle.

## TECHNICAL ORGANIZATIONS

(a) *Finance*.—The Advisory Economic and Financial Commission will consider—

1. Immediate application of the recommendations of the Brussels Conference.
2. Preparation of the Agenda for the next International Conference, which the Council may summon at its discretion.
3. The examination of any economic and financial problems submitted to it.

(b) *Health*. — The International Health Organization will—

1. Co-ordinate existing international health organizations.
2. Bring health authorities in various countries into closer contact.
3. Co-operate with the International Labour Organization, the Red Cross, and other bodies.
4. Organize rapid interchange of information.
5. Hasten action in case of epidemics.
6. Prepare international health conventions.

(c) *Transit*.—The Advisory Commission on Freedom of Communication and Transit will be organized at a General Conference at Barcelona in February. The Commission will—

1. Consider the agreements made necessary by Article XXIII. of the Covenant.
2. Consider the agreements made necessary by the Peace Treaties as regards the problem of transit.
3. Draw up a general convention on the international regime of ports, waterways and railways.

Of these three Organizations (a) and (c) have a temporary and advisory character and function during the coming year. Their status will be more definitely decided at the next Assembly.

#### TRAFFIC IN WOMEN AND CHILDREN

1. The Assembly decided to send a *questionnaire* to all Governments as to what measures they have taken or propose to take to combat this traffic.

2. The Council was requested to appoint a Commission of Inquiry, consisting of three qualified residents of the district, to examine with special care the situation in Armenia and Asia Minor with regard to this traffic.

3. It was decided to hold an international conference on this question during the summer.

#### TYPHUS

1. The efforts of the Council to deal with this epidemic had been frustrated by lack of funds.

2. At the Assembly fifteen States agreed to make contributions sufficient to enable the work to be begun immediately.

3. An appeal has been sent to all other countries.

4. Definite steps have been taken towards efficient administration of the assistance obtained.

O. S. B.

## APPENDIX II

### LIST OF STATES, WITH THEIR DELEGATES, WHO WERE REPRESENTED AT THE ASSEMBLY

#### ARGENTINE :

M. le Dr. H. Pueyrredon.  
M. le Dr. M. T. de Alvear.  
M. le Dr. Fernando Perez.

#### AUSTRALIA :

The Hon. E. D. Millen.

#### BELGIUM :

M. Paul Hymans.  
M. Prosper Poullet.  
M. H. Lafontaine.

#### BOLIVIA :

Señor Don F. A. Aramayo.  
Señor Don F. Zambrana.  
Señor Dr. Don F. Tamayo.

#### BRAZIL :

M. le Dr. R. Octavio Langaard de Menezes.  
M. Gastao da Cuñha.  
M. Raul Fernandes.

#### BRITISH EMPIRE :

The Rt. Hon. A. J. Balfour, O.M., M.P.  
The Rt. Hon. H. A. L. Fisher, M.P.  
The Rt. Hon. G. N. Barnes, M.P.

## CANADA :

The Rt. Hon. Sir George E. Foster, G.C.M.G.  
The Rt. Hon. C. J. Doherty.  
The Hon. N. W. Rowell.

## CHILI :

Señor Don A. Huneeus.  
Señor Don M. Rivas-Vicuna.

## CHINA :

M. V. K. Wellington Koo.  
M. Tang-Tsai-Fou.

## COLUMBIA :

M. le Dr. A. J. Restrepo.  
M. le Dr. F. J. Urrutia.

## CUBA :

Señor Dr. A. Aguero y Betancourt.  
Señor Dr. Rafael M. Ortiz.  
Señor Dr. E. G. Ensenat.

## CZECHO-SLOVAKIA :

M. le Dr. E. Bénès.  
M. le Dr. S. Osusky.  
M. le Dr. Cyril Dusek.

## DENMARK :

M. H. Zahle.  
M. L. J. Moltesen.  
M. P. R. Munch.

## FRANCE :

M. Léon Bourgeois.  
M. René Viviani.  
M. Gabriel Hanotaux.

## GREECE :

M. Nicolas Politis.  
M. Demetrius Caclamano.  
M. Mikael Kebedgy.

## GUATEMALA :

Señor Don Manuel Valladares.  
Señor Dr. Don Manuel Arroyo.  
Señor Don Julio Herrera.



## HAITI :

M. Tertullien Guilbaud.  
M. Auguste Bonamy.  
M. Frédéric Doret.

## INDIA :

Sir William Meyer, G.C.I.E., K.C.S.I.  
H.H. Ranjitsinhji, Jam Sahib of Nawanagar,  
G.B.E., K.C.S.I.  
Sir Saiyid Ali Iman, K.C.S.I.

## ITALY :

M. Tommaso Tittoni.  
M. E. de Nicola.  
Prof. Ivanoe Belotti.

## JAPAN :

Baron Gonsuke Hayashi.  
Viscount Kikujuro Ishii.  
Baron Tanetaro Megata.

## LIBERIA :

Baron R. Lehmann.

## NETHERLANDS :

M. le Jonkheer van Karnebeek.  
M. le Jonkheer Loudon.  
M. D. Fock.

## NEW ZEALAND :

The Rt. Hon. Sir James Allen, K.C.B.

