parties (except the communists), which appeared in February 1929 in the principal Saar newspapers.

The political parties recognise that it is right and proper that children belonging to all classes of the population — especially in a frontier country — should be taught French, but assert that the political circumstances at present obtaining in the Saar territory make it necessary to oppose such teaching; they further assert that the results are not very successful. The Governing Commission points out that optional teaching in the French language was organised in elementary schools as from the school year 1922 at the request of certain sections of the population. The object of these lessons is above all a practical one. In a territory in which the relations between two neighbouring peoples are so close and varied, a knowledge of both languages is economically advantageous (in trade and industry) and constitutes an intellectual asset. The lessons are given exclusively by German teachers, who use special manuals written for the requirements of the district and entirely neutral in character. The instruction is quite optional, and parents know perfectly well that they are at liberty not to enter their children at all or to withdraw them at the end of the half-year. In point of fact, a very small proportion of the children attend these classes. The Governing Commission, as a result of impartial observations, has repeatedly had occasion to note the excellent results obtained.

4. External Relations.

The Governing Commission decided to be represented at the Congress of the Universal Postal Union which met in London on May 10th, 1929.

In December 1928 the Governing Commission ratified a new Agreement concerning the telephone service between the Saar Territory and Switzerland. In February 1929 it also ratified an Agreement for the regulation of telephone communications between the Saar Territory and Great Britain in transit through France.


In addition to detailed information on numerous questions in connection with the administrative activity of the Commission, the Governing Commission’s reports contain chapters on the following questions: finance; mines administration; public works; railways; posts, telegraphs and telephones; justice; education; public relief and social hygiene; agriculture and forests; labour and social insurance.

II. FREE CITY OF DANZIG.

At its sessions in September and December 1928, the Council dealt with the three following questions relating to the Free City of Danzig: appointment of a new League of Nations High Commissioner in Danzig; the question of the Westerplatte and of access to and anchorage in the Port of Danzig for Polish war-vessels; the finances of the Free City (1927 Loan).

The question concerning an amendment of the Constitution of Danzig, which had been included in the agenda of the Council session held in December 1928, was withdrawn from the agenda, as neither of the proposals for the amendment of the Constitution submitted to a referendum at Danzig on December 9th, 1928, obtained the necessary number of votes for its adoption.

The representative of Chile was Rapporteur for matters relating to Danzig with the exception of the question of the finances of the Free City.

The High Commission.

In a letter to the Council, Dr. van Hamel, whose term of office as League of Nations High Commissioner in Danzig terminated on February 21st, 1929, stated that, taking into consideration all the interests involved, he would venture to suggest the desirability of prolonging his term of office till about the end of June 1929. On September 21st, 1928, the Council agreed that Dr. van Hamel should remain in office until June 21st, 1929, and thanked him for the services he had rendered the League during his term of office at Danzig.

On the same date, Count Manfredi Gravina (Italian) was appointed High Commissioner for a period of three years as from June 22nd, 1929. The expenses of this post are met in equal parts by the Danzig and Polish Governments.

Transport of Polish Munitions and War Material in Transit through Danzig. Utilisation of the Westerplatte.

By a Council resolution dated March 14th, 1924, the Westerplatte peninsula in the Port of Danzig was placed at Poland’s disposal for the transport of Polish war material in transit.
through Danzig. The construction work on the Westerplatte basin having been terminated, the utilisation of the Westerplatte gave rise to certain difficulties which were considered by the Council at its meeting on September 27th, 1927. No final decision, however, was reached.

On March 5th, 1928, the Council was informed by the High Commissioner that the Danzig and Polish Governments had agreed to conduct friendly negotiations for the settlement of these questions.

On September 8th, 1928, the Council took note of a Provisional Agreement concluded on August 4th, 1928, on this subject. The Rapporteur stated that his report to the Council dated September 27th, 1927, had been put into effect with certain modifications. Under the agreement, the Westerplatte can also be used for commercial purposes and will therefore be placed at the disposal of the Harbour Board whenever the Basin is not required by Poland for the transport of explosives. The Polish Government, moreover, has the right not only to import but also to export war material via the Westerplatte. Both parties have reserved their own point of view in regard to the principle involved, and the agreement may be denounced at any time after due notice has been given.

Access to and Anchorage in the Port of Danzig for Polish War-Vessels.

On March 5th, 1928, the Council was informed by the High Commissioner that the two Governments had decided to apply to this question the same procedure as had been adopted for the Westerplatte.

On September 8th, 1928, the Council took note of an Agreement concluded between Poland and Danzig on August 4th, 1928, under which the Provisional Agreement of October 8th, 1921, denounced by Danzig in 1927, was prolonged until July 1st, 1931. As regards this question also the parties reserved their legal standpoints. Under this arrangement, Polish war-vessels will continue to use the Port of Danzig, and the Harbour Board will provide the necessary anchorage.

Relations between Danzig and Poland.

(a) Agreements concluded between Danzig and Poland.

According to information received from the High Commissioner, a number of agreements have been concluded between the Danzig and Polish Governments either direct, or through the intermediary of the High Commissioner. Mention may be made of the agreements reached on the following points: double taxation; levying of Customs duties; transmission of official documents intended for Danzig and forwarded through the intermediary of the Polish Government; number of Polish soldiers stationed in the Westerplatte, etc., etc. In addition the two Governments are negotiating agreements on various other subjects.

(b) Decisions of the High Commissioner.

Article 39 of the Paris Treaty concluded between Poland and Danzig on November 9th, 1920, lays down that any dispute arising between these two Governments should be referred for decision to the High Commissioner. Under this article, the High Commissioner has given one provisional decision concerning the organisation of the financial service of the Danzig Harbour and Waterway's Board. A number of questions have, however, been submitted to the High Commissioner, either for arbitral decision or with a view to mediation.

III. GRECO-BULGARIAN MIXED EMIGRATION COMMISSION.

On September 19th, 1928, the Finnish representative, Rapporteur for questions dealt with by the Financial Committee, stated before the Council that the work of the Mixed Commission had made appreciable progress. He added that the Commission had dealt with some 34,000 files out of 45,000 and expected to be able to finish its work shortly. On December 9th, 1927, an agreement had been concluded between Bulgaria and Greece regarding the procedure to be adopted for the indemnification of the exchanged populations and the adjustment of the resulting debts between the two Governments. The agreement was ratified by Bulgaria in April 1928 and by the Greek Parliament on December 17th, 1928, and came into force on March 8th, 1929, the instruments of ratification having been deposited with the Secretariat of the League by the two Governments on that date.

1 The Mixed Commission, appointed in virtue of the Convention of November 27th, 1919, between Greece and Bulgaria, consists of one member appointed by each of the two contracting parties and two members (from among whom the Chairman must be chosen) appointed by the Council of the League of Nations. The two members appointed by the Council are at present Mr. Coure (New Zealand), and M. de Reynier (Switzerland).
IV. MIXED COMMISSION FOR THE EXCHANGE OF GREEK AND TURKISH POPULATIONS. ¹

1. DEATH OF GENERAL MANRIQUE DE LARA.

On March 1st, 1929, the Council was informed by the Mixed Commission of the death of General Manrique de Lara (Spain), neutral member of the Mixed Commission. At its meeting on March 4th, 1929, the Council expressed to the Mixed Commission its deep and sincere regret.

Since General de Lara’s death the remaining neutral members appointed by the Council are M. HOLSTAD (Norway), and M. RIVAS VICUNA (Chile).

2. ADVISORY OPINION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

At the request of the Chairman of the Mixed Commission, the Council, having obtained the assent of the Greek and Turkish Governments, requested the Permanent Court of International Justice on June 5th, 1928, to give an advisory opinion on a question concerning the interpretation of Article IV of the Final Protocol of the Greco-Turkish Agreement of December 1st, 1926.

The article reads as follows:

"Any question of principle of importance which may arise in the Mixed Commission in connection with the new duties entrusted to it by the Agreement signed this day and which, when this Agreement was concluded, it was not already discharging in virtue of previous instruments defining its powers, shall be submitted for arbitration to the President of the Greco-Turkish Arbitral Tribunal sitting at Constantinople. The Arbitrator’s awards shall be binding."

The Court gave its opinion on August 28th, 1928. It considered that the Chairman of the Mixed Commission had not exactly defined the points upon which its opinion was sought. In the opinion of the Court these points could in substance be expressed as follows: (1) Is it for the Mixed Commission to decide whether the conditions laid down by Article IV of the Final Protocol of the Agreement concluded at Athens on December 1st, 1926, for the submission of the questions contemplated by that article to the arbitration of the President of the Greco-Turkish Mixed Arbitral Tribunal at Constantinople, are or are not fulfilled? Or is it for the arbitrator contemplated by that article to decide this? (2) The conditions laid down by the said Article IV having been fulfilled, to whom does the right of referring a question to the arbitrator contemplated by that article belong?

The Court was unanimously of opinion that the following answer should be given: (1) It is for the Mixed Commission alone to decide whether the conditions enumerated in Article IV are or are not fulfilled. (2) The conditions contemplated by the said Article IV having been fulfilled, the right to refer a question to the arbitrator contemplated by that article belongs to the Mixed Commission alone.

On September 8th, 1928, the Council noted the opinion given by the Court and decided to communicate it to the Mixed Commission.

7.

PROTECTION OF MINORITIES.

1. GENERAL QUESTIONS. ²

A. PROPOSALS OF THE REPRESENTATIVES OF CANADA AND GERMANY ON THE COUNCIL.

At the request of the Canadian representative, and of the representative of Germany, the Council, at its fifty-fourth session, dealt with the minorities question from the general point of view. At the previous session of the Council, held at Lugano in December 1928, the Canadian representative had stated that at the session of March 1929 he would raise the question of the procedure followed by the Council in the matter of complaints relating to minorities. The German representative also announced his intention of opening at the same session of the Council a discussion on the principle of the rights of minorities.

¹ The Mixed Commission, appointed in virtue of the Convention concluded between the Greek and Turkish Governments on January 30th, 1923, consists of two members representing Greece, two members representing Turkey, and three neutral members chosen by the Council of the League of Nations. The office of Chairman of the Commission is held in turn by each of the three neutral members.

² For a further account of the discussion of the general questions, see Supplementary Report to the tenth session of the Assembly.
The Canadian representative subsequently sent to the Council a memorandum on the “procedure applicable to minorities’ petitions”, and the German representative asked that the question of the guarantee by the League of Nations of the provisions concerning the protection of minorities should be placed on the Council’s agenda.

The Council devoted its two meetings (morning and afternoon) of March 6th to the examination of the questions referred to above.

The Canadian representative read the memorandum he had sent to the Council, and added a brief commentary on it. The German representative then stated his views on the general principles underlying the protection of minorities as laid down in the treaties and on the League of Nations guarantee.

The representatives of Poland, Roumania, France, Great Britain and Finland also made statements. It became clear from the discussion that there was a general agreement that, in view of the importance of the questions raised, a special Committee should be appointed to make an exhaustive study of them. The Rapporteur for minorities questions, the Japanese representative, was requested to prepare a draft resolution embodying the views expressed by the various members of the Council who had spoken during the discussion.

At its meeting on March 7th, the Council adopted the draft resolution submitted to it by the Japanese representative. The resolution read as follows:

“1. The Council instructs its Rapporteur to submit at the June session a report on the proposals of the representatives of Canada and Germany, taking into account the different points raised by various members of the Council during the discussion to which these proposals gave rise.

“2. The Council asks the representatives of Great Britain and Spain to co-operate with the Rapporteur in drawing up this report.

“3. The Rapporteur and his colleagues may receive any observations that the Governments of States which have accepted the provisions for the protection of minorities may desire to present. Any State Member of the League of Nations may also, if it so desires, submit observations. These various observations should reach the Secretary-General before April 15th, 1929.

“The Committee of Three thus constituted may receive such information and consult such persons as it considers advisable for the execution of its work.

“4. The report will be examined in the first place by the Council in Committee, which will meet for that purpose in sufficient time before the date of the next session of the Council.

“5. The Secretary-General will forward to the Governments of the States which have accepted the provisions for the protection of minorities and to the Governments of all the States Members of the League the present resolution, together with the Minutes of the Council meetings held on March 6th, 1929.”

With a view to the preparation of their report, the Rapporteur and his colleagues, the representatives of Spain and Great Britain, held a first meeting at Geneva on March 9th, 1929, and another in London on April 29th to May 4th.

B. QUESTION OF THE REPRESENTATION OF THE LITHUANIAN GOVERNMENT AT THE DISCUSSION ON THE GENERAL QUESTION OF MINORITIES.

On February 27th, 1929, the Secretary-General received from the Lithuanian Government the following telegram:

“Item 12 of the Agenda of the March Council session contains two questions of interest to Lithuania who has herself contracted minorities engagements and has minorities interests concerning Lithuanians. In conformity with Article 4 of the Covenant, Lithuania will be represented at the Council by M. Zaunius, Secretary-General of the Ministry for Foreign Affairs. — Voldemaras.”

The two points referred to were the following:


“(b) The guarantee by the League of Nations of the provisions concerning the protection of minorities. (Item inserted on the request of the representative of Germany.)”

The question raised by the Lithuanian Government was discussed at the first meeting of the fifty-fourth session of the Council on March 4th, 1929. The President stated, at that meeting, that he did not think it possible for the Council immediately to settle the question whether Lithuania had the right to sit on the Council during the examination of the question of the protection of minorities, and he proposed that a sub-committee of jurists should be appointed to examine this legal question. It seemed probable, he added, that in addition to Lithuania other countries might make a similar request to the Council, and for that reason he was of opinion that the best procedure would be for a decision to be taken which would apply in all similar cases. The President’s proposal was adopted, and a Sub-Committee consisting of M. Pilotti, M. Botella, M. Ito and Sir Cecil Hurst submitted a report, which was adopted by the Council on March 6th.
This report read as follows:

"The Committee decided in the first place to examine the principles governing the question, and on this matter its findings are as follows:

"The rules for the execution of the minorities treaties and declarations may be divided into two classes. Some are established by the Council on its own authority. Others require the concurrence of the States concerned.

"1. The first class includes decisions taken by the Council to determine the procedure whereby it exercises the powers conferred upon it by the treaties and declarations; to determine the competence of the Secretary-General of the League of Nations in the question; and to determine the conditions for the receivability of petitions.

"These decisions are of a general character, and relate to the working of League machinery in a given sphere. They cannot therefore be regarded as raising a question specially affecting a Member of the League within the meaning of Article 4, paragraph 5, of the Covenant. Hence, in so far as these decisions are concerned, the Council is under no obligation to invite States, subject to minority obligations, to be represented.

"2. The second class of rules includes those which involve the performance by the States concerned of acts not covered by the minorities treaties and declarations and, generally speaking, all rules affecting the legal situation as sanctioned by these treaties and declarations. These rules require the agreement of the Council and of the States concerned.

"This was the case with the Council's resolution of June 27th, 1921, which deals with the procedure to be adopted in regard to petitions concerning the protection of minorities received 'from petitioners other than Members of the League of Nations'. This resolution lays down, in particular, that these petitions shall be communicated to the States concerned and that the latter shall be bound to inform the Secretary-General within a given time whether it intends to make any observations on the subject. If so, that State is given another time-limit for submitting such observations. The resolution of June 27th, 1921, expressly states that it shall be communicated to those States which have accepted the provisions relating to the protection of minorities and that they shall be asked to say whether they wish the same procedure to be made applicable to them. In point of fact, the States concerned responded to this invitation by giving their consent.

"On that occasion, therefore, the Council, as normally composed, gave its consent, and, once its decision was taken, the Council submitted it for acceptance to the States bound by minority obligations. This method is in conformity with the provisions which are contained in the minorities treaties and declarations and relate to the amendment of those instruments.

"Proceeding to the two questions on which it has been consulted, the Committee notes that the text of the proposal mentioned above under (b) is not yet known. Accordingly, the Committee can only pronounce in respect of the proposal by the representative of Canada mentioned under (a).

"The Committee is of opinion that in some respects this proposal is not covered by the minorities treaties and declarations. It aims, for example, at compelling the Governments concerned to forward certain communications at the request of the petitioner, and establishes new rules for the examination of petitions by the Council.

"The Committee must therefore conclude that this proposal involves rules which require agreement between the Council and the States concerned. There would be two parties to such an agreement — the Council and the State bound by minority obligations. For the purpose of reaching its own decision the Council will act without enlarging its normal composition; the States bound by minority obligations will not be represented. Once its decision has been taken, the Council will communicate it to these States for their acceptance."

II. MINORITIES IN UPPER SILESIA.


A. Petition from the "Deutscher Volksbund" of Polish Upper Silesia, relating to the Conditions of Public Security in Polish Upper Silesia.

At its fifty-first session held in September 1928, the Council examined a petition from the "Deutscher Volksbund" dated May 19th, 1928, by which it was requested to consider the situation of the German minority in Polish Upper Silesia from the point of view of public security and to ensure that this minority would in fact enjoy the rights conferred on it by Article 147 of the Germano-Polish Convention of May 15th, 1922, concerning Upper Silesia.

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1 It is understood that the special interests mentioned in Article 4, paragraph 5, may be invoked when the Council is called upon to take a decision in connection with a specific petition, since in this case it is a question not of adopting rules for the execution of minorities treaties and declarations but of applying these treaties and declarations to a particular case.

2 Unlike the other States concerned, Poland and Czechoslovakia were in this case represented on the Council, but only because they had submitted proposals to the Council. The latter discussed these proposals and the two States straightforwardly expressed their agreement.
In examining this question the Council had at its disposal the observations of the Polish Government, contained in a note of August 21st, 1928. In its note, the Polish Government laid stress on the fact that the circumstances mentioned in the petition were due to a great extent to the peculiar character of Upper Silesia itself, which is a pre-eminently industrial region. For this reason, it was stated, conflicts occurred from time to time in Upper Silesia arising out of the normal relations between employers and workmen. In the view of the Polish Government these occurrences were often the result of personal questions or controversies between neighbours. But action on the part of the authorities was, according to the Polish Government, steadily improving conditions of public security in Upper Silesia.

The Council, approving the conclusions of the Rapporteur, the representative of Colombia, took note of the Polish Government's observations, and expressed its confidence that suitable measures would be taken in accordance with the enquiries instituted in every case.

B. Petition from the "Deutscher Volksbund" of Polish Upper Silesia, relating to the Forwarding to the Council of an Appeal lodged on June 4th, 1928, under Articles 149 and 157 of the Geneva Convention.

