Report to the Fourth Assembly of the League of Nations

on the Work of the Council, on the Work of the Secretariat and on the Measures taken to execute the Decisions of the Assembly.
## SUMMARY OF CONTENTS.

### 1. Present Situation as regards International Engagements registered with the Secretariat of the League:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Protocol of Signature concerning the Statute of the Permanent Court</td>
<td>5</td>
</tr>
<tr>
<td>of International Justice, opened at Geneva, December 16th, 1920</td>
<td></td>
</tr>
<tr>
<td>II. Barcelona Conventions, April 20th, 1921</td>
<td>5</td>
</tr>
<tr>
<td>(a) Convention and Statute on Freedom of Transit</td>
<td>5</td>
</tr>
<tr>
<td>(b) Convention and Statute on the Régime of Navigable Waterways of</td>
<td>6</td>
</tr>
<tr>
<td>International Concern</td>
<td></td>
</tr>
<tr>
<td>(c) Additional Protocol to the Convention on the Régime of Navigable</td>
<td>6</td>
</tr>
<tr>
<td>Waterways of International Concern</td>
<td></td>
</tr>
<tr>
<td>(d) Declaration recognising the Right to a Flag of States having no</td>
<td>6</td>
</tr>
<tr>
<td>Sea-Coast</td>
<td></td>
</tr>
<tr>
<td>III. Convention concerning the Non-Fortification and Neutralisation of</td>
<td>6</td>
</tr>
<tr>
<td>the Aaland Islands, Geneva, October 20th, 1921</td>
<td></td>
</tr>
<tr>
<td>30th, 1920</td>
<td></td>
</tr>
<tr>
<td>V. Protocols regarding Amendments to the Covenant, Geneva, October 5th,</td>
<td>7</td>
</tr>
<tr>
<td>1921</td>
<td></td>
</tr>
<tr>
<td>VI. Registration and Publication of Treaties and International Engagements</td>
<td>9</td>
</tr>
<tr>
<td>(Article 18 of the Covenant)</td>
<td></td>
</tr>
</tbody>
</table>

### 2. Legal Questions:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Amendment of Article 10 of the Covenant</td>
<td>9</td>
</tr>
<tr>
<td>II. Increase in the number of the non-permanent Members of the Council</td>
<td>10</td>
</tr>
<tr>
<td>III. Allocation of the Expenses of the League</td>
<td>10</td>
</tr>
<tr>
<td>IV. Question as to the eight States of chief industrial importance</td>
<td>10</td>
</tr>
</tbody>
</table>

### 3. Permanent Court of International Justice:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Nationality Decrees in Tunis and Morocco</td>
<td>11</td>
</tr>
<tr>
<td>II. The case of ss. Wimbledon</td>
<td>12</td>
</tr>
<tr>
<td>III. German Minorities in Poland</td>
<td>13</td>
</tr>
<tr>
<td>IV. Eastern Carelia</td>
<td>13</td>
</tr>
<tr>
<td>V. Election of a new Judge of the Permanent Court</td>
<td>13</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
</tr>
</tbody>
</table>

### 5. Reduction of Armaments

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
</tr>
</tbody>
</table>

### 6. Political Questions:

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Polono-Lithuanian Question</td>
<td>23</td>
</tr>
<tr>
<td>II. Albania</td>
<td>26</td>
</tr>
<tr>
<td>III. The Frontier between Austria and Hungary</td>
<td>28</td>
</tr>
<tr>
<td>IV. The Frontier between Hungary and Czechoslovakia</td>
<td>28</td>
</tr>
<tr>
<td>V. The Frontier between Hungary and the Kingdom of the Serbs, Croats</td>
<td>29</td>
</tr>
<tr>
<td>and Slovenes</td>
<td></td>
</tr>
<tr>
<td>VI. Eastern Carelia</td>
<td>30</td>
</tr>
<tr>
<td>VII. The Bulgarian inhabitants of Western Thrace</td>
<td>30</td>
</tr>
<tr>
<td>VIII. Expropriation by the Roumanian Government of the immovable property of Hungarian nationals</td>
<td>31</td>
</tr>
</tbody>
</table>

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7. Administrative Questions:

I. Advisory Committee on International Administration ................................ 34
II. Territory of the Saar Basin ........................................................................ 34
III. Free City of Danzig ................................................................................... 38

8 Protection of Minorities. .................................................................................. 40

9. Duties incumbent on the League of Nations by virtue of Article 22 of the
   Covenant (Mandates) ...................................................................................... 44

10. Work of the Technical Organisations:

I. The Economic and Financial Organisation ................................................... 49
   A. Reconstruction of Austria ........................................................................ 49
   B. Work of the Economic Committee ............................................................ 60
   C. Work of the Financial Committee ............................................................. 62
II. The Organisation for Communications and Transit ..................................... 65
III. The Health Organisation ............................................................................. 68

11. Humanitarian Questions:

I. Traffic in Opium and other Dangerous Drugs—Work of the Advisory Committee 75
II. Traffic in Women and Children — Work of the Advisory Committee ......... 82
III. Deported Women and Children in Turkey and Neighbouring Countries .... 85
IV. Obscene Publications .................................................................................. 85

12. Measures to Help Refugees:

I. Russian Refugees ............................................................................................ 86
II. Refugees from Asia Minor. ........................................................................... 89

13. International Bureaux:

I. Publications relating to International Organisations .................................... 93
II. International Institute of Commerce ............................................................... 93
III. International Committee on Agriculture ..................................................... 93
IV. International Association for the Promotion of Child Welfare ................. 93
V. International Commission for Air Navigation ............................................. 94

14. Work of the Committee on Intellectual Co-operation ............................... 94

Note. — A supplementary report on the work accomplished since June 28th will be circulated on the opening
day of the fourth Assembly.
1.

PRESENT SITUATION
AS REGARDS INTERNATIONAL ENGAGEMENTS REGISTERED
WITH THE SECRETARIAT OF THE LEAGUE OF NATIONS

I. PROTOCOL OF SIGNATURE CONCERNING THE STATUTE OF THE PERMANENT COURT OF
INTERNATIONAL JUSTICE, OPENED AT GENEVA, DECEMBER 16th, 1920.

Up to the present the following thirty-five Members of the League have ratified the protocol
of the Court:

<table>
<thead>
<tr>
<th>Albania</th>
<th>Australia</th>
<th>Austria</th>
<th>Belgium</th>
<th>Brazil</th>
<th>British Empire</th>
<th>Bulgaria</th>
<th>Canada</th>
<th>China</th>
<th>Cuba</th>
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<td>Finland</td>
<td>France</td>
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<td>Haiti</td>
<td>India</td>
<td>Italy</td>
<td>Japan</td>
<td>Lithuania</td>
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<td>New Zealand</td>
<td>Norway</td>
<td>Portugal</td>
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<tr>
<td>Roumanian</td>
<td></td>
<td>Kingdom of the Serbs,</td>
<td></td>
<td>Siam</td>
<td>Spain</td>
<td>Sweden</td>
<td>Switzerland</td>
<td>Union of South Africa</td>
<td>Uruguay</td>
<td>Venezuela</td>
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and the following fifteen have accepted and put into force among themselves the optional clause:

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<tr>
<th>Austria</th>
<th>Brazil</th>
<th>Bulgaria</th>
<th>China</th>
<th>Denmark</th>
<th>Estonia</th>
<th>Norway</th>
<th>Portugal</th>
<th>Switzerland</th>
<th>Sweden</th>
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The following have not yet ratified:

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<tr>
<th>Argentine</th>
<th>Bolivia</th>
<th>Chile</th>
<th>Colombia</th>
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<tr>
<td>Costa Rica</td>
<td>Latvia</td>
<td>Liberia</td>
<td>Luxemburg</td>
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II. BARCELONA CONVENTIONS, APRIL 20th, 1921.

The Convention and Statute on Freedom of Transit, the Convention and Statute on the Regime
of Navigable Waterways of International Concern, the additional Protocol to the Convention
on Navigable Waterways of International Concern and the Declaration recognising the Right
to a Flag of States having no Sea-Coast have been signed by a large number of the Members
of the League.1

(a) Convention and Statute on Freedom of Transit.

The following countries have ratified this Convention:

| Albania | Bulgaria | Denmark | Finland | Italy | United Kingdom of Great Britain and of Ireland and including New-
|---------|----------|---------|--------|------|foundland (with New Zealand and India) |

1 See Records of Third Assembly, Plenary Meetings, Volume II, page 10.
(b) Convention and Statute on the Regime of Navigable Waterways of International Concern.

The following countries have ratified this Convention:

Albania
Bulgaria
Denmark
Finland
Italy
United Kingdom of Great Britain and of Ireland and including Newfoundland (with New Zealand and India)

(c) Additional Protocol to the Convention on the Regime of Navigable Waterways of International Concern.

The following countries have ratified this Protocol:

Albania
Denmark
Finland
United Kingdom of Great Britain and of Ireland and including Newfoundland (with New Zealand and India)

A large number of British Colonies have also adhered to this Protocol (see Treaty Series, Vol. XI, page 408).

(d) Declaration recognising the Right to a Flag of States having no Sea-Coast.

This Declaration has been put into force by the following States:

Albania
Bulgaria
Denmark
France
United Kingdom of Great Britain and of Ireland and including Newfoundland (with New Zealand and India).

The following States have adhered to the Declaration:

Canada
The Commonwealth of Australia
Finland
Roumania
Union of South Africa

III. Convention concerning the Non-Fortification and Neutralisation of the Åland Islands, Geneva, October 20th, 1921.

This Convention, concluded at Geneva on October 20th, 1921, has now been ratified by all Signatory States, viz.:

<table>
<thead>
<tr>
<th>British Empire</th>
<th>France</th>
<th>Poland</th>
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<tr>
<td>Denmark</td>
<td>Germany</td>
<td>Sweden</td>
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<tr>
<td>Esthonia</td>
<td>Italy</td>
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<tr>
<td>Finland</td>
<td>Latvia</td>
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</table>


This Convention was signed by a large number of the Members of the League and also by Germany.

The following States have ratified this Convention:

<table>
<thead>
<tr>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
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<tbody>
<tr>
<td>Austria</td>
<td>Cuba</td>
<td>Norway</td>
</tr>
<tr>
<td>Belgium</td>
<td>Greece</td>
<td>Siam</td>
</tr>
<tr>
<td>British Empire</td>
<td>India</td>
<td>Union of South Africa</td>
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</tbody>
</table>
The following States have acceded to the Convention:

Panama
Denmark

and a certain number of British Colonies and Protectorates.

V. PROTOCOLS REGARDING AMENDMENTS TO THE COVENANT, GENEVA, OCTOBER 5TH, 1921.

The following ratifications of the amendments to the Covenant adopted by the Assembly during its second session have, up to the present, been deposited with the Secretariat of the League of Nations:

(a) Protocol regarding an Amendment to Article 4.

The following States have ratified this protocol:

Australia
British Empire
Bulgaria
Canada
Cuba
Denmark
Greece

India
Italy
Japan
Netherlands
New Zealand
Norway
Poland

Siam
Sweden
Switzerland
Union of South Africa

(b) Protocol regarding an Amendment to Article 6.

The following States have ratified this protocol:

Australia
British Empire
Bulgaria
Canada
Denmark
Greece

India
Japan
Netherlands
New Zealand
Norway
Poland

Siam
Sweden
Switzerland
Union of South Africa

(c) Protocol regarding an Amendment to Article 12.

The following States have ratified this protocol:

Bulgaria
Cuba
Denmark
Italy

Japan
Netherlands
Norway
Poland

Siam
Sweden
Switzerland

(d) Protocol regarding an Amendment to Article 13

The following States have ratified this protocol:

Australia
British Empire
Bulgaria
Canada
Cuba
Denmark

India
Italy
Japan
Netherlands
New Zealand
Norway

Poland
Siam
Sweden
Switzerland
Union of South Africa

(e) Protocol regarding an Amendment to Article 15.

The following States have ratified this protocol:

Australia
British Empire
Bulgaria
Canada
Cuba
Denmark

India
Italy
Japan
Netherlands
New Zealand
Norway

Poland
Siam
Sweden
Switzerland
Union of South Africa
Protocol regarding the Amendments to Article 16.

Amendment 1.

The following States have ratified the protocol to amendment 1 of Article 16:

- Bulgaria
- Denmark
- Netherlands
- Italy
- Japan
- Norway
- Siam
- Sweden
- Switzerland.

Amendment 2.

The following States have ratified the protocol to amendment 2 of Article 16:

- Bulgaria
- Denmark
- Italy
- Japan
- Netherlands
- Norway
- Siam
- Sweden
- Switzerland.

Amendment 3.

The following States have ratified the protocol to amendment 3 of Article 16:

- Bulgaria
- Denmark
- Italy
- Japan
- Netherlands
- Norway
- Siam
- Sweden
- Switzerland.

Amendment 4.

The following States have ratified the protocol to amendment 4 of Article 16:

- Bulgaria
- Denmark
- Italy
- Japan
- Netherlands
- Norway
- Siam
- Sweden
- Switzerland.

Protocol regarding the Amendments to Article 26.

Amendment 1.

The following States have ratified the protocol to amendment 1 of Article 26:

- Australia
- British Empire
- Bulgaria
- Canada
- Cuba
- Denmark
- India
- Italy
- Japan
- Netherlands
- New Zealand
- Norway
- Poland
- Siam
- Sweden
- Switzerland
- Union of South Africa.

Amendment 2.

The following States have ratified the protocol to amendment 2 of Article 26:

- Australia
- British Empire
- Bulgaria
- Canada
- Cuba
- Denmark
- India
- Italy
- Japan
- Netherlands
- New Zealand
- Norway
- Poland
- Siam
- Sweden
- Switzerland
- Union of South Africa.

Amendment 3.

The following States have ratified the protocol to amendment 3 of Article 26:

- Australia
- British Empire
- Bulgaria
- Canada
- Cuba
- Denmark
- India
- Italy
- Japan
- Netherlands
- New Zealand
- Norway
- Poland
- Siam
- Sweden
- Switzerland
- Union of South Africa.

China has ratified the amendments to Articles 4, 6, 12, 13, 15, 16, and 26 of the Covenant. The instruments of ratification, however, have not yet been deposited with the Secretariat.
VI. REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL ENGAGEMENTS.

(Article 18 of the Covenant.)

The third Assembly adopted the following resolution on September 23rd, 1922:

"The Assembly,
"Considering that, according to the information furnished by the Secretariat, the practice of presenting treaties and international engagements for registration and for publication is becoming more and more familiar to the Governments of Members of the League, and desiring to profit by experience gained over a longer period before re-opening the discussion on a possible amendment to Article 18 of the Covenant:
"Decides to postpone such a discussion to a future session of the Assembly."

The registration of treaties by the Secretariat has therefore been continued in conformity with the methods laid down in the Council's memorandum of May 19th, 1920.

From the end of the third Assembly to the present day (June 11th, 1923) 104 treaties or international engagements have been presented for registration.

Publication of the treaties has made the same progress as the registration; since the third Assembly, 103 treaties have been published in Volumes IX, X, XI and XII, each volume containing more than 400 pages. Volumes XIII, XIV and XV will be published shortly.

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2.

LEGAL QUESTIONS.

I. AMENDMENT OF ARTICLE 10 OF THE COVENANT.

Article 10 of the Covenant is as follows:

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled."

The question of the amendment of Article 10 was originally raised by Canada at the first Assembly. Canada then proposed the complete elimination of the article. Following a discussion of the question both at the first and at the second Assembly, Canada submitted new proposals to the third Assembly in the following form:

1. That the following words should be added at the end of Article 10: 'taking into account the political and geographical circumstances of each State'.

2. That the following paragraph should be added: 'The opinion given by the Council in such cases shall be regarded as a matter of the highest importance, and shall be taken into consideration by all Members of the League, which shall use their utmost endeavours to conform to the conclusions of the Council, but no Member shall be under the obligation to engage in any act of war without the consent of its Parliament, legislature or other representative body'.