## NICARAGUA :

Señor Don Carlos A. Villanueva.

## NORWAY :

M. le Dr. F. Hagerup.  
M. O. A. Blehr.  
M. le Dr. F. Nansen.

## PANAMA :

Señor Don Narciso Garay.  
Señor Dr. Don Harmodio Arias.

## PARAGUAY :

M. le Dr. Don H. Velasquez.

## PERSIA :

Prince Arfa-ed-Dowleh.  
M. Zoka-ed-Dowleh.

## PERU :

Señor Dr. Don Mariano H. Cornejo.  
Señor Don Anselmo Barreto.  
Señor Don Eliodoro Romero.

## POLAND :

M. I. J. Paderewski.  
Prof. S. Askenazy.

## PORTUGAL :

M. Affonso Costa.  
M. Joao Chagas.  
M. le Colonel Freire D'Andrade.

## ROUMANIA :

M. N. Titulescu.  
Prof. T. Jonescu.  
Prof. D. Negulescu.

## SALVADOR :

Señor Dr. J. G. Guerrero.  
Don Pedro J. Matheu.  
Don Arturo Ramon Avila.

## SERB-CROAT-SLOVENE STATE :

M. le Dr. Miroslav Spalaïkovic.  
M. le Dr. Ivan Zolger.  
M. le Dr. Ladislav Polic.

## SIAM :

H.H. the Prince Charoon.  
M. Phya Bibhad Kosha.  
M. Phya Buri Navarasth.

## SOUTH AFRICA :

Sir Reginald Andrew Blankenberg, K.B.E.  
The Rt. Hon. Lord Robert Cecil, M.P.

## SPAIN :

The Marquis de Lema.  
Don J. Quinones de Leon.  
Don Emilio de Palacios.

## SWEDEN :

M. Karl Hjalmar Branting.  
Baron E. T. Marks de Wurtemberg.  
M. E. Trygger.

## SWITZERLAND :

M. G. Motta.  
M. Gustave Ador.  
M. Paul Usteri.

## URUGUAY :

M. le Dr. Juan Carlos Blanco.  
Señor Don B. Fernandez y Medina.

## VENEZUELA :

M. le Dr. M. D. Rodriguez.  
M. le Dr. Santiago Key-Ayala.  
M. le Dr. D. Escalante.

APPENDIX III  
LIST OF MEMBERS OF COMMITTEE

	I.	II.	III.	IV.	V.	VI.
	General Organization.	Technical Organization.	Legal Organization, Permanent Court of International Justice.	Financial Organization of the League.	Examination of Applications for New Admissions.	Armaments, Economic Weapons, and Mandates.
Argentine . . . . .	Alvear	Perez	Pueyrredon	Perez	Pueyrredon	Alvear
Australia . . . . .	Millen	Millen	Millen	Millen	Millen	Millen
Belgium . . . . .	Hymans	Lafontaine	Pouillet	Lafontaine	Pouillet	Hymans
Brazil . . . . .	Octavio	da Cunha	Fernandes	Fernandes	Octavio	da Cunha
Canada . . . . .	Rowell	Rowell	Doherty	Sir G. Foster	Sir G. Foster	Doherty
Chili . . . . .	Huneus	Rivas Vicuna	Huneus	Rivas Vicuna	Huneus	Rivas Vicuna
China . . . . .	Wellington Koo	Tang-Tsai-Fou	Tang-Tsai-Fou	Wellington Koo	Tang-Tsai-Fou	Wellington Koo
Colombia . . . . .	Urrutia	Restrepo	Urrutia	Restrepo	Restrepo	Urrutia
Cuba . . . . .	Agüero	Ortiz	Eusenat	Eusenat	Ortiz	Agüero
Czecho-Slovakia . . . . .	Osusky	Dusek	Dusek	Osusky	Renes	Benes
Denmark . . . . .	Munch	Munch	Munch	Moltesen	Zahie	Zahie
France . . . . .	Viviani	Hanotianx	Bourgeois	Hanotianx	Viviani	Bourgeois
Great Britain . . . . .	Balfour	Barnes	Balfour	Barnes	Fisher	Fisher
Greece . . . . .	Politis	Kebedgy	Cadlamanos	Kebedgy	Politis	Cadlamanos
Guatemala . . . . .	Valladares	Arroyo	Valladares	Herrera	Herrera	Arroyo
Haiti . . . . .	Bonamy	Doret	Bonamy	Bonamy	Doret	Doret