On September 8th, 1928, the Council examined this petition, dated August 3rd, 1928, submitted to it by the "Deutscher Volksbund" in virtue of Article 147 of the Geneva Convention and complaining that the Polish Government had not forwarded to the Council an appeal lodged by the petitioners under Articles 149 and 157 of that Convention. According to the petition, the "Deutscher Volksbund" on behalf of the "Krolewska Huta Spolka Pieczy" ("Krolewska Huta Benevolent Society"), had lodged a petition under Article 149 of the Geneva Convention, on the ground of infringement by the Polish authorities of Articles 75, 81, and 98 of that Convention. The President of the Mixed Commission of Upper Silesia gave an opinion on the case on March 29th, 1928, and since the action taken thereupon by the administrative authorities failed to satisfy the petitioners, the latter, on June 4th, 1928, lodged an appeal with the Council of the League of Nations under Articles 149 and 157 of the Geneva Convention.

The Rapporteur, after full consideration of all the circumstances, asked the Council to adopt a resolution regarding certain general points relating to the application of the Geneva Convention. On his proposal, the Council adopted the following resolution:

"1. The transmission provided for in Article 157 of the Geneva Convention relating to Upper Silesia of appeals lodged by the minority under Article 149 of that Convention shall be made within two months from the date on which the appeal is lodged with the Minorities Office. This period may be extended by the President of the Council at the request of the Government concerned, such extension not to exceed one month.

"2. When a question has been the subject of an appeal under Articles 149 and 157 of the Convention, no petition on the question may be addressed direct to the Council under Article 147 unless the Government concerned has failed to settle the question in accordance with the wishes of the minority and has neglected to forward the appeal to the Council within the prescribed period of two months. In this case the petition shall be circulated to the Members of the Council and the questions placed on the agenda at the same time as the petition is communicated to the Government concerned.

"3. Petitions addressed direct to the Council by the minority under Article 147 of the Geneva Convention shall be communicated by the Secretary-General to the Government concerned for any observations it may wish to make, as soon as they are received by the Secretariat. The Governments concerned shall be given a period of two months from the date on which the petition is transmitted to them in which to send their observations to the Secretariat. The petitions shall be communicated to the Members of the Council and the questions to which they relate shall be placed on the agenda of the Council as soon as the observations of the Government concerned are received by the Secretariat; should these observations not be received within the period prescribed, the petition shall be communicated to the Members of the Council and the question placed on the agenda on the expiry of the time-limit. The time-limit may be extended by the Acting President of the Council at the request of the Government concerned, such extension not to exceed one month. In extremely urgent cases the Secretary-General shall communicate the petition to the Members of the Council as soon as it is received by the Secretariat, and shall arrange for the question to be placed on the agenda of the next session of the Council. At the same time he shall forward the petition to the Government concerned for its observations."

C. Petition from the "Deutscher Volksbund" of Polish Upper Silesia, relating to the Closing of Certain Minority Schools by the Polish Authorities.

The "Deutscher Volksbund" in a petition dated August 8th, 1928, requested the Council to consider the question connected with the closing of a certain number of minority schools at the end of the school year 1927-1928. The observations of the Polish Government were transmitted to the Secretariat in a note from the permanent Polish delegate on September 21st, 1928.

The petition was examined by the Council during its fifty-second session at a meeting held on September 26th, 1928. The Rapporteur, the representative of Japan, explained that in the short time at his disposal, he had not been able to elucidate certain points of principle
involved in this matter. He therefore asked the Council to postpone consideration of the question until its next session. During the discussion which followed, the Rapporteur said that, if the Council accepted the proposal for adjournment, he would be happy if it would appoint a Sub-Committee of two or three jurists to collaborate with him in a thorough study of all the legal and other questions involved.

On the proposal of the President, the Council decided to adjourn the question to its next session, and to instruct the Rapporteur and the President in collaboration to appoint two or three lawyers to assist the Rapporteur in a study of the legal aspects of the question. The Council agreed: (1) that it was very desirable that the President of the Mixed Commission should deal without delay with the petitions submitted to the Polish Minorities Office, and which concerned the six schools in question; (2) to instruct the Secretary-General to send a letter in this sense to the President of the Mixed Commission.

At its meeting of December 15th, 1928, the Rapporteur informed the Council that the Polish Minorities Office and the petitioner, whilst maintaining their respective legal standpoints had seen their way to accept a suggestion which had been made by the Chairman of the Mixed Commission involving the re-opening of three of the six schools which had been closed.

D. Petition from the "Krolewska Hucka Spolka Pieczy" regarding its Property Rights over the St. Julius Hospital at Rybnik.

On July 20th, 1928, the "Krolewska Hucka Spolka Pieczy" submitted a petition concerning property rights over the St. Julius Hospital at Rybnik, Polish Upper Silesia. According to the petition, the "Krolewska Hucka Spolka Pieczy" was a philanthropic association carrying on charitable work among the inhabitants of Polish Upper Silesia belonging to the German minority. Having bought the St. Julius Hospital at Rybnik from the Association of Silesian Knights at Malta, the Spolka Pieczy stated that, when it deposited with the Rybnik Land Registry an application for the registration of its right in the land register, this application was refused. An appeal against this refusal was rejected by the Kattowitz District Court.

The observations of the Polish Government on this petition were forwarded on October 16th, 1928, and the Council came to the conclusion, at its meeting on December 15th, 1928, that the proper procedure would be to leave the legal proceedings which had already been instituted to follow their normal course. It was added that the Council relied upon the Polish Government to inform its members in due course regarding the settlement of the matter by judicial award.

E. Petitions from the "Deutscher Volksbund" of Polish Upper Silesia, concerning Entries to the Primary Minority Schools in the Voivodeship of Silesia.

At its meeting on December 15th, 1928, the Council had before it this petition dated June 1st, 1928, the examination of which had been adjourned at the June session in order to make it possible for the Polish Government to present its observations, and a supplementary petition dated August 24th, accompanied in both cases by the Polish Government's observations dated, respectively, August 17th and November 30th, 1928.

(a) The petitioners regarded it as a violation of the principle of equal treatment that the Polish authorities should have fixed, in the case of minority schools, a time-limit for entries different from that laid down for the majority schools. The Polish Government stated that this circumstance was justified, among other reasons, by the fact that, as the entrance formalities for Polish-speaking schools and minority schools were different, simultaneous entries for the two groups of schools would create great difficulties for the staff concerned. The Government, moreover, did not consider that the system of fixing different dates affected minority rights as guaranteed by the Germano-Polish Convention.

The Council agreed with the conclusions of the Rapporteur, the representative of Japan, to the effect that the Council should take no action in regard to this particular point of the petition.

(b) The second point raised by the petitioners concerned the Voivodeship regulation providing that the time-limit fixed for entries for minorities schools should be regarded as final. If the time-limit were not observed, and if the person responsible for the child's education had not given a reason which was regarded by the authorities as acceptable, the child was entered compulsorily for the Polish school. According to the petitioners, this state of affairs whereby a person belonging to the minority would lose a right guaranteed by the Convention, on account of non-observance of an administrative regulation, was untenable, and constituted a violation of Article 75 of the Convention.

The Polish Government in its observations stated that, as regards applications for entry after the prescribed period had elapsed, no distinction was made between applications for entry to Polish-speaking schools and minority schools. It further declared that it was essential to limit the period for entries, in order that the necessary steps might be taken for the proper administration of the schools.

The Council, on the proposal of the Rapporteur, confined itself to noting the observations of the Polish Government, while expressing the hope that the latter might find it possible to avoid the drawbacks referred to in the petition, either by extending the time-limit fixed for entries, or by some other means compatible with the school organisation instituted in Upper Silesia.

(c) The third point concerned the obligation imposed on the persons responsible for the education of children belonging to the minority to appear in person when entering them for the minority schools. The petitioners were of opinion that all that might be required was a
personal statement concerning the language, made either in writing or verbally. If the statement was made in writing, the appearance in person of those legally responsible for the education of the child was not necessary. The special hours for entries fixed for the different minority schools coincided with the working hours of the persons responsible for the children's education. This was said to involve a loss of wages for those of the parties concerned who belonged to the working classes.

The Polish Government was of opinion that it was not very probable that among the persons responsible for the education of the children there were any who were unable, in the course of the four days normally laid down for enrolment, to absent themselves from their work in order to comply with these formalities. When prevented from attending, such persons would always be at liberty to appoint others to represent them.

The Rapporteur thought that this question depended upon the interpretation of Article 131 of the Convention. He stated that he would be grateful if, before expressing an opinion on this question, and on the subsidiary question of hours for enrolment, he might have the benefit of the collaboration of jurists. The Council agreed to the proposal that the President should nominate jurists to collaborate with the Rapporteur as regards point (c).

(d) The petitioners also complained of the setting-up for the minority schools of special Enrolment Committees. The large majority of the members of these committees claimed to be Poles by race, and the sole purpose of the committees, it was stated, was to influence the minority and to prevent it from exercising its rights.

The Polish Government, however, was convinced that the Silesian Voivode's instructions to the Enrolment Committees, and also the composition of the latter, were not contrary to the provisions of the Geneva Convention and it contested the petitioners' statements regarding the moral pressure alleged to have been exercised by the Committees.

The Rapporteur stated that, before expressing an opinion, he would prefer to wait for the results of the legal examination to be undertaken in connection with point (c). He therefore felt obliged to propose that the Council should adjourn to its next session the examination of points (c) and (d). The Council agreed to this proposal.

(e) The fifth point raised in the petition related to the declarations concerning the language of the children, which had to be made at the time of enrolment in minority schools by the persons legally responsible for the education of the children. The form issued by the Voivodeship for the entries in May 1928 provided for the following declaration:

"I declare, on my conscience, and on my personal responsibility, that the above child speaks only Polish/German."

The petitioners regarded the terms of this declaration as implying an obligation to declare that the child spoke only German or only Polish, a situation which would force the parents of bi-lingual children either to make a misstatement or to renounce all hope of entering their children for minority schools. Further, the petitioners objected to the interpretation given by the Voivodeship to the phrase "personal responsibility", which seemed to imply the exercise of a certain pressure on the persons making the declarations.

The Polish Government explained that the petitioners had misinterpreted the sense of the phrase quoted above. The word "only" referred simply to the first of the alternatives. The persons responsible for the education of the children had to choose accordingly between these two alternatives, when filling in the forms: "speaks only Polish", or "speaks German".

The Rapporteur expressed the conviction that the Council would note with satisfaction the new interpretation given by the Polish Government. It was hoped that the Government might take such steps as would preclude all possible doubt as to the form issued by the Voivodeship being in conformity with the Council resolution of June 9th, 1928.

The Council adopted the conclusions of the Rapporteur.

(f) The sixth point mentioned in the petition concerned a question alleged to have been put to the persons responsible for the children's education, concerning the name of their employer in connection with entries in 1927 and 1928. The members of the minority were afraid that as a result of information being obtained in this way, they might lose their employment. The petition stated that in several cases employers had discharged employes and workmen on the ground that their children attended the minority school.

The Polish Government declared that the measures in question were introduced not only for entries to the minority schools, but also for entries to the Polish schools. The object was, firstly, to establish the identity of the parents, in the case of identical names, which are frequent, and, secondly, to obtain statistics for the purposes of charitable relief for ailing children, etc. According to the Government, the asking of this question could not be used as a means of pressure, seeing that the employers were in many cases Germans, whereas the great majority of the workmen were Poles. The Rapporteur added that the representative of Poland had explained to him that refusal to answer this question on the part of the person responsible for the child's education would not in any case have the effect of invalidating the application for admission.

The Council confined itself to noting these explanations.

The petitioners, in conclusion, had referred to the general situation of the German minority in school matters. They declared that, apart from the children who were subjected to a language examination after the Council resolution of March 12th, 1927, there were 700 cases in which admission had been refused. Of these, 540 cases were said to be still awaiting settlement, and the parents of the children concerned would be obliged either to send them to the Polish school,
or to pay the penalties imposed by the Police or by the Courts, in the form of fines or imprisonment.

The Rapporteur was glad to note the declaration made by the Polish Government, to the effect that all doubtful entries had been settled in conformity with the Council's decision of March 12th, 1927, as a result of tests by the neutral expert appointed by the Council.

On March 9th, 1929, the Council considered the points which had been submitted to the examination of the jurists and which concerned, respectively, the obligation imposed on the persons responsible for the education of children to appear in person when entering them for the minority schools and the setting up for minority schools of special Enrolment Committees. The jurists nominated, namely, M. BUERO, Legal Adviser of the League of Nations Secretariat, Professor BURCKHARDT, of the University of Berne, and Mr. MALKIN of the British Foreign Office, met in Paris on February 15th and 16th, 1929. They considered that Article 131 of the Geneva Convention should be interpreted as signifying that the Polish authorities were not entitled to require that applications for admission to minority schools must be submitted in person by those legally responsible for the children's education. Nevertheless, in the jurists' view, the Polish authorities were entitled to make sure that the declaration came from the person legally responsible. The procedure in regard to such verification might be fixed by the Polish authorities within the limits of the Convention.

As regards the second point, the jurists were of opinion that the existence of special Enrolment Committees was not contrary to Article 131 of the Convention, but that the Committees should abstain from exercising any pressure on the person making the declaration, and from taking any measures of verification in regard to declarations relating to the language of the child. The jurists also found that the provisions of Article 131 of the Geneva Convention as interpreted by the Court in Judgment No. 12 of April 26th, 1928, stated that children might be entered at minority schools even in cases where declarations were made regarding language which were not in conformity with the facts and where the children were not sufficiently acquainted with the minority language to benefit by the teaching given therein. The jurists, nevertheless, pointed out that there was nothing in the Geneva Convention to prevent the two parties concerned from agreeing on a practical and equitable arrangement with a view to remedying such a state of affairs.

The Rapporteur informed the Council that the German and Polish Governments had agreed to engage in direct negotiations for the purpose of settling a certain number of points of interpretation of the Geneva Convention. The Rapporteur would preside over these negotiations with the assistance of the President of the Mixed Commission for Upper Silesia. In these circumstances, the Council, on the proposal of the Rapporteur, took note of the information furnished by the jurists.

F. Petition from the "Deutscher Volksbund" of Polish Upper Silesia, concerning the Failure to open a German Elementary Minority School at Koszecin.

According to this petition, which was dated September 28th, 1928, and examined by the Council on December 15th, 1928, applications were made on November 30th, 1927, on behalf of twenty-seven persons legally responsible for the education of fifty-one children, with a view to the establishment of an elementary German minority school in the school district of Koszecin. These persons had been summoned to the Mayor's office at Koszecin where they had been questioned with a view to obtaining the declarations concerning the children's language referred to in Article 131 of the Geneva Convention. The petitioners who had not received any written reply from the authorities were informed verbally that their request for the opening of a German minority school had been rejected because the number of children concerned possessing Polish nationality did not reach the minimum figure of forty. This statement was confirmed by the Polish Government in its observations. The Government stated that, should the supplementary declarations still pending bring the number of valid applications up to forty, orders would immediately be given to open the school for the school year 1928-1929.

As regards the second point, the jurisdiction found that the existence of special Enrolment Committees was not contrary to Article 131 of the Convention, but that the Committees should abstain from exercising any pressure on the person making the declaration, and from taking any measures of verification in regard to declarations relating to the language of the child. The jurists also found that the provisions of Article 131 of the Geneva Convention as interpreted by the Court in Judgment No. 12 of April 26th, 1928, stated that children might be entered at minority schools even in cases where declarations were made regarding language which were not in conformity with the facts and where the children were not sufficiently acquainted with the minority language to benefit by the teaching given therein. The jurists, nevertheless, pointed out that there was nothing in the Geneva Convention to prevent the two parties concerned from agreeing on a practical and equitable arrangement with a view to remedying such a state of affairs.

G. Petition from M. Josef God relating to the Minority School at Giszowiec.

On December 15th, 1928, the Council examined this petition dated September 12th, 1928, which contained two complaints: The Polish authorities had apparently refused applications for the admission of children to the minority school and had also transferred the minority school from Giszowiec to Nikiszowiec. This transfer was very inconvenient for the children from Giszowiec, the village of Nikiszowiec being a long distance away. The petitioner requested, as regards the first point, that the children whose entries for the minority school were refused should immediately be admitted, and as regards the second point that the minority school should be reopened at Giszowiec.

The Polish Government stated that the petitioner was in no way empowered to represent the parents and that his petition should be regarded as a personal one. It added that the petitioner's son was excluded from the school by a decision of the President of the Mixed Commission for Upper Silesia as a result of the language test held by the neutral expert appointed by the Council of the League. As to the second point, it was to state that, according to the decision of the Council, the measures which had been taken were the result of the reorganisation of the school district of Janow. This reorganisation had been carried out at the request of the
minority of Janow; it may be pointed out that the minority of Nikiszowiec had not raised any objection.

The Rapporteur concluded that there was no need for the Council to take any action regarding the first point of the petition.

As to the second point he did not think that he could propose any action on the basis of the insufficient information at his disposal. Any decision would have to be based on a knowledge of local conditions in the Janow school district. He therefore thought that the Council should merely suggest that the petitioner might have recourse to the procedure provided for in Article 149 of the Convention.

The Council agreed with the views of the Rapporteur.

H. Petition from the "Deutscher Volksbund" of Polish Upper Silesia, concerning the Situation of the German Minority School at Brzezinka in the District of Katowitz.

On September 28th, 1928, the "Deutscher Volksbund" of Polish Upper Silesia submitted a petition concerning the German minority school at Brzezinka. The Polish Government forwarded its observations on September 5th, 1928. The Council examined the question on December 15th, 1928.

At its meeting on June 8th, 1928, the Council had expressed its desire that the Polish Government would find it possible to reopen at Brzezinka the minority school which had been transferred to Morgi. This transfer had given rise to complaints on the part of the families living at Brzezinka on account of the long distance separating the two places. The Council intimated that the reopening of the school at Brzezinka should take place under conditions that would avoid any fear of the drawbacks which had previously given rise to complaint and, at the same time, would not interfere with the normal operation of the Polish school.