The third Assembly, on September 23rd, 1922, decided to adjourn the Canadian proposal until the fourth Assembly in order that the subject might be considered in all its bearings. The Assembly left it to the Council to decide on the steps to be taken to provide the detailed study of the Canadian proposal.

The Council, on January 29th, 1923, considered that it should first endeavour to obtain information as to the views of Members of the League and should await to some extent the development of events. It proposed to invite the Members of the League to submit any observations they might wish to make by June 1st, 1923. It instructed the Secretary-General to address to the Members of the League an invitation to this effect and directed that the question should be placed on the agenda of an early session of the Council to be held after June 1st, 1923. The rapporteur
to the Council particularly asked his colleagues to secure for submission to the Council the views of their respective Governments.

It was agreed that, in examining the replies received, the Council would take into consideration the work of the Temporary Mixed Commission on Armaments in regard to the question of the Treaty of Mutual Guarantee.

It was realised that Article 10, which contemplated a general covenant of non-aggression, would need to be considered in the light of the proposed Treaty of Guarantee, which would be a matter for agreement between States.

II. INCREASE IN THE NUMBER OF THE NON-PERMANENT MEMBERS OF THE COUNCIL.

Article 4 of the Covenant stipulates that the Council shall be composed of representatives of France, Great Britain, Italy and Japan, and of four other Members of the League selected by the Assembly. The Article also provides that, subject to the approval of the Assembly, the Council can increase the number of the non-permanent Members.

The number of the non-permanent Members of the Council has been increased from four to six since the last general report to the Assembly on the work of the Council. This decision was taken on September 19th, 1922.

The grounds for the Council's decision are stated in a letter addressed on September 15th, 1922 to the President of the Council by M. Leon Bourgeois, acting on behalf of the French Government, and Lord Balfour for the British Government:

"In view of the increase in the number of the Members of the League and in order to allow those Members which are not permanently represented on the Council to take an active part in its work, it seems advisable to increase the number of non-permanent seats from four to six.

"We must not lose sight of the fact that, if this solution were adopted, the criticism might be made that the new formation of the Council would consist of four permanent States and of six non-permanent States, whereas the Covenant lays down that it should consist of five permanent States and four non-permanent States. But this objection can hardly be considered a serious one, since, by Article V of the Covenant, the decisions of the Council are—except where otherwise provided—taken unanimously by the Members represented at the meeting. The question of a majority therefore does not arise as far as the Council is concerned. It is advisable, moreover, to provide for a future increase of permanent Members."

The third Assembly, on September 25th, 1922, approved the decision of the Council, which came into force immediately.

The Assembly, on September 30th, 1922, elected Sweden and Uruguay as the two additional Members.

III. ALLOCATION OF THE EXPENSES OF THE LEAGUE.

The Assembly, in a resolution adopted on September 30th, 1922, requested the Council to ask the Committee on the Allocation of Expenses, presided over by M. Reveillaud, to continue its researches with a view to preparing a definitive scale for submission to a subsequent Assembly. The Assembly left it to the Council to modify the composition of the Committee as it might think desirable.

The Assembly annexed to its resolution a scale recognised by general consent as establishing a more just and equitable system for the allocation of the expenses of the League than the scale of the Universal Postal Union hitherto in force. It approved the application of that scale for the allocation of the expenses of the League for the year 1923, recognising that it was desirable to secure its immediate application as a provisional measure.

The Committee on the Allocation of Expenses met in June 1923 and its report will be circulated to the Members of the League.

IV. QUESTION AS TO THE EIGHT STATES OF CHIEF INDUSTRIAL IMPORTANCE.

The Council of the League of Nations was called upon in August 1920, under the provisions of Article 393 of the Treaty of Versailles, to adjudicate on a claim presented by the Indian Government to be classed as one of the eight Members of the International Labour Organisation of chief industrial importance and therefore entitled as of right to be represented on the Governing Body of the International Labour Organisation.

The Council, on August 5th, 1920, expressed the opinion that any ruling on this question, since it would involve a reconstruction of the Governing Body of the Labour Office, should not take effect until 1922, when the elected Members then in office would have completed their term. Meanwhile, it suggested that the meaning of the words "chief industrial importance" should be carefully examined and that the criteria by which industrial importance might be estimated...
should be studied by the Secretariat of the League in agreement with the International Labour Office.

For this purpose an expert committee was appointed during the first quarter of 1921 consisting of two representatives of the Secretariat of the League and four members of the Governing Body of the International Labour Office.

M. Arthur Fontaine, who had acted as Chairman of the organising committee of the first International Labour Conference at Washington, was appointed Chairman of the expert committee. The committee presented its report on May 31st, 1922. It suggested a combination of criteria whereby the industrial importance of States might be measured, which it considered to be, from a scientific point of view, more satisfactory and more logical in principle than the system chosen by the organising committee of the first Labour Conference.

It did not, however, claim that this system could be safely applied to nominations for the Governing Body in 1922, owing to the present disturbed state of commerce and the monetary situation, and it admitted that these criteria would require amendment and further study.

The Committee, in its report, stated generally that it was only too well aware of the incompleteness and provisional character of the work which it had achieved, and laid stress on the fact that the solution proposed and the calculations suggested were of a relative character.

The report concluded as follows:

“There is a group of countries which, on various reasonable hypotheses, figure among the eight most industrial nations with such regularity as to give rise to a kind of certainty. These are the United Kingdom, France, Germany, Italy and Japan. There are others in regard to which there is a less degree of certainty: Canada and Belgium in the first place, then India, Switzerland, Sweden, etc., and perhaps Poland, in regard to which we have not received the final figures resulting from the most recent decisions as to her frontiers.

“Hence arises the difficulty of the classification, which has caused so much legitimate emulation. Hence too, the proposal of the Governing Body of the International Labour Office to substitute for such competitions in the future, if the amendment put forward under Article 422 of the Treaty of Versailles meets with success, an enumeration in the statute of the International Labour Office of the Powers which have a representative, as of right, on the Governing Body.”

The Council, during its session in September 1922, examined the report of the expert committee and heard statements from the representatives of India, Poland and Switzerland. It adopted a final report on the subject on September 30th, 1922.

It unanimously agreed that, on the evidence presented, seven countries should be included: Germany, Belgium, Canada, France, Great Britain, Italy and Japan.

There remained one place to be filled. The claims of the various States to this vacant seat were considered, not merely in the light of the statistics but also in the light of various general arguments urged in favour of different countries. It finally decided that, on the evidence presented, India had the best claim to be included.

The Council laid it down as a general principle that, in the absence of quite exceptional circumstances, it would not consider it proper to take any decision affecting the constitution of the Governing Body of the Labour Office during the term of office of the elected members of that body.

3.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

I. NATIONALITY DECREES IN TUNIS AND MOROCCO.

The nationality decrees issued in Tunis and Morocco in November 1921 were four in number—two issued by the French Government, one by the Bey of Tunis and one by the Sultan of Rabat. The decrees of the two native princes declared to be Tunisian or Moroccan respectively all persons born in Tunis or in the French zone of the Shereefian Empire respectively, of parents likewise born there, except citizens of subjects of the protecting Power. The French decrees conferred French nationality on the persons born in Tunis or in the French zone of the Shereefian Empire, respectively, of parents of whom one was justiciable as a foreigner by the French tribunals of the protectorate and was born in the protectorate.
These decrees are in conflict with the British nationality legislation, which claims as natural-born British subjects the children born abroad of British parents who are themselves born within His Britannic Majesty's allegiance, and also the grandchildren born before January 1st, 1915, of such parents.

The French Government, applying the decrees, treated as French subjects persons in Tunis of Maltese origin who were claimed by the British Government to be British subjects, amongst other things calling upon them to perform military service in the French army. The British Government protested against the decrees being so applied.

The dispute between the French and British Governments was placed on the agenda of the Council on August 11th, 1922, and examined by the Council on October 2nd and October 4th, 1922.

The Council decided to ask the Permanent Court of International Justice for an advisory opinion as to whether the dispute was or was not by international law solely a matter of domestic jurisdiction for France. The two Governments agreed that if, in the opinion of the Court, the question were not solely a matter of domestic jurisdiction, the whole dispute would be referred to arbitration to be agreed between the two Governments.

The Permanent Court of International Justice met in extraordinary session on January 8th, 1923, in order to deal with the question. The British Government was represented by Mr. George Mounsey, of the Foreign Office, as agent, and by Sir Douglas Hogg, Attorney-General, and Sir Ernest Pollock, formerly Attorney-General, as counsel. The French Government was represented by M. Mérillon, Procurator-General at the Cour de Cassation, and M. de Lapradelle, Professor of International Law at the University of Paris.

The British and French representatives presented the cases of the two Governments at public hearings, and filed their final conclusions in writing. The decision of the Court was announced in public session on February 7th, 1923.

The Court, without entering into the merits of the dispute, held that the Council of the League had jurisdiction to deal with the dispute as brought before it by the British Government.

On the delivery of this opinion and with reference to the previous agreement between France and Great Britain, the agent of the French Government formally requested the Court to place on record that France proposed to Great Britain to submit the whole dispute to the Court for judgment. The British agent, in reply, stated that he was not authorised definitely to pronounce on the proposal but that his Government would give it the most careful consideration.

The doctrine of the Court with regard to the interpretation of Article 15, paragraph 8, of the Covenant may be summarised as follows:

The "exclusive jurisdiction" of States comprises matters which, in principle, are not regulated by international law. The ambit of this jurisdiction varies with the development of international relations; consequently it is purely relative. Moreover, even as regards matters included within this jurisdiction, the right of a State to use its unfettered discretion may be restricted by international engagement. The mere fact that international engagements are invoked does not, however, suffice to remove from the exclusive jurisdiction of a State a dispute which, in principle, falls within that jurisdiction; these international engagements must be of a nature to justify the provisional conclusion that they may be of juridical importance for the dispute.

In applying this doctrine to the question under consideration, the Court had to examine the more important legal grounds and arguments advanced by the parties to the extent required for the appreciation of the nature of the dispute. The Court accordingly proceeded to deal with the contention that France has, in Tunis and Morocco, the same exclusive right to legislate on nationality questions as in France itself, and also with the contention that the local sovereignty of the protecting State, together with the public powers exercised by the protecting State, may form a substitute for full sovereignty. Similarly, it touched upon the question whether the capitulatory rights of Great Britain in Tunis and in Morocco still subsist or have lapsed. The Court also referred to the argument advanced by Great Britain and based on the most-favoured-nation clause, as well as to the French contention, according to which Great Britain has formally recognised the right of France to legislate in Tunis under the same conditions as in the mother-country on the subject of nationality.

It was as a result of its considerations on these points that the Court gave to the question submitted to it a reply in the negative; that is to say, it affirmed that the dispute did not solely fall within the domestic jurisdiction of France, as this was understood by the Court, and that consequently the Council had jurisdiction to deal with the dispute as brought before it by the British Government.

II. THE CASE OF S.S. "WIMBLEDON".

The diplomatic representatives at The Hague of the Powers designated in the Treaty of Versailles as "the Principal Allied Powers", through the intermediary of the French Minister, have filed with the Registry of the Permanent Court of International Justice an application instituting proceedings in a case between Great Britain, France, Italy and Japan, acting conjointly, on the one hand, and Germany on the other hand, concerning the refusal of the German authorities on March 21st, 1921, to allow S.S. Wimbledon to have free access to the Kiel Canal.

Notice of the application has been sent by the Registrar to Germany and to the other States which have ratified the Treaty of Versailles, and, through the Secretary-General of the League of Nations, to all States Members of the League. The case of the applicant Powers was deposited with the Registry of the Court on March 17th, 1922, Germany's counter-case on April 20th, and the Allied reply on May 17th. The German rejoinder was expected for June 15th.
The applicant Powers take their stand upon Article 380 of the Treaty of Versailles, according to which "the Kiel Canal and its approaches shall be maintained free and open to the vessels of commerce and of war of all nations at peace with Germany on terms of entire equality".

The case is submitted to the Court under the terms of Article 386 of the Treaty of Versailles, which refers "to the jurisdiction instituted by the League of Nations", and which corresponds with Article 37 of the Statute of the Court, according to which the "tribunal to be instituted by the League of Nations" will be the Court.

The Polish Government has filed a request to be allowed to intervene as a party to the case on the side of the Allied Powers. The original parties have been invited to submit before June 15th their observations on this request.

The case of s.s. *Wimbledon* constitutes the first example in history of the arraignment before an international court of a sovereign State by one or more sovereign States.

The German Government, in virtue of the right conferred upon it by the Statute of the Court, has appointed a judge of German nationality, Professor Walter Schicking, to sit in the case.

The case has been placed on the agenda of the ordinary session of the Permanent Court which opened on June 15th, 1923.

III. GERMAN MINORITIES IN POLAND.

The Council of the League, in a resolution adopted on February 3rd, 1923, requested the Permanent Court of International Justice to give an advisory opinion on several points relating to measures taken by the Polish Government with regard to certain individuals of German race in Poland.

The question has been placed on the agenda of the ordinary session of the Permanent Court which opened on June 15th, 1923. The Members of the League and the German Government have been duly notified of this request.

IV. EASTERN CARELIA.

The Council, on April 21st, referred to the Permanent Court a question arising out of the Treaty of Dorpat between Finland and Russia signed on October 14th, 1920.

The question has been placed on the agenda of the ordinary session of the Permanent Court which opened on June 15th. The Members of the League and the Soviet Government have been duly notified of this request.

V. ELECTION OF A NEW JUDGE OF THE PERMANENT COURT.

A vacancy has been created in the Permanent Court by the death of Senator Barboza, one of the original judges. This vacancy will have to be filled by the fourth Assembly and the Council of the League according to the procedure adopted for the first elections. The new judge will be appointed only for the remainder of M. Barboza's term of nine years, i.e., until December 31st, 1930.

The Council, on April 17th, 1923, placed on record its sense of the loss which the Permanent Court had suffered through the death of M. Barboza, and its sympathy with his family and country.

The Council, at the same time, instructed the Secretary-General to place on the agenda of the fourth session of the Assembly the election of a successor. In accordance with the procedure followed in the election of judges, the same item will be placed on the agenda of a meeting of the Council to be held during the session of the Assembly.

The Secretary-General is entrusted by the Statute of the Court with the duty of taking such measures as may be necessary to obtain nominations and of drawing up the list of candidates.

The Council, in discussing the election of a successor to M. Ruy Barboza, noted that the number of judges and deputy judges of the Court was not more than sufficient to provide for occasional absence of members owing to sickness or other inevitable impediments, and its attention was drawn to the desirability of appointing as judges persons in a position to take effective part in the work of the Court and to the fact that the duties of a judge necessitated his presence at the seat of the Court for a considerable period of each year. The Council thought it desirable to emphasise the importance of this consideration without desiring in any way to restrict its own freedom of choice or that of the Assembly.

In the course of these discussions, the British Government called attention in a special memorandum to the importance of nominating as candidates for election to the Court persons with a working knowledge of both official languages.

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1 This question is dealt with in the section of this report dealing with the protection of minorities.
2 This question is dealt with in the section of this report dealing with Eastern Carelia.
I. General Administration.

Apart from the various questions which will be dealt with in connection with the work of the Supervisory Commission, the only matter of serious importance since the third Assembly has been the state of the treasury during a portion of the intervening period. At the end of 1922 and the beginning of 1923 there was an insufficiency of funds at the disposal of the League, due partly to the fact that but a small proportion of the current year's contributions are paid in the year, but mainly to the non-payment of their contributions by certain Members of the League. This insufficiency particularly affected the International Labour Organisation.

