representative of China, in deference to the expressed wishes of his colleagues, informed the Committee that, in future, fuller information would be given in the annual report of the Chinese Government regarding the clandestine manufacture of narcotic drugs, the opium traffic within China, the activities of the Opium Imports Bureau at Hangkow, and the taxes levied on opium inside the country.

The representative of China emphasised the importance of co-operation on the part of the foreign Powers. The Japanese representative and several members of the Committee gave an assurance that their Governments would do their utmost to facilitate the task of the Chinese Government.


The Chinese Government, in November 1934, announced that it was prepared to extend the special enquiry to be made into the conditions and circumstances of the existing system of co-operation between the Chinese authorities and the foreign authorities in China, which was to have been limited to the concessions, settlements and leased territories, to cover an investigation on the spot into the conditions and circumstances attaching to co-operation between the Chinese authorities and the authorities of the countries referred to in Chapter IV of the Hague Convention for the application of the provisions of that chapter. The members of the Permanent Sub-Committee appointed to deal with the application of Chapter IV of the Hague Convention were asked to obtain the instructions of their Governments in regard to the proposed survey.

The Permanent Sub-Committee concluded from the information at its disposal that the majority of the Treaty Powers considered that a new situation had arisen in view of the strict measures taken since May 1934 by the Chinese Government for the control of the cultivation of the poppy and of opium-smoking, the suppression of clandestine manufacture and of the illicit traffic in narcotic drugs and opium. Further, there had been an improvement in the situation in certain concessions and settlements as regarded the suppression of the illicit traffic. The Sub-Committee took the view that, for the time being, no further steps could be taken, but that the proposal to undertake a survey should be reconsidered as soon as some experience had been gained of the effect of the measures taken by the Chinese Government. It was felt that the matter would at present best be left in the hands of the Chinese and foreign authorities in China. The members of the Sub-Committee were asked to suggest to their Governments that the authorities concerned should be requested to assist the Chinese authorities as much as possible.

9. Control of Cannabis (Hemp) and Derivative Drugs.

The Advisory Committee, in November 1934, appointed a Sub-Committee to study the whole problem of Indian hemp. The Sub-Committee met on May 29th, 1935, and adopted a programme of work which was in due course approved by the Advisory Committee. It involved an extension of the activities of the Advisory Committee to an entirely new sphere as regarded both legislative matters and chemical and medical research.

Considerable importance was attached to the discovery of a simple test to detect the presence of cannibinol, which might be quickly performed on the spot by a local chemist or police officer, and the Sub-Committee recommended that chemists attached to the national Governments maintaining direct informal exchange of police information concerning the illicit traffic in narcotic drugs should pool their information on the subject of their respective researches into this problem.

It was further proposed that an exchange of views should be arranged by correspondence through the Secretariat of the League between medical and chemical experts on their respective subjects, and measures were suggested and approved for securing their co-operation.

The Sub-Committee further proposed that steps should be undertaken to determine whether or not Indian hemp was habit-forming and whether a sudden cessation of its use by persons habituated to that use gave rise to withdrawal phenomena. Exchanges of views on methods of treatment and on the causes and effects of the abuse of the drug were also recommended.

10. Consideration of the Annual Reports.

The Advisory Committee noted with satisfaction that, for the year 1933, the League had received annual reports for the first time from Afghanistan, the Irish Free State and Newfoundland, and from six foreign concessions in China—namely, the French Concessions in Shanghai, Hankow and Tientsin, the Italian Concession in Tientsin and the Japanese Concessions in Hankow and Tientsin.

The Advisory Committee, on the other hand, noted once again that there was an almost total absence of information upon the illicit traffic in Latin-American countries, which, with the exception of Uruguay, did not report on individual cases. Annual reports from Latin America were, in 1933, received only from Costa Rica, Nicaragua and Uruguay.

The Advisory Committee adopted unanimously the following resolution:

"The Advisory Committee on Traffic in Opium and Other Dangerous Drugs,

"Noting that out of the twenty countries of Latin America only three—namely, Costa Rica, Nicaragua and Uruguay—have forwarded annual reports for 1933, but that, on the other hand, Guatemala and Venezuela have already forwarded their reports for 1934;

"Being concerned at the aggravation in recent years of a state of affairs which deprives it of valuable information, the basis of its work, for a considerable part of a continent whose important contribution, in other directions, to the work it is carrying out is appreciated by it;

"Recalling the Committee's previous recommendation, which was approved by the Council on September 7th, 1934, and communicated by a Circular Letter dated November 20th, 1934, to the Governments concerned, that they should facilitate the Committee's work by forwarding the said reports:

"Requests the Council to make a further urgent appeal to the spirit of solidarity and international co-operation of the Latin-American States that do not send in reports regularly and call upon them not to fail to do so in future, and, in particular, to point out to the States parties to the 1931 Convention that, under Article 21 of the said Convention, the parties are under an obligation to forward annual reports."

11. The System of Import Certificates and Export Authorisations.

The Advisory Committee discussed observations and proposals concerning the application by Governments of the system of import certificates and export authorisations. It decided, on May 24th, 1935, to forward to all Governments a memorandum on the subject requesting them to state whether, in the home countries as well as in dependencies, protectorates and colonies, they conformed to the entire system laid down and to specify the legislative or administrative texts in force, noting the points on which there was a difference of procedure. The Advisory Committee at the same time submitted to the Governments a series of observations and recommendations emphasising the desirability of standardising as far as possible the forms used for import certificates, export authorisations, diversion certificates and bonding certificates, and submitting certain desiderata in respect of the languages in which the forms were drawn up, the number of original certificates issued, the persons who should be authorised to fill in the various certificate forms and the precautionary measures to be taken to prevent forgery or fraud.


The Advisory Committee considered a report from the Bureau of the Health Committee embodying the conclusions of the Bureau regarding a number of questions submitted for the consideration of the Joint Sub-Committee of the Advisory Committee and the Health Committee. The Bureau of the Health Committee, referring to the psychological and physiological effects of the practice of smoking opium and opium dross, stated that it considered them to be well known and already adequately covered in a series of technical publications. It therefore did not think that the question deserved further study.

Several members of the Advisory Committee, however, pointed out that the Joint Sub-Committee had more specially in mind the psychological and physiological effects of the practice of smoking opium and opium dross in the Far East, where the problem affected a considerable part of the population and did not present the same aspects as in other parts of the world. The Advisory Committee reserved its decision on the substance of the question.

13. Standardisation of Methods of Determining the Morphine Content of Raw Opium.

The Advisory Committee was informed that the Committee of Experts appointed by the Health Committee of the League to consider the standardisation of methods for determining the morphine content of raw opium intended to resume its study of the whole question and would, in particular, make a thorough examination of the method used in the United States of America.

The Committee heard with interest a statement by Dr. H. J. Wollner, Consulting Chemist of the Treasury Department of the United States, regarding extensive experiments conducted in that country with a view to improving the methods of detecting the presence of drugs. Dr. Wollner suggested that the Governments participating in the campaign against the use of narcotic drugs should co-operate with a view to developing practical chemical methods for police purposes.

The Advisory Committee, desiring to give effect to Recommendation X of the Limitation Convention of 1931, which aimed at encouraging research work for the purpose of discovering effective medical substitutes for drugs giving rise to addiction, heard with interest a statement by the representative of the United States of America on recent experiments in the use of bromsalizol used as a substitute for novocaine and cocaine and as an antispasmodic drug in place of the isoquinoline members of the opium series. The United States representative also gave particulars concerning research work which was being undertaken as to the possibility of substituting cobra venom for morphine.


The Advisory Committee was impressed by the documentary value of a memorandum entitled “Statistical Research regarding Opium-smokers in Formosa”, by Dr. Somei To, of the Laboratories of Experimental Medicine of the Central Research Institute of the Government-General of Formosa. The Committee desired that the widest publicity should be given to the study and hoped that the Japanese Government would continue its investigations.

The Committee also heard with interest a statement from the United States representative on the inauguration at Lexington (Kentucky) of the first institution concerned solely with the care of drug addicts.


(a) Application of Article 10 concerning Exports and Imports of Diacetylmorphine (Heroin).

The Advisory Committee noted that the principal diacetylmorphine exporting countries—namely, Germany, France, the United Kingdom and Switzerland—had so far found that only a very small number of importing countries had complied with the provisions of paragraph 2 of Article 10 of the Limitation Convention, in accordance with which no contracting party might authorise the export of diacetylmorphine except on the receipt of a request from the Government of any country in which diacetylmorphine was not manufactured. The Committee adopted the following resolution:

“The Advisory Committee,
“Notes the efforts made by the countries which export diacetylmorphine to apply the provisions of Article 10 of the Limitation Convention of 1931;
“Observes that an exporting country cannot carry out the provisions of paragraph 2 of Article 10 of the Convention unless the Government of the importing country carries out its obligation under that article of making a formal request asking that the export should be permitted, and of forwarding to the Government of the exporting country this request, together with an import certificate in which the Government department to which the drugs should be consigned is clearly designated:
“Requests the Secretariat to write to the Governments of all countries importing or exporting diacetylmorphine drawing their attention to the terms of the above-mentioned article.”

(b) Application of Article 20: Drawing up of a List of Factories for Circulation to Governments.

The Advisory Committee was informed that, out of nearly 200 factories notified to the Secretariat during the past few years, only about sixty appeared to be actually engaged in the manufacture of drugs covered by Article 1 of the Convention of 1931.

The Committee asked the Secretariat to draw the attention of Governments to the following points:

(1) Notifications made by Governments under Article 20 of the Limitation Convention should be restricted to factories authorised to manufacture the drugs mentioned in Article 1 of the Limitation Convention.

(2) In cases where factories were in possession of licences of which they made no use, the authorities concerned should consider the desirability of cancelling the licence.

(3) The wording of a licence should correspond exactly to the manufacturing or trading transactions in which the firm was in fact engaged.

(4) In cases where Governments include laboratories in the list of factories, indications should be given as to whether or not they are producing for the purpose of trade.

B. ESTIMATED WORLD REQUIREMENTS OF DANGEROUS DRUGS IN 1935:
WORK OF THE SUPERVISORY BODY.

The Supervisory Body constituted under paragraph 6 of Article 5 of the Limitation Convention of 1931 issued, on October 17th, 1934, a statement of the estimated world requirements of dangerous drugs in 1935.1

Estimates were furnished by Governments in respect of fifty-four Sovereign States, including fourteen States not parties to the Convention, and in respect of ninety-nine colonies, protectorates, overseas territories and territories under suzerainty or mandate. Estimates were framed by the Supervisory Body in respect of fifteen Sovereign States and nine colonies, protectorates, overseas territories and territories under suzerainty or mandate. Ten of the States which did not furnish estimates were in Central and South America.

The grand totals of estimates for four of the five principal drugs showed a slight decrease in 1935 as compared with the previous year:

<table>
<thead>
<tr>
<th></th>
<th>1934</th>
<th>1935</th>
</tr>
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<tbody>
<tr>
<td>Morphine</td>
<td>38,992</td>
<td>35,123</td>
</tr>
<tr>
<td>Diacetylmorphine</td>
<td>1,546</td>
<td>1,028</td>
</tr>
<tr>
<td>Codeine</td>
<td>29,465</td>
<td>28,054</td>
</tr>
<tr>
<td>Dione</td>
<td>3,046</td>
<td>3,209</td>
</tr>
<tr>
<td>Cocaine</td>
<td>6,610</td>
<td>5,833</td>
</tr>
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</table>

The Supervisory Body is empowered to ask for information or details which it may consider necessary in order to complete an estimate or to explain any statement submitted and, with the consent of the Government concerned, may amend estimates in accordance with any information or details thus obtained.

The Supervisory Body found it necessary to ask for further information or explanations in the case of twenty-eight countries and a number of other territories and, as a result of these enquiries, certain of the Governments concerned found it possible to make reductions in their estimates. The total world requirements were thereby reduced by 107 kilogrammes of morphine, 11 kilogrammes of diacetylmorphine, 91 kilogrammes of codeine, 33 kilogrammes of dione and 62 kilogrammes of cocaine.

The Supervisory Body emphasises that its statement of estimates forms the basis of the application during the year to which it refers of the system of control, national and international, established by the Limitation Convention and that it indicates the limits within which the Governments parties to the Convention have undertaken to confine their manufacture, export and import of drugs during the year. Accordingly, while estimates should not exceed probable requirements, they should provide for all the drugs which are likely to be needed during the year. Attention is drawn to certain misunderstandings which still subsist as to the nature of the estimates required, and the Supervisory Body points out that they must show the full amounts required for internal consumption in the country during the year, whether these amounts are to be imported, or taken from stocks already in the country, or are to be manufactured.

The Supervisory Body, referring to the fact that estimates appear in a number of instances to be considerably higher than consumption statistics for previous years would seem to warrant, again emphasises that the Convention allows of three methods of meeting possible fluctuations in demand. One is the allowance of a margin on the consumption and conversion estimates. Another is the submission of a supplementary estimate. A third is the possibility of drawing upon stocks normally maintained by manufacturers and wholesale dealers.