In its new petition the Volksbund complained that the Polish authorities who had reopened the German minority school at Morgi in September 1928 and had published a list of persons to whom authorisation was granted to send their children to this school had paid no attention either to the Council's recommendation, or to the opinion of the President of the Mixed Commission or to the claims of the members of the German minority legally responsible for the children. The petitioners were, moreover, of opinion that in drawing up such a list the Silesian Voivodeship had restricted the right of the members of the German minority concerned to send their children to the minority school. The Volksbund therefore asked the Council to decide (1) that the German minority school should be transferred from Morgi to Brzezinka and (2) that all children in respect of whom a declaration regarding language had been made either orally or in writing, by the persons legally responsible, should be admitted forthwith to the minority school.

The Polish Government stated that, on a written request from the Volksbund, the Silesian Voivodeship had informed the inhabitants of Brzezinka that entries for the minority school would be received anew. As regards the question of the transfer of the Morgi school to Brzezinka, the petitioners had interpreted the Council resolution of June 8th, 1928, in a tendentious manner. If conditions had subsequently changed, the Polish authorities, taking into special consideration the desire expressed by the Council, would have acceded to the Volksbund's request. The technical conditions, however, still being the same, the transfer could not, at that time, be carried out, as it would hinder the normal operation of the Polish school, which would be contrary to the Council's recommendation.

On the suggestion of the Rapporteur, the Council took note of the fact that, as far as the question of entries was concerned, the competent Polish authorities had satisfied the petitioner's requests. As regards the transfer of the minority school, the Council could not modify the point of view expressed at its meeting on June 8th, 1928. It took note of the statement made by the Polish Government, interpreting it as meaning that the competent authorities would not fail to consider favourably the Volksbund's request as soon as technical conditions would permit.

I. Petition from M. Norbert Lubos relating to his Position as an Employee of the "Spolka Bracka" at Tarnowskie Gory, in Polish Upper Silesia.

The Council, on March 9th, 1929, examined a petition from M. Norbert Lubos in which he complained that pressure had been brought to bear on him by the "Spolka Bracka" to force him to remove his child from the German minority school. Having later, as an employee of the "Spolka Bracka", refused to accept his transfer to the settlement at Rudahannen, he was dismissed, and even deprived of his right to a pension.

The Polish Government in its observations pointed out that M. Lubos had never regarded himself as a member of the minority and that this reason was in itself sufficient to make his petition inadmissible. In the view of the Polish Government the "Spolka Bracka" was a private institution, independent of the Government. No employee had been dismissed for sending his children to the minority school. The final dismissal of M. Lubos was due solely to the breach of contract of which he was guilty in refusing to accept his transfer. According to the Government, the attendance of M. Lubos' child at the minority school had no connection with his dismissal, and the courts alone were competent to decide on the question which had arisen between M. Lubos and the "Spolka Bracka".

The Rapporteur recommended the Council simply to take note of the information furnished by the Polish Government. It would be very difficult for the Council to hold the Government responsible for the disciplinary measures taken by the directors of the organisation in question in regard to their employees. As to the alleged pressure exercised with a view to withdrawing,
in certain cases, children from the German minority school, the Rapporteur stated that the Polish Government intended to make an enquiry into the matter, the results of which would be communicated to the Council.

The Council accepted the views of the Rapporteur.

J. Petition from the “Association of Poles in Germany” concerning the use of the Polish language by Members of the Polish Minority in their Relations with Public Officials in German Upper Silesia.

This petition, dated October 20th, 1928, was examined by the Council on March 9th, together with the German Government’s observations thereon. The petitioners complain that German officials acquainted with the Polish language do not comply with the provisions of paragraph 2 of Article 139 of the Geneva Convention on Upper Silesia. This paragraph provides that: “In direct relations with the public, and particularly at railway ticket offices and post offices, the convenience of the population shall, as far possible, be considered so far as the minority language is understood by the employees.” In support of this allegation, the “Association of Poles” quotes certain facts which, in its opinion, constitute an infringement not only of the article quoted above but also of paragraph 3 of Article 67 and of Articles 75 and 135 of the same Convention. It specially complains of the attitude of a certain railway official.

The German Government states that the rule in question is observed by the officials in so far as they understand the Polish dialect spoken in Upper Silesia. The Government points out that the petitioners themselves admitted that the railway administration at Oppeln had issued an order enjoining upon railway officials to treat passengers belonging to the Polish minority with courtesy and with due consideration for their linguistic needs. The German Government thinks that the official in question cannot be blamed in any way. He was nevertheless transferred elsewhere. In conclusion, the Government observes that the incidents described in the petition from the “Association of Poles” had been brought before the Mixed Commission under the terms of Article 585 of the Geneva Convention.

K. Petition from the “Association of Poles in Germany” concerning the Use of the Polish Language by Children belonging to the Polish Minority and frequenting the Primary Schools in German Upper Silesia.

This petition was addressed to the Council on October 22nd, 1928. The Council examined it, together with the German Government’s observations, on March 9th, 1929. The question concerned the case of certain teachers who were said to have forbidden the children to speak Polish in school, and in one instance to have struck and abused children who did not comply with this order.

The German Government in its observations recognised the correctness of certain of the allegations brought forward in the petition: two of the teachers had subsequently been reprimanded, one of them even being transferred to another post. Other allegations did not appear, as a result of enquiries made, to be well founded. The German Government, therefore, repudiated the general charges brought against it. It also communicated to the Council the text of a notice addressed to all teachers in Upper Silesia drawing their attention to the special obligations devolving upon them in regard to the preservation of minority rights, particularly in the matter of language.

The German Government recalled the fact that in July 1928 members of the German minority who wished to make a pilgrimage to Czestochowa, on Polish territory, were refused by the Voivodeship. The pilgrimage had thus had to be abandoned. When the “Association of Poles” in Germany, in its turn, asked the Oppeln authorities for a collective passport for the pilgrimage to Czestochowa, it was told that the Prussian Government regretted that in that instance it could not show its usual goodwill, on account of the above-
mentioned facts. On receiving this reply, the Secretary of the “Association of Poles” suggested that the German and Polish administrations should arrange for the mutual issue of passports at reduced rates, and was told that this suggestion was entirely in accordance with the desires of the German authorities. As regards the difficulties, which, according to the petitioners, were encountered in certain cases by persons applying for individual passports, the German Government stated that the officials concerned did not treat the members of the Polish minority any differently from those of the majority. As to the official whose words gave rise to the petitioners’ complaint, he had been told to exercise the utmost discretion in future in any observations he would have to make to members of the minority.

In conformity with the proposal of the Rapporteur, the Council took note of the German Government’s explanations and recommended that the German and Polish Governments should try to conclude reciprocal arrangements regarding the issue of passports which would avoid the recurrence of difficulties.

M. Telegram from the “Deutscher Volksbund” of Polish Upper Silesia concerning the Arrest of M. Ulitz.

By a telegram dated February 13th, 1929, the “Deutscher Volksbund” of Polish Upper Silesia drew the Council’s attention to the case of the arrest by the Polish authorities of the “Volksbund’s” Secretary-General, M. Ulitz. According to the petition, M. Ulitz, a deputy of the Upper Silesian Sejm, was arrested at the moment of the dissolution of the Sejm, on a charge brought against him in 1926 of complicity in a case of evasion of military service. The petitioner claimed that the arrest was without justification in fact, and added that the conditions of form laid down by the rules of criminal procedure had not been complied with. The arrest of M. Ulitz was intended as an attack upon the minority through the organisation entrusted with the duty of safeguarding its intellectual and moral wellbeing. This application of the law constituted differential treatment in violation of Article 75 of the Geneva Convention. The Council was requested to take the necessary steps to have M. Ulitz released, to appoint a Commissioner to enquire into the further proceedings and, finally, to take measures to protect M. Ulitz against the proceedings which had been instituted against him.

The Polish Government pointed out that M. Ulitz was charged, under the provisions of Article 49 of the Penal Code, with complicity in the offence of failure to comply with the military laws of the country. His imprisonment and the opening of a regular judicial enquiry concerning him, were, in that Government’s opinion, fully justified. As long as this case was in the hands of the judicial authorities, there could be no possibility of intervening in the course of justice. Still less would there be any question of interference in this matter by international organs.

The Council examined this matter on March 9th, 1929. It took note of the information furnished by the Polish Government and expressed its conviction that the judicial authorities would do all in their power to hasten proceedings, and would avoid giving the minority the impression that the measures in question were in any way directed against it.


The Council at its meeting on December 15th, 1928, examined three appeals emanating from the “Deutscher Volksbund” of Polish Upper Silesia relating to certain school questions:

A. Appeal from the “Deutscher Volksbund” of Polish Upper Silesia relating to the Situation of the Minority School at Janow.

The object of this appeal being the same as that of the petition addressed to the Council by M. Josef God, which figured on the agenda of the same session of the Council, the Volksbund announced that it withdrew its notice of appeal of June 18th, 1928.

On the proposal of the Rapporteur, the Council took note of this communication while laying down the rule that, in future, communications of this kind should be sent to the Minorities Office of the country concerned in order that they might be forwarded as expeditiously as possible to the Council through the Government concerned, as in the case of the appeals themselves.

B. Appeal from the “Deutscher Volksbund” of Polish Upper Silesia relating to the Situation of the Minority School at Nowa-Wies.

This petition, dated November 3rd, 1924, was submitted by the “Deutscher Volksbund” to the Polish Minorities Office at Kattowitz in conformity with Articles 149 et seq. of the Germano-Polish Convention of May 15th, 1922. The President of the Mixed Commission gave an opinion on February 20th, 1928, in accordance with the terms of Article 153 of the Convention. The petitioners not being satisfied with the action taken by the competent authorities, they exercised their right of appeal under Article 149. The appeal, the Polish Government’s observations (contained in a note of October 6th, 1928), and the opinion of the President of the Mixed Commission (dated February 20th, 1928) were examined by the Council on December 15th, 1928. According to the opinion of the President of the Mixed Commission and the Polish Government’s observations, the “Volksbund” in its petition submitted the following requests:

(a) That all children attending the minority school at Nowa-Wies should be concentrated in the school situated in the former locality of Wirek;
(b) That the teaching staff should be increased in proportion to the number of pupils;
(c) That special premises should be provided to enable instruction to be given to the minority pupils in the morning also;
(d) That the direction of the school should be entrusted to a teacher belonging to the minority.

The first request in the petition, point (a), was disposed of while the proceedings before the President of the Mixed Commission were still in progress.

As regards point (b), the President of the Mixed Commission quoted a Voivodeship order of July 30th, 1925, providing that there must be one teacher for every fifty-five pupils in schools of more than 275 children, and concluded that since the school at Nowa-Wies was attended by 330 pupils, the request of the minority for additional staff was legitimate.

As to point (c), the President of the Mixed Commission affirmed that the classrooms were only available in the afternoons for the minority school. In his opinion, it was contrary to the principle of equality of treatment that the minority school alone should be given instruction for a shortened period and in the afternoon.

Commenting upon points (b) and (c), the Polish Government stated that the minority school at Nowa-Wies was on the same footing as the Polish school with regard both to the teaching staff and the allocation and number of lessons. The Polish school suffered from the same lack of suitable buildings as the minority school; some of the lessons also had to be held in the afternoon.

The minority having received satisfaction in the matter of points (a) and (d), the appellant withdrew his appeal in regard to this latter point, and the Council had to decide only on the two remaining points. As to point (b), the Council noted that, according to the Polish communication of October 6th, 1928, the staff of the minority school at Nowa-Wies had been increased from four to five. With regard to point (c), the Council expressed its conviction that an equitable interpretation of the Geneva Convention demanded that such restrictions in the normal operation of the schools as might be necessitated in certain cases owing to local conditions should be borne in an equal measure by the majority and minority schools.

C. Appeal from the “Deutscher Volksbund” of Polish Upper Silesia relating to the Admission of Children to the Private Minority Schools at Swierklaniec, Nowa-Wies and Lipiny.

This appeal was examined by the Council at its meeting on December 15th, 1928. According to the opinion given by the President of the Mixed Commission, the Polish educational authorities had excluded at the beginning of the school year 1927-1928 a certain number of children from the German private schools at Swierklaniec, Nowa-Wies and Lipiny. The President of the Mixed Commission was of opinion that, provided the conditions relating to the language of the children laid down in the Council resolution of March 12th, 1927, and in the judgment of the Permanent Court of International Justice dated April 26th, 1928, were fulfilled, these children should be admitted to the schools from which they had been excluded. The competent authorities subsequently complied with this part of the opinion of the President of the Mixed Commission. The petitioners, however, considered that a fundamental legal question was at issue which they requested the Council to settle. For this reason they had maintained their appeal to the Council.

The Council merely took note of the fact that the practical aspect of the case regarding the children excluded from the three schools in question had been settled by the Polish authorities to the satisfaction of the minority, and was of opinion that it was unnecessary for it to consider the general legal question raised by the petitioners. The Council further noted that the Voivode had instructed the district educational authorities to deal as quickly as possible with applications for exemption from compulsory public education submitted by persons legally responsible for the education of children who desired to send the latter to private minority schools, and not to refuse exemptions in any case where the children undoubtedly belonged to the German-speaking minority.

III. RECEIVABILITY OF MINORITIES’ PETITIONS: QUESTIONS RAISED BY THE LITHUANIAN GOVERNMENT.

At the request of the Lithuanian Government the Council, at its session in June 1928, dealt with “the question of the receivability of petitions concerning persons resident in a State but not belonging to a minority of race, language or religion”. At its meeting on June 9th, 1928, the Council decided to appoint a Committee of Jurists to examine the concrete points of procedure raised by the Lithuanian Government. This Committee, which consisted of M. DJUVARA (Roumania), M. FRANCOIS (Netherlands), M. FROMAGET (France), M. GAUS (Germany) and M. PILOTTI (Italy), submitted to the Council a report, of which the latter took note at its meeting on September 8th, 1928. The report was as follows:

“...”

1 See Supplementary Report to the ninth session of the Assembly on the Work of the Council, on the Work of the Secretariat, and on the Measures taken to execute the Decisions of the Assembly, Official Journal, Special Supplement, No. 64, page 347.
which should be examined, but only the manner of their presentation and their pertinence in the light of the conditions laid down in the resolution of September 5th, 1923.

"In the case of the petition which was the subject of the Council's decision of June 6th and 9th, 1928, it does not appear that, from the point of view of receivability, the objections raised by the Lithuanian Government, including those concerning the truth of the allegations, were such as to require that this petition should not be received."

8.
MANDATES.

I. DISCUSSION IN THE COUNCIL WITH REGARD TO THE WORK OF THE THIRTEENTH SESSION OF THE PERMANENT MANDATES COMMISSION.

The documents connected with the work of the thirteenth session of the Permanent Mandates Commission, together with a report and a draft resolution on the subject submitted by the Netherlands representative, were examined by the Council on September 1st, 1928. M. Mélot, representative of Belgium, and Baron Lehmann, representative of Liberia, were present.

OBSERVATIONS ON THE ADMINISTRATION OF VARIOUS TERRITORIES UNDER MANDATE.

As regards the observations of the Mandates Commission on the administration of the seven territories with which it dealt at its thirteenth session, the Council decided to instruct the Secretary-General to forward them in each case to the Government of the mandatory Power concerned, and to request the latter to take the requisite action. The Council likewise approved the Commission's observations concerning the events which occurred in Western Samoa in 1926-1927, and requested the Secretary-General to communicate them to the mandatory Power concerned.

PETITIONS.

The conclusions of the Mandates Commission on the petitions which it examined were approved by the Council, and the Secretary-General was instructed to bring them to the notice of the mandatory Power and the petitioner concerned in each case.

LIQUOR TRAFFIC.

The Council decided to communicate to the mandatory Powers the conclusions contained in the Commission's report, which recommended that the Powers responsible for the administration of B and C mandated territories should be requested to revise the memorandum framed by the Secretariat, and containing statistics of liquor imports, and to furnish all relevant information. The Powers holding African mandates were also requested to state to which parts of the territories under their mandate Article 4, paragraph 2, of the Convention of St. Germain relating to the liquor traffic in Africa had been applied.

ECONOMIC EQUALITY.

The Council decided to request the mandatory Powers entrusted with A and B Mandates to furnish the information desired by the Permanent Mandates Commission in regard to the regulations adopted or followed by them when supplies are purchased by the public authorities of the mandated territories.

TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO TERRITORIES UNDER MANDATE AND TO PRODUCTS AND GOODS COMING THEREFROM.

The Council decided to recall to the notice of States Members of the League of Nations the resolution which it adopted on September 15th, 1925, trusting that they would take the necessary action, and to request the Permanent Mandates Commission to make a comprehensive study of the question and to communicate the results to the Council.

1 See Supplementary Report to the ninth session of the Assembly on the Work of the Council, pages 30 to 35.
In his report, which was adopted by the Council, the Netherlands representative observed that the Commission had examined the Agreement between Great Britain and Transjordan defining and limiting the powers of an independent Government in Transjordan. In the Commission's opinion the Agreement appeared to modify the terms of the mandate. The British representative made a declaration stating that the British Government considered itself responsible to the Council for the proper application in Transjordan of all the provisions of the mandate for Palestine with the exception of those excluded under Article 25. In view of this declaration, the Council decided, on the Rapporteur's proposal, that the Agreement was in conformity with the principles of the mandate, which remains fully in force.

As regards the events which occurred in Western Samoa in 1926-1927 the Rapporteur observed that the Permanent Mandates Commission had made a most careful examination of the relevant documentation, especially the report of the Royal Commission set up by the New Zealand Government to conduct a thorough enquiry into the situation in the mandated territory. The Mandates Commission gave due consideration to the probability of the unrest in Samoa continuing until the League of Nations had declared its opinion, and the Rapporteur agreed with the Commission that it should be clearly understood that, in conformity with the mandate, the mandatory Power remained alone responsible for maintaining law and order.

The representative of France informed the Council that the French Government had taken due note of the observations formulated by the Permanent Mandates Commission at the close of its thirteenth session on the framing of the Organic Law for Syria and the Lebanon, and more particularly the view expressed by the Commission that the mandatory Power should retain, until such time as those countries were ripe for self-government, the full authority necessary to direct and superintend their evolution and to fulfil all its obligations to the League of Nations. He further explained how the French Government construed its duty as a Mandatory, and showed that it was its intention to pursue the spirit of the mandate by co-operating with the Governments of the mandated territories.