The Secretary-General, guided by the Financial Regulations adopted by the third Assembly, accordingly made advances for current expenditure to the International Labour Office out of the Working Capital Fund. At the end of 1922 the International Labour Office had received its full share of the Working Capital Fund (1,197,441.23 gold francs) and had been given in addition a temporary loan from the Secretariat's share of the Fund amounting to 437,833.18 gold francs.

In January 1923 the loan to the International Labour Office from the Working Capital Fund was further increased by 350,000 francs, and early in February the Secretary-General found it necessary to borrow 200,000 francs for the use of the International Labour Office from the League bankers.

At the request of the Council, the Supervisory Commission considered the general situation at its February session. It decided that economies, wherever possible, should be effected and proposed that all organisations should reduce their expenditure to 85% of the amount provided for in the 1923 budget. It further recommended that, in view of the inability of the International Labour Office to repay to the Working Capital Fund the sums which had been advanced to that Organisation during 1922, these advances should be carried forward and added to the budget for 1924.

The situation had considerably improved by March, the bank loan being entirely liquidated before the end of that month. Since that date no further borrowings have been necessary.

II. The Work of the Supervisory Commission in connection with the Finances of the League.

The Supervisory Commission held two sessions in the spring of 1923 to consider the various questions which had been referred to it: the accounts for 1922 and the budget for 1924.

(1) Questions referred to the Commission by the Assembly.

The Commission considered at its February session the various suggestions which had been made by the third Assembly for the amendment of the Financial Regulations.

The Commission recommended that the financial control applicable to the Secretariat and the autonomous organisations should be extended to apply to all the organisations of the League whether permanent or temporary, and whether the expenditure was, or was not, in whole or in part, met out of votes of the Assembly.

Recommendations were also made as to gifts which might be made to the League. Those involving an immediate or ultimate financial liability for the Members of the League should, in the opinion of the Commission, be accepted only by the Assembly, whilst other gifts might be accepted by the competent authority of the organisation concerned if it were satisfied that its acceptance would not undesirably affect the general character of the League or of the special organisation in question.

The question of the disposal of the difference between the receipts and the expenditure for a completed financial year was solved in the following manner: If the difference constitutes a credit balance, it should be used to offset a corresponding reduction of the sum to be collected from the Members of the League by way of contribution for the year in the budget of which it was entered; if the difference represents a deficit, the sum to be contributed by Members of the League for such year should be increased by the amount of the deficit.

The Commission gave careful consideration to M. Réveillaud's proposals regarding the Working Capital Fund which had been referred to the Commission by a resolution adopted by the Fourth Committee of the third Assembly at its meeting held on September 27th, 1922. It agreed that it
would be unwise at the present stage to insist on new Members being requested to pay into the Working Capital Fund a sum equal to that which had to be paid by the Members whose quota of contribution was equal or comparable to its own. It accepted, however, with certain general reservations, the proposals that the sums paid since the beginning of the League by the Members for the Working Capital Fund should be considered as carried to the credit of the various Members concerned, that a decision of the Assembly could liberate all or part of the sums destined to the Fund, and that States which, for any reason, ceased to be Members of the League, should be ultimately entitled to the reimbursement of the total amount of their contribution to the Fund.

(2) Other Questions.

(a) Procedure regarding the Examination of the Budget before its Adoption by the Assembly.

The British Secretary of State for Foreign Affairs, in a letter dated April 10th, 1923, made the following proposals:

(i) A short session of the Supervisory Commission should be held each year either immediately before or during the meeting of the Assembly.
(ii) It should be the duty of the Commission at this session to examine all additions to and amendments of the budget.
(iii) The budget, in its final form, must be approved by the Supervisory Commission before its submission to the Fourth Committee of the Assembly.
(iv) All supplementary credits or proposals involving expenditure made during the session of the Assembly must receive the approval of the Supervisory Commission before they are adopted. All such proposals should be referred to the Supervisory Commission, which should in the first place consider whether a proposal for additional expenditure could be adopted immediately or whether, in cases where heavy expenditure is involved, it should not advise that a separate application be made for the approval of the Member States.

The Commission considered these proposals and decided that it could not, of its own accord, definitely accept them, but that it might inform the Assembly that it was ready to carry out the duties proposed by the British Government if the Assembly should so desire. It appeared to the Commission that this matter should be placed by the Assembly on its agenda as the first item to be dealt with relating to finance.

(b) Contributions of Salvador and of certain Central American States to the League.

The third Assembly, in its report on arrears of contributions authorised the Secretary-General to propose to the Supervisory Commission an arrangement best fitted to the exceptional situation of certain Central American States the contributions of which were largely in arrears but which appeared to deserve special consideration.

At its May session the Supervisory Commission authorised the Secretary-General to enter into negotiations with those States, inviting them to liquidate their overdue contributions by means of payments spread over a number of years on the scale authorised by the third Assembly.

The Government of Salvador had itself proposed a similar arrangement and, under the circumstances, the Secretary-General withdrew from the agenda of the Council, pending the approval of the Government of Salvador, the legal question which that Government had raised on May 10th, 1921, and which had been dealt with on several occasions in 1921, 1922 and 1923 by the Council and the Assembly.

(3) Accounts for 1922.

At its May session, the Supervisory Commission decided to recommend the Assembly to adopt the accounts in the form in which they were approved by the auditor. If further expressed itself in full agreement with the general lines of the auditor’s report.

(4) Budget for 1924.

Before considering the budget, the Commission agreed to follow a strict but judicious policy of retrenchment. Except in very special cases, increases in any of the budgets of the League organisations could not be accepted. Reductions should be made wherever possible, a distinction always being made between the essential features of the work of the League and the activities which, though important and desirable, were not, for the present, absolutely necessary.

The Commission noted that considerable reductions had already been made in the budget as submitted, but, in agreement with the competent officials of the various organisations and in strict conformity with Article 16 of the Financial Regulations, it strongly held that further reductions should, wherever possible, be made, in view of the financial difficulties through which the majority of the Members of the League were passing. It was understood that in certain cases some of these reductions could not have been effected by the Secretary-General if his responsibility had not been shared by the Commission.
(a) Budget of the International Labour Organisation.

The budget of the International Labour Organisation was submitted to the Commission in an incomplete form. This was due to the fact that the Governing Body of the Office had insisted, at its April session, on large economies which necessarily entailed a reorganisation of the staff.

In these circumstances the Commission confined itself to the preliminary examination of the parts of the estimates not relating to personnel, postponing its definitive consideration of the budget to a subsequent session.

The Commission considered carefully the recommendation of the Finance Committee of the Governing Body relating to an increase of the Working Capital Fund. In view of the difficulties which the International Labour Office had encountered during the early months of 1923, the Commission decided to include in the general budget of the League, in addition to the 1,635,000 francs which already appeared as repayments of apparently irrecoverable advances, the sum of 885,000 francs as an additional contribution to the Fund. This contribution would bring the Fund to 5,000,000 gold francs — the limit that was approved by the second Assembly.

(b) Permanent Court of International Justice.

The estimates of the Permanent Court of International Justice, as submitted to the Supervisory Commission, amounted to 965,439 florins.

The reductions made in consequence of the recommendations of the Commission amounted to a net total of 34,150 florins.

(c) Secretariat and Special Organisations.

The Supervisory Commission considered in detail the estimates of the Secretariat and of the special organisations of the League, and recommended reductions amounting to 879,135 francs, which have been duly made in the estimates as circulated to the Members of the League and submitted to the Assembly.

(d) Total Budget of the League.

The original estimates amounted to 24,591,233.41 gold francs; the Commission effected reductions in its items amounting to 950,276 gold francs, thus bringing the total to 23,640,957.41 gold francs.

On the other hand, as a result of the recommendations of the Commission as to an additional contribution to the Working Capital Fund, of the pensions scheme for the staff of the League and of the provision for interest for the construction of the building of the International Labour Office, the budget of the League, as approved by the Commission, now totals 24,988,875.41 gold francs. Nevertheless, in spite of the inclusion in the estimates for 1924 of the sum of 2,520,274.41 gold francs for the Working Capital Fund, as compared with 500,000 gold francs in the budget for 1923, the estimates for 1924 are 684,632.59 gold francs less than the authorised budget for 1923.

III. WORK OF THE SUPERVISORY COMMISSION WITH REGARD TO A DEFERRED PAY AND PENSIONS SCHEME.

At the request of the third Assembly and of the Council, the Supervisory Commission considered the question of a deferred pay and pensions scheme for the staff of the League of Nations.

It found itself, at its February session, unable finally to deal with the matter. It elaborated, however, a certain number of general principles which were referred to two actuarial experts, who reported to the Commission at its May session.

In accordance with a decision taken by the Council at its April session, the scheme adopted by the Supervisory Commission on May 8th, 1923, was immediately forwarded to the Members of the League. It provides for a contribution by the League and by the permanent official respectively of 5% of the salary drawn by the official. The fund thus constituted would be placed under trustees to be nominated by the Council on the advice of the Finance Committee, separate accounts being opened for each official. The scheme would be compulsory for permanent officials, i.e., for officials serving a contract for seven years or longer. Officials leaving the League before the completion of their contract would, in certain circumstances, receive only a portion of the contribution paid by the League of Nations, varying according to the length of their service. Sums paid by the League into the account of an official leaving before the expiry of his contract and not returned to the official concerned would be transferred to a separate invalidity and disablement fund.

IV. WORK OF THE SUPERVISORY COMMISSION WITH REGARD TO THE COST OF LIVING AT GENEVA.

The Commission of Enquiry appointed by the Council as a result of a recommendation of the first Assembly, in its report on the organisation of the Secretariat and of the International Labour Office, suggested that a Salaries Adjustment Committee should be created to modify, from time
o time, the salaries of officials in accordance with periodic variations in the cost of living at Geneva. This proposal was approved by the second Assembly.

The Salaries Adjustment Committee presented a report to the Council on this subject on January 29th, 1923. The main principles laid down in the report of the Salaries Adjustment Committee related to the following points: (1) the items of expenditure to be included in measuring the fluctuations in the cost of living; (2) the period to be taken as a basis in measuring fluctuations in prices; (3) the proportion of salary which should vary with fluctuations in the cost of living; (4) the periodicity of the revision of salaries.

It proposed that 1922 should be taken as a basis and that salaries should be adjusted twice a year if changes in the cost of living indicated the desirability of such a course. It recommended that salaries should only be affected by fluctuations of at least 20% in the cost of living; and that the variable fraction of salaries should range from 30 to 15% of the whole, instead of from 45 to 14.6% as suggested by the Commission of Enquiry.

The Council decided to submit this report, before taking further action, to the Supervisory Commission, which gave it its general approval.

The report of the Supervisory Commission was considered by the Council on April 17th, 1923. It decided, on the proposal of the British representative, to refer a memorandum on the subject, to be prepared by the British Treasury, to the Salaries Adjustment Committee and to the Supervisory Commission for consideration; the Supervisory Commission has been asked to submit a revised report at the next session of the Council.

The Supervisory Commission accordingly reconsidered the questions during its May session, studying the report of the Salaries Adjustment Committee in the light of the proposals submitted by the British Treasury.

The Commission recommended that the period to be taken as a basis should be from July to December 1922. It was pointed out that the salaries of the Secretariat had been fixed by the Assembly in October 1922, and that these salaries were expressly stated to be based on the position with regard to prices existing at that date. The Supervisory Commission thought that a period covering the three months preceding and the three months succeeding the date on which the salaries were originally fixed might be regarded as representing the intentions of the Assembly.

The Supervisory Commission further recommended that the salaries of the staff should be affected by fluctuations of \( \frac{12}{4} \) in the cost of living, and not as originally proposed by fluctuations of at least 20%.

5.

REDUCTION OF ARMAMENTS.

ACTION TAKEN ON THE RESOLUTIONS OF THE THIRD ASSEMBLY.


“(a) The Assembly considers it desirable that the Temporary Mixed Commission should be asked to continue for another year the work which it has begun and that its report be submitted at an early date previous to that of the next Assembly. The Assembly further requests the Council to invite the Members of the League to lend their assistance to the Commission in its difficult task and to give their assistance and advice with regard to proposals for reduction of land armaments and a Treaty of Mutual Guarantee.

“(b) The Assembly desires to express its sense of the great value of the collaboration that has existed between the Temporary Mixed Commission and the Permanent Advisory Commission, and trusts that it will continue and, if possible, increase. The Assembly is of opinion that the great technical competence of the Permanent Advisory Commission cannot but be of essential service in the study, from the technical military point of view, of the questions with which the Temporary Mixed Commission deals.”

The Temporary Mixed Commission met at Geneva on February 9th, 1923, for a session which lasted until February 12th, 1923. It met on June 4th for a further session, which lasted until June 8th, 1923.

The Permanent Advisory Commission met from December 5th to 8th, 1922, and from April 16th to 23rd, 1923.

The Temporary Mixed Commission, during its February session, examined the question of the position of members of the Permanent Advisory Commission for Military, Naval and Air
Questions who also sat on the Temporary Mixed Commission, and decided, on the recommenda-
tion of its Chairman, to submit this question to the Council for decision.

The Council, in a resolution adopted on April 21st, 1923, decided that the military and naval
members of the Temporary Mixed Commission nominated by the Permanent Advisory Commis-
sion sat on the Temporary Mixed Commission in virtue of their personal competence and not as
delegates of the Permanent Commission.

Resolution No. II: Reduction of Expenditure on Armaments.

"The Assembly recommends that, as a preliminary step, the European States
existing before the war of 1914, under their present description, whose juridical status
has not been altered by the war, and which are not, at the moment, engaged in military
operations which justify their armaments, be invited to reduce the total of their military,
naval and air expenditure to the figures for 1913, calculated on the basis of pre-war
prices according to the method employed by the Temporary Mixed Commission."

The Council considered this resolution on January 31st, 1923. The British representative
expressed the view that the principle of making expenditure a rough test of armaments was open
to question and that cost was no true measure of military strength. He asked that his observa-
tions should be forwarded to the Temporary Mixed Commission.

The Council decided to forward to the Governments of the States described in the resolution
of the Assembly the recommendation contained in that resolution, and requested those States
to inform the Council by June 1st, 1923, what action, if any, they had considered it desirable
to take on the recommendation. It was understood that the list of States must be established
by the Temporary Mixed Commission.

The Temporary Mixed Commission examined the question during its February session.
It considered that the terms of the Assembly resolution did not appear to cover all possible excep-
tions to the general recommendation which it contained. There were States whose military
position had changed, though they were not excepted by the resolution. Mention was made,
for instance, of States which had been entrusted with mandates by the Peace Treaties.

The Commission, in these circumstances, expressed the opinion that the recommendation
of the Assembly, if sent to any State, should be sent to all without exception which existed prior to
1914.

The Commission also expressed the view that the choice of 1913 as a standard year for
military expenditure was open to several objections. It pointed out that the positions of the
various States in 1913 were far from being comparable, as expenditure in some cases answered
more closely to the requirements of national security than in others. Moreover, the European
situation had undergone so profound a change between 1914 and 1918 that it did not seem possible
to take pre-war figures as a basis for the future. Finally, the Commission observed that
the aim of the resolution, which was the progressive reduction of armaments, would not be achieved
if the period taken as a basis were a period of uneasiness preliminary to war.

The Commission endorsed the declaration of the Assembly that the basis for the military
expenditure of each country could be no other than the sum total of the requirements of its
national security, internal order and international obligations.

The Commission, in view of these considerations, was doubtful whether it would not be
better to postpone sending a recommendation to the Governments until the matter had been
considered further by the Council and by the Assembly.

The Council, on April 21st, 1923, considered the observations submitted by the Temporary Mixed
Commission. It decided to postpone taking a decision in the matter in order to give the Assem-
bley a further opportunity of expressing its views. Meanwhile, it requested the Temporary Mixed
Commission to make a fresh study of the question with a view to presenting detailed proposals
to the next Assembly.

The Temporary Mixed Commission studied the matter again at its June session and decided to
request the Council to refer the whole question to the Assembly.