The Supervisory Body again comments on the difficulties attending the preparation of the estimates by Governments and their examination by itself. Fifty-three estimates were received by August 1st, 1934, ninety-three by the date of the August session, and 153 by the date of the October session, leaving only twenty-four estimates to be framed by the Supervisory Body. The Supervisory Body again insists that, for the effective discharge of its duties, all estimates should be submitted by August 1st at latest, the date which the parties to the Convention have undertaken to observe. Further, it would lighten and facilitate the work of the Supervisory Body if, whenever possible, estimates could be sent in at an earlier date than that prescribed.

SUPPLEMENTARY ESTIMATES FOR 1934 AND 1935.

The Supervisory Body, since publishing in November 1933 the statement embodying the estimated requirements of dangerous drugs for 1934, received, for that year, a total of 156 supplementary estimates. Some of these estimates arrived late or were amended or revised estimates, and the Supervisory Body examined them in conformity with Article 5 of the Limitation Convention. Of the total supplementary estimates thus received, 103 were

1 Document C.462.M.198.1934.XI.
2 In conformity with Article 3 of the Limitation Convention, each Government may, if necessary, furnish supplementary statements, stating the reasons which are held to justify them.
embodied in eight supplementary statements for 1934. The remaining fifty-three estimates were held in suspense or not inserted in a supplementary statement for 1934, having been sent by the Governments after December 31st, 1934—i.e., after the end of the year to which they referred. Account being taken of the original statement of estimated requirements for 1934, the Supervisory Body examined for that year a total of 344 estimates, of which 188 were inserted in the original statement. The remainder, with the exception of those held in suspense or not published, were inserted in supplements to that statement.

The Supervisory Body, for the year 1935, received and examined, after publication on November 1st, 1934, of the statement of estimated requirements for 1935, fifty supplementary estimates which were received late or contained revised estimates. Of these estimates, twenty-nine were published in the first and second supplementary statements for 1935. The remainder are in suspense or are subject to consideration by the Supervisory Body.

C. WORK OF THE PERMANENT CENTRAL OPIUM BOARD.

The Permanent Central Opium Board, at its twenty-fourth session, held from June 25th to 28th, 1935, examined, in accordance with its usual practice, the cases of discrepancy between the quantities of drugs reported by exporting Governments as having been exported and the quantities reported by the importing Governments as having been imported. On this occasion the examination proved exceptionally interesting, since certain discrepancies between the quantities exported from Japan to China and the quantities reported by China as having been imported from Japan seemed to raise the important question of the control exercised over drugs exported from Japan to China for the use of Japanese health institutions within Japanese consular districts in China. This question is still the subject of an exchange of views between the Board and the Japanese authorities.

The Board noted with regret that a number of countries parties to the Conventions of 1925 and 1931 had failed to supply the annual statistics relating to 1934 within the time-limit stipulated by these Conventions. The Board came to a decision with regard to the action to be taken.

The Board discussed the different methods of calculating the consumption of drugs in the various countries as set forth in the Model Administrative Code to the International Opium Conventions of 1925 and 1931. The methods did not seem all to offer the same degree of accuracy, and the Board expressed the opinion that the Model Code should be an ideal to which the Governments should endeavour to attain, and that it was therefore undesirable that any method should be recommended in it which appeared to be less accurate than other methods set forth in the Code.

11.

RELIEF AND SETTLEMENT OF REFUGEES.

The Governing Body of the Nansen International Office for Refugees is submitting to the Assembly a report for the year ending June 30th, 1935, on the Russian, Armenian, Assyrian, Assyro-Chaldean, Saar and Turkish refugee problems. Reference has already been made in Part I of the Annual Report on the Work of the League for 1935 to most of the questions covered by the report of the Governing Body. The report, however, contains supplementary information in regard to certain subjects.

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According to statistics compiled by the Office, there are at the present time in different quarters of the world 732,303 Russian refugees, 224,538 Armenian refugees, 6,990 Assyro-Chaldeans and Assyrians, 3,300 Saar refugees and 60 Turkish refugees, making a grand total of 972,191 refugees. Those figures, however, do not include many thousands of refugees known to exist in North and South America and in other parts of the world but concerning whom no definite statistics are obtainable. Of that number, 92,844 are reported to be unemployed—although able to work—31,131 are aged or invalid refugees and 16,379 are children under twelve years, for whom the modest provision which was made in the past by official bodies or private charity is decreasing in alarming proportions. The Office has, in recent years, replaced those sources of assistance to an important extent, but its present funds are quite inadequate.

The Nansen Office, reporting on the conditions under which refugees are able to earn a living, draws attention to the serious effect on the refugees of the economic crisis and of

1 Document C.A.95.1935.
3 These figures do not include the refugees in France, Latvia and Poland.
the restrictions at present imposed in most European countries against foreign labour. Thus, in some countries, refugees of less than several years' residence are virtually prohibited from accepting employment, whilst in other countries certain occupations are entirely closed to them. Greece, Syria and Yugoslavia furnish outstanding examples of generous exemptions of refugees from such restrictions.

Refugees, on the other hand, now enjoy in most countries almost complete freedom of movement, free elementary education, free medical attendance or attendance at reduced fees and other important facilities.

The general consensus of opinion as to the steps which should be taken to expedite a solution of the general refugee problem is to the effect that refugees should be assimilated to the nationals of their country of residence, and, where that is not feasible, that the Office should prosecute its policy and redouble its efforts for securing the large-scale settlement of the refugees under satisfactory conditions in overseas countries.

The first of these remedies raises the question of naturalisation, which, unfortunately, for various reasons, met with considerable difficulties, even before countries became reluctant, owing to their unemployment problems, to increase the number of national workers. The records furnished to the Office show that a surprisingly small percentage of refugees has succeeded in obtaining naturalisation, and existing political and economic conditions do not suggest that too much hope should be pinned to that solution as a general remedy for refugee problems in Europe. Overseas countries, however, which are not so acutely affected as Europe by the political and economic phases of the refugee problems, are inclined to offer far greater facilities for the naturalisation of refugees.

The second major remedy—namely, emigration—naturally depends on the immigration facilities offered by Governments and the credits available to meet the cost of transport and initial expenses. The Nansen Office hopes to obtain the necessary funds, now that certain Governments have agreed, in accordance with the Assembly resolution adopted in September 1934, to capitalise their existing refugee liabilities and to issue surcharged postage stamps in favour of refugee funds.

The Governing Body appends to its annual report tables showing: (a) the number of refugees settled in employment; (b) interventions on behalf of refugees made by the representatives of the Nansen Office during the period July 1st, 1934, to June 30th, 1935; and (c) advances and subsidies to organisations for general assistance to refugees granted during the same period.

The activities of the Office include assistance of a consular character in connection with the issue of passports, entry, exit and transit visas; the establishment and certification of a wide variety of documents; legal assistance; intervention on behalf of expelled refugees and in favour of tax exemption; assistance of various forms in connection with employment, such as direct placing, colonisation and advances for the purpose of starting small trades; applications for exemption from foreign labour restrictions; interventions in favour of the admission of sick refugees to hospitals and of infant refugees to schools; searches for lost relatives. The tables showing grants made to organisations indicate that over 17,000 refugees have been assisted by that means. The tables contain records of 117,996 cases showing the results of assistance rendered in some form or another to the refugees, the direct results thus obtained costing the League for the period in question the sum of 300,000 Swiss francs. The total number of refugees settled in employment and enabled to become self-supporting either directly by colonisation, settlement, contract work, or by setting up in business, or indirectly by securing exemption from restrictions against the employment of foreigners or by advances to refugee organisations for the creation of employment enterprises, amounted to 15,310 cases; 3,207 interventions were made to secure the exemption or relaxation of expulsion orders, and various forms of relief and assistance were afforded to 14,035 refugees by means of grants to hospitals, schools, clinics and similar institutions.

2. THE SETTLEMENT OF REFUGEES OVERSEAS.

Important offers have been made to the Nansen Office for the settlement in South America of a considerable number of refugees as colonists with the assistance of Government contributions in the shape of lands, seeds and cattle. A representative of the Nansen Office, accompanied by a representative of the interested refugee organisations, has been sent on a mission to South America for the purpose of working out a detailed plan of settlement with the Government authorities. Reports have reached the Office indicating that 70,000 refugees in Europe alone have registered their desire to take advantage of this opportunity.

3. FUNDS AND CREDITS FOR THE RELIEF OF REFUGEES.

The total value of the funds administered by the Nansen Office during the year ending December 31st, 1934, amounted to 851,336.35 Swiss francs. During the year, 581,403.45 Swiss francs were received from different sources, including revenue from the issue of the
Nansen stamp and reimbursements effected by the refugees who had received advances for their settlement. A total sum of 555,693.40 Swiss francs was granted by way of advances or outright grants to refugees.

The Governing Body draws special attention to the gratifying increase of revenue derived from the general application of the Nansen stamp system in France, which affords an indication of the important results which might be expected if other Governments would follow that example.

Nineteen Governments now apply the Nansen stamp system as recommended by the Assembly in September 1934. The revenue from that source for the year ending June 30th, 1935, showed an increase of more than 196,000 Swiss francs compared with the previous corresponding period. The increase of revenue for the period in question in France owing to measures taken by the French Government amounted to approximately 190,000 Swiss francs.

The Nansen Office expresses its deep gratitude to the Norwegian Government for having taken the initiative in deciding to issue surcharged postage stamps with a view to raising funds for refugee work, and to the French Government, whose representative informed the Council, on May 24th, 1935, that his Government would also apply the scheme at an early date.¹

The Nansen Office again emphasises the importance of creating an adequate revolving fund, to be used for making advances to refugees, repayable after they become self-supporting. The system of a revolving fund enables the Office to take advantage of any exceptional facilities which may be offered for making arrangements for a permanent settlement of unemployed refugees. The system has passed the test of practical experience and has been widely adapted to refugee settlement in various countries by official and private agencies.

The Government of India, in application of the recommendation of the Assembly of September 26th, 1934,² has placed credits at the disposal of the Nansen Office for the settlement as colonists in South America of some 50 Russian refugees for whom no suitable arrangements could be made in India.

The French Government, which is expending a considerable sum per month on the maintenance of Saar refugees in camps in France, has intimated its willingness to adopt a similar course and to contribute to the cost of the settlement of such refugees as are adaptable to colonisation in South America.

4. SETTLEMENT OF ARMENIAN REFUGEES IN SYRIA.

The representative of the Nansen Office in Syria anticipates that virtually the whole of the 40,000 Armenian refugees in Aleppo will be more or less satisfactorily settled by the end of 1935. The funds subscribed for the settlement of the Armenian refugees in Syria are, however, completely exhausted, and further advances can only be made if the reimbursements effected this year of the advances made to the refugees already settled are used to continue the work. This arrangement would mean the adjournment until next year of the liquidation plan and the interested contributors have been invited to accede to the suggestion.

5. RUSSIAN REFUGEES IN TURKEY.

The Turkish Government, in agreeing to the naturalisation of Russian refugees in Turkey, requested that about two hundred persons whom they were unable to naturalise should be evacuated.³

The Nansen Office is finding it difficult to comply with this request in view of unexpected difficulties in obtaining the necessary entry visas. It hopes, however, to secure the gradual evacuation of these refugees to countries willing to receive them, and thus take advantage of the opportunity afforded by the Turkish Government to enable some 1,300 refugees to become naturalised and to resume work immediately.

6. REFUGEES FROM THE SAAR.⁴

The Council, on May 24th, 1935, recommended to the Supervisory Commission for favourable consideration a request of the Governing Body for an increase in the annual contribution of the League to the administrative expenses of the Office, in connection with the work entrusted to the Office on behalf of the refugees from the Saar. The Supervisory Commission, on June 28th, 1935, decided to recommend that a supplementary credit of 10,000 Swiss francs should be made available for the latter half of 1935 for this work.

The Nansen Office, at the request of the French Government, sent a representative to the Saar refugee camps in France to take a census of the refugees and to collect such information as might enable the Office to frame plans for their settlement on a self-supporting basis.

The Office has obtained definite offers for the settlement under satisfactory conditions of some five hundred Saar refugees in South America, and the French Government has intimated its willingness to contribute to the cost of their transport and settlement. The Office hopes to be able to obtain further funds from philanthropic organisations which have expressed sympathy for the Saar refugees.

A plan has been framed for the extension of the Nansen passport system to the Saar refugees in conformity with the resolution adopted by the Council on May 24th, 1935. The text of the plan was submitted by the Secretary-General to the interested Governments for their adoption on July 30th, 1935.

7. Adoption of a Standard Form for Nansen Passports.

The Nansen Office, after consulting the competent authorities of the issuing Governments, is submitting for their adoption a standard form for Nansen passports, combining the facilities and advantages of the various types at present in use.¹

12. INTELLECTUAL CO-OPERATION.

WORK OF THE INTERNATIONAL INTELLECTUAL CO-OPERATION ORGANISATION.

I. COMPOSITION AND PROCEDURE OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL CO-OPERATION.

The session of the Committee on Intellectual Co-operation, held at Geneva from July 15th to 20th, was immediately preceded by meetings of several other Committees attached to it. One of the tasks of the International Committee is to co-ordinate the activities of these various Committees during the interval between its annual sessions. The Committee accordingly had to consider their reports. It took as the main basis for its discussions the report of the Director of the International Institute of Intellectual Co-operation, giving a general account of the activities of the Intellectual Co-operation Organisation, of which the Institute is the executive organ. The Committee also had before it an administrative report by the Secretariat of the Organisation and a very full statement from the International Educational Cinematographic Institute.