II. WORK OF THE FOURTEENTH SESSION OF THE PERMANENT MANDATES COMMISSION.

A. WORK OF THE COMMISSION.

At its fourteenth session, which lasted from October 26th to November 13th, 1928, the Permanent Mandates Commission examined, in the presence of the accredited representatives of the mandatory Powers, the following annual reports: Togoland under British mandate (1927), Western Samoa (1927-1928), South-West Africa (1927), Ruanda-Urundi (1927), Cameroons under British mandate (1927), Iraq (1927), and the Pacific Islands under Japanese mandate (1927). Administrators or high officials of the mandated territories took part as representatives of the mandatory Powers in the discussion on the reports on the following territories: Cameroons and Togoland under British mandate, Iraq, Western Samoa and South-West Africa.

The Commission also dealt with various questions of a more general character, in particular, that of the Liquor Traffic.

Liquor Traffic.

(a) In view of the Council resolution of December 6th, 1927, pursuant to a resolution of the Assembly dated September 22nd, 1927, concerning the increased importation of spirits into certain territories under B mandate the Mandates Commission devoted special attention to this question when examining the annual reports of the mandatory Powers. As regards the measures to remedy this situation, it examined various methods of restriction in the hope that each mandatory Power might adopt such of these as it might consider suitable in the territory under its mandate.

As regards the increase and equalisation of duties on spirits, the Commission expressed a desire to know whether any agreement had been reached in accordance with the Council's recommendation of December 12th, 1923, inviting the British and French Governments to discuss the question with a view to the equalisation of duties.

In connection with the prohibition of the sale of spirits, except under licence, the Commission suggested that these licences should be more sparingly issued, that the licence fees should be increased, and that the hours during which sale is allowed should be curtailed. Regarding the strict observance of the absolute prohibition of the manufacture, sale or possession of spirits by natives in the zones of prohibition laid down by the Convention of St. Germain-en-Laye of September 10th, 1919, the Commission proposed that the limits of the zones should be indicated on a map of the territories under mandate.

For the carriage of spirits, the Commission suggested the introduction of railway rates on a sharply ascending scale and, if possible, an extension of this measure to the conveyance of spirits by motor transport.
The Permanent Mandates Commission had been instructed by the Council, at its meeting on June 9th, 1926, to examine the opinions expressed by the mandatory Powers on the definition of the terms relating to the liquor traffic, and to inform the Council of its conclusions. At its tenth session, the Mandates Commission placed before the Council a definition specifying, among other things, that the alcoholic content of a liquor described as spirituous must be not less than 20°. In response to the Council's request, the mandatory Powers signified their acceptance of this definition. As regards the alcoholic content, however, France and Belgium asked that liquors containing less than 22° of pure alcohol should not be considered spirits, as it seemed to them hardly fair to include in this category wines fortified by the addition of spirits bringing the alcoholic content up to 22°.  

(b) As regards the common nomenclature of spirituous liquors, the Mandates Commission recommended that the Council should request the mandatory Powers to employ only terms which have been specially defined, and to indicate in statistical tables supplied the alcoholic content of the spirits imported in terms of the amount of pure alcohol by weight and not by volume, and also of any wines or other beverages fortified by the addition of spirits.

The Commission also made a preliminary study of two other general questions; public health in the mandated territories, and the treatment extended in countries Members of the League to persons belonging to mandated territories.

Observations concerning Certain Territories under A, B and C Mandates.

The Commission's observations concerning the reports which it examined may be summarised as follows:

Territories under A Mandate.

Iraq.

The Commission noted that the Treaty signed at London on December 14th, 1927, between Great Britain and Iraq, would not be put into force before the Council had approved it. As the treaty had been communicated to it, the Commission had duly taken cognisance of the document, refraining, however, from formulating observations or recommendations until expressly invited to do so by the Council.

The Commission noted with satisfaction the progress made with regard to the settlement of the nomadic tribes. It also noted that the recommendation made in 1925 by the Mosul Commission in favour of the Assyrian communities had become inoperative so far as Iraq was concerned, as the district in which the homelands of the Assyrians were situated had been allotted to Turkey by the Council resolution of December 16th, 1925, and the Assyrian refugees in Iraq were not prepared to enter Turkey. The Commission also noted with interest the measures taken with a view to the final settlement of the refugees on the lands which the Iraq Government would place at their disposal.

As regards foreign relations, the Commission, after noting the difficulties which still appeared to exist in the relations between Iraq and Persia, and which were a subject of discussion at the ninth session of the Assembly, again expressed the hope that satisfactory relations might be established between the two countries.

The Commission was informed by the accredited representative that the definition of the boundary between Iraq and Syria would probably be postponed until an agreement had been reached between the French and Turkish Governments with regard to the Turco-Syrian frontier. It noted the intention of the mandatory Power to insert in the next annual report a complete statement with regard to the trouble in 1928 on the Nejd frontier and the actual relations with that country. The Commission expressed the hope that the measures taken to improve the health services of the territory might be actively pursued.

In the matter of education, the Commission expressed its confidence that every effort would be made in schools and training colleges to promote religious and political toleration.

The Commission recommended that future annual reports should contain a statement of the financial position of the country at the end of the year (assets and liabilities) and further expressed a desire to be kept informed of progress in the matter of the creation of a national currency for the territory.

The mandatory Power furnished the Commission, which took due note thereof, with documents concerning the extension in 1926 of the Anglo-Persian Oil Company's concession for a period of thirty-five years. 2 The Commission, while expressing no opinion as to the advantages of an immediate or deferred renewal declared that in its view the Iraq Government, in adopting the course it selected, had acted within the terms of Article 11 of the Treaty of October 10th, 1922, concerning economic equality, and that it relied upon the Government to make use of its rights under the concession in the best interests of the territory.

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1 See Report to the eighth session of the Assembly on the Work of the Council: Official Journal, Special Supplement No. 54, pages 268 and 269.
2 See Minutes of the fourteenth session of the Permanent Mandates Commission, pages 247 to 249.
The Commission took note of the regulation of labour conditions and expressed the opinion that, in view of industrial developments, much advantage might be gained if the experience of the mandatory Power in the matter could be made more fully available to the Iraq Government.

Lastly, the Commission expressed the hope that it might be possible to improve the administration of Waqf property and the conditions relating to the disposal of the revenue from this property.

**Territories under B Mandate.**

**Cameroons under British Mandate.**

The Commission noted that the situation in regard to the liquor traffic was not so disquieting as in Togoland under British mandate, and invited the attention of the Council to the discussion on the subject which took place with the accredited representative.

The Commission dealt more particularly with the detailed information supplied concerning labour conditions in the territory, and expressed a desire that particulars might be given in the next report as to the procedure followed with regard to compensation for accidents occurring in the course of employment.

**Togoland under British Mandate.**

The Commission expressed its satisfaction that in defining the boundary between Togoland under British mandate and Togoland under French mandate the tribal frontiers had been taken into account. It also requested the mandatory Power to attach the report of the Mixed Franco-British Boundary Commission 1 to the next annual report.

The Commission noted with interest the full statistical tables concerning public finance in the territory which were contained in the report and was gratified to find that Togoland had been relieved of that portion of the Gold Coast loans which had been charged to the territory under mandate; it noted also that a due proportion of the profits made by the West Africa Currency Board was being credited retrospectively to Togoland.

The Commission expressed a desire, to be kept informed as to the results of the recent establishment of native treasuries, and noted that it was the intention of the mandatory Power to include in the next annual report detailed information regarding the tributes levied by the native chiefs.

The Commission asked for a clear explanation of the difference which exists, in the view of the Administration, between "forced" and "compulsory" labour, and pointed out the drawbacks inherent in the system of remunerating native labour through the chiefs.

The Commission noted with regret the considerable increase, notwithstanding the efforts made by the Administration, in the quantities of spirits imported, and took the opportunity of once again urging the mandatory Power to consider the possibility of introducing preventive measures which would prove more effective.2

**Ruanda-Urundi.**

The attention of the Commission was specially drawn to a passage in the report describing a proposal for the transfer of inhabitants of the territory under mandate to neighbouring areas in the Belgian Congo. Despite the explanations given by the accredited representative, it did not appear to be clearly demonstrated that this proposal would bring about the result aimed at by the mandatory Power. Accordingly, the Commission wondered whether a better solution of the economic and social problems arising from the fact that the territory is over-populated would not be found in another direction and declared that it would attach special interest to information concerning the results of the examination of this proposal, which was then being undertaken.

The Commission noted the accredited representative's statement that consideration was being given to the percentage of the profits derived from the circulation of notes of the Belgian Congo Bank which should be assigned to the Treasury of Ruanda-Urundi.

In connection with applications for land concessions on the part of European enterprises, which the accredited representative said would always be carefully examined, the Commission expressed anxiety as to the unfortunate consequences to the prosperity and development of the natives which must inevitably follow upon the attribution to Europeans of vast areas of land in an over-populated country. This anxiety would be removed if cessions for long periods or cessions of land in full ownership to Europeans were granted only as an exceptional measure and in the interest of the natives.

The Commission noted that the recruiting of workers for the Katanga mines had again been authorised, and expressed its appreciation of the measures taken by the mandatory Administration to facilitate the adaptation of the workers to their new circumstances and to improve

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1 In his comments on the Commission's observations (see Minutes of the fourteenth session of the Permanent Mandates Commission, page 279), the accredited representative stated that, as the delimitation work was not quite terminated, it would probably not be possible to annex the Commissioners' report to the next annual report, but that it might perhaps be annexed to the report for 1929.

2 In a communication dated December 24th, 1928, the accredited representative stated that new regulations were under consideration, with a view to reducing the imports of spirits (see Minutes of the fourteenth session of the Commission, page 280).
the conditions of their transport. It expressed its confidence that the mandatory Power would continue to exercise proper supervision over this recruiting.

The Commission asked to be informed of the amount expended in 1927 for the construction of roads, the average cost of construction per kilometer, and the proportion of this cost expended on the wages of native workers. It also expressed a desire to know how workers are recruited for this work, and the daily wages of workers employed in road-making and road-mending.

Territories under C Mandate.

Islands under Japanese Mandate.

The Commission stated that it would be glad to receive information as to the use which the mandatory Power proposed to make of the capital reserve represented by the surplus revenue obtained in recent financial years.

As regards the proportion of children attending school, the Commission hoped that the mandatory Power would endeavour by every possible means to increase school attendance. 1

The Commission noted with satisfaction the importance attached by the mandatory Power to the strict observance of the prohibition of the consumption of alcohol by natives, and it appreciated the information furnished with regard to the quantity and alcoholic content of the liquor imported.

The Commission was concerned at the considerable decrease in the population of the island of Yap, and stated that it would be glad to receive any information with reference to this phenomenon and to the excessive mortality, principally among women.

Western Samoa.

In the observations concerning the disturbances in Western Samoa, inserted in the report on the work of its thirteenth session, 2 the Commission expressed the hope that the mandatory Power would soon "be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal". The mandatory Power communicated to the Commission, together with the annual report, a "Statement by the New Zealand Government on Political Agitation". The Commission noted from this statement that the passive resistance organised by the "Mau" was acting as an obstacle to the Administration and that the continuation of this unrest was resulting in a very serious check to the prosperity of the country. The Commission hoped that, when examining the next annual report, it would find that the Administration had regained complete control of the situation and that a normal condition of affairs had been re-established.

As regards ex-enemy property, the report stated that no decision regarding the valuation of this property had yet been taken, and the Commission hoped that a final settlement of this matter would soon be made.

Notwithstanding the mandatory Power's statement, the Commission was unable to get a clear idea of all the details of the present financial situation regarding the loan accounts. It noted the accredited representative's promise to furnish the necessary explanations later.

South-West Africa.

The Commission went very fully into the question of the status of the inhabitants of this territory, and asked the mandatory Power to give definite replies to certain questions.

With reference to the new frontier between Angola and South-West Africa, the Commission expressed the hope that, if the boundary-line divided lands cultivated or used for grazing by natives domiciled on the other side of the frontier, their customary usages would be taken into consideration in connection with the use of such lands.

The Commission noted that the actual receipts from the diamond tax, which constituted the principal revenue of the territory, had considerably decreased, and expressed the hope that the Administration would succeed in obtaining a satisfactory arrangement to improve the situation.

As regards the measures taken by the Administration and by the mining companies to safeguard the health of natives employed in the mines, the Commission noted with regret that these measures did not appear to have been completely successful, and asked how the Administration intended to deal with the situation.

The Commission noted the statement of the Administrator that the Colour-Bar Act of the Union of South Africa was applied in the mandated territory of South-West Africa in so far as employment under the Administration and on the railways was concerned, and considered that this Act, the effect of which was to limit the occupations open to native workers and thus place them at a disadvantage with white workers, was based upon considerations which were not compatible with the principles laid down in the mandate. 3

1 In his comments on the Commission's observations with regard to education (see Minutes of the fourteenth session of the Commission, page 278), the accredited representative stated that native education was receiving the attention of the Japanese Government, which was endeavouring to improve it as far as possible.

2 See Supplementary Report to the ninth session of the Assembly, pages 33 and 34.

3 In his comments on the Commission's observations the accredited representative stated that the Colour-Bar Act of the Union was not in force in the mandated territory. A certain colour bar was, however, being observed in practice, but it was based on no statutory enactments and was purely temporary (see Minutes of the fourteenth session of the Commission, page 278).
The Commission hoped that the Administration would develop the system of native education, and that it would consider the question whether larger financial support should not be given to the educational work of the Missions.

The question of the settlement of the "Angola Boers" in the mandated territory was dealt with by the Commission, which hoped to find in the next report a more complete account of the measures taken in this connection and the results of this experiment.

As regards the legal and financial status of the railways and harbours of the territory—a question which had frequently engaged the Commission's attention—and also their working and economic importance, the Commission noted the detailed information given by the accredited representative. It expressed the desire that the mandatory Power would now find it possible to amend the South-West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and of the Treaty of Versailles and the decision adopted by the Council on June 9th, 1926.¹ The Commission also asked that future annual reports should always contain a special statement concerning the working of the railways in the territory and its financial results.

Observations on Petitions.

The Commission's conclusions regarding the various petitions examined may be summarised as follows:

1. Iraq.

The Commission examined a petition from Mr. B. S. Nicolas, dated January 3rd, 1928, requesting it to be good enough to establish his nationality and stating that he had been successively refused Iraqi and Turkish nationalities and that he was not entitled to claim French nationality. The Commission noted that the various documents in its possession showed that the petitioner was not born in Iraq and that on August 6th, 1924, he did not have his habitual residence there. In these circumstances, the mandatory Power and the Government of Iraq did not consider that the provisions of Article 30 of the Treaty of Lausanne and Article 3 of the Nationality Law of Iraq were applicable to his case. The Commission, not being responsible for settling individual questions of nationality, considered that it was not its duty to ascertain whether Mr. B. S. Nicolas had or had not remained a Turkish subject, or whether he could or could not acquire Iraqi nationality.

The Commission drew the Council's attention to the conclusions suggested to it by an examination of the petition of the Bahai Spiritual Assembly of Baghdad, protesting against the seizure of property belonging to the sect, and recommended that the British Government should be asked to make representations to the Iraq Government with a view to the immediate redress of the denial of justice from which the petitioners had in its opinion suffered.

2. Palestine.

As regards the telegram from the Arab Congress of Palestine dated June 20th, 1928, requesting the Commission to establish a democratic parliamentary system of government, the Commission observed that it was not called upon to recommend any particular form of government in the territories under mandate. It was for the mandatory Power alone to determine the regime applicable, in accordance with Article 22 of the Covenant.

As regards the petitions submitted by the Zionist Organisation and by the Chief Rabbis Kook and Meir concerning incidents which occurred at the Wailing Wall in Jerusalem on September 24th, 1928, the Commission, while regretting these incidents, noted with satisfaction that the Palestine Government had already approached both parties with a view to facilitating an agreement. It hoped that the mandatory Power would thus succeed in allaying public feeling, and that neither party would, through unreasonable demands or refusals, assume the responsibility of provoking public disturbances.


The Commission considered that the petitions of March 8th and June 8th, 1928, from the Emir Chekib Arslan and M. Riad el Souih, regarding various aspects of the policy pursued by the mandatory Power in Syria, called for no observations.

4. Togoland under French Mandate.

The Commission was of opinion that the petitions from Mr. Casely Hayford of November 4th, 1926, December 1st, 1927, June 18th and September 6th, 1928, called for no action.

5. Western Samoa.

The Commission examined a petition dated June 8th, 1928, from the Anti-Slavery and Aborigines Protection Society concerning a circular (catechism), the purpose of which was to inform the Samoan natives as to the status of the League of Nations, more especially in its relations

¹ See Minutes of the fourteenth session of the Commission, pages 71 to 79.
² See Minutes of the fourteenth session of the Commission, pages 211 and 212.
with the territory. It noted that the New Zealand Government proposed to take steps to make the relations between the League and the natives as clear as possible in the territory.¹


As regards the petition from certain members of the Rehoboth Community dated November 26th, 1926, the Commission was of opinion that the petitioners should be informed that the Commission understood that their grievances had been fully investigated and considered that they had now lost their relevance.

The Commission also examined a petition dated March 5th, 1926, from the “Kaoko Land- und Minengesellschaft”, concerning the cancellation of its rights of ownership and mining rights by the Union of South Africa, and considered that a reply should be sent to the petitioning Company to the effect that its claim did not come within the Commission’s competence. Nevertheless, the Commission was of opinion that the attention of the Council should be drawn to the existence of considerable landed estates in South-West Africa which had constituted ex-enemy property and hoped that the Council would request the mandatory Power to explain its declaration of February 19th, 1926, which appeared to be inconsistent with the statements previously made with reference to the status of the said properties and their disposal.

B. PROCEEDINGS OF THE COUNCIL.

On March 4th, 1929, the Council, in the presence of Baron Moncheur, representative of Belgium and of the Marquis Theodoli, Chairman of the Permanent Mandates Commission, adopted the Finnish representative’s report on the work of the fourteenth session of the Permanent Mandates Commission.

The Council noted the Rapporteur’s observations on the general questions examined by the Mandates Commission during that session.

The Rapporteur also drew attention to the Mandates Commission’s observations on the Treaty between Great Britain and Iraq, the agitation which had continued in Western Samoa since 1926, the status of the railways and harbours of South-West Africa, and also the reference made in the Commission’s report to the application of the Colour-Bar Act to South-West Africa and the observations of the accredited representative. The Council noted that the Act in question was not in force in the mandated territory.

It also noted the conclusions of the Mandates Commission on the petitions examined by it, especially those relating to the National Spiritual Assembly of the Bahai of Iraq and the Jerusalem Wailing Wall incident.