Resolution No. III: Statistical Enquiry.

"The Assembly expresses its satisfaction at the remarkable work accomplished in collecting and drawing up statistical data in an entirely new and peculiarly difficult field.

"Taking into account the work accomplished, and reserving the question of the scope which it might be necessary to give to a statistical enquiry at a later date, the Assembly desires to determine for the coming year the programme which appears to it both immediately useful and practicable. It therefore proposes that this programme should be limited to the two following points:

"(1) Peace-time armaments;

"(2) Expenditure on armaments.

"The Assembly considers it desirable that the Council should request the Permanent
Advisory Commission to collaborate with the Temporary Mixed Commission in that part of the work which deals with technical military, naval and air questions."
The Council, on January 31st, 1923, authorised the Secretariat to forward the tables prepared by the Permanent Advisory Commission to the Governments of the States Members of the League as soon as the Temporary Mixed Commission had taken note of them. It was understood that the Governments would be requested to complete them before June 1st, 1923.

These tables were duly forwarded to the Governments concerned. The Temporary Mixed Commission, in noting the tables prepared by the Permanent Advisory Commission, pointed out that the data in question related to peace-time armaments and expressed the view that it would not be possible to arrive at perfectly trustworthy conclusions unless all other elements bearing on the question had been submitted to an adequate enquiry. Meanwhile, it decided that the data supplied by the Governments should be collected and published before the fourth Assembly.

The Commission, at the same time, requested the Secretariat to continue its analytical study of armaments budgets so that it might be able to publish before the next Assembly a new and more complete study of national expenditure during the years following the war.

During its June session the Temporary Mixed Commission examined the situation again and decided to draw the attention of the Council to the fact that only ten Governments had replied by June 1st to the questionnaire relating to the statistical enquiry sent them on March 1st.

**Resolutions Nos. IV, V and VI: Surplus Stocks of Munitions; Private Manufacture of Arms; Control of the International Traffic in Arms.**

IV. "The Assembly, having considered the report (A. 31. 1922. IX) of the Temporary Mixed Commission, is of opinion that the only step which could usefully be taken in connection with surplus stocks of arms and ammunition is the control of the international traffic in arms."

V. "The Assembly, having noted the proposal of the Temporary Mixed Commission for an international agreement for the control of the manufacture of arms by private companies, urges on the Council to consider the advisability of summoning, at an appropriate moment, a conference of the Members of the League to embody this agreement in the form of a convention. The Assembly is further of the opinion that States not Members of the League should be invited to participate in this conference and to cooperate in the policy on which it may agree."

VI. (a) "The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of St. Germain, as well as any proposals which it may care to make as to the way in which these objections can be overcome.

(b) "The Assembly is of the opinion that the Temporary Mixed Commission should be instructed to prepare a new scheme for the control of the international traffic in arms, to be considered by the Conference which is to deal with the private manufacture of arms.

(c) "The Assembly requests the Council to take such steps as it thinks advisable to carry out the purposes above indicated."

The Assembly, in the fourth resolution, merely states that the question of the surplus stocks of arms and ammunition can only be solved by the control of the international traffic in arms.

The Council, on January 31st, 1923, decided to postpone to a later date the consideration of the action, if necessary, to be taken on Assembly Resolutions Nos. V and VIa.

The Temporary Mixed Commission, during its February session, while regretting that the present international situation justified this decision of the Council, was nevertheless of opinion that the Commission should continue to study the question of the private manufacture of arms and of the traffic in arms in any direction that might be found useful.

The Temporary Mixed Commission, taking up the question raised by paragraphs b and c of Assembly Resolution No. VI, suggested to the Council that it was desirable to invite the Government of the United States to make concrete proposals as to the lines on which it might be willing to collaborate with other Governments, both for the control of the traffic in arms and of the private manufacture of arms.

The Council acted on this suggestion on April 21st, 1923. It requested its President to ascertain whether the Government of the United States would be disposed to state its views as to the manner in which it would be willing to co-operate. A letter was accordingly addressed to the Secretary of State of the United States of America by the President of the Council on May 1st, 1923.

At its June session, the Temporary Mixed Commission resolved to recommend the Council to invite the Governments of all States not Members of the League of Nations to express an opinion as to the way in which they would be prepared to co-operate in the solution of the problems of the traffic in arms and munitions and the private manufacture of arms.

**Resolution No. VII: Chemical Warfare.**

"(a) The Assembly, having considered the report of the Temporary Mixed Commission on the subject of the development of chemical warfare, approves its action in establishing a special Sub-Committee to report on the probable effects of chemical discoveries in future wars, and requests the Council and the Temporary Mixed Commission to take every possible measure to secure the fullest publicity for the report of the Sub-Committee."
"(b) The Assembly requests the Council to recommend the Members of the League and other nations to adhere to the Treaty of Washington (February 6th, 1922) concerning the use of asphyxiating gas and submarines in war, and other similar matters."

The Temporary Mixed Commission, during its February session, requested the sub-committee mentioned in the Assembly resolution to consult experts of various countries, including those industrially more advanced, with a view to collecting the greatest possible amount of information likely to assist the sub-committee in formulating proposals. The report of the sub-committee will be submitted to the Temporary Mixed Commission.

The Council, on January 31st, 1923, decided to place the subject of chemical warfare on the agenda of the International Conference for the Extension of the Principles of the Washington Naval Treaty (see Resolution No. XII).

The Temporary Mixed Commission, having examined this question again at its June session, decided to request the Council to consider the possibility of obtaining from the Governments represented at the Washington Conference communication of the report on chemical warfare which was then drawn up by their experts.

Resolution No. VIII: Requirements of National Security.

"The Assembly, having considered the answers from the Governments of twenty-six Members of the League to the enquiry issued to them by the Council as to the requirements of their national security, desires to state that it attaches the utmost importance to these replies as affording a basis for the further deliberations of the Temporary Mixed Commission, and recommends to the Council that it should once again urge the Members of the League which have not yet sent in their replies to do so without delay."

The third Assembly was notified that twenty-six Governments had furnished statements regarding the requirements of their national security. Since then, eleven other Governments have forwarded statements, and these have been published in the Official Journal.

The Council, on January 31st, 1923, decided to ask the Governments which had not yet submitted statements as requested in 1922 to do so, if possible, before June 1st, 1923. Letters to this effect were sent to the Governments on February 13th.

The Temporary Mixed Commission, during its February session, requested the Secretariat to prepare a comparative statement of the replies received from the Governments to be forwarded to the Council by the Chairman of the Commission. The Commission, at the same time, requested its Chairman to bring to the notice of the Council the advisability of submitting this comparative statement to the various Governments and of calling their attention to the advantages to be gained from framing their replies on the model of those which were most complete.

The Temporary Mixed Commission examined the report of the Secretariat during its June session and decided to prepare, on the basis of this report, for examination at its next session, a document specifying the omissions which appeared in the replies of some of the Governments to the enquiry.

Resolution No. IX: Exchange of Information.

"The Assembly approves the recommendation of the Temporary Mixed Commission that the Council should consider whether the time has not come to discuss the application of the paragraph of Article 8 of the Covenant relating to the exchange of military information between States Members of the League."

The Temporary Mixed Commission, during its February session, requested the Secretariat to enquire and report to it what steps could be taken to obtain a fuller exchange of information such as was contemplated under Article 8 of the Covenant.

The Temporary Mixed Commission examined the report thus prepared by the Secretariat during its June session. This report contained two proposals: namely, that a statistical year-book should be published yearly on the basis of the last paragraph of Article 8 of the Covenant relating to the exchange of military information, and that, in order gradually to evolve a system of natural control, the States Members might be formed into groups for the mutual exchange of information; these groups might be formed on the basis of the national security of the States Members.

As regards the first of these proposals, the Commission decided that the Secretariat should be invited to bring out a year-book based on information drawn from official documents and keeping within the limits of the last paragraph of Article 8 of the Covenant.

As to the second suggestion, the Commission, without prejudicing its opinion on the matter, decided to refer it back to the Secretariat in order that a complete scheme should be prepared for the examination of the Commission at a later session.


X. "The Assembly expresses its satisfaction at the work accomplished at Washington in connection with the reduction of naval armaments."
XI. (a) "The Assembly welcomes with interest the Chilian Government's initiative in submitting the question of disarmament to the Pan-American Congress which is to meet at Santiago in March 1923.

The Assembly expresses the hope that the Congress may arrive at practical solutions capable of being fitted into the more general scheme of disarmament which is being considered by the League of Nations.

(b) "The Assembly recommends to the Council that the expert services of the League of Nations should eventually be authorised to co-operate in the work of the Pan-American Congress of Santiago."

No action required.


"The Assembly recommends:

"(a) That an international conference should be summoned by the Council as soon as possible, to which all States, whether Members of the League or not, should be invited, with a view to considering the extension to all non-signatory States of the principles of the Washington Treaty for the Limitation of Naval Armaments, it being understood that any special cases, including those of the new States, shall be given due consideration at the Conference;

"(b) That the report of the Temporary Mixed Commission, together with the report and the draft Convention prepared by the Permanent Advisory Commission, as well as the text of the Washington Treaty, should be forwarded immediately to the various Governments for consideration."

The Council, on January 31st, 1923, decided to notify the States Members of the League of Nations and other States that the international conference would be held shortly after the close of the Pan-American Conference at Santiago. It was decided that this conference should be held at the seat of the League and that the agenda should include, besides the question of extending to States Members of the League of Nations the principles of the Washington Naval Treaty, the question of the adhesion of those States to the Treaty of February 6th, 1922, relating to the use of asphyxiating gases and submarines in time of war.

The Council further decided that the report of the Temporary Mixed Commission, together with the report and the draft convention drawn up by the Permanent Advisory Commission in 1922, as well as the texts of the Washington Naval Treaty and of the Treaty in relation to the use of submarines and noxious gases in warfare, should be forwarded to all States Members of the League.

Action was taken on this resolution of the Council on February 17th, 1923.

The Temporary Mixed Commission, during its February session, emphasised the importance of inviting to the international conference all States possessing a navy, whether Members of the League or not. The Commission requested the Council to consider the advisability of issuing to the Permanent Advisory Commission without delay, instructions to examine the extension to such States of its technical scheme.

The Council, during its April session, decided to postpone consideration of this question to its next session.

Resolutions Nos. XIII, XIV and XV:

Scheme for a Reduction of Armaments; Treaty of Mutual Guarantee; Regional Agreements.

XIII. "The Assembly, having examined the report of the Temporary Mixed Commission on the general principles of land and air disarmament, instructs the Commission to continue its investigations on the basis of these principles with a view to preparing for the consideration of the next Assembly a definite scheme for the general reduction of land and air armaments."

XIV. (a) "The Assembly, having considered the report of the Temporary Mixed Commission on the question of a general Treaty of Mutual Guarantee, being of opinion that this report can in no way affect the complete validity of all the Treaties of Peace or other agreements which are known to exist between States; and considering that this report contains valuable suggestions as to the methods by which a Treaty of Mutual Guarantee could be made effective, is of the opinion that:

"1. No scheme for the reduction of armaments, within the meaning of Article 8 of the Covenant, can be fully successful unless it is general.

"2. In the present state of the world, many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country.

"3. Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a prearranged plan in the event of one of them being attacked, provided that the obligation to render assistance to a country attacked shall be limited in principle to those countries situated in the same part of the globe. In case, however, where, for historical, geographical, or
other reasons, a country is in special danger of attack, detailed arrangements should be made for its defence in accordance with the above-mentioned plan.

4. As a general reduction of armaments is the object of the three preceding statements, and the Treaty of Mutual Guarantee the means of achieving that object, previous consent to this reduction is therefore the first condition for the Treaty.

"This reduction could be carried out either by means of a general treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries.

"In the former case, the Treaty will carry with it a general reduction of armaments. In the latter case, the reduction should be proportionate to the guarantees afforded by the Treaty.

"The Council of the League, after having taken the advice of the Temporary Mixed Commission, which will examine how each of these two systems could be carried out, should further formulate and submit to the Governments for their consideration and sovereign decision the plan of the machinery, both political and military, necessary to bring them clearly into effect.

(b) "The Assembly requests the Council to submit to the various Governments the above proposals for their observations, and requests the Temporary Mixed Commission to continue its investigations, and, in order, to give precision to the above statements, to prepare a draft Treaty embodying the principles contained therein.

XV. "The Assembly,

"Whilst declaring that the reduction of armaments contemplated by Article 8 of the Covenant cannot achieve its full effect for world-peace unless it be general:

"Desires to emphasise the importance of regional agreements for the purpose of reducing armaments—agreements which, if necessary, might even go beyond the measures decided upon in respect of general reduction;

"And requests the Council to ask the Temporary Mixed Commission to take into consideration, during its subsequent work, the possibility of recommending the conclusion of similar agreements to States which might be concerned."

The Council decided on October 4th, 1922, to ask its President to forward to the various Governments for their observations the proposals contained in Resolution No. XIV.

Action was taken on this decision of the Council on October 23rd, 1922.

The Council, on January 31st, 1923, decided, on a statement by the Permanent Advisory Commission, that a final report on the question raised by this resolution could not be drawn up until the technical investigation had been completed. It instructed the Permanent Advisory Commission to pursue its investigations solely from the technical point of view and excluding matters relating to political conditions, with a view to ascertaining whether it was possible to apply the principle embodied in the resolution in accordance with the various methods suggested.

On March 9th, 1923, a letter was sent to all the Governments concerned requesting them to send any observations they might wish to make in regard to Resolution No. XIV before June 1st, 1923.

The Temporary Mixed Commission, during its February session, considered a draft Treaty of Mutual Guarantee which had been presented to it by Lord Robert Cecil in virtue of Resolution No. XIV. The Temporary Mixed Commission referred this draft treaty to the Permanent Advisory Commission for technical advice, recommending the Council meanwhile to forward the treaty to the Governments of the States Members of the League with a request that they would take the matter into consideration and communicate their observations to the Council.

The Commission further decided to appoint a special committee to examine the draft Treaty of Mutual Guarantee submitted to it by Lord Robert Cecil, to study its clauses, and to report to the plenary Commission after having received the views of the Permanent Advisory Commission.

The Permanent Advisory Commission reported on the draft Treaty on April 21st. It expressed a unanimous opinion that, from a military, naval and air point of view, the draft did not constitute a solid basis for a scheme for the limitation of armaments.

This opinion was forwarded to the special Committee which met in London on May 14th, 1923.

The Council, on April 21st, decided to request its President to forward the draft Treaty to the Governments for their information.

The question of the Treaty of Mutual Guarantee was the subject of careful examination on the part of the Temporary Mixed Commission at its June session. The Commission had to study not only Lord Robert Cecil's proposals, as they had been redrafted by the special Committee which it had appointed, but also another draft Treaty which had been submitted by Colonel Réquin, as well as a proposal for the examination of the establishment of demilitarised frontier zones in connection with the first of these two schemes.

After a general discussion, the Commission decided:

"(c) To read and discuss the provisions of Lord Robert Cecil's draft at the present session without reaching any decision in this matter by vote and having due regard to the other proposals submitted to the Commission, including the proposal concerning demilitarised zones;"
“(2) To refer Colonel Réquin’s draft and Lord Robert Cecil’s proposal concerning the creation of demilitarised zones to the Permanent Advisory Commission and the special Committee for consideration;

“(3) To refer the drafting of the final scheme, which the Commission has been requested to draw up, until the session which is to be held before the next Assembly (July 31st).”

Resolution No. XVI: Reparations.