During the year 1934-35, the Executive Committee and the Committee of Directors of the Institute had held three sessions—on December 18th and 19th, 1934, and April 24th and 25th, 1935, at Paris, and on July 12th and 13th, 1935, at Geneva. The Permanent Committee on Arts and Letters had held its session at Nice at the beginning of April 1935. The Advisory Committee for League of Nations Teaching had sat at Geneva on July 10th and 11th, 1935.

The Committee, in accordance with its normal practice, considered the various questions on its agenda in the light of the views of its Executive Committee, which had made a general study of the programme for the purpose of ascertaining what questions seemed to require more thorough consideration by the Committee or to call for definite instructions.

COMPOSITION OF THE COMMITTEE AND ITS BUREAU.

Certain changes had taken place during the year in the composition of the Committee in consequence of decisions taken by the Council in May 1935. Three new members appointed by the Council took their seats for the first time—Madame Cecile de Tormay, author and historian (Hungary), M. C. I. Bialobrzeski, Professor of Physics in the University of Warsaw, and M. V. Obolensky-Ossinsky, member of the Academy of Science of the U.S.S.R. Two other members, M. Titulesco, Minister for Foreign Affairs of Roumania, and M. Wu Shi-Fee, member of the University of Peiyang, had been confirmed in office by the Council for a further period of five years.

At the opening of the session, the Committee re-elected its Chairman, Professor Gilbert Murray, and its Vice-Chairman, M. Rocca.

One of the most distinguished members, M. Loder, has resigned, and the Council will have to decide upon his successor at an early session.

GOVERNING BODY OF THE INSTITUTE.

In accordance with the organic statute of the Institute of Intellectual Co-operation, the Committee sat under the chairmanship of M. Herriot (France) as Governing Body of the Institute. It approved the Institute's accounts for the year 1934, after examining the report

of the Deputy Auditor of the League of Nations, which emphasised the satisfactory results of a wise financial administration.

The Governing Body also adopted the draft budget for the financial year 1936 as submitted by the Director of the Institute.

II. WORK OF THE ADVISORY COMMITTEE FOR LEAGUE OF NATIONS TEACHING.

The Advisory Committee, during its first session, in 1934, adopted a resolution restating the general principles on which the work should be based, and setting out a programme of possible activities. It recommended, in particular, that enquiries should be made with a view to ascertaining what branches of teaching could best serve the purpose of inculcating the idea of the interdependence of the modern world and the importance of the principles of the Covenant.

The agenda of the Advisory Committee's second session was based upon these suggestions. It included the establishment of a programme of work for the teaching of history, geography and modern languages. The Committee laid stress upon certain general considerations relating to teaching on the subjects of the League of Nations and international relations. It expressed the opinion that the object of such teaching must be not only to give the younger generation an objective knowledge of the international aspects of a great many problems of contemporary affairs; it must also be based on moral considerations, with a view to fostering sentiments of justice and human solidarity. Furthermore, the experience already gained in regard to teaching on the subjects of the League of Nations and international relations had brought out certain fundamental concepts and certain essential facts which formed the substance of this teaching and had made it possible to determine the most appropriate technical methods of instruction. Consequently, the Committee's task was not simply to promote instruction in the organisation and work of the League of Nations as a separate subject, but to propagate a certain "spirit", an "international sense", with which education as a whole should be imbued.

In the field of history and geography teaching, the Committee suggested that not only specialised associations should be consulted, but also those represented on the Liaison Committee of Major International Associations, and, in general, those concerned both with teaching in the strict sense and with the moral education of the young.

The Committee also emphasised the importance of modern language teaching as a means of illustrating the intellectual contributions of different peoples. Considering, however, that the examination of the various aspects of this question, from the standpoint from which the Committee must regard it, had not yet been carried far enough, it proposed to ask the International Bureau of Education, acting with the International Association of Modern Language Teachers, to conduct certain preliminary enquiries, the results of which might be examined at a later session.

Among the practical measures approved by the Committee was the publication of a handbook on the aims and activities of the League, primarily for the use of teachers, to replace the book entitled "Aims and Organisation of the League of Nations".

The Committee, in reference to the enquiry into the teaching of international relations in higher educational institutions, the results of which will be reviewed in a comparative study, again emphasised the importance of maintaining the co-operation established with the International Studies Conference. For this purpose, it recommended that consideration should be given to the possibilities offered by economic studies as a means of bringing home the interdependence of the modern world.

The Committee devoted special attention to a scheme for study tours by educational experts and for missions of representatives of the Intellectual Co-operation Organisation submitted to it by the Liaison Committee and the International Federation of League of Nations Societies. In the light of the experience acquired in the course of interchanges of officials organised by the Health Section and the tour of Chinese educational experts in Europe, the Committee contemplated study tours by qualified administrative officials or educational experts appointed by their national departments. Each group would be invited by a particular country, after agreement with the responsible authorities of that country. The Committee also considered that missions undertaken by representatives of the Intellectual Co-operation Organisation usefully supplemented the consultations and enquiries undertaken by the Secretariat with a view to promoting teaching on the subjects of the League of Nations and international co-operation. The Committee thought it desirable to make a recommendation to the Assembly on the subject of such tours and to request it to include the necessary credits in the budget.

The Committee gave its attention to the part played by libraries in the dissemination of League publications. It made various suggestions on this subject, relating more especially to the circulation of bibliographical works and the organisation of exhibitions of League publications. It also recommended that arrangements should be made for the publication of popular handbooks and the production of propaganda films and lantern-slides.
III. SCIENTIFIC STUDY OF INTERNATIONAL RELATIONS.

I. NATIONAL INSTITUTES AND CENTRES FOR THE STUDY OF FOREIGN POLICY.

The contacts which the Institute of Intellectual Co-operation has established during the past few years with the groups and centres represented in the International Studies Conference and the enquiries which have been conducted in the sphere of the social and political sciences give proof of the ever-growing importance which is being attached to the study of international relations. In point of fact, a new class of research work is developing, involving a study of contemporary history, international law, financial and economic science and sociology.

2. PERMANENT INTERNATIONAL STUDIES CONFERENCE.

A Conference on Collective Security was held in London from June 3rd to 8th, under the presidency of Lord Meston, Chairman of the British Co-ordinating Committee. About a hundred persons were present. The opening meeting took place at the London School of Economics and Political Science, where the inaugural address of welcome was delivered by Sir Austen Chamberlain. The study meetings which followed were held at the Royal Institute of International Affairs until the day of the closing session, when, in addition to Lord Meston, chairman of the study meetings, and the General Rapporteur, Professor Bourquin, Professor Gilbert Murray spoke on behalf of the Intellectual Co-operation Organisation.

The results achieved by the study meetings may be regarded as highly satisfactory. The progress already marks a very definite step forward as compared with the session held in 1933 on the subject of “The State and Economic Life”. The efforts of the groups and institutions concerned have produced documentary material of the highest value, which exhausts several of the most important aspects of the subject; this material will be published by the Institute of Intellectual Co-operation, together with the proceedings of the Conference. The Committee emphasised the importance of the scientific study of international relations from the standpoint of the League and of peace; it observed with keen satisfaction the increasing tendency to create research institutes devoted entirely to the objective and disinterested study of international relations.

3. SOCIAL SCIENCES AND INTERNATIONAL RELATIONS.

In 1934, the Committee, after examining a scheme for a survey of the study of international relations in the United States submitted by Professor Shotwell, requested the Institute, at the suggestion of Professor Shotwell and M. Edouard Herriot, to arrange for the preparation of similar works dealing with other countries.

The Committee had likewise asked the Institute to indicate, with the help of the International Labour Office, a programme for the study of certain effects of mechanisation on present-day life.

The proposals of the Committee on Intellectual Co-operation seem to have met with general approval in interested circles. Several countries have drawn up plans for surveys along the lines of that published under the auspices of the American National Committee.

“The Adaptation of Mechanisation to the Conditions of Human Labour” was chosen as a provisional title. The Committee thought it desirable in examining the question to consult experts, and requested the Institute to report the results of its consultations at the next session, so that the Committee might decide upon the procedure to be followed and make the best possible arrangements for the continuance of the work. It expressed the opinion that it might be interesting to consider the possibility of arranging for a “Conversation” on this subject.

IV. GENERAL QUESTIONS OF INTELLECTUAL CO-OPERATION.

1. “Conversations”.

Since the meeting of the International Committee on Intellectual Co-operation in July 1934, two “conversations” have been held, one at Venice, under the auspices and with the participation of the Committee on Arts and Letters, in July 1934; the other at a meeting of the Committee itself held at Nice in April 1935.

The Venice “Conversation”.

The first of these “conversations”, the results of which have already been published in book form, was attended by fifty participants. The methods adopted for exchanges of views among representative leaders of intellectual activity were applied to international

collaboration in the field of the fine arts. "Contemporary Art and Reality" and "Art and the State" were the two subjects proposed for consideration at this meeting. These subjects had, under various specific aspects, already engaged the attention of the Committees representing artistic interests in the Intellectual Co-operation Organisation and charged with creating a permanent link and with ensuring regular contacts among public Fine Arts Departments, Institutes of History of Art, museums and various associations concerned with art.

The Venice "conversation", however, confirmed the desirability and even the necessity of making, from time to time, a general survey of the questions examined in detail by the specialists. This procedure, valid in every field, justifies the method adopted for these "conversations" and the permanent enquiry carried on, through an exchange of "open letters", among men who devote their lives to study, thought and reflection upon contemporary affairs.

The Venice discussions attested the value of the work undertaken internationally in the sphere of art for the safeguarding and development of civilisation; they emphasised the unity of the numerous enterprises initiated up to the present and indicated the paths along which fresh efforts should be directed.

The Nice "Conversation".

The "conversation" held in Nice was of a different character. The participants were fewer, consisting of members of the League of Nations Committee on Arts and Letters or their representatives. The subject for discussion was "The Training of Modern Man and the Aims of Education". It involved a consideration of the studies to be organised and the discussions to be pursued in order to remove certain misgivings and to affirm the importance of human personality in social life and the means of safeguarding that personality, not only during school age, but also by adult education.

From the discussions conducted by an exchange of "open letters" and by "conversations", there had emerged one specific point which had engaged general attention from the very beginning—What, it was asked, were or what should be the function and aims of education? Under existing conditions of industry, what remained of the man produced by past centuries and what should we endeavour to preserve?

2. "Open Letters".

The fourth volume in the "open letters" series was published during the year under the title "Civilisations". It contains letters exchanged between Professor Gilbert Murray and Rabindranath Tagore on "East and West", and between Professors Strzygowski and H. Focillon on "The Northern and the Latin Mind". These letters are a further contribution, by men belonging to different schools of thought, to the study of the possible syntheses of the various types of culture and genius.

3. Anthropological and Ethnographical Sciences and the Study of Civilisations.

The Committee, in 1934, authorised the Institute to conduct an enquiry among eminent anthropologists and ethnographers on the origin of Western civilisation. The object of this enquiry was to ascertain the results regarded by scientific circles as definitely established in these fields. The first replies received convey interesting views upon the life of the ethnic groups which have successively inhabited Europe and thus meet the aims of the Committee in this matter.


(a) The Intellectual and Educational Use of Broadcasting in relation to the General Public.

The Institute of Intellectual Co-operation, invited by the International Committee on Intellectual Co-operation and by the Assembly to study these problems, asked a number of qualified persons to express their views upon the educational possibilities of broadcasting.

The results of this enquiry have been published with the help of a grant from the Norwegian Nobel Institute. The volume, which appears as a sequel to "School Broadcasting", contains a series of studies, prefaced by a general introduction based on these communications. They deal in turn with recreational broadcasts, with information bulletins and talks on literature, history, the social and political sciences, music, artistic training and initiation to science, with the promotion of a spirit of international understanding, in particular by the teaching of modern languages, with exchanges of programmes and information concerning international relations. Consideration is also given to the organisation and composition of programme committees and the national and international co-ordination of programmes.

(b) Radio-Nations Station.

The Committee referred to the interest it had always taken in the problem of broadcasting. It emphasised the value of the steps that had been taken during the year to enable the Radio-Nations Station of the League to be used regularly for cultural and educational broadcasts consonant with the aims of the Intellectual Co-operation Organisation. It recommended its members, and those of its subsidiary Committees, to do their utmost to comply with any requests for assistance that they might receive from the Secretariat.

The preliminary draft Convention, drawn up at the request of the Assembly, had been communicated, together with an explanatory note, to the Governments Members and non-members of the League, with the request that they should submit any observations they might desire to make. The replies received were examined by a Drafting Committee, which met at the Institute in October 1934 for the purpose of revising the preliminary draft in the light of the suggestions and amendments received.

On April 1st, 1935, the Secretary-General of the League communicated the revised preliminary draft, together with the explanatory note, to the Governments previously consulted. The Committee was gratified to note that twenty-eight States had already replied and that the new draft seemed to have obtained the more or less general acceptance of the States Members and non-members of the League. It decided to transmit the text to the Council and the Assembly, leaving it to the latter to select the best means of expediting its signature, either at an ordinary session of the Assembly or at a special diplomatic conference.

Cinematography.

