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SURVEY OF INTERNATIONAL AFFAIRS 1925

SURVEY OF INTERNATIONAL AFFAIRS 1925

VOLUME II

BY

C. A. MACARTNEY
AND OTHERS

A Locarno . . . nous avons parlé européen. C'est une langue nouvelle qu'il faudra bien que l'on apprenne.

ARISTIDE BRIAND,
27th February, 1926

OXFORD UNIVERSITY PRESS
LONDON: HUMPHREY MILFORD
Issued under the auspices of the Royal Institute of International Affairs
1928

OXFORD
UNIVERSITY PRESS
LONDON: AMEN HOUSE, E.C.4
EDINBURGH GLASGOW LEIPZIG
COPENHAGEN NEW YORK TORONTO
MELBOURNE CAPETOWN BOMBAY
CALCUTTA MADRAS SHANGHAI
HUMPHREY MILFORD
PUBLISHER TO THE
UNIVERSITY

Printed in Great Britain

PREFACE

THIS volume is the second part of the *Survey of International Affairs*, 1925. In the first volume, which was published last summer, Professor Toynbee recorded the affairs of the Islamic World since the Peace Settlement. As was explained in the Preface to that volume, the work of preparing two volumes instead of one in the year was more than any one writer could undertake. The Council, therefore, were compelled to enlist the services of other writers for the compilation of the second volume. They were fortunate in securing the co-operation of Mr. C. A. Macartney, the author of *The Social Revolution in Austria*, for the preparation of the sections dealing with the events during 1925 in Europe (Parts I. A, II. A–D) and during the period 1919–25 in the American Continent (Part IV), while Miss V. M. Boulter, Professor Toynbee's assistant at the Institute, wrote the section on South-Eastern Europe (Part II. E). The Council are also indebted to well-informed contributors, who prefer to remain anonymous, for the section on Opium (Part I. B (vi)), and for the chapter on the Far East (Part III). The remaining subjects discussed in Part I. B were prepared for an earlier volume by Professor Toynbee, but omitted owing to lack of space, and the record has accordingly been continued by Miss Boulter to the end of the year 1925.

The Council wish to acknowledge once again their obligation and gratitude to the members of the Institute who have generously given the writers the benefit of their special knowledge in various fields.

Simultaneously with and as a Supplement to this volume, the Oxford University Press will publish a

Chronology of International Events and Treaties, January 1, 1920–December 31, 1925, which has been compiled by Miss Boulter. This volume forms a continuation of the diary of events in *The History of the Peace Conference of Paris*, and contains a classified chronology under countries, with cross references.

G. M. GATHORNE-HARDY,

Honorary Secretary,
Royal Institute of International Affairs.

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PART I

WORLD AFFAIRS

A. SECURITY AND DISARMAMENT

Introduction.

THE *Survey for 1924* traced the history of the problem of Security down to the completion of the Protocol of Geneva; and looking ahead, indicated briefly the general feelings with which Continental Europe as a whole and Latin America on the one hand, and Great Britain with her Dominions on the other, regarded that document.[1] The following pages will trace the process by which the objections to the Protocol, especially those entertained by the British Dominions, grew and took definite form; the lapse of the Protocol, owing mainly to the lack of British support; the advances made by the German Government towards finding a new formula to solve the problem of Security; and the complex negotiations which followed until a formula had been reached which satisfied the apprehensions of France and her Allies in Western and Eastern Europe, was at the same time acceptable to Nationalist circles in Germany, and satisfied opinion in Great Britain in that it neither involved her in burdensome commitments nor condemned her to friendless isolation. Finally, a short analysis will be given of the so-called Pact of Locarno, comprising the treaties and agreements arrived at as a result of these negotiations.

With the signature of the Pact of Locarno it could not be said with finality that the problem of European Security had been completely solved. The possibility of a European war had been made more remote, but it had not been eliminated. Further, the questions of Arbitration and Disarmament, arising out of that of Security, had by no means yet been explored to their utmost limits. Much remained to be done; but it was generally agreed that the Pact of Locarno provided a practical answer at least to that main problem of the Rhineland frontier which had so long been a cause of strife, and a secure basis upon which the European statesmen of the future might erect, as opportunity occurred, a more comprehensive edifice.

[1] See *Survey for 1924*, pp. 1–64.

(i) The Lapse of the Geneva Protocol and the first German Offers of a Security Pact.

On the 2nd October, 1924, the representatives of the forty-eight states attending the Fifth Assembly of the League of Nations agreed unanimously to 'welcome' the Protocol for the Pacific Settlement of International Disputes 'warmly, and to recommend its acceptance to the earnest attention of all members of the League'. On the same day the Protocol was opened for signature. The course of the next few days showed that the countries of Continental Europe in general—even those from which opposition to the stabilization of existing frontiers might reasonably have been expected—nevertheless gave the Protocol their warm support, while the majority of Central and South American States regarded with no less sympathy the work of their delegates. M. Briand, on behalf of the French Government, was the first to affix his signature to the Protocol, without reservation, immediately it was open; and during the next few days, his example was followed by the representatives of Albania, Belgium, Brazil, Bulgaria, Chile, Estonia, Greece, Jugoslavia, Latvia, Paraguay, Poland, and Portugal. Uruguay, Spain, and Finland were only a little later in signing, and Czechoslovakia had ratified the Protocol before the end of the month. The warm words with which MM. Beneš and Skrzyński sponsored the document before their respective Parliaments undoubtedly found general appreciation and were echoed in many countries.

On the other hand, it was equally soon apparent that the attitude of Great Britain's overseas Dominions, which, besides governing the verdict of their own representatives, must necessarily, in a question of such importance, strongly influence the attitude of the Mother Country, was far from being favourable towards the Protocol; the more so since exaggerated and even absurdly distorted accounts of obligations to which Great Britain was alleged to have committed herself found their way into the Press of the Dominions. In particular, the very first point which struck the Dominions—one which to a European statesman such as M. Beneš or M. Politis must have appeared of very remote significance—seems to have been the possibility that their right might be questioned to regard as a purely domestic matter, and to treat solely from the standpoint of their own interests, the problems of immigration and coloured labour. Their misgivings had been aroused by the proposed amendments to Article 10 of the Protocol, brought forward by the Japanese delegate at Geneva.[1] Although these amendments had been modified to the

[1] See *Survey for 1924*, pp. 55 *seqq.*

satisfaction of the Assembly, the Dominions feared, not only that their sovereignty in these matters might be questioned, but that they might be forbidden from regarding as aggressive, action which would seem to them to be indisputably so. Thus, as early as the 15th October the Prime Minister of New Zealand, replying to a question in the House of Representatives, declared that: 'New Zealand would not have the question whether people could come here submitted to arbitration.' [1] Five days later it was reported that the Federal Parliament of Australia proposed to hold a special session, commencing on the 14th January, 1925, to discuss the ratification of the Protocol. *The Times* correspondent stated [2] that the assurances given by Sir Littleton Groom that the legal position of Australia was satisfactory under the Protocol had lost much of their force locally since Mr. Hughes had published, in an interview in *The Times* of the 13th October, an account of conversations held at the Peace Conference in 1919 with Baron Makino. The latter had then refused to make clear, in the wording of a proposed amendment to the Covenant of the League asserting the principle of racial equality, that this amendment was not to be used for the purpose of immigration or for impairing in any degree Australia's right of ordering her own affairs. The speech of the Canadian delegate to the Assembly of the League had already been cautious, and on the 8th November the Canadian correspondent of *The Times* described the rejection of the Protocol by the Canadian Parliament as 'almost certain'—again on the ground that it 'might conceivably affect Dominion control over immigration'. The British *Round Table* for December drew attention to the fact that the Protocol was 'primarily concerned with Europe'; pointed out difficulties likely to arise over the colour question and over relations with the United States of America, and came to the conclusion that 'the Protocol is unworkable, that it would not conduce either to world peace or to the prosperity or security of the British Commonwealth, and that it should not be accepted in anything like its present form'.[3]

The speed and decision with which these opinions were expressed must have had their effect upon any British Government, even upon one which, like that of Mr. MacDonald, had been a prime mover in the construction of the Protocol. But the situation was further completely changed by the alteration in the domestic situation of Great Britain. Mr. MacDonald's Government had been passing through a domestic crisis at the very moment when the Geneva

[1] *The Times*, 16th October, 1924 [2] *Ibid.*, 21st October, 1924.
[3] *The Round Table*, December 1924, p. 2.

Protocol was being brought to completion. It was defeated on the 8th October. Parliament was dissolved on the following day, and a general election fixed for the 29th October. On the 6th November a Conservative Government took office at the head of a large majority, Mr. Austen Chamberlain being entrusted with the conduct of foreign affairs.

The new Secretary of State had two great and most urgent problems to face, apart from that of security: the conflict with Russia, which had arisen out of the affair of the 'Zinoviev letter',[1] and the difficult situation in Egypt created by the murder of the Sirdar, Sir Lee Stack, on the 19th November.[2] Obviously, the British Government, with so much to occupy their attention, could make no immediate pronouncement on the complicated and important documents constituting the Geneva Protocol; the more particularly as it seemed impossible either simply to accept them, in view of the attitude of the Dominions and that body of British public opinion which shared their misgivings, or to reject them without further ado, in view of the disastrous effect which such a course would have in increasing the nervousness of public opinion in France and elsewhere. Although it was not technically necessary to take up a definite attitude on the Protocol before the 1st May, some immediate statement had to be made at an early date; for the Council of the League of Nations was due to meet in Rome on the 8th December, and item No. 16c on its long agenda list dealt with the 'Date of meeting of Jurists' Committee', which referred to a proposed meeting of jurists to redraft the Covenant of the League in accordance with the terms of the Protocol. The British Government, with the other permanent members of the Council of the League, had been invited to nominate a delegate to this conference.

On the 15th November the British Government accordingly transmitted a statement to the Secretary-General of the League of Nations to the effect that, owing to their very recent accession to office, they would not be able for some time to form a considered opinion on the Protocol, nor to furnish their representative with proper instructions concerning the projected conference on reduction of armaments. They therefore found themselves 'to their great regret obliged to request that this item of agenda of next meeting of Council may be postponed to later session when they will have been able to give it close attention which its great importance necessitates'.[3]

[1] See *Survey for 1924*, pp. 247 *seqq.*
[2] See *Survey for 1925*, Vol. I, pp. 212 *seqq.*
[3] *Cmd.* 2458, p. 5.

Simultaneously with the publication of this message, statements were made to the Press that this adjournment did not signify the rejection of the Protocol, but was rendered inevitable by the need of examining the situation carefully in concert with the Dominions.

It was, apparently, partly in the hope of dispelling the consternation which these pronouncements had produced that Mr. Austen Chamberlain attended the Rome session of the Council in person; and at the private session on the 9th made a reasoned appeal for deferring consideration of the Protocol until March, at the same time emphasizing the absence of any concealed motive for the delay. This decision was accepted, and a resolution in favour of postponing the consideration of this item on the agenda of the meeting was put forward by M. Beneš and adopted by the Council.

The consultations with the Dominions began immediately after. On the 19th December, the British Government, in messages transmitted for the Prime Ministers of the Dominions, declared themselves 'greatly impressed with momentous character of question' and conceived it 'essential that in regard to a problem of this magnitude the Empire should have a single policy', which could be best determined as a result of personal consultation between Ministers. It was suggested that an Imperial Conference should meet in the early days of March 1925 to discuss the matter.[1]

Unfortunately, however, while all representatives of the Dominions, in their replies, were unanimous in endorsing the desirability of a united Empire policy, the Prime Ministers of Canada, Australia, South Africa, and Newfoundland all, for various reasons, found it impossible personally to attend an Imperial Conference in March; while the Irish Free State sent no reply to the invitation. The views which the Dominion Prime Ministers expressed in their telegraphic communications,[2] however, showed how far all the Dominions were from a simple acceptance of the Geneva Protocol. The Governments of South Africa and New Zealand were strongly against acceptance; those of Canada and Australia, while wording their objections more mildly, and combining them with expressions of esteem for the work of the League of Nations and for its Covenant, nevertheless rejected the Protocol with decision, an attitude also taken up by the Minister for External Affairs of the Irish Free State in a statement which he made in the *Dail* on the 13th May. The Dominions were at one in expressing their misgivings as to the possible infringement which their sovereign rights might undergo under the Protocol, and disliked any increase of obligations which, as the Prime Minister of South

[1] *Ibid.*, pp. 5–6. [2] *Ibid.*

Africa declared, it was ' quite impossible even approximately to tell or calculate in advance '. This latter statesman felt that ' the League of Nations as at present existing, with America, Germany, and Russia standing aloof ' must ' necessarily as time goes on assume more and more the character of political alliance. To accept Protocol, Ministers feel, would be only to make it more difficult for countries at present outside the League, notably America, to become members ' and would thus help to defeat the real purpose of the League. The Government of New Zealand was strongly averse to the Permanent Court of International Justice being given a potential right to interfere either with immigration into New Zealand or with Great Britain's belligerent rights at sea, and found that there was ' absolutely no provision in the Protocol enabling or entitling a nation which is not itself attacked by aggression to come at once to the assistance of a friendly nation which is so attacked '. The limitations to which Great Britain would have to subject her ' rights and duties to France and Belgium as expressed in Article 10 of the Covenant ' were described as ' ludicrous '—Article 10 being that article, it should be noted, which was affected by the Japanese draft amendment. The Protocol held out ' no serious prospect of advantage sufficient to compensate the world for the immense complication of international relations which it would create, the uncertainty of the practical effect of its clauses, and the consequent difficulty of conducting national policy '.

The Prime Minister of Canada particularly emphasized ' the consideration of the effect of non-participation of the United States upon attempt to enforce sanctions and particularly so in the case of contiguous countries like Canada '. The Prime Minister of Australia, while describing the Protocol as ' a praiseworthy attempt to go further than was found possible when the League was first established '. raised objections similar to those which had occurred to other Dominion Governments and pointed out the ' exceptional if not insuperable difficulties ' of determining the aggressor in a remote theatre. The Protocol, he believed, would ' have the effect of still further alienating nations who are already hesitant about accepting the authority of the League and . . . in the present state of international opinion defeat the object which the designers of the Protocol had in view '.

The answer of the Government of India was not communicated to the League of Nations until the 5th August, 1925.[1] It ran as follows .

So completely are the Government of India in sympathy with the

[1] *Cmd.* 2492.

objects of the Protocol that they approached the examination of its detailed provisions with a strong bias in favour of its acceptance. Their disappointment is therefore the greater that they have been forced on a careful consideration of the provisions, to the conclusion that the Protocol would be inimical to India's interests.

In particular, India's 'geographical position and particular situation as regards armaments' (Article 11) would, in the peculiar circumstances of Asia, mark her down as the nation on which the League, under the Protocol, would ordinarily call to apply immediate sanctions against a recalcitrant state in the East. This would place a heavier burden on her military and financial resources than she could bear, and might subject some one or other of the many communities or religions which are comprised in her population to a stram to which it would be improper to subject them.

To the objections raised by the Dominions against the Geneva Protocol were added criticisms put forward by the Committee of Imperial Defence, which were understood to be no less destructive, being directed both against the 'unlimited claims' made on Empire resources by the Protocol, the limitations imposed on national sovereignty, the impediments placed in the way of war departments, and the advantage given by the machinery of the Protocol in time of war to an unscrupulous aggressor.[1]

These and other considerations had, in the minds of the British Government, definitely turned the balance against the Protocol, and their reply, dated the 3rd March, 1925, to the representatives of the Dominions informed them that the 'Cabinet, after most careful and exhaustive enquiry, have come to the conclusion that they cannot accept the Geneva Protocol or recommend its acceptance to the other Governments of the Empire'. In view, however, of the forthcoming session of the Council of the League of Nations, beginning on the 9th March, the Government felt that a definite statement could no longer be withheld, and the text of this statement (which was that which was read out by Mr. Chamberlain in the Council of the League of Nations on the 12th March),[2] was approved by the Cabinet on the following day.

It was less clear what alternative solution to the problem of security should be provided. Out of the discussions on the subject two main schools of thought had appeared. The 'isolationist' school favoured a complete rejection of all commitments in Europe. The so-called 'European' school was unable to share this view. Setting aside for the moment the question of Russia, as incalculable, and those of the minor ex-enemy states, as of secondary importance to the British Empire, it regarded the relations between Germany and

[1] See *The Times*, 18th February, 1925. [2] See below, p. 21.

her neighbours as vitally affecting Great Britain. Germany was bound to recover her strength, and the existing settlement of her eastern and western frontiers would then have to be reviewed in a new light. Germany would presumably aim at revising her frontier with Poland, and if France were then standing alone, and the neutrality of Britain guaranteed, an attack on France might also be feared. In the interests of British security, it was essential that no single Power should be in a position to occupy or to dominate all the Channel or North Sea ports; that, therefore, the hostility of the states in present possession of those ports (France and Belgium, or Holland, Germany, and Denmark, or a coalition between these two groups) should be avoided; and that no third Power at war with France or Belgium should ever be in a position to invade those countries in such a way as to endanger the *status quo* of the Channel ports, or of other districts in France and Belgium which might serve as a base for an air attack on Great Britain. An understanding with France and Belgium, which would prevent such districts from falling into the hands of another Power, was therefore necessary. Such an understanding would be the best guarantee of European security. No Power would attack France if it knew for certain, as Germany in 1914 did not know, that such action would involve war with Great Britain. France, assured of her security, would abandon a provocative policy which was really due to fear alone, and with her the rest of Europe. In every respect matters would grow more settled, and possibly when Germany, with the consent of France, became a member of the League of Nations, with a permanent seat in the Council, the danger-points in the Polish Corridor and in Silesia might be revised through a European agreement.

On the 5th March, Mr. Chamberlain made a statement on British foreign policy in the House of Commons, from which it was apparent that he had become an apostle of the 'European school' of thought which adopted, with greater or less divergences, the ideas outlined above.