The Council was also informed by the British representative that the new Treaty of Alliance concluded in 1927 between the British Government and the Government of Iraq had not been ratified because ratification was subject to the conclusion of financial and military agreements regarding which negotiations were still in progress. The Council, on the Rapporteur’s proposal, decided to adjourn consideration of this question until the British Government was in a position to lay the text of the Treaty and supplementary agreements before it, and to reassure it in regard to any matters which might have given rise to misgivings.

OBSERVATIONS ON THE ADMINISTRATION OF THE VARIOUS TERRITORIES UNDER MANDATE.

As regards the special observations on the administration of the seven territories under mandate dealt with by the Commission at its fourteenth session, the Council decided to communicate those observations to the Governments of the mandatory Powers respectively concerned, and to request them to take such action as was required.

PETITIONS.

The Commission’s conclusions regarding the petitions examined were approved by the Council, and the Secretary-General was instructed to bring them to the notice of the respective mandatory Powers and the petitioners concerned.

LIQUOR TRAFFIC.

The Belgian Government, in a letter concerning the definition of alcoholic liquor, pointed out that the difference between the maximum alcoholic content recommended by the Permanent Mandates Commission and that accepted by Belgium was merely due to a difference in the method employed for determining the alcoholic content. Moreover, the French representative on the Council stated that his Government’s views were identical with those of the Belgian Government. As the reservation formulated by those two Powers was no longer relevant, the Council, on the Rapporteur’s proposal, decided to take note of the views expressed by the mandatory Powers

¹ See Minutes of the fourteenth session of the Commission, pages 264 and 265.
² See Minutes of the fourteenth session of the Commission, pages 243 and 244.
as to the definition of certain terms relating to spirituous liquors proposed by the Mandates Commission, in accordance with which only liquors containing a minimum of 20° pure alcohol by weight were to be regarded as spirituous liquors, it having been shown that 20° of alcohol by weight represented 25° by volume at a temperature of 15° Centigrade, and decided to request the Powers to conform to that definition.

III. NEW MEMBER OF THE PERMANENT MANDATES COMMISSION.

The Council was informed on December 13th, 1928, at its fifty-third session that, for reasons of health, General Freire d'Andrade had tendered his resignation as a member of the Permanent Mandates Commission.

The Council associated itself with the Finnish representative, who expressed regret at the loss of General Freire d'Andrade's valuable services.

The vacancy thus created was then filled by the Council, which appointed Count De Penha Garcia, former Portuguese Minister of Finance and Vice-President of the International Colonial Institute at Brussels, as member of the Permanent Mandates Commission.

IV. SYSTEM OF JUSTICE IN IRAQ.

At its meeting on March 9th, 1929, the Council approved the report of the Finnish representative and agreed in principle to the British Government's proposal to replace the judicial agreement concluded on March 25th, 1924, between Great Britain and Iraq by a uniform system of justice in Iraq. The Finnish representative pointed out, however, that this change would constitute an amendment to the texts on which the Council took decisions concerning the application in Iraq of the principles of Article 22 of the Covenant, but added that the Council had no reason to refuse the British Government the general authorisation for which it had asked, because it would be understood that this new regime would be submitted for final approval to the Council. Moreover, it would be for the mandatory Power to induce States which enjoyed privileges under the agreement in force to consent to renounce those privileges.

The Persian representative said that he was extremely glad that the British Government had taken this step, and expressed his gratitude to it.

The British representative pointed out the importance of the reform which was contemplated, and assured the Council that his Government would take steps to ensure that the interests of the Powers concerned would be properly protected.

9.

SLAVERY.

On September 22nd, 1927, the Assembly, at its eighth session, adopted a resolution expressing the hope that the States which had signed the Slavery Convention of September 25th, 1926, would ratify it as soon as possible. In pursuance of this resolution, the Secretary-General sent a letter on November 8th, 1927, to all States Members of the League, reminding them of this recommendation. On March 12th, 1929, the German Government deposited with the Secretariat Germany's instrument of ratification of this Convention.

The Iraq Government, in a letter dated December 9th, 1928, and the Government of the United States of America, in a letter dated March 21st, 1929, have also notified their accession to the Convention. The latter's accession was accompanied by the following reservation concerning Article 5 of the Convention:

"That the Government of the United States of America, adhering to its policy of opposition to forced or compulsory labour except as a punishment for crime of which the person concerned has been duly convicted, adheres to the Convention except as to the first subdivision of the second paragraph of Article 5, which reads as follows:

"(1) Subject to the transitional provisions laid down in paragraph 2 below, compulsory or forced labour may only be exacted for public purposes."
I. ECONOMIC AND FINANCIAL ORGANISATION.

A. WORK OF THE ECONOMIC COMMITTEE.

1. COMMERCIAL POLICY: MOST-FAVOURED-NATION CLAUSE.

In June 1927, the Council instructed the Economic Committee to follow up the application of the resolutions of the International Economic Conference held in May 1927, concerning Customs tariffs and commercial treaties. These instructions were subsequently confirmed by the resolution adopted by the Assembly in 1927.

After carefully investigating all the factors connected with tariff and treaty-making policies, the Committee agreed upon a common doctrine concerning tariff systems and contractual methods, including the principle of most-favoured-nation treatment. This doctrine was set forth in detail in the report of the Economic and Financial Organisation to the last session of the Assembly.

The Committee has since turned its attention to the question of the drafting of the most-favoured-nation clause, the interpretation and application of which frequently gave rise to controversies or disputes. On the basis of the report submitted by three of its members, the Committee laid down its doctrine as regards the essential principles implicitly contained in the actual conception of most-favoured-nation treatment, the field of application of this clause in Customs matters, the methods of its application and the exception of which the clause normally admits. The Committee also agreed upon a standard formula suitable for adoption by States in their bilateral conventions. The Committee’s findings, which are set out in detail in its report on its session of January 1929, may be summarised as follows:

(a) Though the Economic Conference expressed itself in favour of the widest possible application of the most-favoured-nation treatment, it recognised that every country must judge for itself in what cases and to what extent this fundamental guarantee should be embodied in any particular treaty.

Subject to this reservation, the Committee concluded that “the granting of most-favoured-nation treatment should be the rule, and that the refusal to grant this guarantee or the corresponding institution of a differential regime can only be justified in the case of States which refuse to follow an equitable tariff policy or which resort to discriminatory practices”.

(b) The clause must be unconditional and unrestricted; only then does it represent in Customs matters the maximum of advantages and guarantees; only then can it be recommended as the fundamental stipulation on which international economic relations should be based.

(c) In other domains — as, for instance, the treatment of foreigners, internal taxes on consumption and distribution, etc. — the clause, even though unconditional and unrestricted, only represents a minimum of the advantages and guarantees that two countries may grant one another, treatment on the same footing as nationals being the most equitable solution of all in such matters.

(d) The main field of application of the clause is “Customs matters”. The Committee is of opinion that Customs matters include Customs rates and the manner of applying Customs duties, i.e., import and export duties, coefficients of increase, if any, and subsidiary duties of every kind levied on imports or exports; the expression also includes all rules, formalities and charges connected with Customs operations of every kind.

(e) As regards import and export prohibitions and restrictions, the Committee felt that, in view of the uncertainty caused by the noticeable differences in post-war treaties on this subject, an express stipulation was necessary to make the clause apply to this question also.

(f) As regards temporary imports and exports properly so called, the clause should apply to all concessions which, being designed solely to facilitate international trade, relate only to goods not intended to undergo any further transformation.

(g) As regards temporary imports and exports included under the heading “finishing trade”, the Committee draws a distinction between the active finishing trade and the passive finishing trade. The clause should in every case apply to the former, whereas the varying conditions in different countries render its application to the latter difficult and unpractical.

(h) In order to benefit by the clause, goods must “have their origin in” the country which enjoys most-favoured-nation treatment and must be “like products”, in the sense that they must possess the characteristics which entitle certain goods to a given Customs treatment. Without attempting to define the two terms, the Committee states that, whatever standards...
may be adopted in the various countries, the clause certainly means that these standards must be applied in exactly the same manner to the products of all countries.

(i) The Committee, in its report, then considers the exceptions admitted by tradition, such as Customs unions, frontier traffic, special historical, ethnical, geographical ties between certain countries and, finally, submits a model formula for the most-favoured-nation clause.

At its session in March 1929, the Council decided to communicate to the various States all the conclusions of the Committee concerning tariff and treaty-making policies and the most-favoured-nation clause, recommending them to take as a basis, when formulating their commercial policy and drafting bilateral treaties, the principles laid down by the Committee. It further requested them to forward to the Secretary-General any observations they might wish to make concerning the principles contained in the Committee's conclusions.

The question of the connection between plurilateral agreements and bilateral conventions based on most-favoured-nation treatment, a question of particular interest now that the Economic Committee is engaged in preparing such agreements, was examined at length by the Committee, which submitted the following report to the Council on the results of these investigations and proposed that it should be communicated to the States as part of the results of the work done in regard to tariffs and treaty-making policy.

* * *

"During the Diplomatic Conference held at Geneva to draw up an International Convention on the Abolition of Import and Export Prohibitions and Restrictions, the question arose whether States not parties to that Convention could, by virtue of bilateral agreements based on the most-favoured-nation clause, claim the benefit of any advantages mutually conceded by the signatories of the International Convention.

"In deference to this consideration, it was even proposed to include a clause to that effect in the Convention. It was soon realised, however, that this question could not be answered in the Convention, which could not affect the contents of bilateral agreements based on the most-favoured-nation clause. The Conference realised the great importance of the problem, both for the general economic work of the League and for the conclusion of future economic agreements under the League's auspices, and the nature and field of application of such agreements. It was urged at the Conference that the conclusion of plurilateral conventions would be hindered if countries, while not acceding to such agreements, could still, without giving any counter-engagement, avail themselves of the engagements undertaken by the States signatory to such conventions.

"The Economic Committee of the League was asked to make an exhaustive study of the most-favoured-nation clause in commercial treaties and to put forward proposals regulating it in as comprehensive and as uniform a manner as possible, and it has carefully considered the question, which is the subject of the present report. It took the view that the World Economic Conference of Geneva, when it recommended the conclusion of plurilateral economic conventions with the object of improving the world economic situation and the application of the most-favoured-nation clause in the widest and most unconditional form, probably did not quite realise that—up to a point—these two recommendations might clash. One argument—and a very sound one—brought up in the Economic Committee was that, in certain cases, countries would have little or no interest in acceding to a plurilateral economic convention or in undertaking the commitments it entailed if, by invoking the most-favoured-nation clause or in undertaking the commitments it entailed, they could claim as of right, and without incurring corresponding obligations, that the obligations contracted by the signatory States of the plurilateral convention should apply to themselves. It was strongly urged, indeed, that such a possibility might seriously impair the whole future economic work of the League, and that the only means of averting the danger would be to adopt a provision whereby the most-favoured-nation clause embodied in bilateral commercial treaties would not, as a rule, affect plurilateral economic conventions.

"It was objected, however, that a clause of this kind, instead of leading, as the World Economic Conference recommended, to the unlimited application of the most-favoured-nation clause, would actually check it, and that, more especially in countries where the unlimited application of this clause is the basis of commercial relations with foreign countries, such a reservation would probably be misunderstood and might give rise to a hostile attitude towards the League's economic work. It was further argued that a State might quite conceivably, on wholly serious and genuine grounds, be unable to undertake the commitments involved by an international economic convention; that the final decision whether it could do so or not would lie with the State itself; and that it could hardly be asked, as a result of a most-favoured-nation clause drafted ad hoc in bilateral commercial treaties, to give up the rights in cases of this kind to refuse to accept differential treatment on the part of one or more other States.
"The arguments advanced on both sides are so cogent that the Economic Committee has not found it possible at this moment to find a general and final solution for this difficult problem. It is unanimously of opinion, however, that, although this reservation in plurilateral conventions may appear in some cases legitimate, it can only be justified in the case of plurilateral conventions of a general character and aiming at the improvement of economic relations between peoples, and not in the case of conventions concluded by certain countries to attain particular ends the benefits of which those countries would, by such a procedure, be refusing to other States when the latter might, by invoking most-favoured-nation treatment, derive legitimate advantages.

"The said reservation should also be expressly stipulated and should not deprive a State not a party to the plurilateral convention of advantages it enjoys either under the national laws of the participating State or under a bilateral agreement concluded by the latter with a third State, itself not a party to the said plurilateral Convention.

"Finally, this reservation should not be admitted in cases in which the State claiming the advantages arising under the plurilateral convention, though not acceding to it, would be prepared to grant full reciprocity in the matter.

"The Economic Committee expresses the view that countries which, with reference to the terms of plurilateral economic conventions, agreed to embody in their bilateral agreements based on the most-favoured-nation clause a reservation defined in accordance with the principles set forth above would not be acting contrary to the recommendations of the World Economic Conference of Geneva, and consequently will not be acting in a manner inconsistent with the objects which the League has set itself to attain."

2. COLLECTIVE AGREEMENTS IN RESPECT OF CERTAIN GROUPS OF GOODS.

The Economic Consultative Committee and the 1928 Assembly having unanimously approved the methods recommended by the Economic Committee for collective action by States with a view to the reduction of tariffs, the latter proceeded to investigate the possibilities of various means of abolishing or reducing tariffs on certain products mentioned in the last report to the Assembly.

**Aluminium.**

A proposal for collective action was made by the German Government. Crude aluminium is subject in Germany to an import prohibition which the Government will be obliged to abolish under the Convention of November 8th, 1927, on Prohibitions. Before introducing duties on crude aluminium, the German Government asked the Governments of the principal producing countries whether they would be prepared to consider concerted action to abolish or reduce the duties on this product. With the consent of the German Government, this question was referred to the Economic Committee, which has examined it on the basis of reports submitted by two of its members.

This enquiry convinced the Committee that, although certain countries were in favour of the German Government's proposal, others showed little inclination to consider it, and others again did not regard it as a matter of urgency, coming so soon after the renewal of an industrial agreement on this subject between all the European producers. In view of this situation, the Committee was forced to conclude that present circumstances are not favourable to the continuation of this enquiry.

**Cement.**

On the basis of a report submitted to it by one of its members, the Committee held that concerted action regarding cement would be of great value, owing to the disparity between rates, and that such action would have some prospect of success. It has therefore conducted a semi-official enquiry among the Governments of the interested countries with a view to ascertaining whether they would be prepared to take part in a preliminary meeting at which the representatives of these countries would examine in common the ways and means of taking concerted action in respect of cement tariffs.

As a result of this enquiry the Committee has ascertained that a large number of countries concerned in the production of, and trade in, cement would be willing to take part in a meeting to examine the Customs regime applicable to cement. In view, however, of the absence of any information as to the attitude of certain Latin-American countries which play an important part in the international trade in this product, the Committee, before taking a decision in regard to the meeting in question, thought it preferable to organise a consultation of cement experts for the purpose of completing the preparatory enquiries. This consultation will take place in the early autumn.

As regards the other products in respect of which collective action is contemplated in its programme, the Committee is continuing its investigations. It has received reports drawn up by some of its members with regard to the de facto situation concerning these products. The exchange of views to which these reports gave rise has shown that it is necessary to supplement the preliminary enquiries. The examination of the question will be resumed at the Committee's next session.
3. COAL.

At its first session held at Geneva in May 1928 the Economic Consultative Committee came to the conclusion that a study of the problems presented by the coal industry might usefully be undertaken, and it recommended, in the interest of consumers and producers alike, that the Council should invite the Economic Organisation of the League to take up the enquiries that have been started in relation to the coal problem and to supplement them as soon as possible by obtaining such advice as it might deem appropriate, in the manner suggested by the Economic Conference. A report should be submitted to the Council in order that the latter might be able to judge whether concerted international action could further the solution of the coal problem.

On June 9th, 1928, the Council referred the recommendation of the Economic Consultative Committee to the Economic Committee and by its resolution of September 21st, 1928, the Assembly of the League at its ninth session expressed "its confidence that the Economic Committee, to which the investigation of the problems relating to coal and sugar were submitted at the instance of the Consultative Committee, will carry through its work with all desirable energy, while not neglecting any of the interests involved, whether of producers or consumers - countries or persons - or the workers ".

The Economic Committee has begun the study of the various international aspects of the problem. It first requested its members, the Secretariat of the League and the International Labour Office, to collect information and statistics which might be of assistance to it. After having surveyed the problem as a whole with the aid of this preparatory material, the Committee appointed a delegation \(^1\) to consult experts familiar with the coal question in all its aspects.

Eleven experts selected from eminent technicians belonging both to consuming and producing countries held a meeting at Geneva from January 8th to 12th, 1929, in the presence of a delegation of the Economic Committee, assisted by the services of the Secretariat, to which were attached officials delegated by the International Labour Office.

As a result of this meeting the Economic Committee decided to continue the enquiry by having recourse to labour experts, but without departing from the technical boundaries which it had assigned for itself. It requested the International Labour Office to suggest the names of these experts; nine of these experts met at Geneva from February 27th to March 2nd, 1929. The same documentation as was submitted to the first experts was laid before them, and they were asked to reply to the same questions.

In the course of these two meetings, the documentation already collected by the Economic Committee was supplemented and brought up to date by means of detailed discussions. These contributed to put the coal problem in its true perspective by bringing out the difficulties which characterise it in a manner often varying in the different countries.

The Economic Committee has not yet completed its work, and it has been recognised that additional consultations are advisable to enable it to carry its enquiries still further, and to arrive at conclusions and formulate recommendations in regard to the possibility and expediency of concerted international action.

Without waiting for the end of its enquiry, the Economic Committee thought it advisable to submit to the Council a preliminary report on the international aspects of the coal problem. \(^2\) This report, a brief summary of which is given below, outlines the situation as it appears from the information so far obtained by the Committee.

During the last decade very rapid progress has been made in the scientific conservation of heat and in the extraction of the maximum of energy from coal burnt. The competition which coal has to face from liquid fuel and hydraulic power has rapidly increased. Owing to this industrial evolution the world consumption of coal has grown to a slight extent only.

On the other hand, the capacity of production of coal has greatly increased. Having been cut off from their normal sources of supply during the war, many States were driven to open up their own deposits. The capacity of production has also increased as a result of the normal progress of the industry and owing to the special incentive which the depression of recent years has given to more scientific and economical methods of production.

The disequilibrium between capacity of production and consumption led naturally to a struggle between the exporting countries to secure new markets or to maintain old ones, and to an endeavour by others to ward off the attacks of foreign competition by entrenching themselves behind protective barriers or to surmount barriers erected elsewhere by employing commercial methods anti-economic in character.