“The Assembly,

“Considering that moral disarmament is an essential preliminary condition of material disarmament and that this moral disarmament can only be achieved in an atmosphere of mutual confidence and security:

“Declares that such confidence cannot be attained so long as the world continues to suffer from disorganisation of the exchange, economic chaos and unemployment, and that the only method of remedying these evils is to put an end to the uncertainty which prevails regarding the means for the restoration of the devastated regions and the settlement of the inter-Allied debts;

“Expresses the hope that, in so far as these questions can be regulated by the unaided efforts of the European nations, the Governments signatories of the international treaties and agreements which deal with these questions, and within the framework of which they must be envisaged, will achieve as soon as possible a general settlement of the problem of reparations and Inter-Allied debts;

“And further recommends that the Council shall devote constant attention to every effort made in this direction by the Governments concerned, it being understood that it can only usefully assist in the solution of these problems if requested to do so by the Governments in question.”

No action has been taken by the Council on this resolution.

6.

POLITICAL QUESTIONS.

I. POLONO-LITHUANIAN QUESTION.

The Frontier between Poland and Lithuania.

The Military Commission of Control despatched in 1920 by the Council of the League to the territory in dispute between Poland and Lithuania established two neutral zones in the frontier districts: one in the region of Suwalki and the other in the region of Vilna. When it was decided to withdraw the Commission it was feared that the position of the population in these neutral zones would become intolerable. Early in 1922 the Polish representative proposed that a provisional line of demarcation should be substituted for the neutral zones without prejudicing the rights of the two parties to the territories in dispute.

The Lithuanian representative could not agree to a provisional line of demarcation. He contended that the only possible division between Poland and Lithuania was the line of demarcation fixed by the Suwalki Agreement, which should have come into force on October 10th, 1920, and which attributed to Lithuania the territory of Vilna. He could not accept any line of demarcation, even if it were provisional, which ran contrary to this agreement. He desired the retention of the neutral zone and asked the Council to appoint a High Commissioner belonging to a neutral nation to serve as intermediary between the two Governments to protect the various racial groups in the disputed territory and generally to prevent the revival of frontier incidents within the neutral zone on the withdrawal of the Commission.

The Council, on January 13th, 1922, decided to withdraw the Military Commission of Control. It declared itself in consequence in favour of substituting a provisional line of demarcation for the neutral zones, and it formally invited the representatives of the two Governments to accept this solution. The Lithuanian Government, however, persisted in its refusal to accept this arrangement, and on May 17th, 1922, the Council suggested that the neutral zones might be maintained between the armed forces of the two countries but that a provisional line of demarcation should be established for the purposes of the civil and judicial administration of the communes in the district. It decided, at the same time, to send a commission to study the line which might eventually be adopted and to submit a report to the Council.

In accordance with this decision, M. Saura, as delegate of the Council of the League, proceeded to Vilna on August 27th, 1922. He surveyed the Vilna zone in September and visited the neutral
zone of Suwalki in October, returning to Geneva on October 18th and presenting his report to the Council on February 1st, 1923.

It appeared from this report that the situation in the neutral zones was serious. The zones had fallen into a state of complete disorder on the departure of the Commission of Control at the beginning of 1922. Nationalist organisations had entered the districts organised as militia. Both the Polish militia and the Lithuanian militia in the neutral zones were well provided with arms and possessed even machine-guns. Armed encounters were frequent. The two forces did not aim at establishing order, but rather at making a conquest of the zones. The report of M. Saura concluded with a description of the localities which, in his opinion, should be administered by the Lithuanian and by the Polish State respectively if the Council decided to establish a line of demarcation.

The Council, on February 3rd, 1923, accepting the conclusions of the report of M. Saura, traced a provisional line of demarcation dividing the neutral zone of Vilna in two approximately equal parts, the railway line from Grodno to Vilna being left to Poland. The northern zone, to the west of the Vilna-Dwinsk railway line, was left to Lithuania. The Council asked the parties to accept this line for administrative purposes. It was understood that the territorial rights of both States remained intact. The two Governments were asked to employ all the means at their disposal to disarm and disband the militia found in the districts placed under their provisional administration.

The representative of Poland accepted the recommendation of the Council. The representative of Lithuania expressed the opinion that the Covenant of the League of Nations did not give to the Council the right to take decisions or to give an arbitrary award in the case. He contended that no dispute on the subject of the neutral zone had ever been referred to the Council by the interested parties, and that, in these circumstances, the Council could do no more than issue a recommendation for the acceptance of the Governments concerned. The Lithuanian representative concluded as follows:

"If Poland attempts to modify the situation in the neutral zone......... without the consent of the Lithuanian Government, that Government would find itself obliged to oppose any such act by every possible means and in the most energetic manner. Further, the Lithuanian delegation has the honour to state, in the name of its Government, that it cannot accept or recognise the modifications contemplated for the neutral zone and contained in the Council resolution."

The Polish Government at once took steps to extend its administration over the districts lying on the Polish side of the provisional line of demarcation. Various incidents occurred during which several persons were killed and wounded.

The Lithuanian Government, as a result of these incidents, in a note dated February 18th, asked for an urgent meeting of the Council to prevent an extension of the conflict.

The President of the Council used his influence and authority to restore peace without being forced to resort to this extraordinary procedure, and the Secretary-General kept the Council informed of the progress of events, obtaining reports on the movements of the Polish police forces in the districts finally occupied, so as to make sure that the recommendation made by the Council was duly observed.

Meanwhile, the Polish Government requested the Principal Allied Powers to make use of the right reserved to them under Article 87 of the Treaty of Versailles to determine such boundaries of Poland as were not laid down in the Treaty itself and to fix the frontier between Poland and Lithuania.

The Conference of Ambassadors gave its decision on March 15th, 1923. According to this decision, the frontier between the two countries in the region of Vilna is fixed in conformity with the provisional line of demarcation traced in the recommendation issued by the Council on February 3rd. M. Hymans, in a report submitted to the Council on April 21st, 1923, expressed the view that, as the political frontier between Poland and Lithuania had thus been determined in accordance with the procedure laid down in the Treaty of Versailles, the question dealt with by the Council had now become a matter of history.

The representative of Lithuania, appearing before the Council on April 21st, said that Lithuania protested against the decision of the Conference of Ambassadors, contending that it had no right to dispose of territories which had belonged to the former Russian Empire. He further maintained that the attitude of the Council of the League towards the decision of the Conference of Ambassadors was inconsistent with its previous declarations. The Council, in referring to the provisional line of demarcation, had always been careful to reserve the territorial rights of both States, and the Council, in its resolution of January 13th, 1922, had maintained that it could not recognise any solution of a dispute submitted to the League by one of its Members reached without regard to the recommendation of the Council or without the consent of both the parties concerned. In subsequent recommendations, the Council had again insisted that the territorial rights of both sides should remain intact. The Lithuanian Government had always feared that a recognition of a provisional line of demarcation, despite any reserves which were made, might be interpreted as a recognition by the Council of the state of affairs created by the coup de force of the Polish general Zeligowski. Events, said the Lithuanian representative, had proved Lithuania to be right. The decision of the Conference of Ambassadors sought to trace the eastern frontiers of Poland so as to include the territory of Vilna within the Polish State. The Conference of Ambassadors had thereby taken a decision giving to the resolution adopted by the Council on February 3rd an interpretation which the Council itself had previously refused to accept.
M. Hymans pointed out in answer that both the parties had consented to recognise the competence of the Conference of Ambassadors. The Lithuanian Government had not only recognised the competence of the Conference of Ambassadors by asking the Council on March 17th, 1922, to draw the attention of the Allied Powers to the urgent necessity of tracing the eastern frontier of Poland, as they were entitled to do by Article 87 of the Treaty of Versailles. It had, moreover, asked the Conference of Ambassadors to fix the frontier, thereby (according to the declaration made by the Lithuanian representative before the Council on January 13th, 1922) settling at the same time the Polono-Lithuanian dispute.

By making this request, Lithuania had recognised Article 87 of the Treaty of Versailles. M. Hymans added that the Suwalki Agreement itself, so often referred to by the Lithuanian Government, was nothing more than an agreement with regard to the establishment of a provisional modus vivendi; it fixed a line of demarcation between the armies which in no way prejudiced the territorial rights of the two parties. This agreement could not be said to be a solemn recognition on the part of Poland of the rights of Lithuania over the territory of Vilna.

The Council noted the report of M. Hymans and the observations to which it had given rise.

The Lithuanian representative notified the Council that the Lithuanian Government desired to place on the agenda of the next Assembly the question of the fixing of the frontier, as well as the final decision of the Council of the League.

REQUEST OF LITHUANIA FOR THE SUBMISSION OF CERTAIN QUESTIONS TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

At the meeting of the Council held on February 3rd, 1923, the Lithuanian representative argued that, as the neutral zone had been established by a convention between two States, the question should be settled in accordance with Article 13 of the Covenant, which declared disputes as to the interpretation of a treaty to be among those generally suitable for submission to arbitration. He contended that the Council would establish an unfortunate precedent if it attempted to modify a treaty between two Governments without their consent. This would be contrary to the principle of the Covenant and to the sovereignty of States.

The President of the Council was of the opinion that it was not Article 13 of the Covenant which was applicable but paragraph 6 of Article 15.

The Lithuanian Government, in a telegram dated February 10th, 1923, and in a letter dated March 8th, 1923, formally submitted certain observations in regard to the Council's resolution of February 3rd and requested the Council to refer to the Permanent Court of International Justice the following questions:

(1) Has the Council of the League of Nations the right, when a dispute is submitted to it under paragraph 1 of Article 15 of the Covenant, to address to the parties, with regard to incidental questions which have not been specifically submitted to it, recommendations having the same force as the Council's reports referred to in paragraphs 4, 6 and 7 of the same article?

(2) If the recommendations of a report by the Council of the League of Nations have been adopted in the circumstances contemplated in the sixth paragraph of Article 15 of the Covenant of the League of Nations and have been accepted by one of the parties, are such recommendations binding upon the other party if it does not accept them? And, secondly, if, within the period fixed by Article 12 of the Covenant it goes to war with a party which accepts the report, is it liable to the penalties laid down in Article 16?

The Council considered this request on April 21st, 1923. M. Hymans expressed the opinion that it was hardly compatible with the constitution of the League of Nations to submit to the Permanent Court of International Justice the question of the validity of a decision taken by the Council. He did not think the validity of the decision could be seriously questioned, and, in any case, this decision now referred to a situation which was purely a matter of history. There could be no doubt that the Council, in making its recommendation of February 3rd, 1923, had acted within the scope of the Covenant. The dispute between Poland and Lithuania had been formally submitted to the Council on September 6th, 1920, and the Lithuanian Government had recognised the competence of the Council. The Council had frequently been obliged, with the assent of both parties, to make recommendations with the object provisionally of maintaining a state of peace between the two countries. He did not think that there was any occasion for obtaining the opinion of the Permanent Court of International Justice on the subject.

The Council associated itself with the views expressed by M. Hymans.

TREATMENT OF THE NON-POLISH POPULATION IN THE VILNA DISTRICT.

The Assembly decided on September 21st, 1922, to refer to the Council for its special consideration the question of the treatment by the Polish authorities of the non-Polish population of the disputed territory of Vilna. This question was brought before the third Assembly by the Lithuanian Government and discussed in the Sixth Committee.
The third Assembly regarded the question as coming within the scope of the resolution adopted by the Council on January 13th, 1922, in which that body, after having drawn up its final recommendation for the settlement of the dispute between Poland and Lithuania, reserved to itself the right to deal with the question, if necessary, by requesting the two Governments to allow it to send representatives to the spot for the purpose of making a report.

M. Sidzikauskas, representative of Lithuania, subsequently forwarded to the President of the Council on September 25th, 1922, a petition from the Lithuanian and White Russian populations in the territory of Vilna asking that the subject should be placed on the agenda of the next session of the Council.

The Council considered the question on February 1st, 1923. The representative of Poland proposed on behalf of his Government that all questions relating to the protection of minorities in the Vilna region should be dealt with by the League of Nations in accordance with the normal procedure applicable under the rules laid down in the Polish Minorities Treaty of June 28th, 1919. This proposal was supported by M. Hymans, acting as rapporteur.

The Lithuanian representative said that this proposal did not satisfy the Lithuanian delegation in view of the controversial position of the Vilna territory and of certain measures adopted by the Polish Government with a view to its annexation. He contended that the provisions of the minorities treaties were designed for normal situations and that they did not offer sufficient guarantees in this case. He argued that the situation in Vilna was one likely to affect international relations and to disturb peace within the meaning of Article 11 of the Covenant. The territory in question was occupied by a Polish army, and the Polish authorities were closing the schools and proceeding to numerous arrests and expulsions.

He urged that a commission of enquiry should be sent to the Vilna region to verify the facts on the spot and to embody them in a report to the Council. He further asked that the Council should send to Vilna a permanent commissioner to protect the non-Polish population both of the territory in dispute and of the neutral zone.

The Council decided that all questions relating to the protection of the non-Polish elements in the region of Vilna should be dealt with by the League of Nations in conformity with the usual procedure applied under the rules established by the Minorities Treaty of June 28th, 1919. It was understood that this decision in no way modified the terms of the recommendation of the Council of January 13th, 1922, in regard to the territorial question.

II. ALBANIA.

Final Reports of the Commission of Enquiry.

The Commission of Enquiry to Albania1 presented its final reports to the Council in April 1923.

The International Position of Albania.

Previous reports had shown that, owing to the intervention of the League, the foreign relations of Albania had immensely improved. The Commission, on leaving Albania, was in a position to report that few outstanding questions remained between Albania and her neighbours likely to give rise to any anxiety. Albania had exchanged diplomatic representatives with the adjacent countries, as well as with many other States. Her frontiers had been delimited, with the exception of some small sectors where the work of delimitation was about to begin. Responsible representatives of the neighbouring Powers had publicly stated their intention and desire to maintain cordial relations with the new State of Albania and to respect her independence and integrity.

The Commission, in its final report, confirms its recommendation of the previous year to the effect that Albania should refrain as far as possible from any active foreign policy. In the view of the Commission, it was essential that Albania should enjoy complete neutrality in order to devote herself entirely to her constitutional, economic and social development.

The International Position.

The Commission points out that the international position of Albania and the internal conditions prevailing in the country are largely interdependent. Disorder within her borders inevitably reacts on the relations of Albania with her neighbours. Excellent measures have already been taken to improve the internal situation. The population has been disarmed, and in many districts where robbery was a form of livelihood, the population has settled down to agricultural and other peaceful works. The Central Government, with uncontested power over the whole of the

The Resources of Albania.

The general conclusion of the Commission is that it will take some years to create a mining industry and that there is no immediate future for the development of the great hydraulic forces which are available. The principal asset of Albania is her soil, and it will be possible to increase the natural wealth of the country by improving upon primitive and wasteful methods of cultivation and by liberating and developing large tracts of fertile soil by drainage and a scientific regulation of certain rivers. The industry which at present promises to become the principal source of revenue to the country is the cultivation of tobacco, for which the soil and climate are particularly well suited.

The Commission hopes that foreign capital may be found for the development of the agricultural, mineral and other resources of the country. Albania needs in particular a bank of issue and commercial and agricultural banks.

The Late Events in the Near East.

The late events in the Near East have undoubtedly stirred the feelings of the Mahomedan inhabitants of Albania and caused some misgiving to their Christian compatriots. There is no fanaticism among the Mahomedan population, but the recent successes of Turkey have accentuated the divergence between the Christians and Mussulmans of Southern Albania.

The Position in Southern Albania.

The question of the relations of the Mahomedan and Christian elements is perhaps the most important question at issue in Southern Albania. The Commission states that there is at present much discontent among the Christian population in this region.