> I do not suppose [he said] it would be possible for any one to occupy the position that I have done for these few months and not feel that the dominant enemy in Europe to-day is the sense of insecurity which reigns everywhere, and that no real progress will be made until we can somehow relieve these oppressive fears that haunt the waking and sleeping thoughts of the statesmen of many countries, and give that measure of security and of stability to Europe as she is now constituted, upon which all progress in human affairs, all recovery of national life and all commercial and economic prosperity must depend. . . . We are far too near the Continent to rest indifferent to what goes on there. At periods in

> our history we have sought to withdraw ourselves from all European interests . . . but no nation can live, as we live, within twenty miles of the shores of the Continent of Europe and remain indifferent to the peace and security of the Continent. . . . It is more important to-day than ever before that we should not regard ourselves as so protected and so separated from the rest of Europe and its misfortunes by the narrow strip of sea that divides us, as to remain indifferent to what happens, and callous and deaf to any appeal for help. It is not in that spirit that we have exercised, when it rested with us alone in the United Kingdom ; nor is it in that spirit of selfish, and, at the same time, short-sighted isolation, that we shall exercise now, when we speak in consultation with the free self-governing Dominions of a great Empire, our mission and our influence in the world. Our power to help to a peaceful solution of our difficulties, and the use which we may be, in removing from the minds of men the shadow of future trouble, haunts our minds and recalls the agonies of a few years ago. That possibility of usefulness and that influence are a great call to endeavour, to effort and to service, for the great British Empire, to which, I believe, that Empire will gladly respond.[1]

This statement was very necessary in view of the general feeling on the Continent. The forthcoming rejection of the Protocol by Great Britain was no longer a secret. It was not, indeed, enough of itself to determine the lapse of the Protocol, as the wording of the relevant resolution on the Protocol adopted on the 2nd October, 1924, merely ran :

> If, by the 1st May, 1925, ratifications have not been deposited by at least a majority of the permanent members of the Council and ten other members of the League, the Secretary-General of the League shall immediately consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference to a subsequent date to be fixed by the Council so as to permit the necessary number of ratifications to be obtained.

In practice, however, the Protocol obviously could not survive if rejected by the members of the British Empire ; besides which, several other states were avowedly modelling their attitude on that of Great Britain. The Japanese Cabinet had already on the 1st December, 1924, declared their intention of not ratifying the Protocol unless Great Britain did so. In December Signor Mussolini, speaking in the Italian Chamber, referred to the Protocol as ' a document with something of a lyric and evanescent character to which Italy has not for the present attached her signature '. In general, the Italian Government appeared to be in no hurry to commit themselves, at least until Great Britain should have reached a decision. A similar standpoint was adopted quite frankly in Holland. The Minister for Foreign Affairs, Jonkheer van Karnebeek, spoke in the Second

[1] *Hansard*, House of Commons, vol. 181, pp. 707 and 715.

Chamber on the 9th December and pointed out certain disadvantages of the Protocol. In view of the possibility that Great Britain and other Great Powers would not sign it, the Netherlands Government, he declared, for the present reserved their decision ; but Holland would sign ' under certain conditions '. On the 7th March, M. Ruys de Beerenbrouck, President of the Netherlands Upper Chamber, declared openly that the Netherlands proposed to model their attitude on that of Great Britain, and thus, like other nations, remained in an attitude of ' prudent expectation '. In Sweden both the military and naval General Staffs raised grave objections to the Protocol, for reasons many of which were technical ; but in general the possibility that Sweden might be forced to abandon the policy of neutrality which she had sustained with success for over a hundred years was viewed with marked disfavour.

The effect of these hesitations on France and Belgium was unfortunate. Each country saw its hardly achieved security already slipping from its grasp, and the press of both countries was filled during the winter of 1924–5 with passionate pleadings in favour of the Protocol. In proportion, however, as the chances of simple acceptance of the Protocol diminished, so voices began to be heard pleading for a more definite and limited guarantee to be given by Great Britain. Official circles in both countries gave early expression to this demand. Thus, on the 12th November, M. Hymans, the Belgian Minister of Foreign Affairs, declared in the Belgian Chamber :

> What Belgium lacks is a defensive agreement with Great Britain. The formation of a *bloc* between Belgium, France and Great Britain has been since the Armistice the dominating thought of the Belgian Government, which sees in the *bloc* the surest guarantee of security, equilibrium and peace. The idea was almost realized as a result of the Cannes Conference, and it was a great misfortune that it had to be abandoned. I am not without hope that it may one day be revived.

The following day M. Jaspar, ex-Minister for Foreign Affairs, declared that it was incredible that the independence of Belgium should not be guaranteed after all the promises that had been made. An Anglo-Belgian Treaty had been actually drafted and accepted by the Foreign Ministers of the two countries and he hoped that it would again be brought forward, for on that point much more than on the Reparation question the promise of the Allies should remain sacred.

Throughout January and February the Belgian Press discussed the problem of security interminably, and suggested every conceivable variety of combination for a proposed pact—whether a simple amendment of the Protocol, or an entirely new edifice. Some wanted

Poland and Czechoslovakia guaranteed; others wanted Italy in the pact; some were prepared to include Germany; but all agreed that a guarantee from Great Britain was absolutely essential. The attitude of French opinion was very similar. M. Herriot and his following defended the Protocol in the warmest of tones; but, should it be rejected, the French Press was unanimous in asserting that some immediate and effective substitute to ensure French security must be found, and it must be guaranteed by Great Britain. Meanwhile, in the prevailing uncertainty, the spirit of conciliation towards Germany appeared to be vanishing, and even the members of the Left in France took umbrage at the fact that the Government of their own country stood much further to the Left, and was therefore, by generally accepted analogy, much more pacifist in feeling than the Government which the elections of December had brought into power in Germany; and this regardless of the fact that the German extreme Right had lost heavily at the polls.

The general form which this feeling took was a determination at least not to throw away such practical safeguards as France possessed in the shape of military occupation of the Rhine bridgeheads and control over the German armed forces. It had been foreseen by the terms of the Treaty of Versailles [1] that, did Germany honourably fulfil her obligations, the occupation of the northern (Cologne) zone would terminate at the expiration of five years, that is, on the 10th January, 1925; and the general improvement of relations between Germany and the Allies had been such that it was confidently anticipated in Germany that this alleviation would be granted. Now, however, all this was altered. M. Paul-Boncour, one of M. Herriot's chief Socialist supporters, wrote and spoke frequently in favour of the full Rhineland occupation being maintained until France's security had been provided for by an effective guarantee pact, failing the Geneva Protocol. He argued that the question of the Rhineland occupation was not exclusively a legal one, but was morally linked up with the problem of France's security.

A fresh crisis in the vexed question of German disarmament gave an opportunity to satisfy these feelings. The Inter-Allied Commission of Control had commenced work shortly before on its general inspection of German armaments,[2] and it had been hoped that the findings of the Commission would give Germany a clean bill and justify the evacuation of the Cologne zone on the 10th January, 1925. But rumours now became current that the findings were not, after all, going to be satisfactory; and they were confirmed when Lord Curzon stated in

[1] Art. 429.

[2] See p. 180 below.

the House of Lords on the 18th December that German obstruction had so delayed the Report of the Commission that it could not be received by the 10th January. 'The sooner the occupation ended the better, but only on receipt of the final report could the Allied Governments determine their policy.'

The collective note of the Allies, conveying the unanimous decision of the Ambassadors' Conference not to evacuate the Cologne zone on the 10th January, was presented to the German Government on the 5th January, 1925.

It was received in Germany, by official and public opinion alike, with dismay and for the most part with genuine indignation. It seemed indeed to be a singularly unfortunate moment in which again to embitter relations which had at last shown signs of a marked improvement, and that thanks in no small degree to the initiative of the German Government.

The confusion caused by the occupation of the Ruhr had begun to clear by the summer of 1924, and the necessity of a satisfactory settlement of Germany's foreign relations had been felt. The German Cabinet was, however, in a difficult position. It was a minority Government of the Centre, with sympathies which certainly leant to the Right rather than to the Left. It would not ally itself so closely to the Social Democrats as to secure their support, while the alternative—the toleration of the Nationalists—was only to be won by concessions. The Nationalists consented to allow the Bills relating to the Dawes Scheme to become law only on conditions which included an official statement repudiating Germany's 'War-guilt'. This statement was made by Dr. Marx in the Reichstag on the 29th August in the following words:

> The Government cannot allow this important occasion, whereon they assume heavy responsibilities under the Treaty of Versailles [i. e. the passing of the Dawes Scheme], to pass without defining their attitude to the question of responsibility for the War in clear and unambiguous terms.
>
> The declaration (imposed on us by the Treaty of Versailles under the pressure of overwhelming force) that Germany caused the outbreak of the World War by her aggression is contrary to historical fact. The Government of the Reich therefore asserts that it does not accept that declaration. The demand of the German people to be emancipated from the burden of this false accusation is a just demand. Until this has been done, and so long as a member of the community of nations is branded as a criminal to humanity, a real understanding and reconciliation between the peoples is impossible of realization. The Government will take steps to bring this pronouncement to the knowledge of foreign Governments.[1]

[1] German Press, 30th August, 1924.

The Assembly of the League in September passed by without an application for admission having been received from Germany. On the 23rd September, however, the German Cabinet arrived at a decision in principle to endeavour to assure the speedy entry of Germany into the League. A note was drafted [1] and presented, on the 29th September, to states members of the Council, communicating this decision. Before making application, however, the German Government desired 'candidly to discuss . . . certain questions . . . of paramount importance for the future co-operation of Germany in the great work of the League of Nations'. Germany desired to know whether she could 'possess the certainty that immediately upon her admission she will obtain a permanent seat on the Council . . . and . . . *ipso facto* take her place on a footing of equality in the other organizations of the League, and especially in the Secretariat'. As regards Article 16 of the Covenant (participation of the states members of the League in coercive measures against any state breaking the peace), 'so long as the present inequality in armaments consequent upon the disarmament of Germany continues to exist Germany, unlike other members of the League, will not be in a position to take part in any coercive measures' under Article 16. While disarmed, she would 'run the risk of being regarded by the state against which the League is taking action as a belligerent nation and of being treated as such', and would therefore be compelled to make a reservation to this effect on applying for admission. The third point, referring to Article 1 of the Covenant, affirmed Germany's sincere intention of carrying out her international obligations, but hinted that a necessary condition was the 're-establishment in the Rhineland and Ruhr of conditions compatible with the provisions of the Treaty of Peace'. Fourthly, Germany expected 'that in due time she will be given an active share in the working of the mandates system of the League of Nations'.

The replies of the Powers to this note were delivered in the course of the autumn. Their tenour is best shown by the letter addressed on the 12th December by the German Government to the Secretary-General of the League of Nations, which was accompanied by the memorandum of the 29th September. The German Government were 'of opinion that political developments during the past year have rendered it possible for Germany to join the League of Nations'. They noted with pleasure that their decision had been accorded full approval in the replies of the states members of the Council, and

[1] For text of this and the following document see *Monthly Summary of the League of Nations*, vol. iv, No. 12, pp. 287 *seqq.*

believed that the replies justified them in concluding that their wish for Germany to have a seat on the Council of the League was being 'favourably considered by the Governments now represented on the Council. On the other hand, so far as Article 16 is concerned, the replies have not as yet led to a satisfactory conclusion'. The replies had indicated that Germany's application should be made without reservations and without restrictions; the League itself being the competent body to decide the question. To the League, accordingly, Germany restated her misgivings. She contrasted her own disarmament and military impotence with the state of armed preparation of her neighbour states; urged that, should the measures provided for in Article 16 lead to hostilities, she was 'incapable of effectively protecting her territory against military invasion', and pleaded that 'should international conflicts arise, Germany ought to be at liberty to determine how far she will take an active part in them'. She hoped that the League of Nations 'will recognize the justification of these apprehensions and will discover means of removing them'.

Germany was ever notoriously her own worst advocate, and a singular commentary on the insistence laid in this document on the completeness of Germany's disarmament was to be provided by the reports of the Military Commission. Furthermore, the authors of the note had thought fit to remark that 'in the majority of conceivable cases, Germany will be so to speak predestined to be the scene of European League wars. Even if the Covenant-breaking state should not be an immediate neighbour of Germany, it is to be feared that unfavourable developments in military operations might carry the war into her unprotected territory'. It was clear that these shafts were not aimed at Denmark or Liechtenstein, particularly as the preceding paragraphs had contained summarized accounts of the armed forces of four countries which, although not named, were easily recognizable as the Netherlands, Czechoslovakia, Poland, and France respectively. It was, moreover, no secret that these remarks were due in large measure to the influence of the military authorities in Germany, and that they had particular reference to the specific possibility that Poland might become involved in war with Russia—either individually or as a member of the League of Nations, and that France, in lending Poland the assistance which she was pledged by treaty to give her, might call on Germany to allow the free passage of French troops across her territory.[1]

Germany was steadfastly determined not to grant this concession, nor to join the League of Nations under conditions which would

[1] See K. Strupp: *Das Werk von Locarno* (Berlin, 1926, de Gruyter), p. 76.

oblige her, under Article 16 of the Covenant, to grant it. But the implicit suggestion that Poland was likely to become involved in war, and having done so, was likely to be disastrously defeated, only irritated that country and her allies. None of them were in a state to see into the minds of the German people, to understand and sympathize with the real and potent fear which tormented even the least militarist of Germans at the spectacle of the superior armies which surrounded his country, nor to appreciate the lamentable historic accuracy of Germany's argument. Nor, had they appreciated it, would they have agreed with the conclusion which Germany deduced from it, which was an equalization of armaments between Germany and themselves.

The reply of the Council of the League was not delivered until March. Meanwhile the Allied note of the 5th January, 1925, gave a pointed answer to the basic argument of the German case: the assertion of her complete disarmament. The spirit of mutual confidence which had been painfully growing up between Germany and the Allies waned suddenly and disastrously. The German Press reverted to its old hostile and aggrieved tone, and an acrimonious exchange of notes between the German and the Allied Governments commenced.[1] On the 28th January, M. Herriot, taking the note of the 5th January as his chief text, gave a detailed account, first of the general problem of security as touching France, then of the German defaults under the Treaty of Versailles.[2] He described Article 428 of the Treaty of Versailles as 'the guarantee of French security and of the execution of the Treaty'. 'Our establishment on the Rhine is the essential and, alas, the last condition of our security. . . . Remember the dramatic circumstances that have faced us since the settlement of the war. Remember that France has constantly had to discuss peace with a dagger an inch off her heart. Let us away with this dagger!' 'I wish to work for the peace of Europe and of the world,' said M. Herriot, concluding a vision of the future United States of Europe, which followed on a vigorous indictment of the German Nationalists of 1925: 'but as first condition of this double peace, or rather of this single peace, I want the security of my own country.'

It is necessary now to revert for a moment to certain earlier, tentative suggestions put forward at various times by German statesmen for a bilateral guarantee pact, between Germany and the Allies, of the western frontiers of Germany. On the 31st December, 1922,

[1] See below, pp. 182 *seqq.*

[2] Verbatim report in *Le Temps*, 29th January, 1925.

Dr. Cuno, at that time Chancellor of the German Reich, had declared in a speech at Hamburg :

> In France the necessity of occupation of the Rhineland territory is justified by fears of warlike intentions on the part of Germany. These fears are unfounded. To prove this, we have informed the French Government through the medium of a third Power that Germany is prepared to enter solemnly, in common with France and the other Powers interested on the Rhine, into a mutual pledge of which a Power not interested on the Rhine should be trustee, not to wage any war against one another for a generation, that is, many times the length of the period of occupation envisaged in the Treaty of Versailles, without a plebiscite. Such an undertaking would make all peoples concerned look towards peace rather than war, and give the most secure guarantee of peace which can be imagined. To my regret I must state that France rejected this offer.[1]

It afterwards became known that the offer was made through the medium of the German Ambassador at Washington, and was in fact rejected by M. Poincaré, then in power in France, in language reminiscent of the Allied reception of the German peace offer of December 1916, as ' a clumsy manœuvre '. A second similar offer was made by the German Government on the 2nd May, 1923, in a note addressed to the Governments of France, Great Britain, Italy, Japan, and the United States of America, in which Germany proposed the conclusion of a bilateral Rhineland pact, with special provisions for regulating differences between France and Germany by arbitration.[2] She coupled this offer, however, with conditions relating to the early evacuation and restoration to the *status quo ante* of ' the districts occupied in excess of the provisions of the Treaty of Versailles ', conditions which were unacceptable to the Allies. On the 2nd September, 1923, Herr Stresemann, then Chancellor of the Reich, again suggested a bilateral pact between the ' Great Powers interested in the Rhine ' for mutual guarantee of existing territorial arrangements. M. Poincaré's reply, delivered publicly in the French Chamber, was again unconciliatory.

The offer had thus been thrice made, and thrice rejected ; but the importance to Germany of a Rhineland guarantee, far from diminishing, was ever increasing. The events of the German revolution had upset the artificial balance so long held between East and West Germany by the dominant Prussian Junker caste, and by 1925 the great industrialists had completed the arrangements transferring their interests from Lorraine and to some extent from Silesia to the

[1] For text of this and the following offers, see Graf Montgelas, ' Verschiedene Vorschlage zur Sicherheit Frankreichs ', in *Europäische Gespräche*, March 1925.

[2] See *Survey for 1924*, p. 324.

Rhineland, which had thus acquired an overwhelming importance in the eyes of German business and finance. In Herr Stresemann, who was now to repeat the offer for a fourth time, Germany had a Foreign Minister who had enjoyed exceptional facilities for understanding the altered economic position. Two months later Herr Stresemann himself explained in the following words the factors which led him to renew the offer.

> The origin of the German initiative lies several months back. As early as the end of December and the beginning of January, since the question of security was in the air, I discussed it repeatedly with diplomats here in Berlin. The general political situation showed that the question of security formed the central point of all discussions, at least with France. The non-evacuation of the Rhineland zone was imminent.[1]

It was probable, Herr Stresemann went on, that France would take additional measures in the Rhineland for her security. It appeared ever less likely that the Geneva Protocol would be accepted. There was a possibility that the alternative solution would be a three-Power pact (Great Britain, France, and Belgium) against Germany. Herr Stresemann claimed that his intervention had had the effect of averting this, and substituting for it the idea of a bilateral pact on the basis of reciprocity.

It seems, therefore, that the offer which afterwards developed into the system of Locarno was directly connected with the presentation of the Allied note of the 5th January, and it may have been hoped that the knowledge that an offer was about to be made would prevent or defer presentation of the note. It is perhaps interesting to note that Count Reventlow, in a work[2] designed to prevent Herr Stresemann from enjoying any credit which should not properly be his, ascribed the origin of the scheme to the British Government (an opinion which was freely expressed in Germany).