Following a resolution of the Committee dealing with the results of the International Congress on Educational and Instructional Cinematography, held at Rome from April 19th to 25th, 1934, the Secretariat, in agreement with the International Educational Cinematographic Institute, sent a Circular Letter to all National Committees on Intellectual Co-operation calling their attention to the importance of the Congress and asking them to give their support, in the national sphere, to any measures designed to extend its work. Some ten National Committees responded to this appeal. The Committee expressed the hope that closer collaboration might be established between the National Committees and national film institutes, where such existed.

In pursuance of a resolution voted in July 1934 by the International Committee on Intellectual Co-operation, the Institute conducted an enquiry into the educational role of the cinematograph. The enquiry was limited to the imaginative aspect of film art—namely, the staging of original scenarios and scenarios adapted from novels or stage plays.

The Committee thought that this enquiry might prepare the ground for the organisation of a “conversation” on “The Cultural Rôle of the Cinematograph”, in which qualified representatives of the various circles interested, film-producers, critics, scenario-writers and educationists might be invited to take part.

Regarding the production of educational films dealing with the League of Nations, the Committee suggested that scenarios might be made of certain activities of the Intellectual Co-operation Organisation.

5. The International Problem of “Documentation”.

A number of experts have agreed to assist in compiling a “Guide to Documentation”, which will be completed in 1935 or 1936. The Committee expressed the hope that national unions of documentation centres might be established in many countries and instructed the Institute to arrange for the attendance at the next meeting of the Committee of Library Experts of a number of specialists, who would work out a scheme for liaison between the organisations concerned.


The Assembly of the League of Nations considered in 1934 a proposal put forward by M. Levillier, Argentine delegate, that the International Institute of Intellectual Co-operation should be invited to arrange for the publication of a series of original works on the native civilisations of America and a similar series on the discoveries and history of America in the sixteenth century, this work to be undertaken by international scientific collaboration.

The Assembly, approving this proposal, instructed the Institute to draw up, in collaboration with qualified experts, a scientific and a financial plan of the work in question. It was understood that the provisional plan would be submitted to the next ordinary session of the Assembly, which would thus be able to reach a definite decision regarding its execution.

The Institute, acting under these instructions, convened a small committee of American specialists, which met on December 5th, 1934, and again on February 8th and 14th, 1935. The Committee approved the budgetary estimates submitted to it and drew up a general plan for the proposed series.

The Committee on Intellectual Co-operation decided that, if the Assembly thought fit to proceed with the plan and provided the necessary financial resources, the question should be reconsidered by qualified persons, who would draw up a final scheme for the proposed series and act as an editorial board which would bear the scientific responsibility.
V. INTERNATIONAL AGREEMENTS.

1. EXAMINATION OF A DRAFT BILATERAL AGREEMENT ON THE REVISION OF SCHOOL TEXT-BOOKS.

The International Committee on Intellectual Co-operation, in 1934, on the proposal of M. Emile Borel, requested "the International Institute of Intellectual Co-operation to prepare a draft model bilateral agreement establishing a procedure calculated to remove, or at any rate mitigate, the differences due to the interpretation of certain historical events in the text-books in use in the schools of the countries in question ".

The Institute prepared a draft agreement, which was submitted to some fifteen jurists and historians for their opinions and suggestions, and subsequently laid before the Committee on Intellectual Co-operation.

The Committee, being anxious to secure the widest possible support for this work of international understanding, requested Governments to encourage private enterprise in this direction. It had a draft declaration of principles concerning the revision of text-books compiled and asked that it should be submitted to the Assembly for examination and possible signature.

2. STUDY OF BILATERAL AND REGIONAL INTELLECTUAL AGREEMENTS.

The Executive Committee of the Committee on Intellectual Co-operation has asked the Institute to prepare an objective study on this subject. Particularly since the war, a great number of treaties of this kind have been signed; about eighty such instruments have been noted, relative especially to exchanges of university teachers and students, to the practice of the liberal professions, to the enforcement of compulsory school-attendance, to the creation of professorships and to similar questions chiefly concerning education. In recent years, however, a new type of bilateral agreement has made its appearance, covering all the intellectual relations between two countries.

The Committee felt it necessary to emphasise that agreements of this kind should not be limited exclusively to two countries or to certain groups of countries, but should, as far as possible, remain open to other countries. It asked the Institute to consider the possibility of publishing a collection of intellectual agreements properly so called, with comments, where possible, on their results.

VI. COLLABORATION OF THE INTELLECTUAL CO-OPERATION ORGANISATION WITH THE CHINESE GOVERNMENT.

VOCATIONAL GUIDANCE FOR CHINESE STUDENTS.

The International Committee on Intellectual Co-operation, in July 1934, appointed a Sub-Committee to study the assistance which international and national organisations might accord to the employment bureau for intellectual and technical workers which the Chinese Government had decided to establish at Nanking. The principal function of the bureau is to further the vocational training of Chinese students in Europe or the United States and to adapt this training to the current needs of economic reconstruction in China.

The Sub-Committee began its task by assembling information indispensable to itself and the bureau. The Director of the Institute submitted a memorandum by M. Jean Escarra, Professor at the Sorbonne and Adviser to the Nanking Government, on the teaching of law in China, which confirmed the report of the League's educational mission on the reorganisation of education in China.

The Director of the Communications and Transit Section of the Secretariat of the League, recently in China, gave the Committee details of the activities of the International Intellectual and Technical Employment Bureau, which has been in operation at Nanking since November 1934. The main object of the bureau is to facilitate the training of Chinese students and their engagement for national appointments requiring a special intellectual or technical training. Branches will be established in Europe in due course. Direct assistance to Chinese students in the West from various national and international organisations and the details of possible co-operation between those organisations and the Nanking Bureau were discussed on the basis of a memorandum drawn up by Sir Frank Heath. The Committee decided to forward this memorandum to the Nanking Bureau and to national and international organisations specially concerned in assisting Chinese students abroad.

VII. EDUCATION.

1. INTERNATIONAL COLLABORATION BETWEEN UNIVERSITIES.

(a) Higher Education.

The third session of the Committee of Directors of Higher Education was held at the Institute of Intellectual Co-operation on May 3rd and 4th, 1935. As on previous occasions, the participants were either high officials entrusted with the central administration of establishments of higher education and research institutions or, in the case of countries where
the State does not directly intervene in these matters, heads of national committees, which exercise over university institutions an influence comparable with that exerted by directors of higher education.

The participants in these meetings have been called upon to direct the comparative studies which the Institute has been conducting for the last three years on the organisation of higher education, the organisation of scientific research, the co-ordination of national university statistics, the organisation of biological studies and the teaching of modern languages.

(b) University Exchanges.

The Institute, as in previous years, has endeavoured to keep itself informed on all matters relating to international university life, and particularly—taking the term in its broadest sense—on university exchanges. For example, the documentation collected concerning the measures taken in thirty-three countries to combat unemployment among young university graduates was communicated to the Committee of International Student Organisations and published in *Intellectual Co-operation*. Two other enquiries, one on the organisation and working of university travel bureaux, the other on the cost of living and tuition for foreign students in the different countries, were published in the last two numbers of the half-yearly bulletin *Students Abroad*.

2. EDUCATIONAL DOCUMENTATION AND INFORMATION CENTRES.

The Institute is required by the International Committee on Intellectual Co-operation to promote, in as many countries as possible, the formation of National Centres of Educational Information and to organise regular contact and collaboration between these centres. During 1933-34, thirty-three countries responded to the invitation addressed to them by the Institute, and, during 1934-35, five further centres were established as a result of the Institute’s intervention. A description of these recently created organisations and of their activities appeared in the supplement to the “Handbook of National Centres of Educational Information” published last year.

3. MEETING OF INTERNATIONAL STUDENT ORGANISATIONS.

The Committee of International Student Organisations undertook this year a joint study of the problems arising out of the unemployment of young university graduates. The dangers resulting from a diminution in the possibilities of employment for these young people may ultimately lead to grave consequences, not only for the social order, but also for the future of the liberal professions and of intellectual life as a whole. The international student associations, whose members are directly menaced by this situation, addressed an urgent appeal to all the competent authorities and, in particular, to the International Labour Conference, which discussed the more general question of unemployment among young people at its session held in June 1935.

The tenth plenary session of the Committee was held on April 10th and 11th at the Secretariat of the League of Nations, Geneva.

4. REVISION OF SCHOOL TEXT-BOOKS AND THE TEACHING OF HISTORY.

The Institute was authorised last year to undertake an examination of the history text-books used in a certain number of countries, with a view to collecting and publishing chapters or passages illustrating the progress already made in the teaching of history. For the purposes of this enquiry, the Institute had recourse to some of the National Committees. It contemplates extending its investigations at a later date in the light of the first results obtained.

Replies have already been received from the National Committees of Denmark, Finland, the Netherlands and Sweden. The French and Norwegian National Committees have promised their contributions for an early date, while, in the United States, the American Council on Education has commissioned a qualified person to make a study of the text-books in use in that country.

Although there are notable differences in the manner in which the National Committees have exercised their choice, it already appears certain that the enquiry will produce valuable data.

The enquiry into the teaching of world history and civic history and mutual understanding between nations has been continued during the year. The requests for information addressed to the Ministries of Public Education in the different countries have so far elicited but a relatively small number of replies.

5. SCHOOLS.

(a) International School Correspondence.

Further links have been added during the past year to the chain of International School Correspondence Bureaux by the “recognition” of bureaux recently established or reorganised in Roumania and Czechoslovakia. Negotiations were also opened with a view to the constitution of new bureaux in South Africa, Bulgaria, India and the Union of Soviet Socialist Republics. The Bureau of the Standing Committee for International School Correspondence met in Paris on February 2nd, 1935.
The Institute has remained in touch with the fourteen national centres which were formed last year and entrusted with the co-ordination, in their respective countries, of the activities of organisations which concern themselves with the international travel of young people.

6. **Liaison with the Major International Associations.**

The Liaison Committee for Major International Associations held its plenary session for the discussion of intellectual co-operation questions at the Institute on February 21st and 22nd, 1935. The subjects dealt with included a projected educational mission, moral disarmament and unemployment among young people.

The Committee again met at Geneva on July 8th and 9th, 1935, under the chairmanship of Mgr. Beaupin, delegate of the Catholic Union for International Studies. It discussed the question of international co-operation and the manner in which the associations represented on the Committee might influence public opinion during a period of peculiar difficulty; it also considered how it could improve its collaboration with the League and League organisations and with the National Committees on Intellectual Co-operation.

**VIII. Exact and Natural Sciences.**

The Institute has continued to carry out the plan of work submitted to the International Committee on Intellectual Co-operation in 1931 by the Committee of Scientific Advisers and endorsed by the International Committee.

This plan involves a co-ordination of science museums, the establishment of relations with the International Council of Scientific Unions and the co-ordination of scientific terminology.

**IX. Libraries : Archives.**

1. **Libraries.**

Under this head, five questions have been studied this year. Enquiries concerning two of them—namely, the professional training of librarians and lists of facsimiles of manuscripts—were begun last year; the three remaining questions, which have since been added to the programme, are compulsory delivery, the social and intellectual rôle of popular libraries and library planning and equipment.

2. **International Co-ordination of Archives.**

The activities of the International Institute of Intellectual Co-operation during the year 1934-35 have elicited ideas favourable to the international settlement of important problems relating to archives and have resulted in regular collaboration between the Records Departments of the different countries. Several works of general interest have been published under the auspices of the Institute.

The first volume of the "International Guide", which deals with European countries, made its appearance at the beginning of the year. The second volume of the "Guide", which is in course of preparation, will deal with extra-European countries and the colonies.

**X. Literature.**

1. **"Index Translationum".**

Following the first two years of publication, during which the Institute devoted its attention to increasing the number of countries covered by the *Index Translationum*, a special effort has been made during the present year to improve the references which figure in the bibliographical entries and, in particular, to ensure that the exact titles of the works translated were indicated in as many cases as possible.

2. **Ibero-American Collection.**

In execution of the programme laid down in 1934, the Literary Section of the Institute has arranged for the publication of two further volumes: "Dom Casmurro", by Machado de Assis, and "Essais", by José Marti.

3. **Collection of Japanese Works.**

Professor Anesaki (Japan) has proposed that a collection of Japanese works should be published on the same lines as the Ibero-American collection and the Committee accordingly authorised the Institute to exchange views with Japanese intellectual leaders on the subject. It approved the choice of the "Hai-Kai" of Bashō and his disciples as the first volume of the series.
XI. FINE ARTS.

1. INTERNATIONAL MUSEUMS OFFICE.

The Conferences held in Rome (1930), Athens (1931) and Madrid (1934) marked successive stages in the steady development of the Office and, in each case, constituted a further step forward in the work of international co-ordination as applied to works of art and historic monuments, to the legislative and administrative measures that govern these fields and, lastly, to the numerous aspects of museography. Methods proved effective by the results of past experience are adopted in the treatment of the many questions submitted to the Office. They may be classified under four main heads: administrative studies and technical research, co-ordination, international agreements and documentation.