	Struycken	Loudon van Eysinga	Loder	van Eysinga	van Karnebeek	Fock
Holland						
India	Sir Ali Iman	Sir W. Meyer	Sir Ali Iman	H. H. the Jam of Nawanagar	H. H. the Jam of Nawanagar	Sir W. Meyer
Italy	Tittoni	Tittoni	Tittoni	Belotti	Tittoni	Schanzer
Japan	Viscount Ishii	Baron Hayashi	Baron Megata	Baron Megata	Baron Hayashi	Viscount Ishii
Liberia	..	Baron Lehmann	Baron Lehmann	Baron Lehmann	Baron Lehmann	..
New Zealand	..	..	Sir James Allen	Sir James Allen	Sir James Allen	Sir James Allen
Norway	Blehr	Hagerup	Hagerup	Blehr	Nansen	Nansen
Paraguay	..	..	..	Velasquez	..	..
Panama	Garay	Garay	Arias	Garay	Arias	Arias
Persia	Prince Arfa-ed- Dowleh	Zoka-ed-Dowleh	Prince Arfa-ed- Dowleh	Prince Arfa-ed- Dowleh	Zoka-ed-Dowleh	Zoka-ed-Dowleh
Peru	Cornejo	Barreto	Cornejo	Romero	Barreto	Romero
Poland	Paderewski	Doerman	Askenazy	Wielowieski	Winiarski	Paderewski
Portugal	Winiarski	d' Andrade	Winiarski	Wielowieski	Winiarski	Wielowieski
Roumania	Costa	Jonescu	Costa	Chagas	Chagas	d' Andrade
Serb-Croat-	Jonescu		Negulescu	Negulescu	Jonescu	Negulescu
Slovene State	Spalalkovic	Polic	Zolger	Zolger	Spalalkovic	Polic
South Africa	Sir Reginald Blankenberg	Sir Reginald Blankenberg	Lord Robert Cecil	Sir Reginald Blankenberg	Lord Robert Cecil	Lord Robert Cecil
Spain	Palacios	Quinones de Leon	Marquis de Lema	Quinones de Leon	Palacios	Marquis de Lema
Sweden	Baron Marks de Wurtemberg	Trygger	Baron Marks de Wurtemberg	Trygger	Branting	Branting
Switzerland	Usteri	Ador	Huber	Ador	Motta	Motta (Usteri)
Uruguay	Blanco	Fernandez y Medina	Blanco	Fernandez y Medina	Blanco	Fernandez y Medina
Venezuela	Escalante	Rodriguez	Key-Ayala	Key-Ayala	Rodriguez	Key-Ayala



## APPENDIX IV

### PROVISIONAL AGENDA FOR THE FIRST ASSEMBLY

1. Report on credentials of Representatives.
2. Election of President.
3. Temporary adoption of provisional rules of procedure.
4. Examination and adoption of Agenda.
5. Nomination of Committees.
6. General report on the work of the Council.
7. Rules of procedure.
8. Amendments to the Covenant. Proposals by the Danish, Norwegian, and Swedish Governments.
  - (A) Additional chapter to the Covenant, proposed by the Norwegian Government. Amendments to the Norwegian proposal put forward by the Swedish Government.
9. The relations between, and respective competence of, the Council and the Assembly of the League.
10. Method of selection and appointment of the four non-permanent members of the Council.
  - (B) This item includes the actual appointment of the four non-permanent members of the Council.
11. Relations between Technical Organizations and the Council and the Assembly of the League.

12. The establishment of a Permanent Health Organization.
13. Typhus.
14. Supervision over the execution of Agreements with regard to the Traffic in Women and Children.
15. General supervision over the execution of Agreements with regard to the Traffic in Opium in accordance with Article XXIII. of the Covenant (at the request of the Government of the Netherlands).
16. The establishment of a permanent organization to deal with Communications and Transit questions falling within the sphere of the League under the Treaty of Versailles.
17. Tribunal for the settlement of differences referred to in Articles 336, 337, 376, and 386 of the Treaty of Versailles and in corresponding articles of other treaties.
18. Passports for members of the Secretariat.
19. Economic and Financial organization.
20. Claim of India to be represented on the Governing Body of the International Labour Office.
21. Plans for the establishment of the Permanent Court of International Justice.
22. Report by the Secretary-General on the organization of the Secretariat.
23. The first and second Budgets of the League covering the period to December 31, 1920.
24. Provisional estimates for the 1921 Budget.
25. The future method of apportionment of the expenses of the League.
26. Admission of States not named in the Annex to the Covenant.

(C) The following is the list of States whose application for admission to the League was received on or before October 15, 1920, the date fixed by the Provisional Rules of Procedure as the latest on

which questions should be forwarded for consideration at the present meeting :

Armenia.	Latvia.
Costa-Rica.	Lichtenstein.
Esthonia.	Lithuania.
Finland.	Luxemburg.
Georgia.	Ukraine.

27. Reduction of armaments. Resolution adopted by the Conference of Ministers of State and Ministers of Foreign Affairs of Denmark, Norway, and Sweden.

28. Preparations required to enable the economic weapon of the League to be used in case of necessity.

29. Mandates. Responsibilities of the League arising from Article XXII. of the Covenant.

Since October 15 the following questions have been put forward for the consideration of the Assembly :

(1) Request of the Peruvian Government for reconsideration of the Treaty between Chili and Peru of 1883.

(2) Request of the Bolivian Government for reconsideration of the Treaty between Bolivia and Chili of 1904.

(3) Requests for admission to the League of Nations received from :

Albania : application dated October 12, received October 19.

Bulgaria : application dated November 4, received November 8.

Austria : application dated November 9, received November 12.

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