> At the end of December 1924 [Count Reventlow writes] the British Ambassador in Berlin, Lord D'Abernon, made the following suggestion to the Wilhelmstrasse:
>
> Germany would do well to repeat in another form the offer of a pact made by Dr. Cuno when Chancellor of the Reich. The Ambassador thought that the central idea of that proposal of Cuno's had been very good. At that time it had been bound to fail, mainly because Poincaré refused it, but also because the U.S.A. had not at that time exercised nearly so great an influence in the world and upon conditions in Europe as to-day. Now was the moment to approach France, Great Britain, &c., with an offer, and thus to solve the problem of security.

[1] *Deutsche Allgemeine Zeitung*, 14th March, 1925.

[2] Graf Reventlow: *Minister Stresemann* (Munich, 1925)

The Security Pact grew out of these British suggestions.

Stresemann sounded Herriot, who gave him this friendly advice, that if Germany decided not to guarantee the eastern frontiers laid down in the Treaty of Versailles as well, let her at any rate pledge herself not to alter them by force.

The first public announcement that Germany intended to make a move in the direction referred to above was a hint in the declaration of policy made by Herr Luther, the new German Chancellor, in the Reichstag on the 19th January (after which he secured the vote of confidence necessary to enable his party to remain in office), that Germany intended to reopen the question of security. On the 25th January the *Germania*, the organ of the Centre Party, devoted an article to the problem in which it made an attempt, not too common in Germany outside Socialist circles, to bring home to its readers the French point of view. It reminded them that German armies had three times in a hundred years marched to the threshold of Paris; that the ratio of the French to the German population was diminishing rapidly; and that all questions of military control, the occupation of the Rhineland, the régime of the Saar, were of 'passing and secondary importance, themselves radiating from the security question'. A settlement of the last-named question would also help to solve the problem of inter-Allied indebtedness. The *Germania* suggested a pact concluded direct between France and Germany without intermediaries, especially without the mediation of Great Britain, and presupposing the evacuation of the Ruhr and the northern zone.[1]

These suggestions were not at first well received in France. The *Temps* commented:[2]

No one will seriously believe that the new German attitude is inspired by a sincere desire for peace. It is evident that the idea of a pact of mutual security specially presents itself to the Germans as a possible basis for an advantageous political deal . . . We clearly see what we should lose by it, but we do not see what we should gain After having given up the greater part of what was due to us as reparation, we should give up the safeguards for security which we hold under the Peace Treaty, the value of which depends on our own efforts, in exchange for an agreement signed by Germany, whose signature would have only the value given to it by the experience gained in 1914 and in later years. It must be recognized that it would be valueless.

M. Herriot's trenchant statement of foreign policy, referred to above, followed hard on this rebuff, and it was already apparent that France would not easily accept a guarantee pact containing no reference

[1] *The Times*, 26th January, 1925. [2] *Le Temps*, 27th January, 1925

to Poland. Great Britain, however, was not equally tied by this difficulty, and the first official move on the part of the German Government appears to have been a communication made in the last days of January, under circumstances of great secrecy, to the British Government, who had answered that any proposals must be to all the Allies alike.[1] About the same time, Dr. Luther, addressing the representatives of the foreign Press, repeated his earlier hints in commenting on M. Herriot's speech.

> M. Herriot in his speech [he said] gave prominence to the idea of a world convention, as was aimed at in the Geneva Protocol of last autumn. Such a world convention, embracing all states, appears to me also to be the ultimate goal Whether it is possible to reach this ultimate goal now is still uncertain. M. Herriot himself declared that the nations can give each other mutually more exactly defined guarantees of security. If he thinks by this to prepare the ultimate goal of a world convention by agreements between a group of states, and thus first to solve the problem for the cases in which it is felt to be immediately acute, the Government of the Reich is fully prepared to give its immediate co-operation in this.[2]

The German proposal was transmitted to M. Herriot in Paris by the German Ambassador there on the 9th February. It ran as follows:

> In considering the various forms which a pact of security might at present take, one could proceed from an idea cognate to that from which the proposal made in December 1922 by Dr. Cuno sprang. Germany could, for example, declare her acceptance of a pact by virtue of which the Powers interested in the Rhine—above all, England, France, Italy, and Germany—entered into a solemn obligation for a lengthy period (to be eventually defined more specifically) *vis-à-vis* the Government of the United States of America as trustee not to wage war against a contracting state A comprehensive arbitration treaty, such as has been concluded in recent years between different European countries, could be amalgamated with such a pact Germany is also prepared to conclude analogous arbitration treaties providing for the peaceful settlement of juridical and political conflicts with all other states as well.

[1] Mr Austen Chamberlain in the House of Commons, 5th March, 1925: 'My first knowledge of them [the German proposals] was a communication which reached me in the most confidential and secret form a few weeks back. I at once said that I could not receive communications of the kind under an implied pledge that I was not to speak of them to our Allies. I decline to be a party to the handing to me, or the transmission to me, of suggestions through our Ambassador in Berlin . The German Ambassador assured me that it was, and always had been, the intention of his Government to make a similar communication to Paris, to Brussels and to Rome. That has now been done. . . Now that they have repeated, it may be with some slight differences, but, at any rate, in substance, their proposal to the other Allies, I attach great importance to it.'

[2] *Deutsche Allgemeine Zeitung*, 31st January, 1925.

Furthermore, a pact expressly guaranteeing the present territorial status on the Rhine would also be acceptable to Germany. The purport of such a pact could be, for instance, that the interested states bound themselves reciprocally to observe the inviolability of the present territorial status on the Rhine; that they furthermore, both jointly and individually, guaranteed the fulfilment of this obligation, and finally, that they would regard any action running counter to the said obligation as affecting them jointly and individually. In the same sense, the treaty states could guarantee in this pact the fulfilment of the obligation to demilitarize the Rhineland which Germany has undertaken in Articles 42 and 43 of the Treaty of Versailles. Again, arbitration agreements of the kind defined above between Germany and all those states which were ready on their side to accept such agreements could be combined with such a pact.

To the examples set out above still other possibilities of solution could be linked. Furthermore, the ideas on which these examples are based could be combined in different ways. Again, it would be worth considering whether it would not be advisable so to draft the security pact that it would prepare the way for a world convention to include all states along the lines of the 'Protocole pour le Règlement pacifique de Différends internationaux' drawn up by the League of Nations, and that, in case such a world convention were achieved, it could be absorbed by it or worked into it.[1]

These proposals consciously and intentionally led on from the Geneva Protocol [2] and were so elastic in form that they could, as it was intended that, given favourable circumstances, they should, be expanded into a wider convention. They made, however, no mention of the Polish-German frontier, Germany neither stating that she consented, nor that she refused, to guarantee this frontier, although the phrase was included that 'Germany is also prepared to conclude analogous arbitration treaties providing for the peaceful settlement of juridical and political conflicts with all other states as well'.

The fact that no mention was made of Belgium in the proposals was afterwards explained as 'forgetfulness' and accepted as such, and Belgium was, of course, explicitly included in the further negotiations.

The German note received, for the time being, no more than a brief formal acknowledgement from M. Herriot. French opinion received the information which became public concerning it with mistrust, owing to the fact, which was known, that Germany had not offered to guarantee her eastern frontiers. The conflict between the common French standpoint that France could not afford to sign any agreement which did not offer the same guarantee for Poland's western

[1] See German White Book No I, 1925, *Dokumente zur Sicherheitsfrage*
[2] Strupp, *op cit*, p. 37

frontiers as for the eastern frontiers of France,[1] and the certainty, generally received, that Great Britain would never guarantee frontiers in Eastern Europe, gave rise to a general feeling in France that the German offers were futile, even if sincere. The German Press, on the other hand, while accepting with resignation the prospective permanent loss of Alsace and Lorraine, and while anxious to arrive at a tolerable *modus vivendi* with Poland, showed no sign of abating its irreconcilable attitude concerning the Polish Corridor and Upper Silesia. In Poland, meanwhile, the tolerant reception of the German proposals, the outlines of which had become known and were freely discussed in Western Europe, provoked alarm and indignation. The suggestion that the questions of the Corridor and Silesia might again be brought up for discussion was strongly resented. Early in March the Sejm adopted a resolution protesting against any tampering with the present Polish frontiers, and even the Slav minorities (although, on account of the Eastern Galician grievance, they could not identify themselves with the resolution in so general a form), declared that they were opposed to any revision of the western frontiers of Poland. On the 6th March, Count Skrzyński, the Polish Minister of Foreign Affairs, arrived in Paris to lay Poland's case before M. Herriot in person.

On the same day, which was the day following his statement on foreign policy in the House of Commons, Mr. Chamberlain left London for Geneva, stopping in Paris for an exchange of views with M. Herriot. He was bearer of a message from the British Government that they would be unable to sign the Geneva Protocol. At the same time he discussed with the other foreign representatives in Paris the German proposals, and imparted to them the outlines of British foreign policy which he communicated to the House of Commons on the 24th March.[2]

The motives underlying the policy of the Powers principally interested have now been sufficiently discussed, and it will be unnecessary to detail at length the course of the proceedings of the thirty-third meeting of the Council of the League of Nations, which was held at Geneva on the 12th and 13th March. On the 12th March Mr. Chamberlain delivered his speech before the Council.[3] He laid stress on 'the sympathy felt throughout the British Empire with any effort to improve the international machinery for maintaining the peace of the world'. Nevertheless, the British Government saw

[1] For the text of the Franco-Polish Treaty, in which this feeling was given expression, see *Survey for 1920–3*, pp 503–4.

[2] See below, pp 27–9.

[3] *Cmd.* 2368; *League of Nations Official Journal*, April 1925, pp. 444–50.

'insuperable objections to signing and ratifying the Protocol in its present shape'. The British Government's objections to compulsory arbitration, as stated in 1920, had been increased 'owing to the weakening of those reservations in Clause 15 of the Covenant, which were designed to prevent any interference by the League in matters of domestic jurisdiction'. The clauses relating to sanctions were obscure, would probably prove inefficient, 'destroyed the balance and altered the spirit' of the Covenant, and entailed excessive obligations.

The speech concluded with the following words:

> Since the general provisions of the Covenant cannot be stiffened with advantage, and since the 'extreme cases' with which the League may have to deal will probably affect certain nations or groups of nations more nearly than others, His Majesty's Government conclude that the best way of dealing with the situation is, with the co-operation of the League, to supplement the Covenant by making special arrangements in order to meet special needs That these arrangements should be purely defensive in character, that they should be framed in the spirit of the Covenant, working in close harmony with the League and under its guidance, is manifest And in the opinion of His Majesty's Government these objects can best be attained by knitting together the nations most immediately concerned, and whose differences might lead to a renewal of strife, by means of treaties framed with the sole object of maintaining, as between ourselves, an unbroken peace Within its limits, no quicker remedy for our present ills can easily be found or any surer safeguard against future calamities

M. Briand, for France, received this message with obvious regret, although he was kind enough to describe it as 'instinct with serene aloofness and gentle philosophy'. He defended the Protocol warmly, and seemed to attach little weight to most of the British arguments against it. 'My Government, gentlemen,' he declared, '—and I make this statement in its name—remains definitely attached to the Protocol, but it does not refuse to enter into any discussion for improving it.' The statement which M. Briand read out on behalf of the French Government pleaded for the Protocol. It concluded with the following passage:

> France, in order to conclude the work undertaken by the different Assemblies of the League of Nations, and in order to establish peace on the three associated principles of arbitration, security, and disarmament, has at all times been, and still remains, ready to welcome all suggestions which may improve such work Moreover, she admits that the Protocol is capable of varied applications according to circumstances and geographical considerations She does not scout the idea of regional agreements provided for by the Covenant and the Protocol. Nevertheless, France, convinced that only the adherence of the nations to a common protocol can induce them to renounce the competition in armaments,

and convinced that, if the principles on which the Protocol rests are abandoned, the nations will gradually revert to their old habits and to a solution of their disputes by force, remains faithful to the signature which she was the first to give with the object of henceforth sparing herself and other nations the horrors of war from which she suffered so terribly.[1]

Signor Scialoja, for Italy, admitted the force of much, if not all, of the criticisms made by the representative of Great Britain. Referring to the last paragraph of Mr. Chamberlain's speech, he laid emphasis on the phrase 'the nations most immediately concerned', and desired to state that he fully adhered to these ideas.

M. Hymans, for Belgium, was also in favour of 'special agreements' of a defensive character.

M. Beneš, for Czechoslovakia, in the third speech of real importance made during the day, warmly defended the Protocol. Compulsory arbitration, he pointed out, was an idea of extreme value in avoiding conflicts among the numerous and unrestful nations of Central and Eastern Europe. He denied that the Protocol constituted no advance on the Covenant, even in extreme cases of 'deliberate and intentionally provoked war', and that it was a 'war machine instead of a machine of peace'. With regard to special defensive agreements, he failed to see 'the difference from this point of view between a system such as the Protocol, containing the minimum of military organization, and the Covenant, completed by a whole system of more or less numerous regional agreements possessing a military side'. He considered the question of regional agreements as 'undoubtedly extremely fruitful' but was almost certain that such agreements, if destined to become 'something lasting, solid and giving real security' must be built up on 'a system analogous to that of the present Protocol'.

The next day, on conclusion of the debate, Mr. Chamberlain made a supplementary statement designed to counteract any impression that Great Britain was wilfully destroying a constructive work of peace. He repeated his declaration that the British Government

remains firmly attached to the principles of arbitration and disarmament and is anxious to do its share in giving peace and security to the world. If we find ourselves obliged to reject the Protocol, it is because we think that, in present circumstances, the Covenant itself better serves those great objects to which all the countries represented at this Council have, in their discussions of yesterday and to-day, again pledged their support.

These declarations sealed the fate of the Geneva Protocol, so far

[1] *League of Nations Official Journal*, April 1925, p. 454.

as the near future was concerned. The Council resolved ' to refer ' them ' to the Sixth Assembly ' and ' to postpone the work of preparation which it had decided to undertake until the Sixth Assembly has given a decision on the question submitted to it '.

On the same day the answer of the Council of the League to the German note of the 12th December respecting her admission was communicated to the German Government and to the members of the League.[1] It was at once cordial and firm. It noted with satisfaction Germany's decision to seek admission, but declared that ' the principle of equality, involving . . . both equal rights and equal obligations for all ' was ' of the essence of the League's Constitution '. With regard to Germany's particular situation under Article 16 of the Covenant, it pointed out that ' the character and extent of a member's active co-operation in military measures undertaken in pursuance of the Covenant must vary with the military situation of the member in question '. The Council had to recommend what military forces a member should contribute, the member had to say herself how far she was in a position to adopt the recommendation. As regards economic measures the states had to decide ' the practical steps to be taken for the execution of the general obligation which they have undertaken. But the provisions of the Covenant do not permit that, when action is undertaken in pursuance of Article 16, each member of the League should decide separately whether it shall take any part in that action. The Council feels bound to express its clear opinion that any reservation of this kind would undermine the basis of the League of Nations and would be incompatible with membership of the League.'

The thirty-third meeting of the Council of the League left behind it a widespread feeling of disappointment, yet it would be erroneous to consider its work as purely negative. The new proposals for a Security Pact were not explicitly mentioned, but were present in the mind of every speaker. All knew that the lapse of the Protocol did not imply the abandonment in despair of the problem of security. A fresh solution would be found for this question, and Great Britain would co-operate actively in finding it. Moreover, every speaker must have felt that the eventual solution would probably be found along the lines of the German proposal. Difficulties of detail and even of principle still remained to be surmounted : but on the 18th March, after Mr. Chamberlain, on his homeward journey from Geneva, had once more conferred with M. Herriot in Paris, *The Times* was already able to speak of ' a clearer outlook '.

[1] See *League of Nations Official Journal*, April 1925, p. 490.

(ii) The Negotiations leading up to the Treaty of Locarno.

The immediate outlook was, actually, only clearer in one respect: that the problem was in the future to be confined to a much narrower area. The idea of a universal pact outlawing all aggressive war had been relegated for the time to the background, and it was universally recognized that its successor would be some form of regional pact or pacts relating specifically to the frontiers of Germany. The nations not immediately concerned with this region now ceased to take any active part in the negotiations. The Japanese Government remained a passive spectator during the succeeding months, and the same thing might be said with certain reservations of the British Dominions. In accordance with the agreement which had been reached at the Imperial Conference of 1923,[1] the Dominions left the conduct of the negotiations in the hands of the British Government, and in general reserved their decision as to whether, when the negotiations reached a final and concrete form, they would become a party to them. On the whole, Dominion feeling was against undertaking any European commitment. Canada, in particular, laid considerable stress on the fact that she was, as *The Star* of Montreal wrote:

> an American nation and not a European. If it were not for the fact that the centre of our Empire is situated in Europe, we should have no more concern with a dispute between Poland and Germany or even between France and Germany, than has the United States.[2]

The further consideration, whether the Dominions, in refusing to undertake obligations in Europe, were or were not dangerously relaxing the bonds between themselves and Great Britain, was in general left for later discussion. A marked exception was formed by the speeches of General Smuts, in South Africa, who, on more than one occasion, strongly affirmed this view, deducing from it the undesirability of Mr. Chamberlain's policy, on the grounds that the proposed pact was a 'new Holy Alliance' between the 'spectres of Europe'.[3] To the majority of Dominion statesmen, however, especially in Australia and New Zealand, these fears seemed exaggerated. They were not insensible to the appeal which Mr. Chamberlain made when stating the foreign policy of the British Government in the House of Commons on the 24th March.

[1] i. e., that any of the Governments of the British Empire contemplating the negotiation of a treaty should give due consideration to its possible effect upon other Governments and should take steps to inform other Governments likely to be interested of its intentions, they being left to say whether they were likely to be interested.

[2] *The Times*, 14th July, 1925.

[3] *Ibid.*, 13th July, 1925.