We give below, by way of information, a list of the publications issued by the Office up to the end of 1935: 32 volumes of Museion, 46 issues of Informations mensuelles, 10 periodical booklets on the activities of the Office, 3 volumes of the "International Repertory of Museums", 2 catalogues of documentary exhibitions, 2 dossiers, 2 monographs on special collections, 1 handbook on the preservation of historical monuments, 1 treatise on museography, 2 archaeological maps with surveys and descriptions of excavation sites, 1 volume on collections of photographic reproductions and 1 repertory of the principal casts produced by the major casting workshops.

2. INTERNATIONAL OFFICE OF INSTITUTES OF ARCHAEOLOGY AND HISTORY OF ART.

This Office began work less than two years ago, but over a hundred university institutes and similar organisations have already become members.

The first number of the Bulletin, which serves as an organ of liaison between these research institutions, appeared in July 1934. Four more numbers have so far been issued.

3. FOLK ART.

(a) A limited meeting of the Bureau of the International Committee on Folk Art, under the chairmanship of M. E. Bodrero (recently elected to succeed Professor Lehmann, resigned), was held at Paris on June 15th, 1935.

(b) Folk Music and Song.—Pursuing its enquiry on folk music and song, the Institute published in 1934 the first volume of the documentary material it had assembled. A second volume is being prepared.

XII. INTELLECTUAL RIGHTS.

The legal problems connected with the protection of intellectual work have been studied in close collaboration with the other competent international institutions. The annual meeting of the representatives of these institutions, held in Brussels on May 31st, 1935, made possible a general survey of the evolution of conventional and legislative technique in these fields and furnished an opportunity for determining the new objectives to be attained.

The Executive Committee, in convening the Committee on Intellectual Rights at Brussels, took into account a circumstance which, in its opinion, was of decisive importance—namely, the fact that the Belgian Government was preparing for the holding in that city in 1936 of a Diplomatic Conference which was to revise the Berne Convention, the final Act of which was signed in Rome on June 2nd, 1928. The problems arising from authors' rights formed the principal subject of discussion at this session.

The meeting, organised with the assistance of the Belgian National Committee of Intellectual Co-operation, was presided over by M. Destré, M. Loder being unable to attend because of illness.

The Committee was composed of representatives of the International Labour Office, the Rome International Institute for the Unification of Private Law, the Berne International Bureaux, and the Secretariats of the League of Nations and the International Institute of Intellectual Co-operation. M. Arnold Raestad took part in the proceedings as expert. At the invitation of the Chairman, a delegate of the Belgian Ministry of Public Education was also present, together with several members of the Commission appointed by the Belgian Government to prepare official proposals of revision, in agreement with the Berne International Bureau.

In accordance with the precedent created by the Italian Government, the Belgian Government decided to associate the Institute with the work of its competent services, with a view to a final revision of the official proposals to be submitted for the consideration of the Governments of the other countries belonging to the Union.
The Committee on Intellectual Rights devoted its attention chiefly to the new proposals, more particularly to the development of the international protection of moral rights and payment for the reproduction of works no longer protected by copyright.

In the matter of authors’ rights, the Committee was asked to consider a question of more than technical significance—namely, the elaboration of a Convention common to all the States at present bound either by the Berne Convention or by the Pan-American Convention, last revised at Havana.

It also seemed that the time had come for taking steps to ensure better protection for scientists and inventors by giving effect to the decisions and recommendations of the last International Conference on Industrial Property. It was for this reason that, in agreement with the Berne International Bureau, the Brussels meeting was asked to proceed to a further exchange of views on the moral rights of inventors, the protection of discoveries or inventions disclosed in scientific communications and the rights of salaried inventors, a question submitted to the Committee by the representative of the International Labour Office.

Lastly, the Committee received communication of a summary memorandum prepared by the International Institute on the protection granted in different countries to Press news.

The Committee on Intellectual Co-operation, having been instructed by a resolution of the Council to consider what action might be taken on a proposal of the Madrid Press Conference (1933) regarding certain effects of Press reports, considered that the study of this problem should be entrusted to private organisations.

XIII. ACTIVITIES OF THE NATIONAL COMMITTEES ON INTELLECTUAL CO-OPERATION.

The International Committee on Intellectual Co-operation, in a resolution adopted in 1934, expressed the wish that a National Committee should be formed in each country. So far as Europe is concerned, this wish has been fulfilled, but the same cannot yet be said of America. There is but one Committee for the northern continent (the American National Committee), three for Central America (Cuba, Mexico and Salvador) and three for South America (Bolivia, Brazil and Chile).

The position is more promising in Asia. The Chinese National Committee is displaying remarkable activity and in India relations are maintained through the agency of the Educational Commissioner in Delhi. Furthermore, thanks to the intervention of Professor Sarvapalli Radhakrishnan, the Inter-University Board of India decided that it would, at least in part, carry out the functions of a National Committee. It accordingly instructed its Secretary, Professor A. R. Wadia, of Bombay, to communicate with the Intellectual Co-operation Organisation on all matters relating to higher education. The significance of this decision will be measured when it is remembered that seventeen universities in India are affiliated to the Board. In Japan, the National Committee has continued to function, notwithstanding Japan’s withdrawal from the League of Nations.

The Institute of Intellectual Co-operation has been in direct communication with representatives of Turkish intellectual circles.

Both the Committee on Intellectual Co-operation and the League of Nations Assembly have, on several occasions, urged the desirability of holding general conferences of all the National Committees at regular intervals. The last Conference of this kind was held in 1929.

The International Committee voted a resolution at its 1934 session providing for a conference of representatives of all the National Committees to be held in Paris in 1937 on the occasion of the International Exhibition of Civilisation.

On October 23rd, 1934, the Institute sent a letter to all the National Committees asking them for their views and suggestions; by the beginning of May 1935, replies had been received from the following twenty-five Committees: Australia, Belgium, United Kingdom, Bulgaria, China, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Hungary, India, Italy, Japan, Lithuania, Luxemburg, Mexico, Netherlands, Norway, Portugal, Roumania, Switzerland, Syria, and the Catholic Committee on Intellectual Co-operation.

These replies were generally encouraging. The Committee accordingly decided to convene the Conference and instructed its Executive Committee to draw up the agenda in the light of the suggestions made by the National Committees and by the International Committee itself at its seventeenth session. It requested Governments to contribute to the success of the project by giving material help to their National Committees.

In accordance with a decision taken in 1932 that the National Committees should be associated with its work, the Committee invited the National Committees of the Union of South Africa, Latvia, Iceland and Luxemburg to send representatives in 1935. It heard statements on their activities. The Committee decided to recommend the reissue of the booklet explaining the constitution and work of the National Committees.

The Committee was attended during its session by two délégués d’Etat—those of Ecuador and Chile—who represented the National Committees of their countries.

XIV. WORK OF THE INTERNATIONAL EDUCATIONAL CINEMATOGRAPHIC INSTITUTE.

The International Committee on Intellectual Co-operation, as in previous years, noted a detailed statement by the Director of the International Educational Cinematographic Institute on the Institute’s activities during the past year. Further details were given by M. de Michelis...
(Italian), who attended in place of M. Rocco. The work of the Institute has to a large extent been based on the results of the International Congress of Educational and Instructional Cinematography held at Rome in April 1934. The resolutions of the Congress outlined an extensive programme, which the Institute has systematically endeavoured to carry out. Special attention has been given to the review published by the Institute and reorganised under the title of Intercinx. The Institute has also continued its work on the “Cinematographic Encyclopaedia”, the first encyclopaedic production dealing exclusively with the cinema.

The Institute has endeavoured to extend its relations with national institutes and committees concerned with the cinema. National enterprises in this field are becoming increasingly numerous and taking a more definite shape, and it is the business of the Institute to try to co-ordinate them without encroaching on their individual liberty. The Advisory and Technical Committee of the Cinematographic Institute would seem to be the appropriate co-ordinating agency.

Recent advances in television received the attention of the authorities of the Institute, who summoned a first meeting of representatives of the various circles concerned at Nice, early in April 1935. The results of this meeting were such as to enable the Executive Committee of the Institute to contemplate a programme of action and investigation in the field of television, and a permanent Committee has accordingly been formed of the best qualified representatives of the organisations concerned with television. This Committee will have as its executive organ a centre for television questions, which will be attached to the Institute and will be furnished with the necessary resources for a study of the scientific developments and practical applications of television. The Institute has thus performed certain new tasks, without neglecting its regular duties, which consist essentially in encouraging and co-ordinating efforts to promote the use of the educational cinema.

Another notable event was the entry into force of the International Convention to facilitate the International Circulation of Educational Films. The Institute, which is responsible for ensuring the execution of the Convention, has made the necessary arrangements and the system is already operating satisfactorily. Further ratifications are expected shortly and will enable the Institute to enlarge its activities in this field.

13.

BUDGETARY AND ADMINISTRATIVE QUESTIONS.

I. SUPERVISORY COMMISSION.


The report deals with the recruitment and promotion of Members of Section; certain proposals by the Swiss Federal Government for the future disposal of the building at present occupied by the Secretariat; a request by the Governing Body of the Nansen International Office for Refugees for an increase in the League’s annual contribution to the Office in connection with the refugees from the Saar; and certain proposals for supplementary credits for the construction of the new building.

II. CONTRIBUTIONS IN ARREAR.

The Committee for Settlement of Contributions in Arrear held its final meeting in Paris from July 8th to July 10th, 1935, and adopted a report to the Assembly (document A.15.1935.X).

The report gives particulars of the total arrears due by various States, amounting to 7.3% of the total budgets of the League, and suggests certain arrangements for their settlement. It discusses the establishment of a Reserve Fund for the League of Nations and the question of charging interest on overdue contributions and it suggests other measures which might be taken to enforce the payment of contributions.
I. WORK OF THE INTERNATIONAL INSTITUTE AT ROME FOR THE UNIFICATION OF PRIVATE LAW.

A. Organisation.

The work begun six years ago under the direction of M. Vittorio Scialoja, whose death in 1933 was a great loss to the Institute, now continues under the direction of M. Mariano d’Amelio, first President of the Appeal Court of the Kingdom of Italy, who was appointed by the Council of the League as President of the Institute in 1934.

The Governing Body of the Institute, under Article 4 of the Statute, consists of the President and fourteen members appointed by the Council of the League. The present members, in addition to M. d’Amelio, are as follows: M. Henri Capitant (France), M. Jules Destrée (Belgium), M. Raoul Fernandez (Brazil), Sir Cecil J. Hurst (United Kingdom), M. Bernard C. J. Loder (Netherlands), since resigned for reasons of health, M. José Mathias Manzanilla (Peru), M. Alfredo Rocco (Italy), M. Simon Rundstein (Poland), M. Nicolás Titulesco (Roumania), M. B. O. Undén (Sweden), and M. F. Sanchez Roman y Gallifa (Spain).

The Governing Body of the Institute, on October 5th, 1934, appointed the members of the permanent Committee of the Institute: M. Capitant, M. Destrée, Sir Cecil Hurst, M. Rundstein and M. Roman y Gallifa. The Governing Body during the same session appointed, as Secretary-General of the Institute, M. Giuseppe Righetti (Italian), Councillor attached to the Appeal Court, in place of M. Pietro de Francisci, who in July 1932 was appointed Minister of Justice of the Italian Government. M. Alfred Farner (Swiss) was appointed as one of the two Deputy Secretaries-General in place of M. Ficker (German), who had left the Institute.

The Governing Body held its last session on October 5th and October 6th, 1934, and the Permanent Committee on April 29th and April 30th, 1935. They have been convened for a ninth session at the seat of the Institute in Rome on September 28th, 1935.

The Library of the Institute is installed in a building adjacent to the Villa Aldobrandini, the seat of the Institute. The building, which has been constructed specially for the purpose, has been equipped upon the most modern lines and methods. It already contains more than 20,000 volumes: texts of laws, official publications and studies of the various civil and commercial legislations and laws relating to procedure. More than a hundred official journals are received by the Library as the result of requests addressed to various Governments. The Library also receives more than three hundred reviews and has a complete collection of more than half these publications.

B. Scientific Work.


The Institute, under Article 9 of its Statutes, has forwarded during the present year to the Council of the League of Nations two preliminary draft uniform international laws.

Sale of Movable Property.

The object of the first draft law is to unify the law relating to the international sale of movable property. The following are excluded from the application of the law: the sale of securities, commercial assets and currency and the sale of ships, inland navigation vessels and aircraft.

The problem for which this draft law aims at finding a solution is one of the most complicated and delicate in the field of law relating to obligations. The international unification of the rights relating to sale contracts is of obvious importance and interest to international commerce, since the considerable differences at present existing between the national legislations is a serious impediment to trade between nations.

The Institute, after detailed comparative studies of legislations and careful preliminary enquiries, entrusted the framing of the draft to an international Committee of Jurists, appointed by the Governing Body in 1930. The Committee of Jurists met eleven times and its conclusions were submitted to the Governing Body and approved by it during its last session.

Some twenty jurists assisted in the preparation of the draft: M. Capitant, member of the Institute of France, and M. Hamel, of the Faculty of Law of Paris (France); Sir Cecil Hurst, President of the Permanent Court of International Justice, and Mr. Gutteridge, of the University of Cambridge (United Kingdom); M. Bagge, Judge of the Supreme Court of Sweden, and M. Fehr, Rector of the Higher School of Commerce of Stockholm (Scandinavian countries); M. Rabel, of the University of Berlin (Germany); M. Vittorio Scialoja and M. Mariano d’Amelio (Italy).
The text consists of 108 articles arranged in six chapters, and is accompanied by a report setting forth very fully and completely the considerations on which it is based. There are two annexes attached to the report, the first containing draft clauses dealing with postponement of the passing of the property in the goods sold until the price is paid; the second, a report upon "letters of trust". These two questions were considered separately in order not to overweight the draft relating to sale.