These protective measures have gradually accumulated over a series of years, because each temporary accentuation of the depression has led to the construction of new dikes - and it has proved easier to construct than to dismantle. The general effect of most of these local and temporary accentuations of the depression has led to the construction of new dikes - and it has proved easier to construct than to dismantle. The general effect of most of these local and national measures has been to shift the incidence, while on balance increasing the extent, of the depression of the coal industry as a whole.

In face of these difficulties nearly all the experts agree that the coal problem, as it affects Europe, has elements which are international in character.

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\(^1\) This delegation consisted of: Dr. TRENDELENBURG (Chairman), Sir Sydney CHAPMAN, M. DOLEZAL, M. DI NOLA and M. SERBYS.

It was suggested:

(a) That international agreements between producers should be arranged concerning output, markets and prices;
(b) That a special international committee representative of all interests — Governments, employers, miners, merchants and consumers — should be set up;
(c) That measures should be taken for assimilating, if not equalising, wages, hours and the social conditions of labour;
(d) That the existing artificial restrictions to trade in coal and artificial stimuli to production should be abolished.

In its preliminary report, the Economic Committee confines itself to recording the views expressed, without making any pronouncement upon their respective merits. It is fully conscious of the necessity of taking into account, in any discussion of the measures necessary to remedy the situation, not only the interests of producers, but those of consumers.

4. Sugar.

At its last session before the ninth session of the Assembly (July 1928) the Economic Committee had decided that it was, in the first place, necessary to collect sufficient data with regard to the sugar question to make a worldwide orientation possible. It therefore asked its members, as well as a number of Governments, and also the International Institute of Agriculture, to assist it by collecting information and statistics on a number of detailed questions.

In this manner a most valuable collection of material was received which was reviewed by the Economic Committee at its October session.

The Committee thought it desirable to have this material completed by asking a few experts of world reputation in sugar circles to prepare memoranda on certain subjects. As a result, the following three memoranda were prepared, which together present a comprehensive picture of the world situation:

Dr. Prinsen Geerlangs, of Amsterdam: "The Production of Cane Sugar".
Messrs. F. O. Licht, of Magdeburg: "The Production of Beet Sugar".
Dr. Mikusch, of Vienna: "The Influence of Legislation on the Production, Consumption, Export and Import of Sugar, and the Development of Consumption and the Possible Means of increasing it".

These memoranda were considered by the Economic Committee in January, 1929.

As the Committee stated in its January report:

"Taken together, these papers reveal the fundamental idea that the present situation of the sugar industry throughout the world is essentially due to lack of equilibrium between production and consumption. Hence, the natural conclusion is that, to re-establish equilibrium, either an attempt must be made to increase consumption or production must be reduced or both solutions must be sought.

"It is questionable whether it would be consistent with the rôle of the League of Nations to take any action with the object of checking the natural development of production, i.e., of preventing expansion resulting from the free play of economic forces.

"The development of world production, however, is partly the result of artificial measures of various kinds for which States are mainly responsible.

"An examination of the problem from this point of view would certainly be of great value, as would also a study of the possibilities of increased consumption "."

The documentation now being sufficient, the Economic Committee therefore decided to proceed to a consultation of experts of various aspects of the sugar problem. The Committee has chosen a delegation consisting of the officers of the Committee, Dr. Thendelenburg and Sir Sydney Chapman, and, further, of M. Barboza-Carneiro, M. Brunet (to be replaced in case of absence by Dr. Nederbragt), M. Dvorsak and M. Stucki, to meet these experts.

The first consultation was a meeting with experts of the sugar industry. This took place at Geneva from April 4th to 6th, 1929. Experts from fifteen different countries, all of recognised standing and occupying prominent positions in the industry, took part in the consultation.

The consultation fully achieved its purpose by providing the delegates of the Economic Committee with the data essential to obtain an insight into the position of the sugar industry, the extent of the present crisis and the possible remedies.

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1 Published as document C.148.M.57.1929.II.
During the discussion, which embraced every aspect of the problem, the experts' attention was focused chiefly on two main points, namely, the possibility of stabilising production for a number of years and various measures which might be employed jointly to increase consumption.

The experts having expressed the opinion that an agreement between producers must be concluded before these measures could be put into practice, the delegates of the Economic Committee pointed out that, as regards its attitude towards the conclusion of such agreements, the Economic Organisation of the League must adhere to the principles laid down by the International Economic Conference.

Consequently, it could not assume any responsibility or take any initiative in the matter, but must confine itself to keeping closely in touch with the development and progress of these agreements; it would bear this factor in mind in its final report to the Council on the position of the sugar industry.

In view of the connections that exist between sugar-beet growing and rural economy as a whole, particularly as regards the rotation of crops, the Committee decided to hold also a consultation of experts with regard to beet production. The details of this meeting, which took place on May 13th, were fixed in agreement with the Secretary-General of the International Institute of Agriculture in Rome, who took part in the Committee's discussions.

The Economic Committee hopes, as a result of this second consultation, to be able to submit to the Council a detailed report on the sugar question as a whole.

5. **Unification of Customs Nomenclature.**

Following a decision by the Council, the Secretary-General in September 1928 communicated to the Governments the draft framework prepared by the experts in its new form, with an indication of the lines along which the experts had worked. At the same time, the Secretary-General informed the Governments that the Sub-Committee of Experts was now dealing with the second part of the work entrusted to it, namely, the preparation of a detailed standard nomenclature.

The experts have already prepared the first twenty-five chapters of this draft. In addition to these chapters which, without break in continuity, follow the order of the framework drawn up by them, the experts have prepared, in order to assist the Economic Committee in its work on the reduction of Customs tariffs, a few important chapters belonging to later sections.

It is evident, however, that several sessions of the Sub-Committee will still be necessary before the proposed draft can be completed.

It must be remembered, too, that the experts have not yet touched the most difficult portion of their work. The sections prepared up to the present relate to products of the animal kingdom and of the vegetable kingdom, fatty substances and products of the food-preparing industries and are by no means those which present the greatest difficulties.

The experts will encounter still greater difficulties when they undertake the preparation of the nomenclature, for instance, of the chemical industries, the textile industry and the metal and mechanical industries.

The cognate questions concerning rules for the clearing of goods through the Customs, including in the first place the clearing of composite goods and goods consisting of separate parts, have for long been under consideration by the experts, since a uniform body of rules is needed. The experts have studied the methods followed in a large number of countries, but have not yet been able to agree on any common principles to supplement the classification of these goods and govern its application.

In view of the difficulties experienced, the experts have thought out partial solutions under the various headings. They suggest that they might, before the final detailed nomenclature is prepared, embody these solutions in uniform rules.

The Economic Committee at its April session 1929, also considered the methods which the Sub-Committee of Experts ought to follow in order to complete its task, particularly with regard to the co-operation of interested economic circles, as recommended by the International Economic Conference. The Committee fully realises the need to ascertain the reasoned opinion of the circles interested in this question and, accordingly, to provide them with an opportunity and sufficient time to study any proposals which the Sub-Committee of Experts may submit.

At the present stage of the work, however, the Committee fears that it would be difficult to arrange for such co-operation without the risk of giving rise to vacillation and uncertainty, and so possibly hindering the progress of the already very arduous and complex work which lies before the experts. It would therefore seem desirable to wait until this work has reached a more advanced stage before submitting the results for consideration to the circles interested.

6. **Indirect Protectionism.**

The Economic Consultative Committee drew the Council's attention to the question of "administrative protectionism", and recommended that steps should be taken as soon as possible to put an end to this disguised protectionism, which takes very varied forms.
This question was referred by the Council to the Economic Committee, which examined the possible scope of this enquiry, and questions coming under the term "administrative protectionism". The Committee found that the enquiry should cover all measures — apart from tariffs and prohibitions — which, on whatever grounds they were based, might strengthen protection or hinder the trade of other countries. The Committee thought that the term "administrative protectionism" hitherto used was too narrow to comprise the measures referred to above, and accordingly decided to substitute for it in future the wider term "indirect protectionism". The Committee decided in the first place to prepare as complete a list as possible of the facts which might come within the scope of this definition, it being understood that the inclusion of any fact would not imply the expression of an opinion on the part of the Committee as to whether the fact in question was or was not in accordance with the principles of the equitable treatment of commerce.

The Committee will consider later whether and in what cases suitable measures might usefully be contemplated.

Meanwhile, the Committee has decided to consider forthwith in greater detail the question of provisions which prescribe the affixing of an indication to show the origin of foreign goods. The Committee decided to begin this enquiry, by supplementing the documentation submitted on this subject to the Economic Conference held in 1927.

7. ASSIMILATION OF LEGISLATION ON BILLS OF EXCHANGE AND CHEQUES.

In July 1928 the Secretary-General of the League, in pursuance of a Council resolution, communicated to all Members and to States non-Members of the League, the report and draft Conventions drawn up by the legal experts convened by the Economic Committee to examine the question of bills of exchange, promissory notes and cheques. The object of this communication was to invite Governments to submit before the end of the year their observations and proposals, if any, concerning these drafts and also to ascertain whether, in their opinion, the drafts could be taken as a basis of discussion for an international conference which it was then proposed to hold some time in 1929.

The experts' proposals are designed to unify as far as possible the various laws of the so-called "Continental" type. This term also includes the laws of a number of Latin-American countries, but does not cover legislation based on the Anglo-Saxon system. The only undertaking which States taking part in the future Conference will be invited to assume is to submit to the approval of their Parliaments within a definite period a draft law embodying, as provisions of their national laws, the solutions jointly accepted by the Conference in respect of the various problems connected with bills of exchange, promissory notes and cheques.

Two further draft Conventions have been drawn up proposing common solutions for settling conflicts of laws arising out of points not covered by these common solutions.

Doubtless the delay on the part of the Governments in sending in their observations is due to the complicated nature and multiplicity of the problems raised. Owing to this delay, the Economic Committee has been obliged to give up its intention of summoning the Conference during the present year.

At its session in April 1929, the Economic Committee examined the replies received by the Secretariat from twenty-seven countries. The great majority of these replies are in favour of convening a Conference to discuss the drafts communicated. The Committee already feels that the Conference, if convened, would have every chance of success. It has accordingly requested the Secretariat to draw up, in conjunction with the Chairman of the Committee of Experts, for examination at its next session, a preliminary draft of the preparatory documents to be transmitted to the Governments, together with the invitation to attend the Conference. The Committee has already requested the Council to authorise the Secretary-General, after consulting the Committee, to convene and to fix a date for the Conference.

8. TREATMENT OF FOREIGNERS.

In May 1928 the Secretary-General communicated to the Members of the League the text of a draft international Convention prepared by the Economic Committee and destined to replace bilateral treaties, with their inadequacies and uncertainties, by a plurilateral Convention establishing a positive and liberal system.

The draft was accompanied by an explanatory note referring both to the draft as a whole and to the details of each of the provisions of the Convention (document C.174.M.53.1928.II).

The replies received from the Governments of some thirty countries show with what care the draft has been studied by the competent departments and the great importance attached thereto.

The Secretary-General's letter invited the Governments to inform him whether they considered that the draft constituted an adequate basis for an international Convention and whether they

1 Document C.175.M.54.1928.II.
would be prepared to participate in an international Conference convened to conclude such a Convention. The replies received were practically all in the affirmative.

At its session held in January 1929, the Economic Committee examined the results of the enquiry made by its Rapporteurs into the observations received to date. After discussing the advisability of convening the Conference forthwith and the principles and framework of the proposed Convention, it decided not to modify the original draft Convention and to ask the Secretary-General of the League to use the right conferred upon him by the Council to convene the Conference. At its March session, the Council fixed the date of the Conference for November 5th, 1929.

Accordingly, invitations were sent out on April 10th, 1929, to all the Members of the League and to the principal States non-Members. These invitations were accompanied by a preparatory document including, apart from the draft already communicated, the replies and observations of the various Governments, the general comments of the Economic Committee on these replies, and its comments on each of the articles of the draft Convention, concerning which Governments have submitted observations (document C. I. T. E. 1 / C. 36. M. 21. 1929. II).

9. EXPLOITATION OF THE RICHES OF THE SEA.

The Economic Committee, through its Rapporteurs and the Secretariat, has continued to keep in touch with the Permanent International Board for the Exploration of the Sea at Copenhagen — mainly with the qualified representatives of that organisation — and the co-operation agreed upon between the Permanent Board and the Economic Committee has thus been maintained.

These exchanges of views have already enabled the Committee to realise that it is only in regard to baleenoptera in general and to certain varieties in particular that it might be called upon to recommend international measures for the direct or indirect protection of this class of marine fauna, with a view to avoiding any considerable reduction in these natural riches, the exploitation of which has greatly increased of recent years. Nevertheless, the Committee's investigations are not yet sufficiently advanced to enable it to make any concrete proposals in this connection at the moment. It intends first of all to summon a meeting of experts, nationals of countries particularly interested in the question, and specially qualified to give their opinion on a matter which involves numerous delicate and complicated problems.

10. PREVENTION OF SMUGGLING IN GENERAL AND THAT OF ALCOHOL IN PARTICULAR.

On September 24th, 1928, the Assembly, on the proposal of the Finnish, Polish and Swedish delegations, adopted a resolution requesting the Council to invite the Economic Committee to examine the terms in which Conventions might be drawn up for the prevention of smuggling in general, and that of alcohol in particular, and to submit any proposals to the Council.

On September 26th, 1928, the Council instructed the Economic Committee to carry out this investigation, and the question was considered at the October session of that Committee. After collecting preliminary documentation concerning the most recent and most typical Conventions in force for the prevention of smuggling in general, and that of alcoholic beverages in particular, the Committee requested one of its Rapporteurs on this question to get into touch with the experts appointed by the Finnish Government for the purpose of obtaining special information as to the actual conditions under which smuggling is being carried on in the riparian Baltic States, notwithstanding the existence and entry into force of the Helsingfors Convention concluded on August 19th, 1925, between those States.

This consultation has taken place and the Committee has been informed of certain proposals made by the Finnish experts. These proposals are being investigated. The Committee has also requested the Secretariat to ask the Polish and Swedish Governments unofficially for particulars of the scope of the proposal submitted by them, in conjunction with the Finnish Government, to the ninth session of the Assembly. Finally, and at the latter's request, it has decided to consult other experts concerning certain particularly delicate problems raised by this question. It thus hopes to be in a position to submit very shortly to the Council a detailed report and the conclusions reached.

11. COMMERCIAL ARBITRATION.

The Protocol concerning Arbitration Clauses, 1 opened for signature to all States Members and non-Members of the League of Nations on September 24th, 1923, has been ratified, during the period covered by this report, by France, Japan and Switzerland. In the same period, it has been signed on behalf of Estonia and Nicaragua.

1 See document A.83.1923.II. — Annex.
This agreement, therefore, has now been signed on behalf of thirty countries and put into force as between eighteen countries \(^1\) without counting the numerous British colonies, protectorates or mandated territories.

The Convention on the Execution of Foreign Arbitral Awards, opened on September 26th, 1927, \(^2\) for signature by all countries signatory to the 1923 Protocol has been signed by twelve countries and has been ratified on behalf of Belgium, Denmark and New Zealand.

Article 8 provides that the Convention will come into force three months after ratification by two of the High Contracting Parties. This time-limit has not yet expired.

The delay on the part of States in making use of the possibility afforded them under this Convention of ensuring, on behalf of their nationals, the execution of foreign arbitral awards is probably due, in the case of several States, to the necessity for making certain changes in their laws. In other cases, the delay may be due to the difficulty of including in the agenda of their Parliaments the Bill required for ratification.

### 12. International Industrial Understandings.

As regards international industrial understandings, on which the Economic Conference of 1927 and the Economic Consultative Committee in 1928 had drawn up detailed recommendations, the Assembly during its session held in 1928, adopted the following resolution:

> "The Assembly hopes that the Economic Organisation will be able to expedite, along the lines of the recommendations of the World Economic Conference and the Consultative Committee, the study of various aspects of the problem of international industrial understandings — in particular, the status of such understandings, their juridical forms, the legislation controlling them and the publicity concerning them."

In the opinion of the Consultative Committee, as stated in its report on the session of May 1928, the best way of approaching the general question of industrial agreements was to study the development of the forms of organisation and the legal framework within which that development is taking place.

In the economic history of the last fifty years, the growth of the various forms of economic association and the development of the rules of law which govern them have been proceeding on parallel lines and now tend to converge. Even where the letter of the law has remained unchanged, a more or less satisfactory adjustment is taking place owing to the development of case law and the introduction of administrative practices.

A comparative study of these succeeding changes reveals the nature of the relations between economic associations and public authorities, in their capacity as guardians of the interests of the public. These rules constitute, often for different and entirely opposite reasons, the main problem in all quarters, whether among producers or consumers.

With the gradual increase in the number and importance of agreements covering several countries, the problem is transferred from the national to the international field. But here again it seemed necessary, before attempting to frame policy, to make a legal and economic enquiry with a view to determining how far and in what form—whether by legislation, judicial or administrative measures, or by the growth of common law—the countries in which agreements play an important part are carrying out the two fundamental principles: namely (1) free development of agreements as an essential factor in economic progress and (2) the possibility of intervention to safeguard the interests of the public where the economic power of the combination is being misused.

For this reason and other reasons which follow, the Economic Committee decided to begin with the legal questions.

Taking as a starting-point an interesting paper submitted to the Economic Conference—which the Secretariat supplemented by a series of communications from members of the Economic Committee and the most important recent publications—the Committee instructed the Secretariat to investigate the legal aspect of cartels and, for this purpose, sought the assistance of three legal experts from Germany, France and the United States of America. This selection was made with the object of bringing together exponents of the three most characteristic and important legal systems.

With the help of these experts, the Secretariat is to undertake preliminary work for the Economic Committee by verifying and completing the material already collected and by drawing up "a preliminary statement on the character and development of the principles on which the laws in force in the different countries are based, and in particular on the standpoint at present adopted, as expressed not only in the legislative texts, but by jurisprudence and administrative practice."

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1. I.e., Albania, Austria, Belgium, British Empire (for Great Britain and Northern Ireland), Denmark, Finland, France, Germany, Greece, Italy, Japan, Monaco, Netherlands, New Zealand, Norway, Roumania, Spain, Switzerland.
2. See document C.650.M.220.1927.II.
Meanwhile, the Economic Committee has not lost sight of the other enquiry recommended by the Consultative Committee in regard to the form, subject-matter and economic rôle of industrial agreements.