> With our help the war chapter may be brought to a close, and a real triumph of peace may begin. The British Empire, detached from Europe by its Dominions, linked to Europe by these islands, can do what no other nation on the face of the earth can do, and from east and west alike there comes to me the cry that, after all, it is in the hands of the British Empire, and if they will that there shall be no war, there will be no war.[1]

Among the nations of Europe there was a similar disposition to stand aside and leave matters to the protagonists. And even among these, there were two whose part, during the spring and summer, was passive, or nearly so. M. Hymans, the Belgian Foreign Minister, returned from Geneva on the 17th March to confer with his Premier, M. Theunis. Interviewed on the same day, he expressed himself in favour of the principle of ' special and regional agreements ' which were not to be ' political alliances, but simple defensive agreements '. These were ' the open door to possible solutions ; this is the direction in which we must explore to reach them '. ' A pact ', said M. Hymans, ' which would assure us the guarantee of England would be the means of giving peace to the West. England's signature is the important thing to-day ; without it real peace cannot be attained.' As regarded Germany's eastern frontiers, M. Hymans did not commit himself. ' I admit that guarantees for the East ought to be sought. They must be sought, although from the strictly Belgian point of view we are not directly interested. Our direct security is summed up in the Western problem.' [2]

In any case, it was difficult for Belgium to take a positive line in foreign policy. The Belgian Chamber had been dissolved on the 7th March, and, as a result of the new elections, the Theunis Cabinet resigned on the 5th April. For the next two months Belgium was without a Government which could really direct a responsible foreign policy. Her representatives played the part which had so often and usefully been theirs, of mediating between the conflicting views of policy current in France and Great Britain, but seldom took the initiative.

Italy was not in a hurry to define her attitude. On the 2nd April the Italian Ambassador in London was reported [3] to have stated that Italy was in favour of a pact of five, as had been suggested in the French press (i. e. Great Britain, France, Belgium, Italy, Germany). The public utterances of Italian statesmen were, however, mainly concerned with the rather remote questions of the Brenner frontier

[1] *Hansard*, House of Commons, vol. 182, p. 322.
[2] *Le Temps*, 18th March, 1925.
[3] *Deutsche Allgemeine Zeitung*, 3rd April, 1925.

and the union of Austria with Germany, while favouring a pact so long as the Peace Treaties were not thereby affected.[1] Italy was, in fact, in a rather difficult position. She did not in the spring appear to be seriously entertaining the idea of guaranteeing bilaterally the Rhineland frontier. Yet no other course of action was apparent which would be satisfactory to her ideas of national prestige, nor was it apparent what bargain of measurably equal importance she could make. Her direct interests lay in Eastern Europe, being thus bound up with the most controversial part of the problem, and were, in sober fact, small. Certain rather hazy combinations which would have ensured her an increased sphere of influence in Central Europe came to no fruition. She retained meanwhile a watching brief, letting it be understood that she was sympathetic to British policy.

Germany could make no further move until she received a detailed answer to her offer of the 9th February. Her situation, also, was complicated by the death, on the 28th February, of President Ebert. The first elections for a new President of the Reich, held on the 29th March, gave no sufficient majority to any one candidate. The second vote was taken on the 26th April, having preoccupied the attention of German politicians in the interval. Field-Marshal von Hindenburg was elected—a fact which was of itself of great importance (until the old Field-Marshal's sterling good sense won for itself wider recognition) in increasing anti-German feeling in France, Poland, and Czechoslovakia, and in encouraging that section of German Nationalist opinion which was unfavourable to Herr Stresemann's policy of conciliation. Herr Stresemann, vehemently attacked, in spite of the fact that Dr. Luther had publicly identified himself with his policy, could make no further move unless he received from the Allies at least a generous gesture.

In Great Britain Mr. Chamberlain stated the policy of the Government, as directly as possible, in the House of Commons on the 24th March.[2] The rejection of the Geneva Protocol had evoked strong expostulations from the spokesman of the Left. In reply, Mr. Chamberlain defended the action of the Government. He went on to remark that :

> All our greatest wars have been fought to prevent one great military Power dominating Europe, and at the same time dominating the coasts of the Channel and the ports of the Low Countries. . . . The issue is one which affects our security. . . . But that is not all. There are at this moment our treaty obligations.

[1] Signor Schanzer in the *Giornale d'Italia*, quoted by *Le Temps*, 30th May, 1925. [2] See *Hansard*, House of Commons, vol. 182, pp. 316 *seqq.*

The speaker then gave an account of the German proposals, as follows :

If I understand them rightly, they amount to this : that Germany is prepared to guarantee voluntarily what hitherto she has accepted under the compulsion of the treaty, that is, the *status quo* in the West ; that she is prepared to eliminate, not merely from the West but from the East, war as an engine by which any alteration in the treaty position is to be obtained. Thus not only in the West but in the East she is prepared absolutely to abandon any idea of recourse to war for the purposes of changing the treaty boundaries of Europe. She may be unwilling, or she may be unable, to make the same renunciation of the hopes and aspirations that some day, by friendly arrangement or mutual agreement, a modification may be introduced into the East, which she is prepared to make in regard to any modification in the West. . . . In suggesting arbitration in the East, she does not propose or suggest that her eastern frontiers should become subject to such treaties of arbitration. She is prepared to say that she renounces the idea of recourse to war to change the frontiers in the East. She is not prepared to say, in regard to the frontiers in the East, that she renounces the hope some day to modify some of their provisions by friendly negotiation, by diplomatic procedure, or it may be, for aught I know, by recourse to the good offices of the League of Nations. . . . I told them [the French Government] and I told others that we attached the highest importance to these German suggestions, that we thought they should be examined most carefully in order to see whether they did not, in fact, open the door to a new and better state of things. . . . I found myself in agreement with the representatives of all the foreign Governments whom I met that these proposals could not be lightly turned down or rejected, that we must examine them carefully and see what advantage could be drawn from them, that we must work with good faith and good will in the hope that we might make them the basis of a real security and a real peace. I found myself in agreement on certain broad principles. Any agreement that we might make should be made, in the words of the declaration which I read at Geneva :

'Any arrangement into which we might enter should be purely defensive in character, it should be framed in the spirit of the Covenant, working in close harmony with the League, and under its guidance if possible.' It is equally obvious that, in the view of His Majesty's Government, our obligations could not be extended in respect of every frontier. That is one reason, the main reason, why we rejected the Protocol. . . . But we thought that what we could not do in every sphere we might properly undertake, and advise our people to undertake, in that sphere with which we were most closely connected. But it must be made quite clear that in trying to underpin the Covenant and to stabilize peace in the West, we were not licensing or legitimizing war elsewhere ; that to enter into fresh engagements of a mutual character, turning into friendly agreements voluntarily made on both sides, what is now a peace imposed by the victors on the vanquished—that that must not be held to be an encouragement to those who were defeated yesterday to try

and reopen conclusions in other spheres. On the contrary we held that, by the mere fact of stabilizing peace in the West, you would give an additional guarantee to the frontiers of the East.

Mr. Chamberlain went on to point out that neither Poland nor Germany had an interest in disturbing the eastern frontier. He declared it essential that Germany should enter the League of Nations ' on a footing of equality, both of obligations and of rights, with the other great and small nations ', and concluded with the appeal, quoted above,[1] for an active British policy.

The immediate difficulty was to reconcile British policy, as thus stated, with the aspirations entertained by France, Poland, and Czechoslovakia, and the security negotiations during the months of April and May practically consisted of a diplomatic duel, the point at issue being the guarantee which Great Britain was willing to give to the western, but not to the eastern frontiers of Germany. Of the three countries named, the last was by far the least intractable. M. Beneš, speaking in the Foreign Committee of the Czechoslovak Senate on the 1st April [2] declared that : ' I communicated to Mr. Chamberlain (at Geneva) the standpoint of our Government : as far as we were concerned . . . we agreed in principle to examine the German proposals and arbitration treaties as a certain advance in the universal work for peace.' Certain reservations were necessary : the offer must be more exactly defined, the letter of the Peace Treaties must be observed, Germany must enter the League of Nations, and the pact must eventually lead on ' to a guarantee pact which would be universal, or at least European, in scope '. Subject to these reservations, Czechoslovakia did not reject the German offer, particularly as she surrendered under it no guarantee which she was already enjoying.

Count Skrzyński, speaking on behalf of Poland, was less deliberate in his utterances, although he did not reject the German offer. He appeared, however, to regard it simply as a stratagem to get the Polish-German frontier altered as soon as possible under Article 19 of the Covenant. A western pact, without a guarantee in the east, was, he said, like ' having a house which contained beautiful tapestries and taking precautions for them alone, abandoning all the objects accumulated in the neighbouring rooms to the danger of fire '.[3]

In France, M. Herriot, according to M. Beneš, shared the Czecho-

[1] p. 26.

[2] See the *Central European Observer*, 3rd April, 1925 ; also *International Conciliation*, September 1925, No. 212 (published by the Carnegie Endowment for International Peace at 44 Portland Street, Worcester, Mass.).

[3] *Le Temps*, 20th March, 1925.

slovak statesman's point of view.[1] But the French press as a whole, and French opinion generally, took a less measured view.

Discussion would have been easier if the exact terms of the German offer had been known. Mr. Chamberlain's speech of the 24th March was, however, the first official statement on the subject, and meanwhile numerous rumours had arisen. According to one of these, which aroused great consternation in Poland, the German Government had proposed direct negotiation with Poland regarding the German claims for an alteration of the existing frontier between the two countries.[2] Herr Sthamer, the German Ambassador in London, therefore wrote to *The Times* on the 21st March : [3]

> I can most definitely state (1) that the German Government has taken no steps of the kind mentioned ; (2) that the Pact proposal makes no mention of the German-Polish frontier.

This was literally true. At the same time, it was obviously impossible simply to ignore this frontier, and in fact Herr Stresemann, speaking in the Reichsrat on the 10th March, while admitting that Germany had not offered to conclude a guarantee pact for her eastern frontier, had gone on to say :

> Germany has not the power to force through an alteration of her frontiers, nor the desire to do so. Since, however, Article 19 of the Covenant of the League expressly states that treaties which may have become inapplicable can be altered, no one can expect Germany finally to renounce taking peaceful advantage for herself of this opening for future development.[4]

Some colour was therefore lent to the belief commonly current in France and Poland, that Germany had made her proposed guarantee of her western frontier conditional on a future arbitral revision of her frontier in the East, and Mr. Chamberlain's declaration that Great Britain would not extend her intervention to Germany's eastern frontiers seemed likely to lead to an impasse. For the question of the Polish frontier had captured the imagination of France to an overwhelming degree. What impressed France was, not that the western frontier was to be guaranteed, but that the eastern frontier was not. French opinion found that reasons of security and honour forbade her equally to abandon the relevant clauses of the Franco-Polish treaty, or to accept any substitute which did not fully satisfy Poland as well as herself. In her haste, she was ready to reject the German offer altogether, unless Great Britain consented to extend

[1] See M. Beneš's speech of the 1st April quoted above.
[2] *The Times*, 19th March, 1925. [3] *Ibid.*, 23rd March, 1925.
[4] *Deutsche Allgemeine Zeitung*, 14th March, 1925.

her proffered guarantee to the East ; while the Press of both Poland and France introduced a further element of difficulty by repeatedly stating or assuming that such a guarantee had been, or was about to be, given.

In this extremely difficult situation, M. de Fleuriau, the French Ambassador in London, undertook the task of reconciling, by personal intervention and mediation, the conflicting points of view. By the beginning of April he had persuaded the French Government that Great Britain was justified in accepting the German offers as made in good faith, and that the British offer to guarantee the western frontier alone was not nugatory. The French statesmen were, however, not yet reassured, and, in particular, were anxious to find a definite formula for the British guarantee. Great Britain was already committed by Articles 42–4 of the Treaty of Versailles to regard a German violation of the demilitarization of the Rhineland as a ' hostile act ' and as ' calculated to disturb the peace of the world ' ; but France desired that the proposed pact should contain more definite obligations for the guarantor. Her first suggestion was apparently to alter the formula of the Treaty to *casus belli*, and to adapt it to the wording used in the unratified Treaties of Assistance of 1919.[1]

M. de Fleuriau's task was still unfinished when France followed Germany and Belgium into the throes of a domestic political crisis. M. Herriot's Government was defeated and resigned on the 10th April. A new Government was formed with M. Painlevé as Prime Minister and M. Briand as Foreign Minister. It was now the turn of France to postpone discussion on the security problem for further consideration.

Matters having reached a temporary standstill in the west, the Governments of Czechoslovakia and Poland now took the initiative. The negotiations in question are treated in greater detail elsewhere.[2] Here it is sufficient to remark on the importance to the general security problem of the agreements signed in Warsaw on the 23rd April between Poland and Czechoslovakia. These agreements liquidated certain outstanding points of difference between the two countries and provided that any differences arising in the future should be settled by conciliation or arbitration. Terminating a state of friction which had existed between the contracting parties since 1918, they brought Poland into close connexion with the Little Entente as a whole, and it was impossible to doubt that this was, in

[1] G. Glasgow : *From Dawes to Locarno* (London, 1926, Harper & Brothers), pp. 42 *seqq.*

[2] See below, Part II. D, Section iii.

part, the answer made by the states which marched with Germany on the East to the failure of Western Europe and of the League of Nations to satisfy their aspirations for security.

During the weeks of waiting the French and British Governments were engaged on what was, technically, a side issue in their relations with Germany, but in practice had to be settled before security negotiations could have any real chance of success. On announcing their intention not to evacuate the Cologne zone on the 5th January, the Allied Governments had promised a detailed report by the Inter-Allied Commission of Control with particulars of German delinquencies justifying this decision. They were now in a dilemma. German opinion was deeply incensed by the note of the 5th January, and representatives of the German Government, in particular the Chancellor, Dr. Luther, repeatedly stated in public that the report, when it came, could not possibly, in view of Germany's real disarmament, contain material sufficient to justify the continuance of control. He protested against the non-appearance of the note, in default of which the Allies were 'claiming for themselves the right at once to sit in judgement on this country, as a delinquent, and even after passing judgement to keep it in ignorance of the details of the indictment and proofs of guilt'.[1]

So long as the report was not sent in, the Allies laid themselves open to such accusations. If, however, it were delivered, either it must contain insufficient grounds for the Allied decision of the 5th January, which would put the Allies in the wrong, or sufficient grounds for that decision, which would put Germany in the wrong, and would possibly, mutual goodwill being at the moment of such vital importance, prove actually the more disastrous of two highly unpleasant alternatives. In addition there was a divergence of views on the subject between the British and French Governments. France showed a tendency to link the questions of German disarmament and occupation with the security question, and was in any case determined that Cologne should not be evacuated before another and not less real guarantee for her security had been found. Great Britain desired the two questions to be treated as being technically independent, and the Cologne zone to be evacuated as soon as the terms of the Treaty of Versailles had been fulfilled. The German view was

[1] Speech to the representatives of the Foreign Press on the 30th January, 1925. See also Dr. Luther's speeches in Cologne on the 9th February, and in Karlsruhe on the 12th February, and Dr. Stresemann's speech in the Reichstag on the 18th May. Extracts from all these speeches are given in *Die Sicherheitsfrage: Dokumentarisches Material* (*Rheinische Schicksalsfragen*, Schrift 7/9; Berlin, 1925, Reimar Hobbing).

summed up by Dr. Luther, in a speech made on the 29th April, in the following words :

> The question of the evacuation of the northern Rhineland zone cannot, of course, be linked up with the evolution of a Security Pact in the sense that the evacuation can be made contingent on such a Security Pact. If, however, the Allies speeded up the treatment of the Security question so far that it could be settled simultaneously with the evacuation question, which of course must not be delayed, if the general understanding were made easier in this way, Germany would welcome this.[1]

After long consideration, the Allied note was ultimately handed to the German Government on the 4th June. Its details are discussed elsewhere.[2] Here it is enough to remark that sufficient material had been accumulated to justify the Allied decision of the 5th January, while a modifying influence was apparent in the classification of Germany's defaults into the grave and the more venial.

The larger question of the answer to be returned to Germany's proposals of the 9th February proved still more difficult. M. Herriot, on leaving office, had left a draft answer behind, but M. Briand preferred to reconsider the subject for himself and to compose a new answer. Although the note was to be sent by and in the name of the French Government, he obtained the consent of the British Government to read it before it was sent to Berlin. The first draft, dated the 12th May, was examined by Mr. Chamberlain on the 19th May. The draft [3] declared that ' the French Government, in common with their Allies ' welcomed the German proposals, and, ' wishing to give all the states concerned supplementary guarantees of security within the framework of the Treaty of Versailles ' had examined them ' with all the attention that they merit '. On certain points, however, M. Briand requested the views of the German Government, ' because a preliminary agreement concerning them appears to be the necessary basis for any future negotiations '. M. Briand then tabulated these points in such a way that his note really amounted to a draft of his own ideas of a Security Pact, and had little reference to the German proposals, beyond approving their main idea of a Rhineland Pact.

As preliminary conditions, M. Briand postulated that Germany must enter the League of Nations without conditions or reservations, and that the proposed pact could not involve any theoretical or practical modification in the Peace Treaties and their application, the occupation of the Rhineland, or the Rhineland Agreement, while 'the Allies ' would reserve their right ' to oppose any failure to observe

[1] *Deutsche Allgemeine Zeitung*, 30th April, 1925. [2] See below, pp. 185 *seqq.*
[3] Printed with the subsequent correspondence in a British White Paper, *Cmd.* 2435, p. 5.

the stipulations of these treaties, even if the stipulations in question do not directly concern them '. Turning to the subject of arbitration treaties, M. Briand agreed that such treaties were ' the natural complement of a Rhineland Pact ' ; but they must apply to ' all disputes of whatever nature, and should not leave room for coercive action save in case of failure to observe the provisions of the various treaties and agreements contemplated in the present note. To give full effect to these treaties, their observance ought to be assured by the joint and several guarantee of the Powers who participate in the territorial guarantee contained in the Rhineland Pact '. Further, Germany should conclude similar arbitration treaties, of ' the same scope as those contemplated ' above and ' backed by the same joint and several guarantee ' with those of her neighbours who were signatories of the Treaty of Versailles, but would not be parties to the suggested Rhineland Pact (i. e. Poland and Czechoslovakia), the whole complex of agreements forming ' an indivisible whole . . . in each case . . . guaranteed by the signature of the same Powers [and] . . . co-ordinated in a general convention registered by the League of Nations, placed under the auspices of the League and capable of forming, as suggested in the German memorandum itself, the nucleus of a still more general pacific *entente* '.

M. Briand's draft preserved the nominal distinction between the Rhineland Pact and the guarantees for Germany's eastern frontiers. Actually, it amounted to a proposal for a single, homogeneous pact covering all disputes between Germany and any of her neighbours, all alike being covered by an unlimited guarantee from Great Britain. It formed an interesting presentment of French ideals, but was totally at variance with the expressed intentions of both German and British policy. Mr. Chamberlain's answer, which took the shape of an informal memorandum addressed to the French Ambassador, and dated the 19th May,[1] amounted, in the polite form of a request for ' elucidations ' on certain points, to a rejection of these obviously inacceptable proposals.