The six chapters of the report deal systematically with the object of the law, general provisions, the respective obligations of seller and buyer, provisions common to the obligations of seller and buyer and the distribution of risks. The draft, while it satisfies the requirements of a rigorous juristic structure, is directed to practical solutions, particularly in its attempt to reconcile the Anglo-Saxon and Latin systems of law. It is emphasised in the explanatory statement that the Institute, far from desiring to assemble rules derived eclectically from the various existing legislations, has endeavoured to create a new and coherent system.

Responsibility of Hotelkeepers.

The second draft, less extensive in scope, meets a need which is greatly felt at the present moment. It sets forth the responsibility of hotelkeepers for any deterioration, destruction or removal of objects carried by travellers who stay at an hotel. The subject was taken up at the request of the International Alliance of Hotelkeepers. As a result of information and facts collected from all countries, and more particularly by means of a questionnaire forwarded to the various national sections of the International Alliance of Hotelkeepers, the draft was prepared by a Committee of Experts presided over by M. d'Amelio and composed of M. Capitant and Sir Cecil Hurst, members of the Governing Body of the Institute. Representatives of the organisations of hotelkeepers also assisted. The fundamental principle of the draft approved by the Institute is that of the objective and limited responsibility of the hotelkeeper. The text of the law is accompanied by an explanatory statement.

The two drafts were submitted on January 14th, 1935, to the Council of the League of Nations, which decided to forward them for observation to the Governments of all States Members of the League. The attention of the Governments was, on this occasion, drawn to the desirability of returning a reply as soon as possible, which it was hoped would be favourable to the draft. As soon as a sufficient number of replies has reached the Secretariat of the League, a study will be made of the best procedure to be followed in revising the drafts in the light of any possible observations made by the States and in taking steps with a view to their adoption.


Considerable progress has been made by the Institute in the framing of a third international law. It relates to arbitration in private cases.

Unification of laws relating to arbitration is a matter of real concern to international commerce, and the League of Nations has already taken action on two occasions. The Geneva Protocol of 1923 recognised the validity of the arbitration clause, while the Convention of 1927 established rules for the execution of foreign arbitral awards. The initiative of the Institute arose out of a report submitted in 1929 to the Governing Body by M. Rundstein, who proposed to unify arbitral procedure with a view to completing the provisions of the Protocol of 1923 and the Convention of 1927.

The studies undertaken by the Secretariat have resulted in a monograph in which numerous problems of procedural and substantial law have been carefully examined and which has been submitted as a basis of work to a Committee of Jurists constituted in order to continue the enquiry. The Committee was convened for the first time in July 1934 and has held three sessions under the chairmanship of M. d'Amelio. It has framed a preliminary draft of a uniform law. The following members participated in the work of the Committee: M. David (France), Mr. Gutteridge and Mr. Wortlers (United Kingdom), M. Rundstein (Poland) and M. Sandström (Sweden).

The Institute has considered this question in the most liberal spirit and has endeavoured to minimise the considerable divergencies which exist between the various legislations and which have acted as an impediment to arbitration, particularly in the international field. There is reason to hope that the preliminary draft, which, subject to certain reservations, covers the whole process of arbitration from the framing of the arbitral agreement to the announcement of the award, will mark a step forward in the direction of unification.

The draft is at present the subject of preliminary consultations among the circles directly concerned. The Committee, after these consultations, will continue its work with a view to producing a final draft.

3. Contracts between Absent Persons and the Civil Responsibility of Automobilists.

Two other questions have been under consideration during the year—namely, the conclusion of contracts between absent persons and the civil responsibility of automobilists.

For the study of these questions, the Institute has appointed International Committees of Experts sitting under the Chairmanship of M. d'Amelio. Following the successful precedent set in framing the draft relating to the responsibility of hotelkeepers, the Institute invited representatives of the international institutions concerned to participate in the work of the Committees. The participating institutions included the International Chamber of
Contracts between Absent Persons.

The following were the members of the Committee on the Conclusion of Contracts between Absent Persons: M. Asquini (Italy), M. Bagge (Sweden), M. Biamonti (for the International Chamber of Commerce), M. Capitant (France), Sir Cecil Hurst (United Kingdom), M. Manzanilla (Peru), M. Meijers (the Netherlands) and M. van Strobele (Austria).

The conclusion of contracts between absent persons gives rise to a series of problems which do not generally present themselves in the case of contracts concluded by the parties in one another's presence, particularly as regards the place and moment of conclusion of the contract.

The Secretariat submitted to the Committee as a basis for its work a thorough preliminary study on the character and scope of such problems, especially in international dealings, for the purpose of which the place of conclusion of the contract is often taken as a criterion in determining the legislation governing the legal act.

The first session of the Committee took place from May 1st to May 3rd, 1935, and the second will be held during October 1935.

Civil Responsibility of Automobilists.

The Committee appointed to study the question of the civil responsibility of automobilists for accidents caused by them met for the first time from May 27th to May 30th, 1935.

A complete body of information was placed at its disposal by the members of the Committee, which was composed as follows: M. Ascoli (Italy), M. Bruck (Germany), M. Delaquis (Switzerland and the International Alliance of Tourists), Mr. Gibb (United Kingdom), M. Josserand (France), M. Pini and M. Primault (International Association of recognised Automobile Clubs), M. Roman y Gallifa (Spain) and M. Rothmund (League of Nations).

The International Association of Recognised Automobile Clubs, in a spirit of cordial co-operation, suspended the studies which it had already itself undertaken on the same question, in order to participate in the work of the Institute.

4. Intellectual Rights: Brussels Conference of 1936;
Harmonisation of the Berne and Havana Conventions.

The Institute, in the field of intellectual rights, was happy to participate in the annual meetings of the representatives of the international associations dealing with intellectual rights convened by the International Intellectual Co-operation Organisation.

Among the questions considered at the last annual meeting was a study of the reforms to be made in the International Berne Convention at the forthcoming Conference, which is to meet in Brussels in 1936, and the question of harmonising this Convention with the Convention on authors' rights signed in 1928 at Havana by some forty American States.

The Institute recently constituted a Committee to consider the Berne Convention. The Committee consisted of: M. Capitant and M. Destree, members of the Governing Body of the Institute; M. Piloa-Caselli, expert in the law relating to authors' rights; M. Piloiti, League of Nations; M. Ostertag, International Bureau for the Protection of Authors' Rights at Berne; M. Weiss, International Institute of Intellectual Co-operation; M. de Feo, International Educational Cinematographic Institute. The task of the Committee was to prepare proposals concerning the rights of executants of works of art, translators' rights, the rights of persons co-operating in the creation of cinematographic works and the measures to be taken to ensure the preservation of works of art in the event of their transport and exhibition.

As regards harmonisation of the Conventions of Berne and Havana, the Institute in 1930 produced a comparative study at the request of the International Institute of Intellectual Co-operation in Paris.

The work since undertaken by the Institute in Paris justifies the hope that there may be concluded in the relatively near future the universal agreement in regard to authors' rights which the Assembly of the League last year hoped would be attained.

The Institute at Rome has in these circumstances offered to continue its co-operation with the Institute in Paris with a view to appointment, in the event of the League of Nations instructing them to deal with the problem of harmonisation, a small committee of jurists belonging to the principal European countries, to whom would be added representatives of the Bureau at Berne or of organisations specially interested, who would attend in their personal capacity. The Institutes, if necessary, would get into touch with the jurists of the Pan-American Conference.

It would be the task of the committee to produce either a draft agreement to form a connecting link between the two existing Conventions or a draft of a new universal convention.

A resolution in that sense was adopted by the International Committee on Intellectual Co-operation on July 20th, 1935, during its last session. The two Institutes, should the
Assembly of the League desire to give effect to that resolution, will be able to begin their work in October with a view to submitting their conclusions to the League before the meeting of the Brussels Conference in 1936.

5. Other Questions under Consideration: Co-operation with International Institutions.

As the first group of draft laws approaches the stage of realisation, the secretariat of the Institute is devoting more active attention to studies with a view to the unification of the law in other fields. Some of these studies are new; others have been under preparation in the past.

Among the subjects examined in the past were the questions of unpaid maintenance allowances, differential stock exchange contracts and the nationality of limited liability companies.

The subjects to which attention is for the first time directed include re-assurance contracts and a study of the effects caused in the field of private law by the institution of compensation chambers for payments effected by private persons from one country to another. The latter question is being examined in collaboration with the Economic Section of the League of Nations.

The Institute has endeavoured to render increasingly more effective and cordial its relations with other international institutions and particularly with the organisations of the League.

Reference has already been made to the initiative which the Institute has taken in inviting representatives of International Institutions directly concerned to co-operate with its Committees. An agreement was reached in February 1935 between the Secretariat of the League and the Institute, to the effect that the various bodies of the League should be kept informed of its work. It will thus be easier for them to co-operate in that work or to consult the Institute on questions in which they are interested. The International Museums Office, attached to the Institute of Intellectual Co-operation, has asked the Institute for its opinion on the draft Convention for the Protection of National Artistic Heritages, recently approved by the International Committee on Intellectual Co-operation and submitted a second time to the Governments of States Members of the League for their observations and suggestions.

The Institute was represented by its Secretary-General at the eighth Congress of the International Chamber of Commerce, which took place in Paris in June 1935. A statement of the work in progress at the Institute in connection with arbitration was made at the request of the Congress. The Institute also participated in the recent plenary session of the International Committee on Intellectual Co-operation, and took this opportunity of informing the Committee of its activities.

C. Conclusions.

Two observations as to the methods of work of the Institute may perhaps be added.

Progress in the work of unification has not been sought in the field of abstractions. An attempt has been made to base it upon concrete foundations, so that it may not only satisfy the aspirations of jurists but also meet the practical needs of international economic circles. Choice has been made of questions which not merely call for a solution but also may be regarded as ripe for uniform regulation. In framing rules with a view to contributing to the development of international commerce, considerable scope has been given to the application of commercial custom, good faith and equity.

Unification can only succeed if it has been preceded by careful and methodical preparation. To obtain the desired result, sufficient time is necessary, and it is essential that provision should be made for collecting full documentary material embodying an interpretation of the various legislations. The point of view of the circles concerned in the various countries has also to be considered and the text must be framed with the assistance of distinguished jurists representing the more important schools and currents of legal opinion. Only by following this procedure is it possible to give to the proposed texts a reasonable chance of acceptance for international adoption as uniform laws.

II. WORK OF THE COMMITTEE APPOINTED TO CONSIDER THE CONSTITUTION AND WORKING OF THE COMMITTEES OF THE LEAGUE OF NATIONS.

During a discussion which took place in the Council on January 17th, 1934, certain members expressed the desire that a study should be undertaken by the Secretary-General of the possibility of laying down less divergent if not uniform rules for the appointment, composition and renewal of the terms of office of the Committees of the League of Nations.

The Secretary-General, in conformity with this desire, entered upon an enquiry which extended to all the Commissions, Committees and bodies appointed in whole or in part by the Assembly, Council or an organisation of the League of Nations.
The memorandum of the Secretary-General was communicated to all the Members of the League shortly before the fifteenth session of the Assembly. The Assembly, on September 26th, 1934, on the proposal of its Bureau, adopted without discussion a resolution expressing the opinion that the report of the Secretary-General might be taken as a useful basis for ascertaining whether it was desirable to amend, adapt or complete the constitution and working of the Committees, and it asked the Council to submit the report for study to an appropriate body, so that at its next session the Assembly might be asked to consider proposals for carrying out the objects as defined.

The Members of the League, in order to facilitate this examination, were invited to communicate to the Secretary-General any suggestions which they might wish to make.

The Council, during its session in January 1934, determined the composition of the Committee to be constituted under the Assembly resolution.

The Committee met at Geneva from June 18th to June 22nd, 1935. It had at its disposal the report of the Secretary-General and information furnished orally by the Secretary-General and by the Directors of the technical sections of the Secretariat or their substitutes. It also considered the observations submitted by the Governments in response to the invitation of the Council. Such observations had been submitted by the Government of the United Kingdom, the Italian Government and conjointly by the Baltic States.

The report of the Committee embodying its proposals has been distributed to the Members of the League and its consideration placed on the agenda of the sixteenth session of the Assembly.

B. PERMANENT COURT OF INTERNATIONAL JUSTICE.

INTRODUCTION.

For a complete statement of the facts concerning the organisation and the activities of the Court since the last session of the Assembly, the Secretary-General ventures to refer to the Eleventh Annual Report of the Court. This work, which has just appeared, will be issued to Governments, to delegates other than deputy delegates at the next session of the Assembly, and also to their legal advisers.

The practice of the Secretariat in the years prior to 1933 had been to issue a few extracts from the Annual Reports of the Court to the delegates in the form of a special printed document. As it was considered, however, that this document was not absolutely necessary, the Secretary-General decided in 1933, in agreement with the Registrar of the Court, to substitute for it a chapter, prepared by the Registrar, which would be included, for the convenience of delegates, in the Secretary-General’s Supplementary Report. As this plan seems to have worked satisfactorily, it was employed in 1934 and has been adopted again for the current year. The manuscript of the present chapter was completed on August 1st, 1935.