Under its direction, the Secretariat has made the most extensive investigations possible, but it has, of course, only been able to use information which is public property, such as that contained in published articles of association, in communiqués and in technical and other reviews.

The difficulties encountered in the course of these enquiries have made it clear that, with few exceptions, the information thus obtainable does not enable any conclusions to be drawn which would really be based on the essential features of the various agreements and on the part they play in economic life.

It would seem, therefore, that in the future, whilst the enquiries already started would be continued and extended, it would be necessary to select a few characteristic examples from among the most important industrial agreements and to see what means can be devised of making a thorough analysis of their form and economic rôle.

13. CAMPAIGN AGAINST THE DISEASES OF ANIMALS AND PLANTS.

(a) Diseases affecting Animals.

The result of the first part of the experts' work is embodied in a preliminary report (document C.525.M.155.1928.II), the chief conclusion of which is that considerable progress towards the re-establishment of mutual confidence regarding the sanitary situation would be made if all the States interested would agree to organise their veterinary services and publish their sanitary bulletins in accordance with the rules laid down by the experts and with due regard to the work of the International Office for Epizootic Diseases. The Sub-Committee thinks that these common rules might perhaps furnish the basis for an international agreement.

The experts fully understood that it was their duty, not merely to lay down the guarantees which countries exporting live-stock could give, but also to investigate the facilities which, on the basis of such guarantees, importing countries could grant.

A second enquiry was accordingly decided upon, this time into the measures in force in the different countries for the import, transit and export of animals and raw products of animal origin, and a new questionnaire was drawn up for this purpose.

At the request of the Economic Committee, the Council sent the experts' first report to the Governments for their opinion, at the same time asking them to reply to the questionnaire mentioned above. A large number of countries have already sent replies, which show that their Governments are favourable to the experts' conclusions regarding the organisation of veterinary and information services; the experts will therefore shortly be able to resume their work.

They then propose to study the very important problem of the inspection of meat intended for export—for which they have secured the assistance of qualified technical experts belonging to some of the large meat-exporting countries. Three specialists—one each from the Argentine, Uruguay and New Zealand—have been invited to take part in those meetings of the Sub-Committee at which this particular question will be discussed.

(b) Diseases affecting Plants.

The Economic Committee is also anxious to take up as soon as possible the study of the economic aspects of the campaign against epiphytes, in particular of the possibility of reconciling the requirements of this campaign with the legitimate demands of the export trade.

It had, however, been informed that the International Institute of Agriculture was planning an international conference at Rome for the purpose of drawing up a new convention on the protection of plants, to replace that of 1914, which could not be put into force. The Committee therefore thought it wiser to await the results of this conference in order to ascertain its views on the protection required by plants against disease. The Conference was held from April 10th to 16th, 1929.

The results of this conference will at the same time furnish the scientific and technical data required for the further work of the Economic Committee, which will consist in reducing, on the basis of the guarantees recommended by the Conference, the difficulties sometimes caused to the development of international trade in plants by the application of phytopathological measures, which are perhaps too strict.

14. ECONOMIC TENDENCIES AFFECTING THE PEACE OF THE WORLD.

On June 9th, 1928, the Council decided to refer to the Economic Committee and the Financial Committee the question of economic tendencies affecting the peace of the world. It accordingly adopted the following resolution:

"The Council,

"Instructs the Economic and Financial Committees to undertake, as soon as circumstances allow, and on the lines suggested by the Consultative Committee, the study which that
Committee demands ‘of some of the more important principles and tendencies in financial
and economic policy and practice which tend to create or to destroy conditions favourable to
peace ’.

In pursuance of this resolution, the Economic Committee carried out a preliminary examination
of the question, with a view to determining more particularly in what manner and by what methods
it could ensure that the study thus requested should be of the comprehensive character demanded.

The Economic Committee felt that this attempt to determine the influence which certain
economic tendencies may have on world peace would usefully supplement the studies undertaken
by it from the standpoint more particularly of general prosperity.

The Economic Committee considered, however, like the Economic Consultative Committee,
that the subject was not at the present stage suitable for the treatment pursued in other cases,

namely, an expert enquiry leading immediately to international conferences and conventions.

It thought that, before such a procedure could be adopted with success, much preliminary study
was desirable, in addition to unofficial discussions with a view to awakening public interest and
educating public opinion.

With these various objects in view, it suggested that it would be well to get into touch both
with universities and with other institutions which encourage and direct research into questions
of international interest.

As a first step in this direction, the Committee requested two distinguished economists,
Professors Bonn and Siegfried, to undertake a preliminary study of the question. It proposes
subsequently to consult other economists in order to ascertain the points of view of other parts of
the world.

After these consultations it will determine its further procedure, which will include placing
itself in contact with the appropriate institutions, and the publication of a suitable general
statement.

B. WORK OF THE ECONOMIC CONSULTATIVE COMMITTEE.

The Economic Consultative Committee held its second session at Geneva from May 6th to
11th, 1929. As a result of this session it submitted to the Council the following report which
summarises the work done during the past year:

1. SURVEY OF THE YEAR’S ECONOMIC POLICY.

The policy of the World Economic Conference, which in 1927 was approved by a large number
of nations in declarations made either before their respective Parliaments or at the Assembly
of the League, and was strongly supported by a number of international organisations, has
continued during 1928 to receive fresh support from international bodies, which have passed
resolutions in support of its proposals.

While the resolutions adopted by the Conference have thus secured, in principle, prompt and
general acceptance, it is inevitable that the putting into effect, whether by national or
by international action, of a policy covering so wide a field should take considerable time. As
regards tariff policy, the Consultative Committee was able to report a year ago that the upward
movement of tariffs had been checked by the mobilising of opinion at the Economic Conference, and
that a beginning had been made with stabilising the situation by means of commercial treaties.
During 1928, the check to the forces which are continuously being exerted in every country in favour
of greater protection has persisted, but it cannot be said that there is as yet “a move in the opposite
direction”. The tariff changes during the year include a number of increases in rates of duty,
notably in the case of sugar, as a result of the over-production of that commodity. On the other
hand, a few more prohibitions have been removed—for example, by Germany and Sweden—and
a certain number of duties have been lowered. In Germany, where, as the Committee reported
last year, the Economic Committee of the Reich had proposed methods of carrying out the World
Economic Conference policy, a certain number of duties which had been imposed in recent years
either for currency or other reasons, or as fighting duties, will be wholly or partially eliminated from
the tariff. Persia and China, which have both acquired Customs autonomy during the year, have
introduced new tariffs, while Spain, Peru and Chile have made a general revision; the only clear
conclusion which can at the moment be drawn from these modifications is that the Peruvian
tariff has been somewhat reduced.

This situation has not been appreciably modified by bilateral negotiations during the year. The
making of commercial treaties has proceeded actively, the total for the year being forty-two as
against thirty a year ago.
With one exception, these treaties, following the precedent of 1927, all embody the most-favoured-nation clause—in most cases in an unlimited form. These agreements, however, have not appreciably modified the tariff situation owing to the fact that few of them contain actual tariff provisions. Indeed, a number of agreements have been made during the year to abolish the existing consolidations of duties, thus giving the nation concerned the right subsequently to raise the tariff if it thinks fit. Another feature of the year, moreover, is that these treaties are still for very short periods only—indeed, in most cases for not longer than a single year. This means that the situation remains open, for the short currency of existing treaties affords frequent opportunity of revision. The treaty system has been revived, but it is felt that the question of the future level of tariffs is still unsettled. In this connection, the uncertainty regarding the direction of fiscal policy in Great Britain, whose market is of great importance to Europe as well as overseas, is at the moment a factor tending to create apprehension.

There is also a factor in Central Europe to be borne in mind. The network of commercial tariff treaties has been largely re-established in Europe, but there remain important gaps.

It has sometimes been suggested that the formation of industrial ententes might have considerable influence upon commercial policy. It is safe to say, however, that in 1928 no cartels of fundamental importance in regard to certain raw materials or necessaries of general consumption were formed. Efforts were primarily directed towards improving existing treaties, consolidating the position of cartelised industries, and finding means to settle difficulties due to a number of internal obstacles which are inherent in the nature of most cartels. For these and the other reasons described in the following chapter, cartels have on the whole tended to stabilise rather than to modify the tariff position.

Again, the World Economic Conference contemplated that a recognition of the interdependence of industry and agriculture might lead to a modification of industrial protection. This has happened in Sweden, for the Committee was informed that the influence of agricultural interest had been instrumental in preventing a proposal to increase protection for the Swedish iron and steel industry. In some other countries, however, where agriculture has received additional protection, the pressure of agricultural interests to reduce the high level of industrial protection has been weakened.

To sum up, the net result of all these influences has been to leave the tariff situation on the whole very much where it was a year ago, though there are signs in certain countries of a tendency not to reduce but to raise the level of protection. Much depends, however, on the character of the new tariffs which will be adopted in Brazil, Egypt, Finland, Mexico, Portugal, Roumania, Spain, Turkey and the United States of America, where tariffs are now under consideration. The Commission which has been sitting on this question in Roumania has recommended an almost general reduction of duties. It is not yet known what attitude the Government will take on this scheme. The direction of the changes to be made in most other cases is al-o not yet known, but there must be offset against any downward movement that might take place in smaller countries the prospect of still higher duties in the United States. Details of the United States proposals are not at present available, but reports indicate that they will involve a number of substantial increases. It is noteworthy that the proposals for the most sweeping increases of tariffs should come from those nations whose tariff indices are already among the highest in the world. Among other countries the protectionist pressure is not at present taking the form of a demand for general upward revision, but for changes here and there. The effect of this is not as yet sufficient to upset what appears to be (apart from the important exceptions already mentioned) a temporary condition of equilibrium. But if the pressure continues, these converging movements may have a cumulative effect and make the position of low-tariff countries difficult. Indeed, if the tendency is not checked, it must sooner or later lead to the position which prevailed before the Conference of 1927; the world would then be faced with another period of tariff competition instead of a steady reduction towards a state of equilibrium at a lower level.

In this connection, it may be useful to draw attention to the fact that the tariff measures adopted by the big producing States exercise a far greater influence on the average level of world tariffs than any protection established by smaller States, and that even uncertainty regarding the intentions of countries which dominate international production or trade is likely to retard the tariff reductions hitherto contemplated by other States.

On the other hand, the Committee gratefully recognises the further progress that has been made towards peace in the political field, which should remove one important cause of the existence of trade barriers, namely, the desire of countries to use protection for the purpose of fostering industries which are deemed necessary in the interests of national defence.

As for collective and concerted action, it is a matter within the competence of the Economic Organisation of the League, which has actively endeavoured to carry out the great programme of work which was detailed in our report of last year. In this task, the Economic Organisation...
has achieved a considerable number of definite and important concrete results, which, if adequately supported by the various nations, will contribute substantially to the improvement of international economic relations and of world trade. A detailed statement on this subject as well as on the other numerous activities of the Economic Organisation will be found in the following chapters.

Before proceeding to make its own observations on these and other questions which have come under its purview, the Consultative Committee desires to put on record its appreciation, not only of the heavy responsibility, but also of the heavy tax on their time and energy which this extensive programme of work has imposed and will continue to impose upon the members of the Economic Committee, and to acknowledge with gratitude the great progress which—with the help of the various experts whom they have called into council—they have made in so many fields of international activity.

The Committee again expresses the hope that the execution of this programme will not at any time be hampered or delayed by inadequate means or for budgetary reasons.

2. Commerce.

The Economic Consultative Committee took note in the first place of the stage reached in regard to the various problems raised by the 1927 Conference, in connection with some of which the Economic Committee has carried out technical work of high importance. The Consultative Committee made various proposals regarding the best way of continuing and developing these investigations, and accepted certain new suggestions submitted during the session.

1. Treatment of Foreigners.

The Consultative Committee notes that a Conference for the conclusion of an International Convention on the Treatment of Foreigners is shortly to be convened, and desires to state that it approves the draft that has been prepared for that Conference as a basis for discussion. It is convinced that most beneficial results will accrue from the solution of a problem which is at the present time one of the vital factors in the restoration of international economic relations.

Noting the inadequacy of certain bilateral negotiations which in this matter have only resulted in precarious compromises, and also the perplexing diversity of the doctrines on the basis of which other bilateral agreements are at present being prepared, the Consultative Committee wishes to declare its opinion that nothing short of the general adoption of a principle of law on a basis acceptable to all countries, whatever their juridical outlook or economic situation, will guarantee that improvement of conditions which has repeatedly been demanded since the war and which was the object of recommendations by the League itself in 1923 and 1925.

It feels confident that Governments, in endorsing such a judiciously limited charter on the subject of establishment as that now submitted to them, will endeavour to prepare the way for a return to the freedom of circulation and establishment which, generally speaking, formed the basis of their laws before the war.

2. Import and Export Prohibitions and Agreements relating to the Exportation of Hides, Skins and Bones.

The Consultative Committee, having noted the Supplementary Agreement concluded in July 1928, is gratified to find that, thanks to the goodwill displayed by the Governments represented on that occasion, most of the reservations previously submitted have been withdrawn and that the few minor reservations now added are not such as to detract from the practical value of the 1927 Convention.

That Convention embodies the first collective agreement directly affecting the commercial interests of a large number of States. As soon as it is ratified, it will put an end to a series of abnormal practices which developed particularly after the war and constitute a serious obstacle to international trade. This will represent a decisive step towards the re-establishment of freedom of trade which was the rule before the war, and which the Economic Conference explicitly indicated as a preliminary condition of any effective action for the reduction of economic barriers.

The Consultative Committee trusts that States will consider it their duty to apply the provisions of the Convention in a conscientious manner and that they will refrain more particularly from establishing import monopolies and from other similar measures calculated to weaken in any way the normal working of the agreement.

The Convention will also have the effect of preventing the use of prohibition as a weapon in economic negotiations.

The Convention requires ratification by eighteen States before September 30th next in order to bring it into force. It has only received actual ratification so far by two States, although information before the Committee justifies the hope that the deposit of ratifications from a number of other States will shortly be received. The Committee feels bound, therefore, to address an urgent appeal to all the Governments concerned to give actual effect to the adhesion implied by their signature.

The Consultative Committee does not doubt that the Governments are fully alive to the responsibility they have thus assumed, and accordingly trusts that the League’s work on this question will have a successful outcome.
It desires to point out on this occasion that the fate of the two international Agreements designed to ensure the free exportation of hides, skins and bones is bound up with the fate of the main Convention.

After having thus recorded the promising results of these two international Conferences, the Consultative Committee desires to emphasise that it would be regrettable for the application of these Agreements, which represent the first attempt at collective action in the matter of commerce, to be deferred solely on account of local and transitory circumstances. A failure in this direction would inevitably have an unfavourable influence on the progress of opinion in regard to international commercial policy.

The Consultative Committee desires accordingly to stress the fact that the appeal which it now addresses to the Governments, in the present report, to ratify without delay the Convention relating to prohibitions applies also to the two Agreements relating to the free exportation of hides, skins and bones; such ratification, if it is to ensure their entry into force, must be effected before July 1st of this year.


The introduction to the present report contains a statement of the present situation in tariff matters as well as the lessons that may be drawn from it. It will therefore suffice for the moment to examine — exclusively from the point of view of the measures to be taken to encourage a policy of tariff reduction — the various suggestions submitted to the Committee which it has thought especially worth retaining.

The Consultative Committee recognises that the recommendations of the World Economic Conference in favour of individual action by States, as a means of securing the reduction of tariffs, are as yet far from being completely applied, notwithstanding the declared acceptance of the principles laid down by that Conference by the great majority of the countries of the world. It accordingly desires to call attention to the steps which have been taken by certain countries to conduct an examination of their general economic position, including necessarily that of their commercial policy.

It believes that there exist trade barriers which on examination will prove to constitute in fact such heavy and permanent burdens upon the general industrial and agricultural productivity of the country which imposes them as to call for immediate revision in the domestic interests of that country alone.

It also notes that some countries have found it advantageous to abolish duties that had ceased to serve any purpose, either from the protective or from the fiscal point of view.

The Committee would accordingly suggest that other countries should consider the desirability of instituting enquiries similar to those referred to above as a first step in the direction of autonomous action for a general reduction of agricultural and industrial tariffs when such is found to be possible.

The Consultative Committee would further recommend to the attention of Governments the desirability of conforming as far as possible to the doctrines of the World Economic Conference when submitting tariff Bills to their Parliaments. If Governments would adopt such methods and if they would consider how far they were able to include in the presentation of tariff Bills to Parliament some reference to the international effect of such Bills, the result might be expected to have an important effect in preventing one country from misinterpreting action taken by another.

The Committee's attention has also been drawn to the necessity of examining problems of production in combination with problems of commercial policy whenever occasion arises. The chief points brought out in the discussion were as follows:

Every State, when asked to give tariff protection to a particular branch of production, should take into account, in accordance with the principle of the 1927 Conference, the normal possibilities of existence and development of that branch, not excluding from consideration the exigencies of its own demographic structure, the conditions of employment and, generally speaking, all the elements of a sound economic position.

Taking into account these factors, it can be stated that it is dangerous to establish branches of industrial or agricultural production when the necessary conditions for their maintenance are lacking, and this argument is strengthened if we consider the large-scale production necessary under modern methods of manufacture.

Excessive protection may run counter to the interests of the industry it seeks to protect, since it may lead foreign producers to come and settle in the country itself, thus transporting within the country the competition which they had previously conducted abroad only (though it should be added that the view was also expressed that there are advantages in such development).

The same conditions cause wastage of capital and, consequently, a rise in the rate of interest on the international market.

In interpreting the arguments in the preceding paragraphs, account should, of course, always be taken of the provisos and reservations necessary to meet the just demands of States which are still at an early stage of their industrial evolution and do not wish their free development to be hampered.

Finally, the Consultative Committee considered the relations between tariff policy and the existence of international organisations such as combines and cartels intended to rationalise production or distribute products. It was suggested that these combines do not as a rule make for tariff reduction unless the parties they bring together are of approximately equivalent strength.
and are anxious to develop their strength by means of technical improvements rather than by Customs protection.

Experience has shown, it was argued, that the regulation of competition which results from industrial agreements does not invariably lead the parties to consent to tariff reductions, since combines are often concluded on the basis of the commercial possibilities resulting from the protection afforded by the existing tariffs, and a change of tariffs modifying these possibilities would be regarded as jeopardising the combine itself.