He began by asking (a question which the wording of the draft made extremely necessary) whether the French Government proposed the note to be the expression of their own views alone, or of the French Government acting in concert and in the name of the interested Allies. He further gave it to be understood that the British Government looked upon the Guarantee Pact as ' supplementary to and outside the existing framework of the Treaty of Versailles ' ; that the arbitration treaties must not allow for coercive action save in the very last resort,

[1] *Cmd.* 2435, p. 11.

and after both conciliation and the mediation of the Council of the League had failed; and that the obligations involving on the guarantor, and also on the League of Nations (since M. Briand desired to place the pact 'under the auspices' of the League) must be precise and definite.

The observations of the Belgian Government, which had also received a copy of M. Briand's draft, were understood to be almost identical with those of the British.[1]

M. Briand's 'elucidations' were communicated to the Foreign Office on the 25th May.[2] His note contained a certain number of graceful concessions to British prejudice. The authors of the revised draft were referred to as 'the French Government in agreement with their Allies', and the suggestion that the proposed pact should be concluded 'within the framework of the Treaty of Versailles' gave place to a statement that it could not 'in any way contradict, infringe, or weaken the Treaty of Versailles and represents an offer of complementary guarantees'. But the main points of M. Briand's thesis remained blandly intact. The obligatory nature of the arbitration treaties 'must be specially affirmed and enshrined' and failure to observe their award would appear 'to be a possible justification for coercive action appropriate to the nature of the violation'. The memorandum went on to say that 'by "joint and several guarantee" is meant that the guarantee is given by all the signatories, who must in principle act together'. Guarantee of an arbitration treaty did not necessarily involve resort to force in case of its violation, but each guarantor was to act 'in such measure as he is able. If, for example, Germany were to violate the Arbitration Treaty with Poland, Great Britain could not be automatically drawn in to a greater extent than is involved, in the first place, by the guarantee which she has given to the arbitration treaty under the conditions laid down above and in the second place, by her capacity as a Member of the League of Nations'. M. Briand went on to argue ingeniously the necessity of including in a single whole Germany's arbitration treaties with 'the Allies who do not participate in the Rhineland Pact', and ended by sugaring these numerous pills with a declaration that he did not propose 'to create for the other members of the League of Nations the same obligations as for the signatories of the agreements' but only to lend to the pact 'the high moral authority of the League of Nations in order to enable the League, in case of need, to establish the legitimacy of action undertaken in accordance with the terms of these agreements and the conformity of such action

[1] *The Times*, 13th June, 1925.

[2] *Cmd.* 2435, p. 13.

with the Covenant, and the very principles on which the Covenant rests.'

It seemed probable, to judge from these lines, that M. Briand would not abandon his intractable attitude unless definite steps were taken to modify it. Mr. Chamberlain therefore took the opportunity, in his reply of the 28th May, to set forth the main lines of British policy in unmistakable language.[1]

> The basic principle [he wrote] by which His Majesty's Government are guided in their approach to the matter now under discussion is, and must be, that any new obligation which they undertake shall be specific and limited to the maintenance of the existing territorial arrangement on the western frontier of Germany. His Majesty's Government are not prepared to assume fresh obligations elsewhere in addition to those already devolving on them as signatories of the Covenant of the League of Nations and of the Peace Treaties. At the same time, it may be well to repeat that, in seeking means to strengthen the position in the West, His Majesty's Government do not themselves question, or give any encouragement to others to question, the other provisions of the treaties which form the basis of the existing public law of Europe.

The French draft went 'in certain respects considerably beyond what His Majesty's Government could for their part endorse consistently with the principles enunciated above', notably in the proposal that a British guarantee should be given to the eastern arbitration treaties. The British Government agreed that it would be 'in the interests of peace if the Rhineland Pact and the arbitration treaties between Germany and her neighbours were to come into force simultaneously', but were unable to accept the proposal that they should 'form an indivisible whole and be co-ordinated in one general convention'.

> Nevertheless [the note went on] they are prepared *in principle* (and, of course, subject to a careful examination of the actual terms ultimately proposed) to give a guarantee, flowing logically from the territorial guarantee of the Rhineland, of arbitration treaties which may be concluded between Germany and her western neighbours, signatories of the pact. The type of guarantee which they have in mind would operate in the event of a failure on the part of one of the parties to refer a dispute to arbitration (using the term in its widest sense to cover both judicial awards and conciliation tribunals) or to carry out an award, if such failure were coupled with a resort to hostilities. The guarantee would be, so to speak, defensive; it would not entail upon His Majesty's Government—as they conceive it—any obligation to resort to force elsewhere than in the areas covered by the proposed Rhineland Pact; and would not operate in any event in favour of the party which had refused arbitration or had refused to give effect to an arbitral award.

[1] *Cmd.* 2435, p. 18.

At the same time, Mr. Chamberlain returned M. Briand's draft of the 12th May, accompanied by draft amendments to bring it into line with British policy as thus expounded.

The lucidity of this statement had its desired effect. M. Briand would have liked to see Great Britain guaranteeing the eastern frontiers of Germany ; but if this could not be arranged, there were a score of reasons—the chief of them, perhaps, financial—why he could not afford a serious estrangement from the Anglo-Saxon world. He understood, and succeeded in impressing on the Press of his country, the necessity of accepting the British standpoint and of proclaiming the unanimity of the Allies,[1] and his official reply, dated the 4th June,[2] accepted the British amendments to his original draft with only slight alterations. He welcomed in conciliatory language 'the effort made by the British Government to meet the French point of view' and contented himself with adding that the French Government held that :

> their anxiety to maintain the general peace and the liberty of all the nations of Europe as well as the exigencies of their own national defence, preclude them from limiting their preoccupations to solicitude for their own security alone. Their view is that any attempt to modify by force the state of affairs created by the treaties would constitute a menace to peace to which France could not remain indifferent.
>
> That is why, in their draft reply to the German proposals, they consider it essential to preserve their liberty to go to the assistance of states to which they deem it necessary to grant their guarantee without it being possible for the provisions of the proposed Rhineland Pact to block their way and thus to be turned against them. . . . In our eyes this is an essential condition of the proposed pact : and in view of the capital importance of this reservation for the maintenance of peace it is indispensable that it should be clearly expressed in the reply to Germany.

M. Briand returned yet another version of portions of his draft, which were now so worded that France retained the liberty to act in case of a violation by Germany of her eventual arbitration treaties with Poland and Czechoslovakia, while leaving 'England and the other Powers signatory of the Rhineland Pact quite free to withhold their guarantee' in such cases.

Mr. Chamberlain's reply, dated from Geneva, the 8th June,[3] had little further to add, and expressly approved of France's reserving to herself such liberty of action as she thought fit. At Geneva, on the same day, Mr. Chamberlain and M. Briand agreed on the final wording of the French note, which was presented in Berlin without further amendment on the 16th June.

[1] G. Glasgow : *From Dawes to Locarno*, p. 61. [2] *Cmd.* 2435, p. 28.
[3] *Ibid.*, p. 44.

The difficulties of the preceding weeks had not been without their good effect. The Powers concerned now knew exactly where they stood, and any possibility of further doubt was obviated by the publication on the 18th June by the British Government of the Franco-British correspondence in the form of a White Paper.[1] The note itself, in its opening paragraphs, began by detailing those treaties and obligations which the proposed pact could not affect. Germany, as a preliminary condition of agreement, must enter the League of Nations without reservation or special treatment. The agreements concluded could not imply any revision of the Peace Treaties, or result in practice in the modification of the conditions laid down for the application of certain of their clauses, the Allies reserving to themselves the right 'to oppose any failure to observe the stipulations of these treaties'. Neither could the agreements 'affect the provisions of the treaty relative to the occupation of the Rhineland, nor the execution of the conditions laid down in relation thereto in the Rhineland Agreement'. France would, however, welcome a Rhineland Pact (of unlimited duration, and including Belgium as a partner thereto), and would desire the conclusion, as its 'natural complement', of arbitration treaties between Germany and herself, and between Germany and Belgium. Such treaties 'ought to apply to all disputes, and ought not to leave room for coercive action save where such action shall be undertaken consistently with the provisions of treaties in force between the parties, or of the Rhineland Pact, or in virtue of the guarantee given to an arbitration treaty by the parties or by any one of them'. These arbitration treaties were to be guaranteed by the Powers guaranteeing the Rhineland Pact, and the guarantee should come 'into immediate operation, if one of the parties, refusing to submit a dispute to arbitration or to carry out an arbitral reward, resorts to hostile measures. Where one of the contracting parties, without resorting to hostile measures, fails to observe its undertakings, the Council of the League of Nations shall propose what steps should be taken to give effect to the treaty'.

With regard to the further arbitration treaties suggested by Germany, the note considered their conclusion essential to a complete guarantee of the peace of Europe. They should have the same scope as those outlined above, and the Powers signatory of the Treaty of Versailles and of the proposed Rhineland Pact should 'have the option, if they so desire, of constituting themselves the guarantors of such arbitration treaties'. All these agreements ought

[1] *Cmd.* 2435.

to come into force simultaneously, be registered with the League of Nations, and placed under its auspices. Nothing in them should affect rights and obligations attaching to membership of the League. Finally, the note expressed a hope that the United States might 'find it possible to associate themselves with the agreements which would thus be realized'.

More than a month was to elapse before the German Government replied to this note, and during this interval a certain embarrassment was caused by the persistence with which the French Press repeated that Great Britain had, in effect, agreed to all France's demands.[1] The publication of the relevant papers did something to dispel this impression, and on the 24th June a full debate on the documents, and on foreign affairs generally, was held in the House of Commons. Mr. Chamberlain restated in much detail his objections, on the one hand to the Geneva Protocol, on the other to an isolationist policy. He read out from his memorandum of the 19th May his own statement that the 'basic principle' of the British Government must be that any new obligation undertaken should be specific and limited to Germany's western frontier. He pointed out that the proposed British guarantee only became effective to protect the wronged party 'if the wrongdoer not only refuses to arbitrate in defiance of this treaty or to carry out the award after that arbitral tribunal has procured the award against him, but also resorts to force' and that Great Britain's obligations on Germany's eastern frontiers were confined to those which she had already assumed under Article 16 of the Covenant of the League. He further assured the House that the British Government would ratify no treaty without having given Parliament 'full and proper opportunity to consider it and discuss it and to give their opinion on it'.

The German Government meanwhile were in a difficult position. Their majority, like the majority of all Governments since the War in that country of numerous parties, was insecure, depending on the goodwill of a number of mutually antagonistic groups. Moreover, these German parties differed at least as widely in their views of foreign, as of domestic policy. This was the greatest disadvantage under which Germany laboured, as compared with the other negotiating parties. In Great Britain, where the position was somewhat similar, the Government had a secure majority for its policy. In France, if the parties differed on the amount of the concessions which might be made, the whole country was at one when it came to questions of France's security; and in Poland, the same thing might be said

[1] Glasgow, *op. cit.*, p. 67.

with still fewer reservations. Only in Germany was the Foreign Minister obliged to make his policy subject to purely domestic considerations.

Few groups were more necessary to the support of the German Government than the Nationalists, who, although actually forming an important factor in the composition of the Cabinet, were none the less carrying on a violent campaign against any agreement which should recognize once more, and finally, the loss of Alsace-Lorraine. What saved the Security Pact was probably the fact that the Government was at the time engaged in formulating a new custom tariff which would secure undoubted advantages for the wealthier classes, and particularly for those landed proprietors who formed the backbone of the Nationalist parties.[1]

On the 2nd July, the executive of the German People's Party (*Deutsche Volkspartei*), of which Herr Stresemann was still leader, put forward a statement of its views on the security question—a step which could only be explained on the assumption that it represented a compromise between the Nationalists' ideal of a pact and Herr Stresemann's conception of what would afford a basis for continued negotiation. This outline of policy accepted the principle that the security problem must be solved with the co-operation of Germany. It advocated a continuance of the policy initiated by the note of the 9th February to the exclusion of military alliances, deducing the following conclusions :

(1) Germany's entry into the League of Nations was impossible until not only the Ruhr and the sanctions areas, but also the first Rhineland zone had been evacuated.

(2) Germany must enjoy a special status with regard to Article 16 of the Covenant, as required in her memoranda of the 29th September and the 12th December, 1924.

(3) The decisions of the Council of the League with regard to military control by the League must be annulled ' in so far as they exceed the terms of the Treaty of Versailles and especially in so far as they contemplate a permanent local control body of the Rhineland '.

(4) The Security Pact, even though it did not alter the Treaty of Versailles, must not place Germany in a worse position than was hers under the Treaty.

(5) In the event of a pact being concluded, the occupation and administration of the Rhineland must be adjusted to the new conditions.

(6) Germany should only conclude treaties of agreement on the eastern side in full freedom as part of her normal foreign policy, without accepting decisions as to their maintenance and guarantee from outside.

(7) The pact must not interfere in any way with the Treaty of Rapallo or with Germany's other foreign treaties.

[1] *The Times*, 6th July, 1925.

(8) The pact must rest upon the bases of equal rights and reciprocity, by means of general arbitration treaties, security and disarmament.[1]

The influence of these resolutions was obvious in the form of the German note, which was presented to the French Government on the 20th July, while its contents were made public two days later.[2]

The replies to the French questions were dealt with under three main headings.

The suggested pact did not 'represent a modification of existing treaties' but it was 'self-evident that it is not meant to exclude for all future time the possibility of adapting existing treaties at the proper time to changed circumstances by way of peaceful agreement'.

With respect to Germany's entry into the League, she did not object in principle to the linking of this question with that of security. But she repeated the objections which she had raised in her note of the 12th December, and declared that she could only be considered as enjoying 'equal rights' as a member of the League when her own disarmament had been followed by 'the general disarmament provided for by the Covenant of the League of Nations and the preamble to Part V of the Treaty of Versailles'. Pending the arrival of general disarmament, an interim solution must be found which must 'pay due regard to the special military and economic as well as to the special geographical situation of Germany'. But the most disconcerting suggestions were those made in the second paragraph of the note. Here Germany dealt with the proposed arbitration treaties; she suggested that they should be of the non-political type of those which she had already concluded with various of her neighbours.[3] Such treaties contained, of course, no provision for coercive action against the party violating them or rejecting their award, and the German Government declared that, in the Allies' more far-reaching scheme, 'what chiefly attracts attention are the cases of exception' in which coercive action would be permitted. 'In this respect the German Government . . . cannot but assume that in those cases, in the opinion of the Allied Governments, coercive action can take place without any regular procedure laid down in advance, either by arbitral or some other international procedure.' And the note went on to suggest that 'the Allied Governments' would claim the right to take military action against Germany should they decide, at 'their own unilateral discretion', that she was in default in respect of reparation obligations, for example, or of the demilitarization of the Rhineland. The

[1] *Ibid.*, 4th July, 1925.

[2] Published (German text and translation) as a British White Paper, *Cmd.* 2468.

[3] e. g. Switzerland.

guarantor, moreover, although his intervention would be dependent on fixed conditions, would be sole judge as to whether these conditions had arisen and as to which of the contracting parties was to be considered the aggressor.

This note was not fortunately worded. Its authors had obviously found it difficult to strike a mean which would be acceptable both to the Allies who would receive the note, and the German home public who would read it. In identifying French policy with that of 'the Allies', the note somewhat ungenerously ignored the modifying influence which Great Britain at least had obviously been exerting, while, in assuming, as logical conclusions of the French note, the extreme interpretations which M. Poincaré might have put on it, it was little happier. The Franco-British correspondence must have made it obvious that Germany, as a party to the negotiations, could introduce many modifications before the pact reached its final form. But the German comments on the French arbitration scheme did in truth show the Allies the lines on which that scheme needed revision, or rather, elaboration, while the concluding paragraph of the note did a good deal to atone for earlier errors of judgement. For it ended by remarking that 'on essential points a significant *rapprochement* of the views of the two sides has already taken place', and expressed the hope 'that further discussions will lead to a positive result'. Both the proceedings of the Foreign Affairs Committee (so far as known) which had considered the text before its dispatch, and the public debate in the Reichstag on the 22nd July in which Herr Stresemann explained and defended his policy, showed that this belief, this hope, were shared by all parties in Germany except the extreme Right and the extreme Left. The resolution reached by agreement that 'the Reichstag approves the foreign policy of the Government' was carried at the end of the debate by 235 votes to 158, and 13 abstentions.[1]

The note was coldly received in London, and still more coldly in Paris, where grave exception was taken to its tone. In London the idea that Germany would make excessive demands was not taken too seriously, and the Belgian Cabinet associated itself with this view. Much greater uneasiness was felt in Great Britain concerning the obligations which the country might be undertaking towards France. There was still a strong school among the Liberal opposition which repudiated any intervention in European politics, and this school noted with disquiet the German comments on the French arbitration scheme. Lord Balfour, speaking in the House of Lords

[1] *The Times*, 23rd and 24th July, 1925.

on the 6th July, made a public statement designed to combat this anxiety.

The negotiations between the Allies recommenced on receipt of the German note, M. de Fleuriau again playing an important part in them. It was felt that sufficient agreement had been reached on the central idea of the Security Pact proper to justify beginning work on it, and M. Fromageot, the principal juristic expert at the Quai d'Orsay, was entrusted with the preparation of a draft pact, in consultation with Sir Cecil Hurst in London. The principal questions on which agreement had still to be reached were those raised by the German note, especially in its second paragraph.

The French and British Governments were agreed on the necessity of Germany's entering the League of Nations, and on the impossibility of granting her a special status in it. They were agreed, also, that the security question must be kept independent of the régime established by the Treaty of Versailles in the Rhineland and elsewhere. But the position of the guarantor still presented difficulties. Great Britain maintained that it was essential to her firstly to retain her freedom to decide what case was serious enough to entail her intervention, and secondly to determine in any given case who the aggressor was and whom she would support, by arms or otherwise. In this respect she did indeed require to maintain a discretion which might be described as ' unilateral '. The central difficulty was therefore to find a definition of ' aggression ' (bilaterally applicable), which should be elastic enough to satisfy the British, and rigid enough to content the French demands.