In Southern Albania the Christians and Mussulmans are almost equal in number. The Commission does not consider that the Greek sympathies of the majority of the orthodox population of Southern Albania should be attributed to Greek nationalism. There are no racial feelings between Greeks and Albanians. The Greek population desires a strong and enlightened Albania, and has no desire to come under Greek rule if it can be assured that the political system to prevail in future is likely to give it the institutions and administrations which it desires. The Christian population is pacific, and its feelings for Greece are not those of an irredenta. No revolutionary movement is likely to be attempted. There still exists strong anti-Mussulman feeling among a great portion of the population of Southern Albania, but this feeling is directed against real or supposed remnants of the old Turkish regime of oppression. Christians of the south complain that they have less influence in public affairs than the Mahomedans and Catholics. They allege that the Christian officials nominated by the Government are in the main those who possess the confidence of the Mahomedans. There is a feeling that justice is not entirely equal for Christian and Mussulman, and particular hardship is alleged in regard to the ownership and renting of land.

The Commission reports in detail on the question of the formation of an independent Orthodox Albanian Church and on the schools question in Southern Albania in its relation to the rights of religious and linguistic minorities.

Termination of the Work of the Commission.

The Council decided on February 3rd, 1923, that it was not necessary for the Commission to remain any longer in Albania. The representative of Albania concurred in this view and expressed gratitude on behalf of his Government for the great services which the Commission had rendered to his country.
The Council, on April 18th, noted the final reports of the Commission and thanked Professor Sederholm and Count Frederik Moltke for the services which they had rendered to the League of Nations.

**APPOINTMENT OF A FINANCIAL ADVISER.**

The Council considered the appointment of a financial adviser to Albania on February 3rd, 1923. It requested a sub-committee, composed of Lord Balfour, M. Branting, M. Salandra and M. Viviani, to come to a final decision as to the choice of a candidate. On April 18th, the Council formally approved the appointment of Mr. J. D. Hunger, lately Administrator of Batavia in the Dutch East Indies. The appointment was made on the advice of the Financial Committee of the League and with the agreement of the Albanian Government. Mr. Hunger, whose contract is for five years, will present a quarterly report to the Council.

**III. THE FRONTIER BETWEEN AUSTRIA AND HUNGARY.**

The circumstances in which the question of the frontier between Austria and Hungary was brought before the Council and an account of the action taken by the Council in July 1922 will be found in the supplementary report to the third Assembly.

Both Austria and Hungary had agreed in advance to accept the decision of the Council. Austria was bound by the protocol signed at Venice on October 13th, 1921, and the Hungarian Government, in a letter to the Council dated April 13th, 1922, had formally expressed its desire that the Council should act as arbitrator.

The Council announced its decision on September 9th, 1922. It modified, in some respects, the proposals of the boundary commission, leaving to Austria the localities of Pamhagen, Hammer and Leka, the communes in the valley of the Pinka south of Pornopati, the commune of Csem, and the villages of Felso-Also-Beled, and Szenpeterfa. Hungary received back the locality of Liebing, the communal forests belonging to the city of Koszeg, the village of Rattersdorf, together with the valley of the Pinka north of Pornopati and Pornopati itself.

It was provided that a special protocol should be drawn up by the Delimitation Commission binding on the two Governments, with the object of avoiding any prejudice to the hydro-technical interests of the district of Pamhagen, and the supervision of this protocol was entrusted to the permanent Technical Hydraulic System Commission instituted by the Treaty of Trianon. The Council also recommended that the two Governments, assisted by the Delimitation Commission, should take permanent or provisional measures to avoid disturbances in the economic relations and frontier communications in the neighbourhood of the new frontier.

**IV. THE FRONTIER BETWEEN HUNGARY AND CZECHOSLOVAKIA.**

The question of the delimitation of the frontier between Hungary and Czechoslovakia was brought before the Council under the terms of the letter of May 6th, 1920, signed by the President of the Peace Conference. The letter generally laid down that the Council may be requested, by a report from the Delimitation Commission and on the request of one of the parties concerned, to intervene with a view to obtaining local modifications in the frontier lines laid down by the Treaty of Trianon, provided the Commission is of opinion that "the provisions of the Treaty involve an injustice at any point which it would be to the general interest to remove". This procedure may be resorted to in case "the frontier-line thus traced may not exactly correspond to the ethnological or economic requirements".

In this case the Delimitation Commission was divided on the question of the frontier in the district of Salgotarjan, three of its six members suggesting one frontier-line and three another. In accordance with Article 362 of the Treaty of Trianon, the President of the Commission made use of his casting vote in order to refer the question to the Council. According to the procedure set out in the preceding paragraph, the Hungarian Minister for Foreign Affairs requested the Secretary-General, in a letter dated November 16th, 1922, to bring the matter before the Council. On its side, the Conference of Ambassadors, in a letter dated January 3rd, 1923, communicated to the Council two reports presenting respectively the point of view expressed by the British, Japanese and Hungarian members of the Commission on the one hand, and the French, Italian and Czechoslovakian members on the other.

The Council considered this question on January 31st, 1923. The representatives of Hungary and Czechoslovakia agreed that the good offices of the Council should take the form of arbitra-

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1 See "Records of the Third Assembly, Plenary Meetings", Volume II, page 96.
tion, and M. da Gama, Brazilian representative on the Council, was requested to present a report at the next session.

After a careful study of the documents and in consultation with the two parties, M. da Gama prepared a report which he presented to the Council on April 17th, 1923. There were many factors to be considered; in particular, the attention of the Council was drawn to the following points:

(i) The ethnological question, the village of Somosujfalú being inhabited by 1,800 persons speaking the Magyar tongue.

(ii) The coal question, the Treaty stipulating that the mines of Salgo and Zagyvarona shall return to Hungary.

(iii) The question of the stone quarries, the yield of which is rather considerable in the disputed area.

(iv) The question of the forests.

(v) The question of local labour and agricultural arrangements.

(vi) The question of the railway and the road connecting the quarries to the railway station.

Owing to the topography of the district and the existence of the railway crossing it from north to south, the Permanent Advisory Commission for Military, Naval and Air Questions was requested by the Council to give advice on the points of a military character connected with the district in question. The Council, in view of the observations submitted to it by the Military Sub-Commission of the Permanent Advisory Commission, and after a further hearing of the two parties, announced its arbitral decision on April 23rd.

The frontier laid down by it leaves all the mines, one of the three quarries and the two villages of the disputed district in Hungarian territory, the inhabitants of the latter being Magyar. On the other hand, the Council left to Czechoslovakia the uninhabited heights north of the villages of Somoskő and of Somosujfalú. The Czechoslovak Government will have the right to use the railway station of the latter village as a frontier and Customs station, and the Hungarian Government undertakes to grant all possible facilities in connection therewith. The Czechoslovak Government, on its side, shall take all measures to facilitate the working of the basalt quarry situated to the north of the village of Somoskő and the transit of the products of that quarry on their way to the Somosujfalú station.

The representatives of Hungary and Czechoslovakia accepted the Council's arbitral decision.

V. THE FRONTIER BETWEEN HUNGARY AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The circumstances in which the question of the frontier between Hungary and the Kingdom of the Serbs, Croats and Slovenes was brought before the Council, and an account of the action taken by the Council in July 1922, will be found in the supplementary report to the third Assembly.

The limits within which the good offices of the Council might be employed in settling this question were defined in a letter addressed to the Hungarian Government on May 6th, 1920, by the President of the Peace Conference. In this case the Council was not called upon to intervene as an arbiter but merely to use its good offices at the request of one of the interested parties in order to obtain a settlement by friendly agreement.

The Council, during its session in September 1922, did everything in its power to induce the parties to come to an agreement, and various compromises were discussed.

On September 30th, the Council was obliged to announce that it had been impossible to arrive at an agreement. The Kingdom of the Serbs, Croats and Slovenes refused to cede to Hungary the territory known as Prekomourie lying in the region where the frontiers of the Kingdom of the Serbs, Croats and Slovenes, of Hungary and of Austria meet, on the grounds that this frontier had been fixed by a treaty which had been ratified by the Serb-Croat-Slovene Parliament and that the consent of the latter would be indispensable for such a considerable alteration. The Kingdom of the Serbs, Croats and Slovenes, however, declared its readiness to cede to Hungary a road crossing the north-western extremity of Prekomourie, together with a village on that road, provided Hungary would consent to an exchange of territory further east on the frontier between the two States.

The representative of the Hungarian Government stated that an exchange in the eastern section of this frontier could only be contemplated if the Government of the Kingdom of the Serbs, Croats and Slovenes would accept arbitration by the Council of the League regarding the district of Prekomourie, which the Boundary Commission proposed to allocate in its entirety to Hungary. The Hungarian Government considered that the proposed transfer of the road in the north-western angle of Prekomourie was too small a concession.

Under these circumstances, the Council decided to inform the Conference of Ambassadors that, in spite of its efforts, it had been unable to persuade the interested parties to contemplate a friendly settlement of the question.

VI. EASTERN CARELIA.

By the terms of the Treaty concluded on October 14th, 1920, between Finland and the Federal Russian Soviet Republic, the Government of the Soviets undertook to grant to the people of Finnish race and speech inhabiting Eastern Carelia a form of autonomy. The Finnish Government is of opinion that this undertaking has not been fulfilled. It contends that the Treaty of October 1920 has been violated and that the population has been subjected to a reign of terror.

The question was brought before the Council of the League of Nations as a result of the outbreak which took place in that country during the winter 1921-1922, and on January 14th, 1922, the Council stated that it was ready, if the two parties agreed, to examine the question.

The Council, in making this declaration, suggested that a Member of the League having diplomatic relations with the Government of Moscow might be able to give the Council information as to the views of the Russian Government.

Acting on this suggestion, the Esthonian Government entered into correspondence with the Government at Moscow. The latter declared that the question of Eastern Carelia was purely a domestic question and concerned only Soviet Russia. It could not therefore agree to any intervention in the dispute which had arisen on the subject between Russia and Finland.

The Council again considered the subject on February 1st, 1923. The Finnish Government contended that, owing to certain stipulations contained in the Treaty of October 1920, the treatment of the inhabitants of Eastern Carelia was not, as the Soviet Government maintained, a purely internal question but an international question concerning the interpretation of a treaty to which a Member of the League was a party and which had been registered in the Secretariat in conformity with Article 18 of the Covenant. The Finnish Government argued that the Permanent Court of International Justice was, by Article 14 of the Covenant, especially qualified to decide this question by means of an advisory opinion to the Council.

It was decided that the members of the Council should examine the question individually and consider it again at a later session.

The question was again considered by the Council on April 20th and on April 21st, 1923. The Finnish Government defined the question on which it desired to obtain the opinion of the Permanent Court in the following terms:

"Do Articles 10 and 11 of the Treaty of Peace between Finland and Russia, signed at Dorpat on October 14th, 1920, and the annexed Declaration of the Russian Delegation regarding the autonomy of Eastern Carelia, constitute engagements of an international character which place Russia under an obligation to Finland as to the carrying-out of the provisions contained therein?"

The Council considered that the request of the Finnish Government could be allowed in principle. It considered that legally it undoubtedly had the right to refer this question to the Court, and that the matter was within the competence of the League.

Soviet Russia was neither a Member of the League nor a party to the Statute of the Permanent Court, and it would not juridically be bound by the decision of the Court. The opinion of the Court might, however, be of assistance in clearing up the legal points which were in dispute between the two countries. The Council was not asked to consider the question of Eastern Carelia as a dispute in which Finland and Russia were "parties" in the legal sense of the word, and the Court might give a reply to the question raised by the Council without the countries concerned actually appearing. The reply of the Court might be based entirely on the Treaty of October 1920 and on the general principles of international law. In these circumstances, the special situation of the Soviet Government did not seem to raise any particular difficulties.

The Council accordingly requested the Permanent Court to give an advisory opinion on the question submitted by the Finnish Government, taking into consideration any information which the various countries concerned might present. The Secretary-General was authorised to submit this application to the Court together with all the documents relating to it.

VII. THE BULGARIAN INHABITANTS OF WESTERN THRACE.

Submission of the Question to the Council.

The Bulgarian Government, in a letter dated March 31st, 1923, called the attention of the Council to the position of the Bulgarian population in Western Thrace. Further details were added to this appeal in a memorandum forwarded to the League of Nations on April 5th, 1923. The Council considered the question in the presence of the Greek and Bulgarian representatives on April 19th and April 21st, 1923.

Statements by the Parties (April 19th, 1923).

The representative of Bulgaria complained that the Greek Government was forcibly removing Bulgarian inhabitants from their homes in Western Thrace. These removals were said to be
the result of a settled policy of deportation en masse, applied with the object of denationalising all the provinces under Greek rule of Bulgarian and Moslem majorities.

The Bulgarian representative stated that each deportation was preceded by the installation in the Bulgarian villages of Greek refugees, who, as soon as the Bulgarians had been obliged to leave their homes, took possession of their property, houses, cattle and land.

The Bulgarian Government had endeavoured to settle this question by negotiation with the Greek Government. In a letter addressed by M. Politis, Minister for Foreign Affairs at Athens, on November 14th, 1922, to the Bulgarian Chargé d’Affaires at Athens, the Greek Government admitted that there had been compulsory removals. M. Politis, in this letter, attributed the responsibility to local authorities. He undertook to take steps to stop the removals and to permit the families thus removed to return to their homes.

M. Gonatas, who succeeded M. Politis as Minister for Foreign Affairs, replied to later protests from the Bulgarian Government concerning fresh deportations, justifying them as imposed by military necessity owing to the action of Bulgarian armed bands in the frontier districts.

The Bulgarian representative argued that the letter of M. Politis of November 14th, 1922, showed that the system of deportation prevailed previous to the action of the armed bands. He stated that the existence of the armed bands was a consequence and not a cause of the policy of violence of the Greek Government. He informed the Council that Bulgaria was addressing to the Powers which were sovereign in Thrace a request to withdraw from Greece the mandate which she was exercising in Western Thrace and to entrust this mandate to the League of Nations. Meanwhile, he asked the Council to invite the Greek Government to restore to their homes the refugees who had been deported and to apply to these refugees the recognised principles for the protection of ethnical and religious minorities. He suggested that the facts might be verified by an enquiry conducted on the spot.

The Greek representative said that the measures taken by the Greek Government in Western Thrace were necessary in order to ensure the security of the Greek army which was of necessity maintained in complete mobilisation in that province. He referred to the presence of “Macedonian bands” formed on Bulgarian territory which unceasingly invaded the border States. The Bulgarian Government had confessed that it was powerless to repress their activity. These bands fostered an artificial unrest, with the hope of detaching the province from Greece. The Greek High Command had ascertained that the Bulgarian inhabitants of Western Thrace not only supported these bands but also supplied them with rifles and ammunition. It had therefore been obliged to remove certain persons from Western Thrace and to send them to Crete. As a result of this action, the activity of the Bulgarian bands in these regions had immediately ceased.

The Greek representative said he was authorised to repeat before the Council the declaration which his Government had already made to the Government at Sofia: namely, that the Bulgarian inhabitants of Western Thrace provisionally removed from their homes for imperative reasons would be authorised to return as soon as the causes which gave rise to this exceptional measure had disappeared.

Decision of the Council (April 21st, 1923).

The Council, having noted the letter from the Bulgarian Government dated March 31st, 1923, and having heard the statements of the representatives of Bulgaria and Greece, observed that the Treaty between the Principal Allied Powers and Greece signed at Sèvres on August 10th, 1920, which transfers to Greece the rights and titles of the Principal Allied Powers in Western Thrace had not yet been ratified by any of the signatory Powers. The Council accordingly instructed the Secretary-General to forward to the Governments of the Principal Allied Powers the documents and minutes of its deliberations and to express the hope that it would be possible at an early date legally to decide the future of Western Thrace and of its inhabitants and to settle the status of minorities in the territory. It requested the Principal Allied Governments to keep it informed of any future action taken in the matter on the ground that it was necessarily concerned with any situation which threatened to disturb international relations and which was brought to its attention by one of the Members of the League.

The Council noted the declaration of the Greek representative to the effect that the Bulgarian inhabitants of Western Thrace who had been deported would be authorised to return to their homes as soon as the causes which gave rise to this exceptional measure had disappeared, and it requested Dr. Nansen to do all in his power as Commissioner of Refugees to improve the conditions of persons expelled from Western Thrace.