I. COMPOSITION OF THE COURT.

On December 28th, 1934, M. Minéitéciró Adatci, member and former President of the Permanent Court of International Justice, died at Amsterdam. In accordance with a decision taken by the Council of the League of Nations on January 14th, 1935, M. Adatci’s successor will be elected during the ordinary session of the Assembly in 1935. The Secretary-General has taken the steps laid down by the Court’s Statute with a view to this election. A provisional list of candidates duly nominated was issued on July 24th, 1935. The final list will be placed at the disposal of delegates at the beginning of the Assembly’s session.

No other change in the Court’s composition has occurred since the last session of the Assembly.

In consequence of the death of M. Adatci, who was a member and President of the Chamber for Labour cases, the Court, on February 2nd, 1935, elected Sir Cecil Hurst as member and President of this Chamber for the unexpired portion of the deceased judge’s term of office (until December 31st, 1936).

On December 10th, 1934, the Court had elected the following judges to be members of the Chamber for Summary Procedure for the year 1935: Members: Sir Cecil Hurst, President, M. Guerrero, M. Adatci; Substitute Members: Count Rostworowski, M. Anzilotti. In consequence of the death of M. Adatci, the Court, on February 2nd, 1935, elected M. Schücking to replace the deceased judge.

Since the last session of the Assembly, the Court has had before it no cases which necessitated the appointment of judges ad hoc.
2. THE REGISTRY.

The organisation of the Registry has undergone no change since the last session of the Assembly. It should however be noted that a vacancy which occurred among the permanent officials was not filled.

3. THE STATUTE.

The Protocol of December 16th, 1920, to which the Court’s Statute is attached, has not been ratified by any State since the last session of the Assembly. The States which have signed the Protocol but not yet ratified it are: United States of America, Bolivia, Costa Rica, Guatemala, Liberia, Nicaragua.

On August 1st, 1925, the Protocol of Revision of September 14th, 1929, for the revision of the Statute, had been signed by the following States: Union of South Africa, Albania, United States of America, Australia, Austria, Belgium, Bolivia, Brazil, United Kingdom of Great Britain and Northern Ireland, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Iran, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia.

All these States have ratified, except: United States of America, Bolivia, Brazil, Guatemala, Nicaragua, Panama, Peru.

Of these seven States, the ratifications of three—namely, Brazil, Panama, and Peru—are required for the entry into force of the Revision Protocol, since they ratified the Protocol of Signature of December 16th, 1920. As regards Brazil, the Secretariat of the League of Nations informed the Registry in January 1933, that in reply to the enquiry addressed pursuant to the Assembly Resolution of October 14th, 1932, to States which had not yet ratified the Protocol, the Brazilian Government had informed it that it had already resolved to ratify the Protocol and that the instrument of ratification was in the hands of the printer. As regards Panama, the Secretariat informed the Registry in January 1935, that the legislature of that country had approved the Protocol. Finally, with regard to Peru, the Legal Adviser of the Secretariat of the League of Nations telegraphed to the Registry on November 2nd, 1934, that the Peruvian Government had decided to ratify the Protocol concerning the revision of the Statute and that the instrument of ratification would be despatched shortly.

It will be remembered that in the above-mentioned Resolution of October 14th, 1932, the Secretary-General was instructed “on the receipt of the last ratification necessary for the entry into force of the Protocol, to notify its entry into force to the Governments of the States concerned and to the Registrar of the Permanent Court of International Justice”.

4. THE RULES OF COURT.

At the ordinary session in 1935 (thirty-fourth session), the Court resumed its examination of the whole of the Rules with a view to their revision—an examination which had been begun at its thirty-second session (May 1934). At this session, the Court considered in particular, Articles 43 to 75 and 1 to 28, which it had not yet dealt with. On April 10th, 1935, it adopted a revised draft of the Rules, comprising the text of the articles adopted in 1934 and 1935 arranged according to a new plan.

The Revised Rules as thus adopted in first reading, which will be read a second time at a future session of the Court, comprise eighty-six articles (the existing Rules contain seventy-five); they are based on the Statute at present in force (the Statute adopted in 1920), no account being taken of the amendments which were made in 1929 but which have not yet come into force.

5. JURISDICTION.

(a) THE TREATIES.

Since the last session of the Assembly, the following new agreements or treaties by the terms of which, or for the interpretation of which, jurisdiction is conferred upon the Court,

1 The point of view of the Government of the United States as regards the putting into force of the amendments to the Statute of the Court was expressed by the Secretary of State in a letter of June 25th, 1930, to the Secretary-General of the League, to the following effect: “The Secretary of State... perceives no reason to object to the coming into force, between such nations as may have become parties thereto, of the amendments to the Statute of the Permanent Court of International Justice as set out in the annex to the Protocol dated September 14th, 1929, which have not been ratified by the United States.”

2 The Protocol concerning the revision of the Statute appears to have been approved together with the Protocol concerning the accession of the United States. Only the instrument of ratification of the accession Protocol, however, would appear so far to have been deposited at Geneva.
or some extra-judicial action is called for on the part of the Court or its President, have come
to the knowledge of the Registrar:

Treaty of conciliation and judicial settlement between Italy and Luxemburg.—Luxemburg, April 15th, 1932.
Agreement between the International Commission of the Danube, Roumania and Yugoslavia, relating to the setting-up of special services at the Iron Gates.—Semmering, June 28th, 1932.
Convention regarding air navigation between Hungary and Italy.—Rome, July 5th, 1932.
Convention regarding the recognition and enforcement of judicial decisions between Italy and Switzerland.—Rome, January 3rd, 1933.
Convention of conciliation, arbitration and judicial settlement between Denmark and Greece.—Athens, April 13th, 1933.
Treaty amending the Treaty between Germany and the Netherlands of November 26th, 1925, concerning customs and credit.—Berlin, April 27th, 1933.
Convention of conciliation, judicial settlement and arbitration between Czechoslovakia and Latvia.—Geneva, October 11th, 1933.
Protocol of Peace, Friendship and Co-operation between Colombia and Peru.—Rio de Janeiro, May 24th, 1934. (Leticia case.)
(Revised) Convention concerning employment of women during the night.—Geneva, June 19th, 1934.
(Revised) Convention concerning workmen’s compensation for occupational diseases.—
Convention ensuring benefit or allowances to the involuntarily unemployed.—Geneva, June 23rd, 1934.
Agreement between the United Kingdom and Lithuania relating to trade and commerce.—
Agreement between the United Kingdom and Estonia supplementary to the Treaty of commerce and navigation of January 18th, 1926.—London, July 11th, 1934.
Commercial agreement between the United Kingdom and Latvia.—London, July 17th, 1934.
Resolution adopted by the Assembly of the League of Nations in extraordinary session, November 24th, 1934 (Chaco case).
International Convention for the campaign against contagious diseases of animals.—
International Convention concerning the export and import of animal products (other than meat, meat preparations, fresh animal products, milk and milk products).—
Treaty of arbitration, judicial settlement and conciliation between Norway and Venezuela.—
Armistice Protocol between Bolivia and Paraguay.—Buenos Aires, June 12th, 1935 (Chaco case).

The number of international agreements (other than the optional Clause) conferring jurisdiction on the Court on any grounds, and published by the Registry, now amounts to 495.

(b) The Optional Clause.

Since the last session of the Assembly, there have been no further accessions to the Optional Clause annexed to the Court’s Statute (Article 36, paragraph 2). Several States have, however, renewed their acceptances which had expired; this was done by Ethiopia, Greece, Latvia and Lithuania. In the case of Ethiopia, her former acceptance had expired on July 15th, 1933; in virtue of a declaration dated September 18th, 1934, she renewed it for two years, this renewal extending also to the interval between July 15th, 1933 and September 18th, 1934.

As a result, the number of States now bound by the Optional Clause is forty-two (forty-one in 1934).
The general situation in regard to the acceptance of the Optional Clause is shown in the table below:

**SYNOPTIC TABLE.**

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<tr>
<th>States which have signed the Optional Clause (49)</th>
<th>Subject to ratification or other suspensive conditions</th>
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<tr>
<td>without any condition as to ratification or other suspensive conditions</td>
<td>and in the case of which the condition or conditions were not fulfilled on August 1st, 1933</td>
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<td>but in the case of which the period of engagement has expired</td>
<td>and in the case of which the condition or conditions are fulfilled</td>
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I. **States having signed the Optional Clause**: Union of South Africa, Albania, Australia, Austria, Belgium, Brazil, United Kingdom, Bulgaria, Canada, China, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Iran, Irish Free State, Italy, Latvia, Lithuania, Luxemburg, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

II. **Of these, the following have signed, subject to ratification, and have ratified**: Union of South Africa, Albania, Australia, Austria, Belgium, United Kingdom, Canada, Denmark, Dominican Republic, France, Germany, Greece, Hungary, India, Iran, Irish Free State, Italy, Latvia, New Zealand, Peru, Roumania, Siam, Switzerland, Yugoslavia.

C. **States having signed subject to ratification but not ratified**: Czechoslovakia, Guatemala, Liberia, Poland.

D. **States having signed without condition as to ratification**: Brazil, Bulgaria, China, Colombia, Costa Rica, Estonia, Ethiopia, Finland, Haiti, Lithuania, Luxemburg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Portugal, Salvador, Spain, Sweden, Uruguay.

E. **States having signed without condition as to ratification but not ratified the Protocol of Signature of the Statute**: Costa Rica, Nicaragua.

F. **States in the case of which the period for which Clause accepted has expired**: China (date of expiration: May 13th, 1927).
III.

G. States at present bound by the Clause: Union of South Africa, Albania, Australia, Austria, Belgium, Brazil, United Kingdom, Bulgaria, Canada, Colombia, Denmark, Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Haiti, Hungary, India, Iran, Irish Free State, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Yugoslavia.

(c) The United States of America.

On January 29th, 1935, a vote was taken in the American Senate on a Resolution providing for the accession of the United States to the Protocol of Signature of the Statute of the Permanent Court of International Justice, dated December 16th, 1920, to the Protocol for the Revision of that Statute, dated September 14th, 1929, and to the Protocol for the accession of the United States of America to the Protocol of Signature, dated September 14th, 1929. When the question was voted upon, the requisite majority of two-thirds was not attained, fifty-two Senators having voted for the Resolution and thirty-six against it.

Since the last session of the Assembly, the Protocol of September 14th, 1929, for the accession of the United States of America has been ratified by Ethiopia and Panama.

All the signatories of this Protocol have ratified it, except: United States of America, Bolivia, Brazil, Chile, Guatemala, Haiti, Liberia, Nicaragua, Paraguay, Peru, Salvador.

6. ACTIVITIES.

At the beginning of the last session of the Assembly, the Court had the following case before it:

<table>
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<tr>
<th>General List</th>
<th>Short title</th>
<th>Parties (or advisory opinion)</th>
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<tbody>
<tr>
<td>No. 61</td>
<td>Oscar Chinn Case</td>
<td>Belgium-United Kingdom.</td>
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Since then, the following case has been submitted to the Court:

<table>
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<th>General List</th>
<th>Short title</th>
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<tbody>
<tr>
<td>No. 62</td>
<td>Case concerning minority schools in Albania</td>
<td>Advisory Opinion.</td>
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</tbody>
</table>

In order to deal with these cases, the Court held two sessions, namely:

The thirty-third (extraordinary) session, October 22nd-December 12th, 1934.
The thirty-fourth (ordinary) session, February 1st-April 10th, 1935.1

At the first of these sessions all the regular members of the Court were present, except Mr. Kellogg, M. Adatci and M. Wang; at the second session, all were present except Mr. Kellogg, M. de Bustamante and M. Wang.2 As in previous years, it was not found necessary to obtain the assistance of deputy judges.

7. CASES.

(a) The Oscar Chinn Case (No. 61).

In 1925, a river-transport Company known as "Unatra" was founded in the Belgian Congo, more than half of the shares being owned by the Belgian Government. According to the terms of its Cahier des charges agreement, "Unatra" is under an obligation to the Colony to keep permanently in service a fleet capable of meeting the present needs and future expansion of transport traffic. The transport rates are to be approved by the Colonial Administration before being put into force. The Colony has the right to insist on the maintenance of services, even though they show a deficit, but is bound to make up the receipts to an amount equal to the running expenses. The Company cannot grant exceptional rates without the special permission of the Colony. The State, for its part, guarantees interest at 6% on the debentures of the Company and the amortisation of these debentures, which also enjoy a partial relief from taxation.

In 1928, the Company asked the Government that its existing rates should be regarded as maximum rates. The Government acquiesced, and the Company was thus enabled to grant special tariffs to its regular and more important customers, with whom it concluded fidelity contracts, and contracts for the taking over and laying up of shipping.

In 1929, Mr. Chinn, a British subject, came to Leopoldville and established there a river-transport and ship-building and repairing business. His concern was, apart from "Unatra", the only one exclusively engaged in the transport of goods belonging to third parties; there were, however, several producing enterprises which transported their own products, and, in addition, carried goods belonging to third parties, so far as cargo space was available.