After considerable correspondence, M. Briand decided to come to London to discuss the matter in person. He arrived on the 10th August, was granted an audience with the King on the following day, and had terminated his conversations with the Foreign Office by the 12th. It had not been too difficult to persuade him to accept the formula which the Foreign Office had found for the solution of the main difficulty. The British Government reserved to themselves the right to decide whether a ' flagrant aggression ' had been committed by France or Germany. Should such an aggression be clear enough and serious enough in the opinion of the British Government, Great Britain would declare war on the aggressor. In doubtful cases she would refer the matter to the League of Nations for decision.[1] This formula—the distinction between a doubtful and a ' flagrant ' aggression—was one of the most striking instances of the appeal to goodwill and good sense in international relations which the whole

[1] Glasgow, *op. cit.*, pp. 94–5.

of the Locarno negotiations had to show. In a condition of general international tension, it might prove valueless ; but given a universal desire for peace, it would be perfectly satisfactory. On the other points concerning the proposed French answer, agreement was reached without excessive difficulty.

The French note, embodying the results of this agreement, was handed to the German Government on the 24th August, after the Belgian, Czechoslovak, Italian, and Polish Governments had signified their agreement with its form. Its text was issued for publication on the evening of the 26th August.[1] It expressed satisfaction at the ' community of views which exists between ' the French and German Governments, and the possibility of an agreement. ' Desirous of not delaying such an agreement ', it confined its remarks to the three points raised in the German note of the 20th July.

(1) The Treaty of Peace must not be impaired, nor could ' the guarantees of its execution and the provisions which govern the application of those guarantees . . . be modified by the proposed agreements '. The evacuation of the Rhineland could therefore form no condition of the pact. But the French Government were ' well aware of the provisions of the Treaty ' allowing eventual modification, and intended ' scrupulously to observe their obligations '.

(2) In respect of Germany's entry into the League ' the Allied Governments can only adhere to their former statements ' that Germany could claim no special status. At the most, she could submit her wishes to the Council from within. Germany's entry, however, was ' the only solid basis for a mutual guarantee and a European agreement '.

(3) With respect to the proposed arbitration treaties, the French note repudiated the German proposal for limited, non-political treaties, insisting that ' obligatory pacific settlement applying to all the issues which may arise . . . is an indispensable condition ' for the pact.

The guarantor would not, however, ' decide autocratically and unilaterally who is the aggressor. The aggressor defines himself by the very fact that, instead of submitting to a pacific solution, he resorts to arms, or violates either the frontier, or, in the case of the Rhine, the demilitarized zone.'[2] The guarantor, the note pointed out,

[1] Text in *The Times*, 27th August, 1925.

[2] It is interesting and important to compare this definition of aggression with that given by the Protocol of Geneva (Art. X). This is another of the numerous cases in which the authors of the Locarno Treaties found their path cleared by the statesmen of Geneva. For the difficulties surrounding the satisfactory definition of ' aggression ', see Professor P. J. Noel Baker : *The Geneva Protocol*, especially Chapters ii and vii.

would have the greatest interest in preventing such a situation from arising ; and to the limitrophe states themselves, unless they meant to act aggressively, the guarantee would be only a protection.

Moreover, it should not be impossible ' to establish provisions adapting the operation of the guarantee . . . to the nature of the violation and to the circumstances and degree of urgency which might necessitate ' its execution, as well as to safeguard the impartiality of the guarantor's decisions.

The French Government, ' in agreement with the Allies ', concluded by inviting the German Government to enter into negotiations on this basis. A verbal invitation, from the French, British, and Belgian Ambassadors in Berlin, accompanied the note, suggesting that the legal experts of Germany, France, Great Britain, and Belgium should meet as soon as possible in London.

In a note dated the 27th August the German Government, which had given the French note a very favourable reception, welcomed this suggestion and added that they ' now consider it advisable to refrain from further written elucidation of these matters and from stating their views in regard to the observations made in the French note '.[1]

The juristic experts, Dr. Gaus for Germany, Sir Cecil Hurst for Great Britain, M. Fromageot for France, and M. Rollin for Belgium, with Signor Pilotti, who took a less active part in the work, attending for Italy, met in London on the 1st September. Working in a comparatively calm and academic atmosphere, they had reached complete accord on the minor technical points which were occupying them by the 4th September, and had formulated the controversial points which remained with legal precision.[2] At the end of these discussions the experts left to report to their respective Foreign Ministers, the British and French members proceeding for the purpose to Geneva, where Mr. Chamberlain and M. Briand had gone to attend the Assembly of the League. It had already been announced on the 4th September [3] that the Allied and German Foreign Ministers would meet to consider the pact, probably in late September, either in northern Italy or in southern Switzerland.

The Allied invitations to the Conference of Foreign Ministers were delivered on the 15th September.[4] If all recipients accepted, the countries represented would be Great Britain, France, Germany, Italy, Belgium, Poland, and Czechoslovakia. The date proposed was the end of September, or at the latest the first days of October.

In including the two last-named countries, the Allies had taken the

[1] *The Times*, 29th August, 1925.
[2] *Ibid.*, 5th and 7th September, 1925.
[3] *Ibid.*, 4th September, 1925.
[4] *Ibid.*, 30th September, 1925.

bold, but probably prudent, course of settling one of the most controversial points at issue in accordance with their own desires, and without consultation with Germany. Had she been asked, Germany would certainly have refused to meet Poland and Czechoslovakia until a later date, and as it was, it appeared for a moment as though she might refuse the invitation on this account. The *Tägliche Rundschau*, the organ which usually acted as Herr Stresemann's mouthpiece, wrote, on the news becoming known,[1] that the Rhineland Pact alone was discussed at the London Conference of Jurists, and the forthcoming Conference of Ministers must observe the same limits. 'After these negotiations have been brought to a certain degree of finality, the questions between Germany and her eastern neighbours are to be settled. Therefore we must be prepared for two conferences, separate as to time and probably also as to place.'

On the same day Count Skrzyński, in an interview with a news agency, had stated the opinion of the Polish Government that the conference must include, not only a Rhineland Pact, but also the treaties of arbitration between Germany and Poland and Czechoslovakia.

'This must on no account be allowed to happen,' wrote the *Tägliche Rundschau* in its evening issue, 'one thing first, and then the other—and first the Rhineland Pact.'

In face of the *fait accompli*, however, Herr Stresemann was obviously unwilling to jeopardize the whole of his work on a comparatively minor issue. His obstinacy may have been aroused by the extreme difficulties which he was encountering from the Nationalists in his own country. If the Nationalist members within the Cabinet chose to preserve a comparative moderation, their colleagues outside put on themselves no such constraint. The East Saxon branch of the German Nationalist Party passed a resolution on the 16th September that: 'it is the duty of the Party, through its elected representatives, to prevent the acceptance of the Pact, as also to prevent Germany's entry into the League, and specially to see to it that no meeting of Foreign Ministers takes place at all, unless fulfilment of the absolutely irreducible demands of the German Nationalists . . . is secured and they are admitted by the Entente Powers as binding upon them'.[2] Similar resolutions were passed elsewhere, and the *Tägliche Rundschau* [3] was doubtful whether Herr Stresemann ought to meet the Allied Foreign Ministers without the support of men drawn from other parties of his Coalition Government.

Against this, there were certain factors, outside Germany, which

[1] *The Times*, 16th September, 1925. [2] *Ibid.*, 18th September, 1925.
[3] *Ibid.*, 7th September, 1925.

made it a good deal easier for the German Government to accept a gesture of goodwill. In the West, the evacuation of the Ruhr and of the three 'sanction towns', Düsseldorf, Duisburg, and Ruhrort, was completed in August, thus reducing the occupied area of Germany to the zones originally occupied under the Treaty of Versailles. In the East, the Czechoslovak Government made a move towards the conclusion of an arbitration treaty with Germany; and this, whether regarded as preliminary spade-work for the proposed pact, or, as the German view demanded, as entirely separate negotiations, was in either case valuable as relaxing prevailing tension. On the 21st September the Czechoslovak Minister in Berlin informed the German Foreign Office that, having regard to the notes recently exchanged between the German Government and the Allies, the Czechoslovak Government was prepared to enter into negotiations for the conclusion of a German-Czechoslovak treaty. The verbal intimation was accompanied by an *aide-mémoire*.[1] The negotiations commenced immediately afterwards.

The result of the deliberations of the German Cabinet was seen in the reply delivered to the Foreign Offices of the various Allied countries on the 26th September. The note itself was a short acknowledgement and acceptance of the invitation, and a proposal that the conference should open on the 5th October, in Switzerland. It was, however, accompanied by a 'verbal' memorandum which was written out in full as an *aide-mémoire*,[2] in which the German Government expressed their conviction of the necessity, at the present juncture, of informing the Allied Governments, 'in full frankness', of their attitude towards two questions which they described as being 'most closely concerned' with the negotiations in progress. Firstly, while the German Government did not challenge 'the linking together' of the conclusion of the Security Pact with Germany's entry into the League of Nations, as desired by the Allies, they were yet 'forced to revert' to the question of Germany's 'war guilt'. The memorandum therefore recalled the German memorandum of the 29th September, 1924, repeated the declaration made therein that Germany's entry into the League did not imply admission of 'war guilt', quoted in full the repudiation of war guilt issued by the German Government on the 29th August, 1924,[3] and 'identified itself with that proclamation with the express purpose of creating the condition of mutual esteem and true equality of rights such as is essential to the success of the confidential conversations now contemplated'.

[1] *Ibid.*, 22nd September, 1925.
[2] Text in Glasgow, *op. cit.*, pp. 119 *seqq.*
[3] See above, p. 12.

The German Government then went on to raise the questions of the occupation of the North Rhenish zone, and of disarmament, which they described as 'a dispute which still separates Germany from the Allies'; and declared that so long as the occupation continued, there could be 'no faith in that peaceful development on which depends the efficacy of the contemplated international agreements'.

The British, French, Belgian, and Italian Governments replied to this memorandum in more or less similar terms. The British note,[1] which was delivered on the 29th September, expressed the pleasure felt by the British Government at the German Government's acceptance of the invitation to Locarno, and their satisfaction that this acceptance had been 'given without reserve'. The questions raised by the German memorandum, the note went on, had 'no relation to the negotiations for a Security Pact'. Germany's willingness to enter the League, the 'essential condition of any mutual pact', was noted with satisfaction. But the question of Germany's war guilt was not raised by the proposed pact, and the note remarked that:

> His Majesty's Government are at a loss to know why the German Government have thought proper to raise it at this moment. His Majesty's Government are obliged to observe that the negotiation of a Security Pact cannot modify the Treaty of Versailles or alter their judgement of the past.
>
> As regards the evacuation of the Cologne zone, I have the honour to repeat that the date of that evacuation depends solely on the fulfilment of Germany's disarmament obligations, and that His Majesty's Government will welcome the performance of those obligations as permitting the Allies at once to evacuate the northern zone.

The publication of these replies caused no little irritation among the German Nationalist parties, but not sufficient to induce them to leave the Government. The Nationalists were not, however, overwhelmingly popular among the other German parties, which showed sufficient satisfaction at the rebuke and sufficient confidence in the Government's policy for Dr. Stresemann and Dr. Luther to be able to leave for Locarno with the knowledge that the majority of the country was behind them. The difficulties raised by the declaration between Germany and the Allies were eliminated by a statement made by Herr von Hoesch, the German Ambassador in Paris, to M. Briand on the 30th September [2] that the German Government (which had held an all-night sitting on reception of the Allied notes) had

[1] Text printed in *The Times*, 30th September, 1925. The text of the Belgian and French notes is printed in *L'Europe Nouvelle*, 10th October, 1925.

[2] *The Times*, 1st October, 1925.

agreed that the points raised in the declaration should be excluded from the Locarno agenda.

(iii) The Locarno Conference and resulting Treaties.

The Conference of Locarno opened on the 5th October. The delegates who, with their staffs, attended its first day were Dr. Luther and Herr Stresemann, for Germany ; M. Vandervelde for Belgium ; M. Briand for France ; Mr. Chamberlain for Great Britain ; and Signor Scialoja for Italy. M. Beneš, for Czechoslovakia, arrived on the 7th October, Count Skrzyński for Poland on the 8th, while Signor Mussolini arrived to represent Italy in person on the 15th October, during the concluding stages of the negotiations. Mr. Chamberlain, by general agreement, was selected to open the proceedings and acted throughout as chairman as *primus inter pares.*

The deliberations of the Conference were kept secret, only a short official communiqué being issued daily on the joint authority of the plenipotentiaries present. Although naturally the Press of all countries devoted great attention to the work of the Conference, the obligation of secrecy was in most cases respected. The most noteworthy exception—a bulletin, which had every appearance of being inspired, issued on the first evening by the *Deutsche diplomatische Korrespondenz*—was an indication of the especial difficulties, not shared by the representatives of the other countries present, in which the German delegates were involved by their peculiar political situation.

The communiqué issued on the first afternoon stated that :

> It was decided by mutual agreement to waive any discussion of a general nature in order to begin immediately the discussion of the articles of the draft Pact which were drawn up in London by the legal advisers. Agreement was at once reached in regard to a certain number of articles of the draft which did not give rise to any objections. Other articles gave rise to draft amendments which were reserved for further examination by the legal advisers, and some others were reserved for later examination by the Conference.

Thus in the first few hours, thanks to the preliminary work of the jurists, the controversial points had been reduced to two or three, which were, however, both important and difficult. The diplomatic correspondence exchanged during the summer showed sufficiently which these points were. The chief of them concerned the entry of Germany into the League of Nations, and the question whether she should receive a special status with respect to Article 16 of the Covenant ; the relation of the proposed eastern pact to the western,

the question whether or no the former should be codified within the latter ; the problem of the French guarantee of the eastern treaties ; and further, the question of the evacuation of the Cologne zone, and the consideration of the relation which the existing military convention between France and Belgium would have on the western pact.

It was discovered in the course of the negotiations that some of these points gradually lost their difficulty or their importance. The pact, for example, was seen to be not only compatible with, but actually supplementary to the Franco-Belgian treaty [1] ; and if the evacuation of the Cologne zone could not be made a price of the pact, it was possible to make such practical concessions as would satisfy German opinion. On the other hand, the problem of Germany's entry into the League grew vastly in moment. It was seen that a satisfactory solution of this question would in fact make all the rest easy ; all turned, therefore, on the finding of such a solution.

It is hardly possible that success could have been achieved through the medium of diplomatic correspondence, but at Locarno it was facilitated by a note of informality deliberately introduced into the proceedings, and undoubtedly assisted by the balmy climate of the place. The most notable progress was admittedly made at a quiet conversation enjoyed by M. Briand and Dr. Luther at a small country *albergo* at Ascona on the 8th October, and again at an excursion undertaken on the 10th October by Mr. Chamberlain, M. Briand, Dr. Luther, and Herr Stresemann, with their respective secretaries and juristic experts, in a motor-boat on the lake. After the latter conversation it became known that a formula had been found regarding Germany's entry into the League which seemed likely to satisfy all parties concerned. Herr Kempner, a member of the staff of the German delegation, left after it for Berlin to report to the President and to the remaining members of the German Cabinet, which met to consider his news on the night of the 13th October and again at noon on the following day. No report, of course, was issued of the Cabinet meeting, but it appeared as though the Nationalists were inclined to modify their more extreme demands.

This was indeed another of the many cases in which the authors of the Locarno Pact had to acknowledge a debt to the devisers of the Geneva Protocol. At the time when the Protocol was drawn up, difficulties with respect to Article 16 had been felt by other nations, similar, in effect at least, to those now urged by Germany.

[1] See the debate in the Belgian Chamber, reported in *Le Temps*, 17th January, 1926.

At that time it had been Great Britain who had maintained that she must reserve her complete juridical liberty to decide precisely what action she would take for the enforcement of sanctions ; and Denmark, who was practically disarmed, who had pleaded for a wording of the Protocol which should take this fact into account.[1] The solution had been provided by wording the relevant passage of the Protocol (Art. 11, par. 2) as follows :

> These obligations shall be interpreted as obliging each of the signatory states to co-operate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to aggression, in the degree which its geographical position and its particular situation as regards armaments allow.

The solution now proposed, and adopted, was that a draft collective note should be addressed by the Powers to Germany, explaining that the signatory Powers were not in a position to speak in the name of the League, but ' did not hesitate ' to state their own interpretation of Article 16 of the Covenant to be that ' each state member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account '.

It appeared that this solution removed the hesitations of the German delegates. In his *exposé* of the treaties in the Reichstag,[2] Dr. Luther argued, not only that the wording of the Covenant itself and the decisions of the Assembly of the League showed clearly that ' in no case could any member of the League have the right to force us against our will to take measures of sanctions in any form, e. g. to allow the transit of troops ' ; but that the special situation of Germany was such that her attitude towards the application of sanctions could not possibly be interpreted as disloyalty towards the League, nor involve her in ' moral isolation '. He concluded that, so interpreted, Article 16 gave rise to ' no dangers to Germany '.

This nightmare once removed, the German delegates proved far more amenable on the other points at issue, particularly as the decision respecting the form of the pact went in their favour. The form adopted was that suggested by the British Government in their note of the 28th May ; that is, the eastern arbitration treaties were concluded simultaneously with the Rhineland Pact, but did not form ' an indivisible whole ' with them. The assurance of Germany's entry into the League to some extent consoled France, Poland, and

[1] See Professor P. J. Noel Baker : *The Geneva Protocol*, pp. 132 *seqq.*
[2] *Deutsche Allgemeine Zeitung*, 24th November, 1925.

Czechoslovakia for the loss of the British guarantee, since, after all, Germany had now voluntarily taken on herself the whole of the obligations enshrined in the Covenant, and the authority of the League was there to restrain any act of aggression. None the less, the notorious difficulties of the Covenant had not been cleared away. The most difficult case was that arising under Article 15, paragraph 7 of the Covenant : the case in which the Council of the League, on being seized of a dispute, failed to come to a unanimous decision. In such doubtful instances—and experience had shown that it was not always easy to determine the rights and wrongs of an international dispute—Poland and Czechoslovakia would not consent to stand alone, nor France to let them do so.