VIII. EXPROPRIATION BY THE ROUMANIAN GOVERNMENT OF THE IMMOVABLE PROPERTY OF HUNGARIAN OPTANTS.

Submission of the Question to the Council.

The question of the expropriation by the Roumanian Government of the immovable property of persons opting for Hungarian nationality was submitted to the Council as the result of a note addressed by the Hungarian Government to the Council under the terms of Article II of the
Covenants. It was considered in the presence of the representatives of Hungary and Roumania on April 20th and on April 21st, 1923.

Statements by the Parties.

The Hungarian representative appealed to Article 3 of the Treaty between the Principal Allied and Associated Powers and Roumania signed at Paris on December 2nd, 1919. It was stipulated in this article that persons who exercised the right of option should, within the succeeding twelve months, transfer their place of residence to the State for which they had opted and that they should be free to retain their immovable property in Roumanian territory. The Treaty of Trianon, especially Articles 61, 63, and 65, also contained stipulations in the sense of these provisions.

The Roumanian Government, by a legislative decree of September 12th, 1919, had expropriated the landed property of foreign nationals, and, for the purposes of this decree, the term "foreign nationals" included all the inhabitants of Roumania who might opt in favour of another State. This decree had been followed by a series of legislative measures, as a result of which the majority of those opting for Hungarian nationality were no longer in possession of their lands.

The Hungarian Government maintained that these agrarian laws of the Roumanian Government were in conflict with the international treaties which stipulated that those opting for Hungarian nationality had a right to retain their landed property in Roumania. Under this legislation, the rural property of absent landowners was expropriated in its entirety. The compensation granted to the dispossessed landowners amounted to only 1 per cent. of the real value of the confiscated lands. The Hungarian representative said that his Government was protesting not against an agrarian reform carried out in good faith but against confiscations which were unjust and contrary to international engagements. He requested the Council to declare that the measures taken by Roumania were contrary to the treaties to which he had appealed; that the confiscated property of persons opting in favour of Hungary should be restored; and that these persons should be compensated for the damage which they had suffered.

The Roumanian representative said that Roumania had for the last few years effected a peaceful revolution by transferring almost the whole of the arable land of the country to the peasants, who had hitherto cultivated a great part of it as labourers. In order to effect this reform, Roumania had imposed upon her citizens sacrifices without precedent. These sacrifices had been imposed by legislation wholly objective in character and showing a strict impartiality towards all whom it concerned. The Hungarian nationals and the Roumanian landowners were treated on a footing of perfect equality.

The Roumanian legislation for the expropriation of landowners dated from 1913. The Roumanian peasants at that time possessed only four million out of the eight million hectares of arable land in the Old Kingdom of Roumania. The other four million hectares belonged to about 4,000 landowners who let their farms on lease. To remedy this situation, compulsory expropriation was thought necessary, and for this purpose the Roumanian constitution had to be modified. Elections held in 1914 resulted in an almost unanimous mandate for expropriation. The work of agrarian reform, interrupted by the war, was resumed in 1918 and developed in 1921. In the Old Kingdom of Roumania there was a total expropriation of all properties on lease from 1910 to 1920. Moreover, every landowner in Roumania, whether Roumanian or foreign, absent from his land between December 1st, 1918 and March 23rd, 1921, was entirely expropriated.

There had been perfect equality for Hungarians and Roumanians in the execution of these reforms. The absentee provisions applied with greater severity to the Old Kingdom than to Transylvania, but the law made no distinction between Hungarian nationals and Roumanian nationals who were landowners in Transylvania.

The Hungarian representative contended that the Hungarian Government was not pleading for equality of rights but for a privilege within the territory of Roumania to the advantage of Hungarian nationals and to the detriment of Roumanian nationals. It was true that the Treaty of Trianon stipulated that persons opting for Hungary should retain their property. The Hungarian Government interpreted this to mean that the person opting for Hungary remained the owner of a special kind of property which could not be touched by any legislation without an international sanction. The Roumanian contention was that the person opting remained the owner of property which was subject to the national laws of the sovereign State.

Hungary asked for a regime favouring Hungarian nationals at the expense of Roumanian nationals. She demanded payment in gold or the restoration of the landed property. All these demands were impossible.

Proposals of the Council.

On April 23rd the Japanese representative on the Council, acting as Rapporteur, presented a report shortly summarising the arguments of the two parties and proposing that the dispute should be referred to the Permanent Court of International Justice. The relevant passages of the report were as follows:

"The case put forward by the Hungarian representative may thus be summarised:

In the legislative provisions dealing with agrarian reform in Transylvania, the
Roumanian Government has not taken into account the provision embodied in Article 63 of the Treaty of Peace of Trianon (see also Article 3 of the Treaty of December 9th, 1919, between the Principal Allied and Associated Powers and Roumania), under which persons who have opted for Hungarian nationality will be entitled to retain their immovable property in Roumanian territory. The Hungarian Government does not question the Roumanian Government's right to undertake, in general, measures of agrarian reform, but it is of opinion that certain provisions of the law go beyond the scope of any reform scheme which is consistent with Roumania's international obligations.

"The Roumanian representative explained that the programme of agrarian reform in Roumania dated back to the pre-war period and that, although the carrying-out of this reform may have proved exceedingly irksome to the parties concerned, the legislative provisions have always been designed to achieve a single object: social reform in accordance with the principle of absolute equality of treatment for all elements of the Roumanian population. The agrarian reform stipulations specially applicable in Transylvania are intended to meet the actual situation and are not directed against persons of Hungarian nationality who own lands in Transylvania more than against any other inhabitants. In the opinion of the Roumanian representative, the stipulations of the Roumanian law in question are in no way contrary to the stipulations of the Treaties.

"Two opposite legal arguments are accordingly before the Council, and the settlement of the dispute will depend upon the interpretation of the treaties and on the legal examination of the Roumanian legislative stipulations in question.

"Having regard to these considerations, I am of opinion that the most satisfactory method of reaching a solution would be for the parties themselves to submit the dispute to the legal authority set up in accordance with the Covenant of the League of Nations: the Permanent Court of International Justice."

Attitude of the Parties to the Proposals of the Council.

The Hungarian representative said he was prepared to accept this suggestion. He hoped the Council would meanwhile take suspensory measures and request the Roumanian Government to suspend, pending a settlement of the dispute, any proceedings that might be contemplated against the Hungarian landowners. The Roumanian representative was unable to accept the suggestion that the dispute should be referred to the Permanent Court. He could not agree to submit the constitution of Roumania to the arbitration of a third party. The agrarian legislation of Roumania involved the political and social transformation of a nation. It was not a question of minorities, in which case arbitration would, under certain specified conditions, be compulsory. It was merely a case between one State and another where arbitration was not compulsory and could not be voluntarily accepted.

The Rapporteur then proposed that if the question were not referred to the Permanent Court of International Justice the Council might ask the Permanent Court for an advisory opinion on the understanding that the Council's freedom of decision would be in no way limited. The Roumanian representative found this proposal equally unacceptable. Delay in finding a solution of the problem was a menace to peace, as it might arouse feeling in millions of Roumanian subjects.

The President of the Council, in a further attempt to procure agreement, submitted the following proposals:

"(1) The Council decides to postpone to its next session further discussion concerning the Hungarian request relating to the expropriation by Roumania of the immovable properties of Hungarian optants.

"(2) The Council invites the representative of Japan, as Rapporteur, to continue the examination of the question and to submit to the Council a general report on the subject before the next session of the Council.

"(3) The Council invites the Government of Hungary and the Government of Roumania to forward to the Rapporteur as soon as possible all documents and such further information as they may deem necessary in order to enable him to make his report and to give him at his request every necessary explanation.

"(4) The Council invites the Roumanian Government to abstain from any action and to suspend any steps of procedure which might prejudice the definitive solution of this matter."

The Roumanian representative said he could not agree that the question should seem to remain open. He could not, moreover, accept proposal 4, under which the Roumanian Government was invited to abstain from any action and to suspend any procedure which might prejudice a definitive solution of the matter.

The Hungarian representative accepted the proposals of the President but intimated that he would not be able to do so if paragraph 4 were deleted. The Council finally adopted the following resolution:
"The Council, having heard the discussion relative to this question, regrets that it sees no present prospect of agreement and is therefore unable to make any suggestion which would lead to its immediate solution.

"It accordingly remits the question for further consideration at the next session of the Council, expresses the hope that M. Adatci will continue to act as Rapporteur, and in the meantime trusts that the Governments of Hungary and Roumania will direct their best efforts towards the attainment of an agreed solution."

The Japanese representative, M. Adatci, agreed to continue the duties of Rapporteur.

7.

ADMINISTRATIVE QUESTIONS.

I. ADVISORY COMMITTEE ON INTERNATIONAL ADMINISTRATION.

The Council decided on February 3rd, 1923, to examine a proposal to establish an Advisory Committee on International Administration. It was thought that the establishment of such a Committee, which might be composed of representatives of the Governments of the Members of the Council, would relieve the Council of a considerable amount of preliminary work of a detailed and technical character concerning Saar and Danzig questions and would assure a more intimate contact with the Governments of States Members of the Council and the Secretariat. The Council requested the Secretary-General to submit a scheme for the constitution of such a Committee.

The question was discussed by the Council during its April session, 1923. The Council decided to submit, for the consideration of its Members, certain observations on the subject made by the French and Polish Governments and to postpone the further discussion of this question to a subsequent session.

II. THE TERRITORY OF THE SAAR BASIN.

1. THE GOVERNING COMMISSION.

All the present members of the Governing Commission with the exception of one have served since the Commission was set up in February 1920 and have been reappointed for the third time. At its meeting of April 23rd, 1923, the Council accepted the resignation of Dr. Hector, the native Saar member of the Commission, and appointed M. Land to fill this post until February 13th, 1924, the end of the present term of the other members of the Commission.

The members of the Commission, therefore, are:

M. V. RAULT (French), Chairman;
M. LAMBERT (Belgian);
M. LAND (native Saar inhabitant);
Count MOLTKE-HUFTFELDT (Dane);
Mr. R. D. WAUGH (Canadian).

The Governing Commission has made a periodical report (its thirteenth) for the period July-December 1922, containing detailed information on the political and economic situation in the Saar and on the administrative activity of the Commission. It was published in the Official Journal of the League, No. 1, Part II, January 1923.

The latest periodical report of the Governing Commission (its fourteenth), covering the period December 15th, 1922, to June 15th, 1923, was received as this report was going to press. It will also be published in the Official Journal and dealt with in the supplementary report to the Assembly on the work of the Council and of the Secretariat.

In addition to the periodical reports, the Governing Commission has sent in various special reports on particular subjects.
POLITICAL SITUATION.

The establishment of the Advisory Council in the Saar was referred to in the report on the work of the Council to the third Assembly. In October 1922 the Governing Commission adopted the rules of procedure for that body, after examining the observations and recommendations put forward by the Advisory Council itself.

On about the same date the Technical Committee was constituted and its members appointed by the Governing Commission. The Committee was composed of a dean, the head of a public school, a banker, a notary, a farmer, an artisan, two workers and a manager of public works. They represent various parts of the Territory and different political groups. The Chairman is M. Kohler, notary and Deputy Mayor of Neunkirchen.

By December 16th, 1922, various members of the Advisory Council had sent to the Governing Commission, since the first meeting, sixty suggestions, motions, questions and "interpellations". The Governing Commission has caused each of them to be examined, and several of the draft decrees prepared by the Commission are based, in varying degrees, on these texts. The adoption of these proposals as submitted would, however — as the Governing Commission points out — have meant an almost complete reconstruction of the fiscal, legislative and administrative systems in the Saar Basin; and the Commission, in view of the role given to the Advisory Council, felt that it could not grant to that body the right of initiative and "interpellation." It has therefore not replied to these numerous proposals.

ECONOMIC CONDITIONS.

The thirteenth periodical report of the Saar Basin Governing Commission (July—December 1922) deals at great length with the general situation in the Saar industries, with the effects of the fall in the value of the German mark, and with the measures taken by the Governing Commission to alleviate the serious consequences. It also deals with the problem of double currency, to which the Governing Commission has paid special attention. The statistics showing exports and imports from and to the Saar prove that the trade balance of the Territory has been favourable. For the first nine months of 1922, imports were valued at over 680,000,000 French francs and exports at over 1,100,000,000 French francs. The report further contains statistical data regarding the number of unemployed, the number of trucks loaded, the production of the coal, iron, glass and other industries, the number of cheap houses built, the banking deposits in marks and francs, the wages of workers and the cost of living with index numbers, the consumption of food, mortgages, etc. The report states that the figures relating to trade movements, unemployment, mining and iron production, food consumption, mortgages and commercial failures put the economic conditions of the Saar Basin during the period in question in a favourable light.

NEGOTIATIONS WITH FOREIGN GOVERNMENTS.

1. Adhesion of the Saar to the Berne International Railway Convention.

As stated in the supplementary report to the third Assembly, the Secretary-General sent all the correspondence with regard to the dispute on this subject between the Saar Governing Commission and the German Government to the Advisory and Technical Committee of the League on Communications and Transit. This Committee appointed a sub-committee on which the German Government and the Saar Governing Commission were represented, which met in November 1922 and unanimously approved a draft agreement. This agreement was subsequently ratified by both parties and came into force in January 1923. The Council took note of the settlement of this difficult problem and expressed satisfaction to those who contributed to this happy solution (see page 66).

2. Other Negotiations.

The Chairman of the Governing Commission has informed the Secretariat that the Governing Commission has been negotiating with the German Government regarding postal relations between Germany and the Saar, the application of the provisions of the Universal Postal Union to that Territory, and also concerning modifications of the protocol signed with Germany at Frankfurt in December 1921 with regard to social insurance. The Governing Commission, moreover,

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1 See "Records of Third Assembly, Plenary Meetings", Volume II, page 97.
2 "Interpellation" is the right granted to a member of Parliament by the constitution, under parliamentary procedure, to ask a Minister for explanations on any given point. It is therefore implicit in the conception of ministerial responsibility. A request to make an interpellation must be submitted in writing and its subject mentioned. The President reads the interpellation to the assembly, which fixes the date of the debate in agreement with the Government. An interpellation differs from a "question" in that it must be approved by an "order of the day".
signed with the German Government on November 13th, 1922, in Frankfort a protocol concerning the position of war invalids in the Saar. Any further negotiations which may have taken place between the Governing Commission and foreign Governments, and any arrangements concluded, will be dealt with in the supplementary report to the Assembly.

SAAR QUESTIONS CONSIDERED BY THE COUNCIL.


The Chairman and three other members of the Commission whose mandates expired on February 14th, 1923, were reappointed for another year at the Council session held in Paris, January/February 1923. The fifth member, whose appointment expired only in September 1923, resigned his office in April of this year and was replaced by M. Land (see page 30).

2. The Presence of French Troops and the Development of Local Gendarmerie.

This question was examined by the Council at its session January/February 1923. The German Government had presented a note renewing its request that the League should take steps with a view to the early withdrawal of the French troops from the Saar, the presence of which in the Territory was, it was contended, contrary to the provisions of the Treaty of Versailles and incompatible with the character of that Territory as a plebiscite area and with the administrative independence of the Saar. The Governing Commission replied to the arguments advanced by the German Government, setting forth the situation with regard to the local gendarmerie, and gave legal and practical reasons which, in the opinion of the entire Commission, made it indispensable that the troops which had been placed at its disposal free of charge should be maintained in the Saar. The Council, at its session January/February 1923, passed the following resolution:

"The Council reaffirms the resolution which it adopted at its meetings on February 13th, 1920, and June 20th, 1921, and requests the Governing Commission to adopt such measures as it thinks suitable for increasing the strength of the local gendarmerie. At its next session it will consider the programme drawn up by the Commission."