Moreover, if the combine brings together parties of unequal competitive powers, they will consider themselves justified in claiming different protective rates to preserve their home markets.

It was represented that combines, when intended mainly to stabilise the existing output, would preclude the process of natural selection which should follow from the open competition promoted by the reduction of tariffs.


The Consultative Committee is following with the keenest interest the Economic Committee's efforts to bring about collective action on the part of the various Governments for the reduction of Customs tariffs on certain specific groups of commodities.

The Economic Committee has already placed to its credit two practical successes of considerable importance in connection with export duties on bones and on raw hides and skins. This is an excellent start, though it may be pointed out that the problem of export duties is certainly less complicated than that of import duties, especially where the latter are protective in their purpose, and that, in the two cases mentioned, the ground had already been to some slight extent cleared by the international Agreement sanctioning the abolition of import and export prohibitions.

These remarks are not made in any critical spirit; on the contrary, the Consultative Committee has nothing but praise for the Economic Committee’s success in profiting by the connection between the two regimes to push it to its logical conclusion, to take a by-no-means negligible step towards alleviating tariff burdens, and to demonstrate by example that collective action is possible even in the highly controversial sphere of duties.

It appeared that, by extending its study to other groups of commodities, the Economic Committee has encountered considerable obstacles, among which must be mentioned as a special sign of the times the existence of certain international combines. These, of course, could only be established on the basis of existing Customs regimes.

Criticism has been made from different quarters as regards the practical value of the method of what is termed “collective action by groups of commodities”. The three chief objections advanced against this method are the following:

(a) In each country the tariff is drawn up on a general plan which has to be adapted to the economic structure of that country. Any action arbitrarily restricted to one particular group of commodities, and aiming at reducing protection given to them, will upset the balance of the whole and give rise, so far as concerns the degree of protection granted, to arbitrary discrimination in favour of some and against others.

(b) Secondly, the Economic Committee's efforts will naturally be directed, by preference, to simple commodities which have undergone very little transformation, and in particular to semi-finished goods. These in their turn, however, are raw materials for the various groups of finishers who make use of them. If we reduce the protection granted to these semi-finished goods without at the same time reducing the protection granted to the finished goods made from them, we shall be to that extent increasing the degree of protection granted to the latter. We are thus faced with a dilemma: either we cannot carry out the reduction on the basic category, or else we shall be led on to apply it to all the subsequent stages of the finishing process.

Moreover, if the consuming industries do not take part in the discussion on the duties on commodities which, from their point of view, are raw materials, then we are depriving ourselves of the support of those who are most closely interested in our success.

(c) Having regard to the differences in the economic structure of the various countries, the essential function of international trade consists in the exchange of different categories of commodities. It is this fundamental fact that makes possible the conclusion between different countries of commercial treaties on the basis of mutual concessions. It is not too much to say that this simple fact is an inestimable force for good, thanks to which protracted interruption of commercial relations between two countries is impossible, since within either country the classes which represent interchangeable categories of commodities exert pressure for the conclusion of agreements.

At first sight, therefore, it seems far from easy — though by no means impossible — to find within a single group of commodities that compensatory factor which ultimately underlies every commercial agreement.

These criticisms are to a great extent justified and merit the Committee's full attention, but they can in the last resort be reduced to a single principle: that it is not possible to examine the treatment given to a certain class of commodities without being, sooner or later, carried on to examine the treatment of other categories, especially those akin to the first category.

This principle is perfectly correct, but we should hardly be doing justice to the experience and capacity of the members of the Economic Committee if we imagined that this idea was not present in their minds when they decided to undertake the experiments in question.
On the contrary, we are bound to agree that these localised explorations, dealing, one by one, with commodities of very great importance in the general volume of international production and trade, seem to represent at the present time the best method of obtaining a reliable idea of the existing possibilities of reducing tariff barriers by means of multilateral agreements. They have also the great advantage of causing the leaders in the principal industries to take an interest in the work of the Economic Organisation of the League.

In this highly complicated matter, it is important that the Economic Committee should be left the greatest possible freedom of action, and should not be hampered in its work by reason of any illusory idea that every exploration undertaken will promptly lead to a reduction of the tariffs in question. On the contrary, it is essential to realise the extreme difficulty of the problem and the necessity of proceeding with a certain degree of caution.

In any case, nothing that the Committee may do in this direction should interfere in any way with the bilateral or autonomous action of the various countries, which has so far been found to be the most serviceable instrument for reducing Customs duties.

The Consultative Committee is confident that the Economic Committee, in the course of its future work, will bear in mind the inter-relations to which allusion has been made. It trusts that, instead of strictly confining its enquiry to one particular section of production, the Economic Committee will welcome any information, even outside the field it is considering, which may seem to offer possibilities of success and, more especially, to introduce that element of compensation between the divergent agricultural and industrial interests of different countries of which it is essential to take the fullest advantage.

The Consultative Committee meanwhile recommends that business conferences representative directly of the producers, traders and consumers of somewhat more comprehensive groups of articles should be arranged. While leaving the choice of such groups of commodities and the details of the procedure to the Economic Committee, the Consultative Committee suggests that, as the first commodity group, there should, if possible, be selected one of substantial importance not only to industry but also to agriculture, such, for instance, as agricultural implements and machinery.


The World Economic Conference recommended, in regard to commercial policy, reforms which aimed at granting greater facilities to international commerce. The Economic Committee, upon which fell the difficult duty of preparing for the carrying-out of these reforms, is pursuing this task — as the Consultative Committee notes with satisfaction — in the true spirit of the Conference’s recommendations.

The Consultative Committee at its first session approved the Economic Committee’s conclusions regarding tariff systems and contractual methods.

The principles of commercial policy thus proclaimed by the Economic Committee are in perfect harmony with the spirit of the resolutions of the Economic Conference and, if they were applied by States, they would furnish international commerce with that minimum of security which it requires for its normal development. The Economic Committee’s work in this sphere has received the seal of the approval expressed by the Council of the League of Nations since the last session of the Consultative Committee.

Accordingly, the Consultative Committee strongly urges the Governments to adopt the principles enunciated by the Economic Committee.

Further, in order to satisfy the legitimate requirements of international commerce, the autonomous tariff policy of Governments, adapted to the principles laid down by the Economic Committee, should in the contractual sphere be accompanied by a policy based on the Committee’s conclusions in regard to most-favoured-nation treatment.

The Consultative Committee fully concurs in the Economic Committee’s opinion that the unconditional and unrestricted clause alone affords the maximum of benefits and guarantees in Customs matters, and that it should be recommended as a fundamental stipulation destined to form the basis of international economic relations.

It notes that the Economic Committee has prepared a body of doctrine containing the principles which should be followed with regard to the field of application of the clause in Customs matters, the methods of its application and the exceptions that can be admitted. It considers the model formula proposed by the Economic Committee to be calculated to dispose of many of the disputes to which the application of the clause has hitherto given rise.

The different Governments have now been asked to pronounce upon these proposals embodied by the Economic Committee in its report, as approved by the Council. The Consultative Economic Committee hopes that the answer will be given without delay and thinks, further, that the States should be invited to say at the same time whether they would be prepared to conclude an international agreement on the subject which would convert the Committee’s recommendations into binding obligations. It is noted that the Economic Committee is now engaged in perfecting its work and is further examining certain aspects of the clause in connection with various practices which have been brought to its notice as possibly not consistent with the idea of the clause and its loyal application.

The Consultative Committee is of opinion that the application by States of the doctrine enunciated by the Economic Committee with regard to most-favoured-nation treatment would help to improve the economic relations between peoples.

The high tariffs of countries which, while not prepared to effect any reduction in their
own duties, claim the unconditional application of the most-favoured-nation clause, tend to make other countries hesitate to include important reductions of duties in bilateral treaties concluded by them.


The World Economic Conference recommended that States should refrain: (1) from making frequent or sudden changes in their Customs duties; (2) make as wide a use as possible in their commercial treaties of the guarantees of stability afforded by the consolidation of duties; (3) conclude these treaties for as long a period as possible.

The Economic Consultative Committee notes that these resolutions have not as yet passed beyond the stage of recommendations and have not been followed up by a thorough study or by the establishment of a method likely to facilitate their serious examination by Governments. Now that the problem of the stability of Customs tariffs has in nearly all countries been set free of the complications caused by fluctuating exchanges, we may contemplate solutions of a permanent nature capable of restoring conditions similar to those enjoyed by international commerce before the war, and accordingly the time would seem ripe to attempt to give effect to the resolutions of the Conference on this matter.

The Economic Consultative Committee therefore recommends that the Economic Organisation of the League of Nations should make a study of the methods, autonomous or contractual, according to circumstances, best suited to ensure greater stability of Customs tariffs, it being understood that the search for formulae would be supplemented by the establishment of some procedure which would facilitate the use of these formulae by States.

7. Customs Formalities.

The Economic Consultative Committee attaches the greatest importance to the ratification of the International Convention relating to the Simplification of Customs Formalities, signed at Geneva on November 3rd, 1923, and to the effective application of the recommendations adopted by the Conference.

Not only is the simplification of Customs formalities a prerequisite for the development of international exchanges, but there is the danger that efforts designed to promote the stability or reduction of Customs tariffs may not prove entirely effectual unless parallel measures are taken to facilitate those efforts and to ensure the strict and loyal enforcement of the Conventions and agreements concluded.

The Consultative Committee desires in this connection to formulate the following recommendations:

1. That those States which have not yet ratified the Convention should consider the possibility of doing so as soon as possible.

2. That the Contracting States, in conformity with the provisions of Article 9 of the Convention, should furnish within the time-limits laid down the triennial summary of the steps which they have taken to ensure the enforcement of the Convention.

3. That steps should be taken to enable a comprehensive survey of the position to date in the various countries in consequence of the application of the Convention to be submitted at the next meeting of the Economic Consultative Committee.

4. That the Economic Organisation should consider whether certain of the recommendations contained in the Final Act of the Conference might not now be converted into specific provisions, in such a way as to confer on the texts in question the sanction of a formal undertaking by States.

8. Indirect Protectionism.

The value of the Convention on Customs Formalities just referred to has been still further proved since the Economic Committee undertook its enquiries concerning indirect protectionism.

Further, advantage may be taken of the necessary delay in the evolution of tariffs proper to pursue the study of indirect forms of protection, and the fact that practices of the kind generally depend upon the internal legislation of States is a favourable factor. These practices have not been consolidated by means of commercial treaties, and an end can therefore be put to them at any time.

The Consultative Committee therefore urgently requests that enquiries into the matter of indirect protectionism should be pursued with all diligence, so that the conclusions and the measures which they prompt may be adopted without delay.


The Consultative Committee would again stress the great importance which it attaches to this branch of the Economic Committee’s work both for its immediate value and for the assistance that it will afford to the Committee in connection with its other activities, especially those relating to tariffs.
It accordingly recommends that the Economic Committee’s work on Customs nomenclature should be pushed with vigour.

It is sure that, in pursuing this task, the experts will bear in mind the great desirability of establishing as simple a nomenclature as the growing multiplicity of industrial products and the technical requirements for the application of such a nomenclature allow.

The Committee feels obliged, moreover, to stress the necessity of avoiding an excessive number of specifications, for the further reason that it might weaken the value of the most-favoured-nation clause, which, as already stated, the Committee is anxious to see applied in all its amplitude.


In the matter of commercial arbitration, the Consultative Committee notes that the instruments for the ratification of the Convention of 1927 for the Execution of Foreign Arbitral Awards have been deposited by three countries: Belgium, Denmark and New Zealand.

This Convention will therefore come into force very soon.

The Consultative Committee—following the footsteps of the Council—avails itself of this opportunity to remind the various countries that this Convention is only the complement of the 1923 Protocol on Arbitration Clauses, that it is only open to countries signatories of that Protocol, that its usefulness will increase in proportion to the number of countries that apply it, and that all the contracting parties to the Protocol will only enjoy the full benefit of the provisions of the latter when they have acceded to the Convention.


Twenty-seven States have informed the Secretariat that they consider that the proposals submitted by the Economic Committee for the purpose of establishing a form of model law with regard to bills of exchange, promissory notes and cheques, and for the solution of the conflict of laws which the disparity of national laws might engender, may be taken as a basis for the discussions of an international Conference.

It is therefore hoped that the Economic Committee will be able, at its next session, to draw up the preparatory documents to be submitted to the Conference, and that it may be possible to convene the latter at the beginning of next year.

The Consultative Committee welcomes these fresh efforts to solve a problem that has long been a source of anxiety to the business world, and hopes that the future Conference will attain a large measure of success in dealing with this difficult task. It desires to state its opinion that even the partial unification of the rules of law on so complicated a subject, the practical results of which would be to group into not more than two unified systems the widely dissimilar national laws at present in force, would constitute very important progress, the full extent of which would speedily be realised by the business world.

3. Industry.

1. Statistics. — Industrial Information.

The Consultative Committee notes with satisfaction that, by means of the Statistical Convention signed by twenty-five States in December last, an important step has been taken towards the improvement of industrial statistics, the necessity of which was so strongly urged by the Economic Conference.

It hopes that all States which have not already signed the Convention will do so within the period prescribed and that those which have signed will ratify it at the earliest possible date.

It trusts, moreover, that the improvement in national statistics resulting from this Convention may enable the Economic Organisation of the League to compile and publish in the near future the precise and up-to-date information concerning raw material supplies, production, prices, stocks, etc., of which the importance was emphasised by the Economic Conference.

It desires to thank the International Chamber of Commerce, which has organised meetings of experts for the basic industries and thus provided very useful guidance for the determination of the methods and forms to be employed in industrial statistics; and trusts that the Chamber will continue its fruitful collaboration.

In its previous report, the Consultative Committee drew attention to the resolution of the Economic Conference to the effect that the League of Nations should arrange for compilation of reports on the general conditions obtaining in the different branches of production, and observed in this connection that the ready and wholehearted assistance of the various industrial associations was an obvious prerequisite to the efficient accomplishment of this task. A number of reports prepared by national industrial associations have been placed before the Consultative Committee at its present session and the Committee desires to express its thanks to these bodies for the readiness with which they have complied with the request for information made to them. The Committee has been impressed by the value of these reports, which at once furnish a survey of the activities of the leading industries in a number of countries and afford in many cases an extremely interesting indication of national industrial policy. It is felt, however, that a further step should now be taken with a view to co-ordinating the work, rendering the reports more comparable with one another and assuring their provision. The Committee suggests, therefore, that the Economic Section should get into touch with the
competent organisations with a view to agreeing upon a procedure by which these results may be attained. For their part, the members of the Consultative Committee undertake to approach their own national industrial associations with a view to obtaining their agreement to a policy of full and liberal co-operation.

The Committee notes with satisfaction that the Economic Organisation has been able to prepare a further edition of the Memorandum on Production and Trade in which new indices for 1927 and provisional figures for 1928 are incorporated, and has published at the same time a further edition of the Statistical Year-Book, containing, amongst others, tables showing the production of a large number of raw materials and semi-finished products in accordance with the recommendation of the Economic Conference. It suggests that the time may now have come for the Economic Organisation to consider whether it is possible, in the light of the reports furnished by the national industrial associations and of other published sources of information, to add a chapter to the Memorandum on Production and Trade concerning the progress of industry.

Further, the Committee, having considered the whole documentation issued by the Economic Organisation, desires to place on record its appreciation of the work already accomplished in regard to economic information.

It recognises the value of sound comparable information to Governments as well as to producers, consumers and to traders, and the beneficial influence which the adequate provision of such information would exercise upon world trade. It desires accordingly to emphasise the importance of the resolutions of the World Economic Conference on industrial information in order that the Economic Organisation of the League may, in collaboration with the appropriate national authorities, further assist in the provision of comparable information and industrial statistics.

2. Rationalisation.

The Consultative Committee emphasises once more the great importance which the World Economic Conference of 1927 attached to the question of rationalisation. It notes that the International Labour Office, in accordance with the invitation made to it last year, has undertaken a series of enquiries into the effects of rationalisation on labour conditions, and that it has furnished it with seven provisional reports on this question. The Committee invites the International Labour Office to continue these enquiries.

Two reports have been submitted to the Committee by the International Management Institute, one of a general character and the other dealing with the four specific questions to which the Committee suggested last year that the Institute might with advantage devote its attention.

The Committee considers it desirable that: (a) as suggested in the report of the Institute, the preliminary measures already taken in the matter of terminology should be advanced as rapidly as possible towards practical conclusions, and it hopes that the Economic Organisation will lend the Institute full support in this matter; and that (b) the Institute should continue its work in connection with national economic enquiries, in collaboration with the Economic Organisation, and should submit to the Committee a scheme which would secure uniformity of method in the future and enquiries in so far as they concern the advance made in rationalisation.

The Committee has noted the report of the Institute on the questions both of simplification and of standardisation, and recognises that the realisation of practical results definitely assisting the growth of international trade must necessarily be a long and arduous task. It welcomes the important work already accomplished by the various Standards Associations and hopes that the Institute will follow the work of these Associations by the interchange of documents and personal contact.

The Committee notes with satisfaction that the International Management Institute, which unites official and private initiative, is continuing to act as a clearing-house for the dissemination of information, and as a focus of activity in the complex subject of rationalisation.

The Consultative Committee hopes that the International Management Institute will continue to follow closely all the facts relating to the rationalisation movement and submit to the next meeting of the Committee a survey of the events and tendencies most worthy of the Committee's attention.

The Consultative Committee trusts that all the bodies concerned with this problem of rationalisation will establish a suitable measure of co-operation.

3. International Industrial Agreements.

(a) Statute and Legal Form of Agreements and Cartels and Legislation applicable thereto.

— The Consultative Committee notes that, in conformity with its recommendation of last year, the Economic Conference has first concentrated its attention on the development of the various forms of organisation and the legal provisions governing that development.

It considers that this is the best method of determining the attitude adopted towards these agreements by the public authorities representing the general interests of the community. In view of the fact that the number of agreements with an international bearing is steadily increasing, the problem is assuming a very marked international aspect. In order to examine it, it is essential to analyse the principles on which the various national laws are based.

The Consultative Committee is accordingly glad to note that, after collecting a series of legal texts, a work for which it owes a special debt of gratitude to M. Lammers, the Economic Committee, with the assistance of competent experts, has proceeded to analyse the principles underlying the national legislations. This work is already sufficiently advanced to permit of a classification under a few main groups of the principal types of legislation. This