The problem was ultimately solved by the conclusion of separate treaties between France and Poland, and France and Czechoslovakia, by which, in such last resorts, the Council of the League having failed to reach an unanimous report, the contracting parties, if attacked without provocation, agreed to lend each other immediate aid and assistance. There was a similar provision in the event of a simple violation of the undertakings of Locarno, if accompanied by an ' unprovoked recourse to arms ' ; but this case might be regarded as less serious, for it implied violations of the ' flagrant ' nature which in any case would carry with them the intervention of the League and the application of Article 16 of the Covenant. That is to say, in those cases in which, under the Covenant of the League or the Treaty of Mutual Guarantee, it was possible to imagine one of the contracting parties forced against its will into war, the other party would act as its ally. This proved to be a compromise which all parties were willing to accept, although it gave none of them complete satisfaction. The German Nationalists objected that the wording of the treaties involved a ' veiled guarantee ' of them by France, and for that reason were for rejecting them. Poland, on the other hand, found the guarantee too weak. The least dissatisfaction was shown by the Czechoslovak Government ; but probably all realized that no better compromise could well be reached.

This solution of the chief problem of the eastern treaties was gradually evolved after the settlement of the supreme difficulty of Germany's entry into the League. In the meantime, during Herr Kempner's absence, an official statement had been issued that the position of Italy was the same as that of Great Britain, in respect of both East and West. Herr Stresemann met M. Beneš on the 11th October, and Count Skrzyński on the 12th. On the same day, the Polish and Czechoslovak delegations—working in co-operation and

on parallel lines—began the negotiations with the Germans respecting the arbitration treaties, the basis of which had already been laid down by the previous Czechoslovak-German negotiations.

On the 15th October the communiqué was able to state that 'the Conference at its eighth plenary meeting adopted the text of the draft Security Pact. The question of the Arbitration Treaties was then taken up. The Conference invited the members of Poland and Czechoslovakia to join the meeting' and they were then informed of the state of the negotiations with respect to the Western Pact, and informed the meeting in turn of their own progress.

On the following evening (the 16th October), at 7 p.m. the entire complex of documents which together constituted the Locarno Pact were initialed by the assembled delegates. The date for signature was fixed for the 1st December in London.

The Locarno Pact consisted of the following documents :[1]

1. A final protocol.
2. Five 'annexes' to this protocol, consisting of :
   (*a*) A Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain, and Italy (Rhineland Pact).
   (*b*) and (*c*) Arbitration Conventions between Germany and Belgium and between Germany and France.
   (*d*) and (*e*) Arbitration Treaties between Germany and Poland and between Germany and Czechoslovakia.
3. A draft collective note from the states participating in the Conference to Germany regarding Article 16 of the Covenant of the League of Nations.
4. Treaties between France and Poland and between France and Czechoslovakia.

The 'final protocol' consisted of a preamble in which the delegates of Germany, Belgium, France, Great Britain, Italy, Poland, and Czechoslovakia declared that they had approved and initialed *ne varietur* the annexes (*a*)–(*e*) ; the French delegate communicated the conclusion of the Franco-Polish and the Franco-Czechoslovak treaties ; and the British delegate gave notice that the draft note would be presented to Germany when the above instruments were signed. Finally, the delegates expressed their appreciation of the work as a whole as a factor of peace and a preparatory step towards disarmament.

In the Treaty of Mutual Guarantee the contracting parties collectively and severally guaranteed the inviolability of Germany's existing western frontiers and the observance of the provisions of the Treaty of Versailles (Arts. 42 and 43) regarding the demilitarized zone (Art. 1). Germany and Belgium and Germany and France

[1] For texts in full see the Appendix.

mutually undertook that they would 'in no case attack or invade each other or resort to war against each other' except in the case of legitimate defence against violations of the above undertaking, 'flagrant breach' of the provisions regarding the demilitarized zone, action under Article 16 of the Covenant, or under Article 15, paragraph 7, of the Covenant if directed against the state which was the first to attack (Art. 2). They agreed to settle all disputes by arbitration or conciliation, as provided in the separate treaties for that purpose (Art. 3). In case of 'flagrant violations' of these undertakings, the contracting parties would 'immediately come to the assistance' of the party injured; in doubtful cases, the Council of the League should decide on appeal whether the violation had been committed; and the Council should also give a decision even in 'flagrant' cases (Arts. 3 and 4). Great Britain and Italy guaranteed these stipulations, their guarantee becoming effective if one party refused to submit a dispute to peaceful settlement, or to accept an arbitral award, and attacked the other party, or violated the demilitarized zone; in the absence of such aggravation, the Council of the League should decide on the appropriate action (Art. 5). The Treaty of Versailles and its supplementary agreements, as well as the freedom of action of the League to take what action it thought fit in the interests of peace, were not affected by the Pact (Arts. 6 and 7). The adherence of the British Dominions was optional (Art. 9). The treaty was to enter into force after all ratifications had been deposited, and after Germany had become a member of the League (Art. 10), was to be registered with the League, and was to remain in force until the League found the additional safeguards provided by it to be superfluous (Art. 8).

The arbitration conventions between Germany and Belgium and Germany and France (the two being identical, *mutatis mutandis*) provided for the settlement by peaceful methods of all disputes of every kind in which the parties were in conflict as to their respective rights, except those arising out of and belonging to the past. The procedure to be followed was that sketched out in Articles 12–15 of the Covenant of the League, the final instance being a special arbitral court or the Permanent Court of International Justice in the case of justiciable disputes, the Council of the League in other disputes. Provision was made for an additional first instance in the shape of a Permanent Conciliation Commission. The conventions were to be equally applicable when a third party or parties were interested in the dispute, and were to come into force under the same conditions as the Treaty of Mutual Guarantee.

The arbitration treaties between Germany and Poland and between Germany and Czechoslovakia (which were identical with each other *mutatis mutandis*) were identical with the arbitration conventions between Germany and Belgium and between Germany and France, except that one or two phrases based on or taken out of the Treaty of Mutual Guarantee, to which Poland and Czechoslovakia were not signatories, were included in the arbitration treaties.[1]

The draft collective note to Germany regarding Article 16 of the Covenant has been discussed above.

The essential paragraph of the Franco-Polish Treaty of Guarantee ran as follows :

> In the event of Poland or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally Poland, acting in application of Article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.
>
> In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland or France being attacked without provocation, France, or reciprocally Poland, acting in application of Article 15, paragraph 7, of the Covenant of the League of Nations, will immediately lend aid and assistance.

The Franco-Czechoslovak Treaty of Guarantee was identical, *mutatis mutandis*, with the Franco-Polish.

The complex of treaties known as the Locarno Pact constituted a less ambitious document than the Geneva Protocol. The Locarno Pact deliberately confined itself to a circumscribed area, and attempted there to make war impossible. It was a beginning, and only a beginning—a first step towards an ultimate ideal when far wider regions, if not all the world, should have bound themselves similarly never to make war ; when disarmament should have become universal, and arbitration or conciliation alone should govern the relations of the nations with one another. In this respect, it was a far less bold application of the principles of the Covenant than the Protocol had been. Many adherents of the Protocol, such as M. Beneš, preferred indeed to adhere to their faith in that instrument as their ultimate ideal, and to regard Locarno only as an intermediate step

[1] Thus the preamble was more extensive, and corresponded roughly to the preamble of the Treaty of Mutual Guarantee, Art. 7 of which reappeared in a slightly modified form as Art. 21 of the arbitration treaties.

necessitated by the imperfections of this world. In this view they differed from the warmer supporters of the Pact, who maintained that the Protocol was so universal as to lose all real value : and that the Pact was therefore, as Mr. Chamberlain stated to the British Press on the 23rd October, ' the real dividing line between the years of war and the years of peace.'

The supporters of the Protocol may have felt their disappointment to some degree tempered by observing how closely, in many respects, the Locarno treaties carried out the ideas of Geneva. Without the Protocol, the Pact could hardly have come into being. It is not possible here to enter into a detailed analysis of the two instruments ; a study of the texts of the Covenant, the Protocol, and the Pact will show best how the basic ideas of the first were supplemented and deepened by the more developed theory of the second, to reappear, in a narrower, but perhaps more practicable form, in the third. It was not for nothing that Germany's entry into the League was made to form the very keystone of the Locarno treaties ; for in every respect they rested on the assumption that in the future her relations with her neighbours would be governed by the principles embodied in the Covenant of the League.[1]

Over a month was to elapse before the date fixed for the signing of the instruments ; and even after that date the treaties had to be ratified by the Parliaments of the countries concerned, and the arrangements made for Germany's entry into the League of Nations. The intervening weeks before the signature, however, gave an adequate indication of the attitude with which the countries concerned regarded the Pact.

In Great Britain the enthusiasm for the Pact was widespread, and enhanced by the feeling that the success of the negotiations was in large measure due to the personal efforts of the British Foreign Secretary. The opposition of the Labour and Liberal statesmen, who deplored, in the one case that the Geneva Protocol had been abandoned, in the other that Great Britain had undertaken any Continental obligations at all, was warm, but it did not voice the feeling of most of Parliament, nor of most of the country. On the 18th November a debate took place in the House of Commons, after which the acceptance of the treaties was approved by a large majority.[2]

In Belgium there had at first been a strong feeling that the definite pledge from France embodied in the Franco-Belgian treaty was a better guarantee of Belgium's security than any wider Pact. During

[1] See K. Strupp : *Das Werk von Locarno*, for a close legal analysis of the Pact.

[2] *The Times*, 19th November, 1925.

the negotiations, however, confidence grew. At the end of them M. Vandervelde, returning to Brussels, pointed out to the Press [1] that the Pact gave Belgium several positive advantages : a free and voluntary undertaking from Germany to respect the *status quo* and a solemn promise not to resort to war ; a British guarantee—' the vital element of our security ' ; the backing of the League of Nations; a relaxation of the tension with Germany and consequent reduction of expenditure on armaments ; and finally, the fact that the Pact represented ' a decisive step towards the ultimate end—the formation of the United States of Europe '.

In general, all Belgian opinion, except among the extreme Nationalists and Conservatives, shared M. Vandervelde's views, and the ratification of the Pact, when it took place, was in fact by a very large majority.[2]

In France the main consideration of the Pact was reserved for the debate on ratification, which was not to take place until the spring.[3] The numerous objections then heard were not voiced in the autumn, except by sections of the Right, which had, however, no alternative solution to propose. For the time being, satisfaction at the reaffirmation of the Entente with Great Britain outweighed scrupulous consideration of possible loopholes in the Pact with Germany.

In Italy the whole question was regarded with comparative indifference, while current conditions were, in any case, unfavourable to the expression of opposition to any policy which bore the seal of the Duce.

M. Beneš, on the conclusion of the Locarno Conference, telegraphed to the President of Czechoslovakia [4] that ' in all the negotiations here our interests and guarantees have been fully defended, that we have succeeded in obtaining in the general agreements important new guarantees for the future, and that indisputably great progress has been made for our peace and for the peace of all the states here represented. Our arbitration treaty with Germany is of far-reaching political importance, our guarantee treaty with France confirms our existing peace policy '. President Masaryk, replying, ' fully agreed ' with this estimate. In his subsequent statements M. Beneš took pains to emphasize that nothing had been lost of Czechoslovakia's previous guarantees, and in his speech delivered on the 30th October to the Parliamentary Permanent Committee,[5] he

[1] *Le Temps*, 21st October, 1925.
[2] *Ibid.*, 23rd January and 4th March, 1926.
[3] For these debates see the Press of 27th February–3rd March, 1926.
[4] *The Central European Observer*, 23rd October, 1925.
[5] *Ibid.*, 6th November, 1925. For the full text (in French) of M. Beneš's speech see the *Gazette de Prague*, 31st October, 1925.

stated specifically, in respect of the Treaty of Guarantee with France, 'We must emphasize that this assistance would take effect automatically, as shown by the term "immediate" used in paragraphs 1 and 2 of Article 1 of the treaty. This means that the contracting states have the full and only right to judge for themselves whether they are confronted with a *casus foederis*, that is to say, one of the cases in which Article 15, paragraph 7, and Article 16 of the Covenant take effect, and that they are not pledged to wait the result of any procedure. . . . Our former treaty with France thus acquires an entirely new character without losing any of its old effectiveness.' Article 2 of the Treaty of Guarantee, he pointed out, allowed France to send troops across the Rhine in the only cases in which Czechoslovakia might find herself in danger of being attacked by Germany. Only the Communists in the Parliamentary Permanent Committee voted against Czechoslovakia's signing the Pact.

The attitude of the Little Entente was modelled on that of Czechoslovakia. M. Beneš, on his journey home, met M. Ninčić, the Jugoslav Foreign Minister, at Bled, and explained the work and results of the Conference. The two Ministers expressed their complete agreement and decided to communicate their point of view to the Rumanian Foreign Minister.[1]

The tone of the Polish Press during the Conference had been uniformly gloomy, and the idea of a *rapprochement* with Russia, as an alternative to one with Germany, was openly mooted. On the conclusion of the Conference feeling appeared to change, at least in official circles, which considered it to be a great gain that no idea of a revision of the Polish Corridor had been broached at Locarno.[2] The Nationalists, however, were offended at the 'back place' which Poland had occupied at the Conference, and considered the guarantees offered by the treaty to be insufficient. Count Skrzyński, before the Parliamentary Commission for Foreign Affairs, insisted that France had still the right to come to the assistance of Poland, provided the attack on her were unprovoked; and the reservation respecting provocation had formed part of the former Franco-Polish Treaty.[3] The Commission, however, appeared by no means reassured, and in the debate which followed Count Skrzyński's *exposé* the thesis was already heard that a permanent seat for Poland on the Council of the League was a necessary condition of her complete security.[4] In a later session of the same Commission Count Skrzyński argued no more than that the Pact 'promised peace to Europe for at least five

[1] *Le Temps*, 22nd October, 1925.
[2] *The Times*, 19th October, 1925.
[3] *Le Temps*, 24th October, 1925.
[4] *Ibid.*, 5th November, 1925.

or ten years '.[1] After much debate, the Commission decided to recommend the ratification of the Pact, and ratification was effected on the 3rd March, 1926.[2]

Hardest of all was the task of the authors of the Pact in Germany. Opinion was inclined to be reserved until the full text of the agreements reached should be known. On the 16th October the Government issued a long semi-official communiqué which described the Allies' declaration regarding the League as 'corresponding to the German conception' and generally attempted to create a favourable atmosphere, partly by indicating that, as a result of Germany's signature, concessions might be obtained in regard to the Rhineland occupation. As soon as the text was published, however, opinion became sharply divided. The non-Nationalist Press was enthusiastic. It saw in the Pact not only security for Germany in the Rhineland, but above all, a sign of Germany's full re-entry into the community of European nations. Its appreciation of Mr. Chamberlain's work was generous. For this section of the German public, whose interests were chiefly bound up with the fate of the industrial west, the fate of East Prussia was of comparatively small moment, while the loss of at least the major part of Alsace and Lorraine was accepted with some philosophy.

The Nationalists, on the other hand, objected to the so-called 'stabilization' of the situation created by the Treaty of Versailles, to which a semi-official British commentary had referred, and to the 'veiled French guarantee of the eastern arbitration treaties',[3] which they considered the documents to contain.

The German Nationalist Party discussed its policy at great length. At last, on the 23rd October, the Party Committee came to the conclusion that the Pact was 'inacceptable to the Party'.[4] In consequence, the three Nationalist members of the Cabinet, Herren Schiele, von Schlieben, and Neuhaus, handed in their resignations on the 26th October, the Party approving this step.[5] The Cabinet, in view of the approval of its policy general in the country, did not resign, and other members of the existing Cabinet temporarily took over the vacant posts. The resignations put the Government in a minority, although authorization to sign the Pact could still be obtained if the Social Democrats voted in favour of this step. It was hardly possible, however, to envisage the situation of a Conservative Government carrying through its policy on the strength of the

[1] *The Times*, 27th November, 1925. [2] *Le Temps*, 5th March, 1926.
[3] *The Times*, 22nd October, 1925.
[4] *Deutsche Allgemeine Zeitung*, 25th October, 1925.
[5] *The Times*, 27th October, 1925.

Socialist vote. Negotiations were opened for the formation of the 'Great Coalition' to include the moderate Right, the Centre and the Moderate Left,[1] and the German Government, on the 29th October, addressed a note to the Allied Cabinets to the effect that they proposed to follow out the policy which they had adopted at Locarno, without modification.[2] Meanwhile, they issued for home consumption a vigorous vindication of their policy and denial of the accusations brought against it by the Nationalists.[3]

The situation remained extremely confused through the early days of November. The Cabinet carried on as a minority. The formation of the Great Coalition proved impossible, and ideas of a general election or a plebiscite were put forward, only to be rejected. The Government laid especial stress in its propaganda on the economic advantages to be gained from acceptance of the Pact, and an interesting result of these arguments was the appearance of a pro-Locarno manifesto signed by a number of Nationalist leaders, mostly industrialists.[4] Meanwhile there was very strong feeling in many circles—among the Rhineland representatives, the People's Party and the Centre Party—in favour of accepting the Pact, contingent on alleviations being granted in the occupied territory, and the real relaxation of the tension came when it became known that the Allied Governments were prepared to grant such alleviations. The text of the proposed alterations was published on the 18th November,[5] and simultaneously the German Ministries of the Interior and of Justice gave a decision that acceptance of the treaties involved no constitutional amendment, so that a simple majority vote in the Reichstag would suffice for legal acceptance of them. Finally Dr. Luther, in proposing acceptance of the treaties in the Reichstag on the 23rd November, announced that his Government would resign as soon as the treaties had been signed,[6] and thus removed the fear entertained by the Socialists that by voting for the treaties they might be prolonging the life of a Nationalist Government. In the course of his speech Dr. Luther argued that Germany's difficulties with respect to Article 16 of the Covenant had been solved; promised that the Government would adhere to their original declaration regarding war guilt, and asserted (on what specific authority it was not clear)[7] that Germany's

[1] *The Times*, 28th October, 1925. [2] *Le Temps*, 31st October, 1925.
[3] *The Times*, 2nd November, 1925. [4] See *ibid.*, 12th November, 1925.
[5] See below, p. 193.
[6] *Deutsche Allgemeine Zeitung*, 24th November, 1925.
[7] Dr. Luther apparently based his statement on the attitude of the Allies towards Germany's note of the 29th September, 1924, which had expressed the expectation that Germany would 'in due time . . . be given an active share of the mandates system of the League of Nations'.

right to a colonial mandate had been recognized. In the course of the debate, which lasted for several days, it became clear that President Hindenburg was in favour of acceptance of the Pact, which was voted on the third reading by a majority of 291 against 174.[1]

The treaties were signed at the Foreign Office in London on the 1st December, and the text was deposited in the archives of the League of Nations at Geneva on the 14th December. On each of these occasions all the leading delegates made important speeches, and these, combined with the speeches made on the occasion of the initialing of the treaties, make up a fairly complete account of the feelings awakened by the Locarno negotiations. In all of them the spirit of satisfaction and of congratulation was prominent. Many speakers believed that a new era of reconciliation was dawning ; all emphasized the harmony existing between the Locarno Treaties and the Covenant of the League, and many pointed out the consonance of the Pact with the ideals of the Geneva Protocol. The spirit of goodwill here present was so generally recognized, that the phrase 'the Locarno spirit' became a catchword of politics. But another, and even more interesting, prophetic note crept, not into all speeches, but into some, and most notably those made by the delegates of Germany, France, and Belgium, of a Europe in which the nations should be, not only more amicable, but more closely knit than they are to-day.