At its April session 1923 the Council took note of the programme then drawn up by the Commission providing for the recruiting and instruction of 200 new gendarmes during the financial year 1923-24. The number of local gendarmes would thus be increased from 155 to 355. The Council, moreover, invited the Governing Commission to submit, before the adoption of the 1924-25 budget, a programme for the further development of the local gendarmerie for that year. At the same meeting the Chairman of the Governing Commission informed the Council that he had been obliged to raise the number of the garrison troops from about 2,000 to nearly 4,000 in order to ensure the protection of the French mines during the miners' strike. On May 17th, 1923, the Chairman of the Governing Commission informed the Secretariat that the additional troops had been withdrawn, as the strike had been brought to an end.

3. The Use of French Gendarmerie.

In a note on this question the German Government maintained that the presence in the Saar Basin of the French gendarmerie was contrary to the Peace Treaty and that this gendarmerie had been used by the Governing Commission in a manner incompatible with the governing principles laid down for the administration of the Saar. The Council, at its session January-February 1923, in view of its decision concerning the local gendarmerie referred to in section (2) above, agreed that the French gendarmerie should be employed for the purpose of policing the French troops.

4. The Exercise of Jurisdiction by the French Courts-martial.

A note by the German Government contained a protest against a decree issued on June 28th, 1921, by the Governing Commission concerning the competence of courts-martial. In the opinion of the German Government, this decree was not consistent with the provisions of the Peace Treaty and the decisions of the Council with regard to this matter. In its reply, the Governing Commission pointed out, among other things, that since the issue of the decree in question not one civilian had been brought before the courts-martial. The Council, on February 1st, 1923, stated that it thought that "it is unnecessary to discuss the question of courts-martial, as, since the adoption of its resolution of June 20th, 1921, no case has arisen".

5. The Protection abroad of the Interests of Saar Inhabitants.

The German Government pointed out certain practical difficulties with regard to the existing arrangements made by the Governing Commission under which the protection abroad of the
interests of the Saar inhabitants was entrusted to the French Government. The Governing Commission expressed doubts as to the existence of these difficulties. The Council decided to forward the Governing Commission's note to the German Government, together with the Rapporteur's report to the Council on the subject.

6. The Situation with regard to Public Instruction in the Territory.

The German Government protested against the situation with regard to public instruction, which, in its opinion, was contrary to the Treaty of Versailles, which provides that under the control of the Governing Commission the inhabitants shall retain their schools. The Governing Commission, in its reply, dealt at length with the legal aspect and presented facts as to actual conditions with regard to the question. The Council, on April 23rd, 1923, decided to forward the reply from the Governing Commission to the German Government, together with the Rapporteur's report, which expressed the opinion that this reply should remove misunderstandings and doubts on the part of the German Government.

7. Agreement with France concerning Double Taxation.

With regard to this agreement, the German Government objected to the use of certain expressions which, in its opinion, gave the Saar Territory the appearance of a State. The Council, on April 23rd, 1923, decided to forward the reply from the Governing Commission to the German Government, together with the Rapporteur's report, which expressed the opinion that this reply should remove misunderstandings and doubts on the part of the German Government.

8. The Case of M. Frantzen.

The German Government, as well as certain political parties represented on the Advisory Council of the Saar, protested because M. Frantzen, an official of the Governing Commission, was filling an important position in the expeditionary corps sent by the French and Belgian Governments to the Ruhr. The Governing Commission explained that M. Frantzen had been given leave and that he would not resume his post under the Governing Commission. The Council, therefore, on April 23rd, 1923, was of opinion that it was not necessary to examine the question further.

9. Attitude of the Railway Staff in connection with the Occupation of the Ruhr.

The Governing Commission has forwarded to the Council a copy of a telegram to the Saar Railway Administration sent from the German Ministry of Transport concerning the attitude to be observed by the Saar Railway staff in connection with the occupation of the Ruhr, and maintained that this constituted an interference in the administration of the Saar Basin. The German Government, in a reply, stated that the telegram had been sent to the Saar owing to a regrettable error. The Council, on April 23rd, 1923, took note of this correspondence.

10. Commercial Relations with Occupied Germany.

The Governing Commission, as well as the German Government, has also communicated to the Council certain correspondence concerning commercial relations between the Saar Basin and occupied Germany. This question relates to the situation created by the recent decisions of the Inter-Allied Rhineland Commission with regard to the Customs regime in the occupied territory and to the measures taken as a result of these decisions by the Saar Governing Commission and the German Government. The Council, on April 23rd, 1923, expressed the hope that the direct negotiations which are in progress on this subject will settle the questions still outstanding.


During the April session of the Council, the Swedish Member of the Council raised, on April 23rd, 1923, the question of a decree issued by the Governing Commission on March 7th, 1923, concerning the maintenance of order and public security in the Saar Territory, a copy of which had been sent by the Governing Commission for the information of the Council. The Chairman of the Governing Commission, who was present at that meeting, gave a detailed explanation of the scope of the decree, of its provisional nature, and of the urgent reasons for issuing it. The reasons which led the Governing Commission to issue the decree were the prolongation of the miners' strike which had broken out, the Press campaign which attacked the conditions established in the Saar under the Peace Treaty, the activities of secret societies and danger of disturbances. The Chairman of the Governing Commission, moreover, pointed out that after its promulgation the issuing of the decree had been approved in principle by the Technical Committee, that it was to be submitted to the Advisory Council, and that its legality had been recognised by the Saar Administrative Court.

The British representative on the Council joined with M. Branting in expressing the hope that the Commission would soon be able to end the strike and withdraw the decree. The Chairman of the Governing Commission declared that the withdrawal of the decree depended on the disappearance of the circumstances that had made it necessary and assured the Council that the decree would be applied in a spirit of moderation.
As stated in the report to the third Assembly, the Council has taken certain steps in connection with the Saar plebiscite to be held in 1935. In September 1922 the Council appointed M. Alfred Bonzon (Swiss) to be Provisional Records Commissioner for the plebiscite, to hold office for a period not to exceed one year. The expenses of this post are borne by the Saar Territory. M. Bonzon was instructed by the Council to prepare a draft decree specifying the list of documents to be given protection by the League and the means to be taken to give them this protection. The Council, in April 1923, approved this draft decree with certain modifications. The draft decree enumerates the documents to be specially safeguarded by the League. It explains the measures to be taken for preserving these documents, the rules to be observed by the authorities and persons responsible for them, the places where they are to be preserved, the methods to be followed in order to avoid danger of destruction or deterioration, and the penalties to be inflicted in case of destruction or damage through bad faith or neglect.

The Council instructed the Secretary-General to communicate the draft decree to the Chairman of the Governing Commission with a request that it should be made valid in the Saar Territory as soon as possible. The Provisional Records Commissioner was instructed to attend personally to the execution of the provisions of the draft decree and to submit a final report to the Council. The Chairman of the Governing Commission informed the Secretary-General that the decree had been promulgated on May 9th, 1923.

PETITIONS FROM DIFFERENT ELEMENTS OF THE SAAR POPULATION.

Certain of the political parties and other groups of the Territory have forwarded, through the Chairman of the Governing Commission, petitions with regard to the situation of the Press in the Saar, the sequestration of property of the Saar inhabitants, the situation of the farmers in the Territory, the presence of French troops, the Provisional Decree for the Maintenance of Order and Public Security, the appointment of the members of the Governing Commission, with special reference to the Saar Member, and on other matters. A request that elected representatives of the Saar population should be heard at the Council meetings has also been received from the representatives of the political parties. All these documents have been communicated to the Council and the Members of the League of Nations for their information.

III. FREE CITY OF DANZIG.

Detailed information with regard to Danzig questions dealt with by the Council and the Secretariat during and since the third Assembly is contained in the two general reports which the Secretary-General has submitted to the Council on this subject, and covering the periods May to September 1922 and September 1922 to February 1923. These reports have been communicated to the Members of the League and published in the Official Journal.

It will be seen that the Danzig questions dealt with in these reports relate to a great extent to differences between Danzig and Poland arising out of interpretations of the Treaty of Versailles and the Danzig-Polish Treaty of November 9th, 1920, as well as of treaties and agreements concluded thereunder. Besides considering such differences, the Council has also had to deal with the financial position of the Free City and with arrangements for the upkeep of the post of the High Commissioner of the League of Nations in Danzig.

POST OF THE HIGH COMMISSIONER.

With regard to the post of High Commissioner of the League of Nations in Danzig, it will be remembered that the Council appointed General Sir Richard Haking in December 1920. In accordance with his own request, his term of office was fixed for one year. At the expiration of that time, however, he accepted reappointment for a further year. Last winter, General Haking was appointed by the British Government Commander-in-Chief of the British forces in Egypt. The Council expressed, at its session in February 1923, its warm thanks to General Haking for the services he had rendered to the League of Nations and congratulated him on the very able and impartial manner in which he had fulfilled his duties in Danzig. The Council at the same time appointed Mr. M. S. MacDonnell, Governor of the Western Province of Egypt since 1919, as General Haking's successor. The Council made specific provisions with regard to his term of office and the financial arrangements concerning his post and fixed his salary at 60,000 gold francs per annum. The Polish and Danzig Governments, in accordance with previous arrangements, contribute each one-half towards the upkeep of the post.

1 See "Records of Third Assembly, Plenary Meetings," Volume II, page 45.
This question was referred by the Council to the Financial Committee of the League, and a full report on the subject will be found under the heading dealing with the work of that Committee.

**FINANCIAL SITUATION.**

The report to the third Assembly\(^1\) mentioned that the League's High Commissioner in Danzig and the Council had been concerned in adjusting certain differences between the Polish and Danzig Governments which were not settled by the Treaty of Versailles and the Danzig-Polish Treaty of November 9th, 1920, and that, furthermore, the two Governments had been able to arrive at an understanding directly between themselves on many unsettled points. This general remark applies also to the period which has gone by since the report to the third Assembly was written. Indeed, the main task of the League, as far as Danzig questions are concerned, since the laying down of the foundation for the status of the Free City, has consisted in assisting the Free City and the Polish Government in the working-out of a great many questions of detail, on subjects either not specially foreseen in the acts constituting the Free City or deferred by these acts for further discussion and settlement. Formally, most of the Danzig questions before the Council have had the character of disputes between Poland and the Free City, but it should be understood that the great number of such disputes is due to a practical desire to obtain a closer definition of many of the Treaty stipulations. In other words, the settlement of a great many of the Danzig-Polish differences is of a constructive character, aiming at the laying-down of the foundation of stable conditions in the future. A considerable number of questions of greater or minor importance are still under consideration by the High Commissioner. Some have recently formed the subject of new decisions by him, and in some cases these decisions have been submitted to the Council at the request of one or both parties. The agenda of the next Council session, which will take place at the end of June, includes certain questions of this character and it is to be foreseen that other questions may come up before the Council at its last session before the Assembly meets. A general survey of these questions for the whole period since the report to the third Assembly and up to the fourth Assembly will be prepared and issued as a supplement to the present report. This will enable the delegates to the Assembly to have a more complete general view of the position than it would be possible to gain from a summary covering only the period from September 1922 until the end of April this year.

The following list, covering the period since the beginning of the third Assembly, will show the general character of these questions:

1. **Legal status of Polish Government property, officials and ships at Danzig.** Certain questions regarding the interpretation of previous arrangements on this subject have come before the High Commissioner, who gave decisions on May 22nd and 23rd, 1923.

2. **Control and administration of the Vistula within the territory of the Free City.** The Council, at its session in February 1923, confirmed the decision of the High Commissioner.

3. **Expulsion of Polish nationals from Danzig.** As the result of negotiations between the Polish and Danzig Governments, an agreement was signed on August 17th, 1922, setting forth in detail the procedure to be followed in case of the expulsion of Polish nationals from Danzig.

4. **The site of a depot for Polish war material, including explosives, in transit through Danzig.** On September 1st, 1922, the Council confirmed the High Commissioner's decision. A detailed report on the discussions of the Council will be found in the Council Minutes\(^1\).


6. **Interpretation of Article 7 of the Danzig-Polish Treaty of November 9th, 1920, relating to Foreign Loans by Danzig.** Decision by the High Commissioner of August 22nd, 1922.

7. **Competence of the Polish Diplomatic Representative at Danzig, including the right of the Polish Government to welcome foreign fleets officially at Danzig.** Decision by the High Commissioner of August 23rd, 1922, and agreement between the Polish and Danzig Governments concluded at Paris on January 29th, 1923.

8. **Representation of the Free City at International Conferences.** Decision of the High Commissioner of August 24th, 1922, and agreement between the Polish and Danzig Governments concluded at Paris on January 27th, 1923.

9. **Principles to be applied in the leasing of property by the Danzig Harbour Board.** Decision of the High Commissioner of October 27th, 1922, and agreement between the Polish and Danzig Governments concluded at Geneva on April 16th, 1923.

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\(^1\) See "Records of Third Assembly, Plenary Meetings," Volume II, page 45.


\(^3\) See "Records of Third Assembly, Plenary Meetings," Volume II, page 46.

\(^4\) See Official Journal, November 1922 (Part II), page 1697.
10. Principles to be applied with regard to the conclusion of treaties affecting the interests of the Free City, and the case of the Danzig-Memel Agreement concerning Merchant Seamen. Decision of the High Commissioner of November 3rd, 1922. Appeal by Danzig. The consideration of the matter was postponed by agreement between the parties.

11. Method to be followed by Danzig in conducting correspondence concerning her foreign relations. Decision of the High Commissioner of November 28th, 1922, and declaration by the Polish Diplomatic Representative dated Paris, February 1st, 1923.

12. Official languages to be used by the Danzig Harbour Board. Decision of the High Commissioner of December 5th, 1922, and agreement between the Polish and Danzig Governments concluded at Geneva on April 17th, 1923.


14. Claim by Poland against Danzig for demurrage in the case of the unloading of a munitions ship. Decision of the High Commissioner of December 20th, 1922. Appeal by Poland, but withdrawn from the agenda of the Council by agreement between the parties.

15. Establishment of a letter-sorting office by the Polish postal services in the main railway station at Danzig. Decision of the High Commissioner of December 23rd, 1922, and agreement between the Polish and Danzig Governments concluded at Geneva on April 18th, 1923.


18. Visum fee for Danzig citizens leaving Polish territory by another route than that which crosses the Polish-Danzig frontier. Decision by the High Commissioner of May 1st, 1923. Appeal by the Danzig Government.


This list does not give an exhaustive enumeration of all the questions which have been dealt with between the Polish and Danzig Governments. Certain questions have been settled, after discussion between the two Governments, by direct agreement.

Besides communicating to the Secretariat all his formal decisions on questions of difference between the Polish and Danzig Governments, the High Commissioner, in virtue of the general interest of the League in protecting the Free City, has also kept the Secretariat informed of a number of particular questions, such as the participation of Danzig in certain treaties and conventions, the organisation and activities of the Danzig Harbour Board, the treatment of Polish nationals in Danzig, the manufacture, sale, storage and transit of war material, the interpretation and execution of certain treaty stipulations of importance to the future relations between Danzig and Poland, etc.

One of the members of the Secretariat paid a visit to Danzig during last winter for the purpose of acquainting himself with the conditions on the spot, and quite recently the Secretary-General, accompanied by the Director of the Political Section, also visited the Free City.

The President of the Senate of the Free City of Danzig and the Polish Diplomatic Representative in Danzig, assisted by technical experts, were present at the different sessions of the Council when Danzig questions were discussed. Besides the Diplomatic Representative of Poland in Danzig, Poland was also represented by her permanent Delegate to the League of Nations. The High Commissioner of the League of Nations in Danzig was also present at the Council sessions.

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PROTECTION OF MINORITIES.

I. RESOLUTIONS OF THE THIRD ASSEMBLY.

At its meeting held on September 21st, 1922, a report by the Sixth Committee on the protection of minorities was presented to the Assembly, which adopted the following resolutions;