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1 A portion of the thirty-fourth session was devoted to the revision of the Rules (see above).
2 Mr. Kellogg was indisposed during the whole period under review. M. de Bustamante was prevented, for reasons of health, from attending the thirty-fourth session. M. Adatci, who had been ill during the thirty-third session, died on December 28th, 1934 (see above). M. Wang took his "long leave" (Rules of Court, Article 27: 5) during the period under review; he was, however, present during the last part of the thirty-fourth session devoted to the revision of the Rules.
When the commercial depression began to be felt in the Congo, the Minister for the Colonies decided on June 20th, 1931, in order to reduce the cost price of colonial products, that, as from July 1st, 1931, the freight charges of "Unatra" for the main categories of products should be lowered to a purely nominal figure. In consequence of the reduction in freight charges, the Government undertook to refund the losses incurred by the Company, subject to certain conditions.

This measure caused some dissatisfaction, and another enterprise engaged in transportation asked the Minister to state what conditions it must accept in order to receive the same treatment. The Minister stated that he could not accede to the request, and six transportation companies had recourse to the courts, which dismissed their suit in September and December 1932. In the meantime, however, on October 3rd, 1932, the Minister announced that he had decided to accede to their request within certain limits.

Mr. Chinn, who was one of those who had had recourse to the courts, had also appealed to his Government for protection, and the latter had taken up his claim. Negotiations ensued between the Government of the United Kingdom of Great Britain and Northern Ireland and the Belgian Government with a view to a friendly settlement. These negotiations proved fruitless, and the two Governments then agreed to submit the case to the Permanent Court of International Justice; with that object, they concluded a Special Agreement on April 13th, 1934, which was notified to the Court on May 1st of that year.

The Special Agreement requests the Court to say whether, having regard to all the circumstances of the case, the above-mentioned measures complained of by the Government of the United Kingdom were in conflict with the international obligations of the Belgian Government towards that Government. If the answer to the above question is in the affirmative, and if Mr. Oscar Chinn has suffered damage on account of the non-observance by the Belgian Government of the above-mentioned obligations, the Court is next requested to say what is the reparation to be paid by the Belgian Government to the Government of the United Kingdom. Before, however, fixing the amount that may be payable, the Court is requested to indicate the principles on which such reparation is to be calculated, and to determine the procedure whereby the amount is to be ascertained, if, within a time-limit to be fixed by the Court, the contracting Governments have not reached agreement as to the sum to be paid.

The Court's judgment was delivered on December 12th, 1934, the public sittings having been held from October 23rd to 26th of that year.

The Court specifies, to begin with, the questions it is called upon to decide, according to the tenour of the Special Agreement. It has to determine in the first place the nature of the measures of which the Government of the United Kingdom complains, the "circumstances of the case"—that is to say, the circumstances which are peculiar to the present suit—and the international obligations with which, in the submission of the Government of the United Kingdom, these measures were in conflict.

These measures are primarily the decision of June 20th, 1931, followed by the refusal of the Belgian Government, until October 3rd, 1932, to extend its benefit to transport enterprises which had not been covered by that decision. These measures were governmental acts, and are to be accounted for by the right of supervision which the Government retained over "Unatra". As regards the scope of these acts, the Court distinguishes two features: the reduction in the transport tariffs, and the reimbursement—which is moreover recoverable—of the losses incurred.

As regards the "circumstances of the case", they include, in the Court's opinion, the peculiar importance of fluvial transport for the whole economic organisation of the colony; secondly, the character of "Unatra", as a private company, charged with the conduct of an organised public service, and finally the general economic depression, and the necessity of assisting trade—which was suffering severely from the fall in prices of colonial products—and of warding off the danger which threatened to involve the whole colony in a common disaster; in the Court's opinion, the Belgian Government was the sole judge of this critical situation and of the remedies it called for—subject, of course, to its duty of respecting its international obligations.

These obligations were clearly indicated by the Parties; they are, in the first place, the obligations deriving from the international regime of the Congo basin under the Convention of St.-Germain-en-Laye of September 10th, 1919, and, in the second place, the obligations resulting from the general principles of international law.

The Convention of St.-Germain-en-Laye was the successor, so far as the Parties in the case are concerned, of the Acts of Berlin and of Brussels of 1885 and 1890. Among the signatories of the latter instruments are certain States other than those which are parties to the Convention. The Court notes, however, that the Convention has been relied on, in the present case, by the Governments of Belgium and the United Kingdom as the Act which it is asked to apply, and that the validity of this Act has not so far, to its knowledge, been challenged by any Government.

In regard to the general principles of international law, the Court observes that the principle at issue is that of respect for vested rights.

The Government of the United Kingdom had alleged that the decision of June 20th, 1931, was in conflict with the international obligations thus defined, in the following respects.

That decision, it is alleged, intentionally made it impossible for the fluvial transporters, other than "Unatra"—including Mr. Chinn—to carry on their business, and in this way it enabled "Unatra" to exercise a de facto monopoly incompatible with the principles of freedom of commerce and navigation; and by organising a regime, in the benefits of which Mr. Chinn, a British subject, was not entitled to share, it created a discrimination contrary to the principle of equality of treatment.
In regard to the first of these complaints, the Court observes that, according to the conception universally accepted, the freedom of navigation referred to by the Convention comprises two separate elements: freedom of movement for vessels, and freedom of transport, the latter implying, in certain respects, freedom of commerce also. In the present case, the Government of the United Kingdom was concerned only with the latter, or what may be called the commercial aspect of freedom of navigation; and for that reason the Court, while recognising that freedom of navigation and freedom of commerce are in principle separate conceptions, considers that it is not necessary to examine them separately. The Court notes that the Convention of St. Germain-en-Laye, while abolishing the regime of the open door stipulated by the Berlin Act, nevertheless maintained freedom of trade, in the sense of the right—in principle unrestricted—to engage in any commercial activity; but it observes that the provisions of the Convention, being less wide than those of the Acts which it succeeded, do not lend themselves to a broad interpretation, and that in consequence the freedom of trade referred to in the Convention does not mean the abolition of competition. When Mr. Chinn established his business in the Congo, he could not have been ignorant of the serious competition which he would have to encounter on the part of " Unatra", having regard to that Company's connection with the Government. As regards the so-called de facto monopoly said to have been created in favour of " Unatra", the alleged concentration of transport business in the hands of "Unatra" would only have been incompatible with freedom of trade if it had involved the concession of a right precluding the exercise of the same right by others. The Court sees nothing indicative of such a prohibition. In what the Government of the United Kingdom describes as a de facto monopoly, the Court sees only a natural consequence of the situation of a service controlled by the State, as compared with private concerns, or a possible effect of commercial competition.

It is possible that "Unatra" took advantage of the lowering of its rates to eliminate its competitors; but it cannot be inferred that this was the motive and aim of the action of the Belgian Government.

In regard to the second complaint of the Government of the United Kingdom, the Court points out that the Convention of St. Germain-en-Laye proclaims the principle of equality of treatment as the characteristic feature of the legal regime established in the Congo basin. The form of discrimination which is forbidden is discrimination based upon nationality, and involving differential treatment as between persons belonging to different national groups, by reason of their nationality. But the special treatment accorded to "Unatra" by the governmental decision of June 1931 was bound up with the position of "Unatra" as a company under State supervision, and not with its character as a Belgian company.

Finally, as regards the argument which the Government of the United Kingdom had based upon the general principles of international law, the Court is unable to see in Mr. Chinn's position prior to the Belgian Government's decision, anything in the nature of a genuine vested right. No enterprise can escape from the chances and hazards resulting from general economic conditions. It is true that in 1932 the Belgian Government decided to grant advances also to transporters other than "Unatra". But this action appears to have been an act of grace, and cannot be regarded as an admission of a legal obligation to indemnify the transporters for an encroachment on their vested rights.

For these reasons, the Court holds that the answer to the first question in the Special Agreement must be in the negative. Accordingly, the second question does not arise.

(b) The Case concerning Minority Schools in Albania (No. 62).

Albania was admitted to membership of the League of Nations in 1920, on the understanding that, with regard to the protection of minorities in her territory, she should assume obligations in accordance with the general principles laid down in the Minorities Treaties. Albania's undertaking was given in the form of a Declaration which she signed on October 2nd, 1921, and which was officially transmitted to the Council. The clauses of the Declaration, although, generally speaking, they follow the corresponding clauses of the Minorities Treaties, differ from them in some respects.

Under the Declaration, Albania had to furnish the Council with information concerning the legal status of minorities. It appears from the information supplied that the latter had the right to maintain and establish private schools. The Council simply noted this information.

In 1923, however, the Albanian Government began to manifest an intention to abolish the right to maintain and establish private schools. This intention did not take shape for some time: thus a new Constitution promulgated in 1928 maintained this right. In 1930, however, steps were taken to secularise education, and in 1933, the abolition of private schools was completed by means of an amendment to the Constitution of 1928.

As a result of these developments, petitions were addressed to the League of Nations on behalf of the minorities; in accordance with the procedure in force, they were referred to a Committee of three members, which decided to have the question of the scope of the Albanian Declaration concerning minorities, in regard to certain points, placed upon the Council agenda.

The Council considered the matter at its meetings on January 14th and 18th, 1935. On the latter date, it decided to ask the Court for an advisory opinion on the following points:

(1) Whether, regard being had to the above-mentioned Declaration of October 2nd, 1921, as a whole, the Albanian Government is justified in its plea that, as the abolition of the private schools in Albania constitutes a general measure applicable to the majority
as well as to the minority, it is in conformity with the letter and the spirit of the stipula-
tions laid down in Article 5, first paragraph, of that Declaration; and if so

"(2) Whether the Council of the League of Nations can, on the basis of the second
paragraph of the said Article, formulate recommendations going beyond the provisions
of the first paragraph."

In accordance with the usual procedure, the Request was communicated to Members of
the League of Nations and to other States entitled to appear before the Court. The Registrar
also sent to Albania and Greece, which were regarded by the President—the Court not being
in session—as likely to be able to furnish information on the question referred to the Court for
advisory opinion, the special and direct communication mentioned in Article 73, No. 1,
paragraph 2, of the Rules.

Two written statements, one on behalf of the Albanian Government and the other on
behalf of the Greek Government, were filed within a time-limit fixed for the purpose. The
Court, which was then in session, decided that these two Governments should also present oral
statements. These were presented at public sittings held on March 11th and 12th, 1935.

The Court being satisfied that the question submitted to it for advisory opinion did not
relate to an existing dispute, it followed that the second paragraph of Article 71 of the Rules,
concerning the appointment of judges in accordance with Article 31 of the Statute, was not
applicable.

The Court delivered its opinion on April 6th, 1935.

It first of all summarises the opposing contentions. The Albanian Government's conten-
tion was that the Declaration of October 2nd, 1921, imposed no other obligation upon it,
in educational matters, than to grant to its nationals belonging to racial, religious or linguistic
minorities, a right equal to that possessed by other Albanian nationals. Once the latter
ceased to be entitled to have private schools, the former could not claim to have them
either. Any interpretation which would compel Albania to respect the private minority
schools would create a privilege in favour of the minority.

According to the Greek Government, the fundamental idea of the Declaration was, on
the contrary, to guarantee freedom of education to the minorities by granting them the right
to retain their existing schools and to establish others; equality of treatment, the Greek
Government contended, was merely an adjunct to this right, and could not impede the purpose
in view, which was to ensure full and effectual liberty in matters of education.

The Court next proceeds to interpret the Albanian Declaration:

What the Council asked Albania to accept and what Albania did accept, was a regime of
minority protection substantially the same as the regimes already accepted by other States :
as the Declaration was designed to apply to Albania the general principles of the minorities
treaties, this is the point of view which the Court adopts.

The idea underlying the treaties for the protection of minorities is to ensure that the
majority and minorities may “live peaceably” side by side and “co-operate amicably”, whilst
preserving the characteristics of the latter. In order to attain this object, they lay down
the principles of equality and of granting minorities means for the preservation of their
traditions and characteristics. The two principles are moreover interlocked, for there would
be no true equality between a majority and a minority if the latter were deprived of its own
institutions and were consequently compelled to renounce that which constitutes the very
essence of its being a minority.

The Court next observes that the Albanian declaration is also inspired by these principles:
besides providing for equality of treatment, it specifies the rights that are to be enjoyed equally
by all persons whom it covers, including particularly members of minorities.

To the latter the declaration ensures “the same treatment and security in law and in fact”
as other Albanian nationals. The Court holds that this is a notion of equality which is
peculiar to the relations between a majority and a minority, and the characteristic feature
of which is equality in fact. Equality in fact supplements equality in law; it excludes a
purely formal equality and may involve the necessity of differential treatment in order to
establish an equilibrium between different situations.

In the Court's view, this is precisely what the declaration does when it provides that
minorities are to have the right to maintain and establish institutions such as schools. The
requisite equality of treatment would be destroyed if these institutions were abolished or
replaced by State institutions.

In the same connection, the Court also observes that the expression equal right means that
the right thus conferred on members of the minority cannot in any case be inferior to the
corresponding right of other Albanian nationals: it is the minimum necessary to guarantee
effective and genuine equality as between the majority and the minority. The Court finds,
moreover, that the view taken by it is confirmed by the history of the relevant provisions
and by their context.

For these reasons, the Court answers the question put to it by the Council of the League
of Nations in the negative.