> In the light of these treaties [said M. Briand] we are Europeans only. . . . If they are not the draft of a constitution of a European family within the orbit of the League of Nations, they would be frail indeed.

Herr Stresemann said :

> Each one of us must first be a citizen of his own country, a good Frenchman, a good Englishman, a good German, as a member of his own nation, but each one also a citizen of Europe, linked together by the great conception of civilization which imbues our Continent. We have a right to speak of a European idea.

The thought had long been present in the minds of the common people, but it was a new thing for the Ministers of France and Germany, met together in London, to utter it.

It is worth while considering for a moment the attitude of the great nations whose geographical position, or their deliberate policy, prevented them from joining in this growing European solidarity. The standpoint of the British Dominions has been briefly sketched above ; the express provisions of the Pact gave them leisure and liberty to debate whether they would adhere to it or not. The

[1] *Deutsche Allgemeine Zeitung*, 29th November, 1925.

attitude of Japan was one of neutrality or of indifference, although the Japanese member of the Council of the League spoke with warm sympathy of the work of Locarno, on the occasion of the deposition of the documents, welcomed the prospective entry of Germany into the League, and expressed a hope for 'the eventual conclusion of similar conventions in other parts of the world'. The South American representatives uttered very similar sentiments on the same occasion.

Official policy in the United States was known to welcome any arrangement which should restore Germany to an equality of rights with the other nations of Europe and promote lasting peace. It was, indeed, actually rumoured that Mr. Houghton, the American Ambassador in Berlin, had had a share in inspiring the German offer of the 9th February. On the 2nd July, President Coolidge, speaking at Cambridge, Massachusetts, gave Europe the following advice :[1]

> If the people of the Old World are mutually distrustful, let them enter into mutual covenants for mutual security, and when such covenants are made, let them be solemnly observed, no matter what the sacrifice. They have settled the far more difficult reparations problems, why cannot they agree on permanent peace-terms and fully re-establish international faith and credit ? If there are differences now unadjustable, if there are conditions unforeseeable, let them be resolved in the future by methods of arbitration and judicial determination. While the United States should avoid political commitments where it has no political interests, such covenants would always have our Government's moral support, and could not fail to have the commendation of the world's public opinion, as well as bringing to the participating nations abundant material and spiritual reward. On what other basis can there be encouragement for the disposition to attempt to finance the European revival ? The world has tried war with force and has utterly failed. The only hope of success is peace with justice.

At the end of July the President asserted[2] that the arrangement of a European Security Pact would 'lay a broad foundation for further disarmament', and would pave the way for an international disarmament conference in which the United States would take a leading part. In October, after the terms of the Pact had reached Washington, he expressed[3] deep gratification that Europe had shown readiness to help itself ; the United States, he declared, was ready to do all in its power to give aid, short of jeopardizing its own interests, and this policy would be applied to the question of a further move towards disarmament. Disarmament of land forces was, indeed, a matter affecting Europe almost alone ; but when naval

[1] *The Times*, 4th July, 1925.
[2] *Ibid.*, 29th July, 1925.
[3] *Ibid.*, 21st October, 1925.

questions came to be considered, a conference, the President hinted, might profitably be held in America, and with the co-operation of the United States.

The attitude of Soviet Russia formed a notable contrast. She had sneered at the Geneva Protocol, and it was very obvious that she would not look with any greater favour on the new attempts made to solve the security problem, particularly as the lead in them was being taken by Mr. Chamberlain, who was unpopular in Russia since the abandonment of the projected Anglo-Russian Trade Agreement and the incident of the Zinoviev letter. It was not, at first sight, clear why Russia need be directly interested in the Rhineland Security Pact, but she chose, nevertheless, to exhibit a lively interest in the security negotiations as a whole, and in particular, in the question of Germany's entry into the League of Nations.

Russia had affected from the first to look on the League as an organization of predatory, capitalist states, who with Machiavellian hypocrisy had chosen this innocent-seeming method of securing their ill-gotten gains. A party in Germany was inclined to agree with her, and this party was composed, not so much of the German Communists, whose power was never great enough seriously to affect German foreign policy, as of the extremely influential Nationalists. On the common ground of antipathy to the Western Powers extremes had found no difficulty in meeting ; and while the bulk of the moderate parties in Germany, ever since the War, had been chiefly interested in re-establishing good relations with the West, the extremists of both wings had consistently declared this to be impossible, and had sought rather a *rapprochement* with Russia. Good relations with both East and West were theoretically just possible, and it was the aim of successive Foreign Ministers in Germany to tread the narrow path without diverging too far to either side. In practice, this ideal was hardly to be attained. The treaty which Germany had concluded with Russia at Rapallo on the 16th April, 1922,[1] was not technically incompatible with the aims of the Conference of Genoa, but actually it effectually prevented any *rapprochement* between Germany and the Western Powers for the time being. Now, when the security negotiations began to take form, Russia expressed apprehension that they in their turn might lead to the invalidation of the Treaty of Rapallo.

The point which particularly aroused her alarm concerned the entry of Germany into the League, partly in its general aspect, as reducing Russia to the position of the only great Power in the Eastern Hemi-

[1] See *Survey for 1920–3*, p. 30.

sphere outside that institution, partly over the specific question of Germany's possible commitments under Article 16 of the Covenant. We have seen with what tenacity Germany clung to her refusal to allow troops to be dispatched across her territory in the case of a war between Poland and Russia; her determination could hardly have been greater had it in effect been founded on some secret clause in the Treaty of Rapallo, nor could the existence of such secret clauses have heightened Russia's endeavours to confirm her in her attitude. Russia's efforts to prevent the conclusion of the Pact were untiring, and it was astonishing that so much agility could yet be so clumsy. Her main thesis—the direct opposite of that put forward by the European statesmen—was that where some one gains, some one else must lose. As winner she chose to designate Great Britain, which of all Powers interested in the negotiations, yet stood to gain the fewest direct advantages. As soon as the negotiations appeared to be taking concrete shape—as soon, that is, as it was seen that France and Great Britain had reached an understanding on their attitude towards Germany, the *Izvestia* came forward with the suggestion that 'the complicated diplomatic action undertaken by the English Government with respect to the Guarantee Pact is directed against the U.S.S.R. and France' and constituted 'an unheard-of humiliation for France' who might, the journal hinted, seek consolation with Russia.[1] Articles appeared daily in the Russian Press warning Germany not to conclude the Pact, which would be 'tantamount to subjecting herself to Great Britain and repudiating her alliance with Russia', who would then seek new allies elsewhere.[2]

The argument was one which made a deep impression on the German Nationalists, and even among the more moderate members of the German Cabinet it was clear that the fear of a breach with Russia was one of the main factors which imposed on them an extreme caution. Nevertheless, the security negotiations went forward, and although Russia made certain rather tentative efforts to negotiate separate pacts with Poland and the Baltic states,[3] these were not followed up; neither was the attempt which Russia actually appears to have made in September to detach Italy from the negotiations as the Power least interested in them.[4]

In September, however, Russian diplomacy made a more determined effort, the effects of which were only weakened by the attempt to do too much at once. On the one hand, strong hints were given

[1] *Izvestia*, 11th June, 1925.
[2] *The Times*, 15th June, 1925.
[3] See below, p. 231.
[4] *The Times*, 9th September and 13th October, 1925.

to the small Baltic states to abandon, not only the idea of a *rapprochement* with Poland, but also that of a *bloc* among themselves, in favour of a gravitation towards Russia.[1] On the other, it was suggested equally clearly that Poland, by signing the Security Pact, would lose much of the support from France which she had enjoyed under her existing treaty, and that she would do well to turn her eyes from the West and link herself with the U.S.S.R., to paralyse the 'harmful effects' of the Security Pact.[2] Lastly, the efforts to prevent Germany from concluding the Pact at all were maintained undiminished; if Germany joined the League, this, it was said, would 'mean the end of the German-Russian friendship' and force Russia to go elsewhere; both France and Poland, it was stated, had offered Russia alliances.[3]

On the 27th September M. Chicherin arrived in Warsaw, an unusual guest. The subject of his conversations with Count Skrzyński was not made public, but it was officially stated that the two main topics of discussion were the conclusion of a commercial treaty and the final fulfilment of the Treaty of Riga by means of an additional treaty.[4] The visit was, however, productive of extraordinary enthusiasm, and for a moment it seemed as if the volatile public opinion of Poland was really veering round towards a *rapprochement* with Russia. Having achieved his effect, M. Chicherin went on to Berlin on the 30th September, arriving there just before the German delegates were due to leave for Locarno.

M. Chicherin's presence in Berlin, his arrival from Warsaw, and the expansive interviews which he gave to various newspaper correspondents, in which he spared no words to emphasize Russia's own hostility to the League of Nations, and to dismiss as 'illusions' any advantages which Germany might hope to get out of membership,[5] certainly had their effect in Berlin. Probably the stand made, not only by the German Nationalists, but by the German Government as a whole, would not have been so firm but for this support. The positive results of his visit were, however, not very great. He apparently received verbal assurances from Herr Stresemann that Germany's security policy did not mean an abandonment of Russian friendship;[6] and as a practical proof of this, the negotiations for the German-Russian commercial treaty, which had been in progress for nearly a year, were speeded up, with the result that the treaty was signed, with a certain haste, on the 12th October.[7]

[1] *Ibid.*, 17th September, 1925.
[2] *The Times*, *loc. cit.*
[3] *Deutsche Allgemeine Zeitung*, 11th September, 1925.
[4] *The Times*, 29th September, 1925.
[5] *Deutsche Allgemeine Zeitung*, 4th October, 1925; *The Times*, 5th October.
[6] *The Times*, 3rd October, 1925.
[7] See below, pp. 255–6.

For a short time the decision shown by the German Government in their pursuit of their Locarno policy seemed to have a certain effect on Russia, who even toyed with the idea of sending an observer to Locarno ;[1] but the swift and satisfactory conclusion of the negotiations without this assistance produced a reaction and a fresh burst of vituperation against the Pact, the League of Nations, and Great Britain.[2] On his first arrival in Berlin, M. Chicherin had taken the opportunity to contrast the Imperialism of the West with the situation among the awakening nations of the East, among whom, he hinted, Russia's work would now lie.[3] These hints were now repeated,[4] and emphasis was laid on them by the welcome given in Moscow to a Chinese delegation which had arrived there,[5] and later, by the treaty which Russia concluded with Turkey.[6]

So for the time at least, in spite of certain conciliatory hints dropped in Paris by MM. Chicherin and Rakovsky,[7] Russia seemed to have turned her face definitely towards the East and to show little desire to be included in the new 'European family of nations'. Some, from reasons of sentiment or of policy, deplored this fact ; others were less inclined to regret the absence of so formidable a potential source of fraternal bickering.

(iv) The Question of Disarmament.

The Protocol for the Pacific Settlement of International Disputes, in linking together the three questions of Security, Arbitration, and Disarmament, made the last named the most essential of the three. The very purpose of the Protocol was indeed, as its preamble stated, to realize ' as contemplated by Article 8 of the Covenant the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations', and, until this reduction was made, the Protocol could not come into force. Under Article 17 the signatory states undertook to participate in an international conference for the reduction of armaments, to meet at Geneva on the 15th June, 1925, all states, whether members of the League of Nations or not, being invited to attend. The Council of the League meanwhile was allotted

[1] *The Times*, 15th October, 1925.
[2] *Ibid.*, 19th October and 19th November, 1925.
[3] *Deutsche Allgemeine Zeitung*, 4th October, 1925.
[4] *The Times*, 19th November, 1925.
[5] *Deutsche Allgemeine Zeitung*, 22nd October, 1925.
[6] See *Survey for 1925*, vol. I, p. 525.
[7] *Deutsche Allgemeine Zeitung*, 12th December, 1925.

the task of drawing up ' a general programme for the reduction and limitation of armaments ' for communication to the Governments at least three months before the conference met. If sufficient ratifications were not previously obtained, the conference might be postponed or cancelled ; the Protocol was not to come into force unless the conference adopted the plan for reduction of armaments, and became null and void if the plan was not carried out.

The conference was not held in 1925, and the preparatory work for it, which was to have been carried out at the Rome meeting of the Council in December 1924, was dropped when it was seen that Great Britain was unlikely to ratify the Protocol.[1] The general question of the relations between disarmament and security was not taken up again until the thirty-fifth meeting of the Council of the League in September 1925. In the meantime, however, work of high importance, if on a less ambitious scale, was carried through.

On the 3rd October, 1924, the Council had under consideration the best method of giving effect to the resolutions of the Fifth Assembly regarding the Geneva Protocol and decided to carry on simultaneously the work of reduction of armaments, properly speaking, and the economic and financial work (sanctions and co-operation). As a first step in the preparation for the Disarmament Conference the Council decided to form itself into a Preparatory Committee, it being understood that the titular members of the Council might, if necessary, send deputies to the meetings of the Committee. The Council also decided to reorganize the Temporary Mixed Commission on Armaments,[2] with a view to the co-ordination of the work of that Commission and of the Permanent Advisory Commission. The new Commission, whose duties consisted mainly of liaison and co-operation between the different organizations of the League, received the title of ' Co-ordination Commission '. It was composed of (a) the ten members of the Council (Preparatory) Committee, assisted by (b) the Chairman and one or two members of each of the three organizations dealing with Economic, Financial, and Transit questions (six members) ; (c) six members appointed by the Permanent Advisory Commission on Armaments ; (d) two members each of the Employers' and Workers' groups of the Governing Body of the International Labour Office, appointed by the latter ; and (e) jurists, experts, &c., appointed by the Council, if desired.

The Co-ordination Commission held its first session from the 16th–18th February, 1925. It expressed the opinion that all clandestine manufacture of arms ought to be prevented, and that each state

[1] See above, p. 4.

[2] See *Survey for 1924*, p. 18.

should therefore exercise under its own responsibility the supervision over the private manufacture of arms in its own territory. It further recalled that no agreement could be fully effective unless concluded with the assent of all arms-manufacturing states. In view of the close connexion existing between the question of the supervision of the private manufacture and that of the trade in arms, the Commission decided not to draft any convention on the manufacture of arms until the conclusion of the conference on the traffic in arms, which, in accordance with an Assembly Resolution, had been convened by the Council on the 9th December, 1924, for the following May. A Committee of Inquiry was set up to communicate with the different Governments regarding the nature and importance of the 'grave objections', from a national or international point of view, to which the private manufacture of arms is open according to Article 8, paragraph 5, of the Covenant of the League; the legislative and administrative measures in force in each country relative to the private manufacture of war material; and the facilities or obstacles which the constitutions of the different countries might present in regard to the conclusion of an international agreement. On the basis of the replies received from Governments, the Committee was to prepare a report for the Co-ordination Commission on the best system of controlling private manufacture; on the desirability of a uniform system in the arms-manufacturing countries and the best method of securing uniformity; and on the desirability of publicity, national or international, in the system to be established. A second Sub-Committee of the Co-ordination Commission was asked to prepare a report on the standardization of nomenclatures and statistical systems of the trade in arms, munitions, and implements of war.

The conclusions of the Co-ordination Commission were approved by the Council on the 11th March. The Committee of Inquiry met in Paris on the 21st April and drew up a draft questionnaire to Governments, which was, however, first submitted to the Permanent Advisory Commission. The replies to the questionnaire were not due until the 1st June, 1926; but in the meantime preparations were continued for a draft convention on the control of private manufacture of arms, the Assembly of September 1925 endorsing the importance of preparing such a draft with all convenient dispatch, and further expressing the opinion that the co-operation of a delegate from the United States was indispensable for the success of the conference which it was proposed to hold to consider the draft convention.

On the 4th May, 1925, an International Conference [1] on the Control of the International Trade in Arms, Munitions, and Implements of War (which, as has been mentioned, had been convened by the Council in December 1924) met in Geneva to discuss a draft convention drawn up in March 1924 by a sub-commission of the Temporary Mixed Commission on Armaments, which had already been submitted to Governments for their consideration, in accordance with an Assembly resolution of the 27th September, 1924. Forty-four nations were represented at the conference, including, among non-members of the League, Egypt, Germany, Turkey, and the United States. The delegates of the Argentine Republic were present only in the capacity of ' observers '.

The conference sat until the 17th June, when it broke up after accomplishing an exceedingly important piece of work. Five instruments were drawn up and opened for signature until the 20th September, 1926 [2]—a Convention, a Protocol relating to Chemical and Bacteriological Warfare, a Declaration by the Spanish Government regarding the territory of Ifni, a Protocol of Signature, and a Final Act.

The object of the convention, which was divided into five chapters and comprised forty-one articles, was to establish a general system of supervision over and publicity for the international trade in arms, munitions, and implements of war and a special system for certain areas. The arms, munitions, and implements to which the convention applied were divided into five categories—arms of exclusive war utility, arms of possible war utility, warships, aircraft, and other arms. Arms of the first category might only be exported or imported by Governments (with certain exceptions in favour of manufacturers of war material, authorized rifle clubs, &c.) and consignments for export must be accompanied by a licence or declaration from the importing Government. Export documents were also required for arms of the second category. Statistical returns showing the foreign trade in these two categories were to be published at regular intervals. The trade in warships and aircraft was subject only to publicity regulations, and the trade in the fifth category (' other arms ') was unrestricted.

[1] For the proceedings of the conference, see League of Nations Document A. 13, 1925, ix.

[2] By the end of 1925 the convention had been signed by 25 states ; the protocol on chemical and bacteriological warfare by 20; the declaration regarding Ifni by 31 ; and the protocol of signature by 29. The texts of the instruments signed at the conference will be found in League of Nations Documents A 13, 1925, ix, and A 16, 1925, ix [C.C.I.A., 91 (3)], and in the *Official Journal* for August 1925.

The export of all arms save warships was forbidden, except under certain conditions, to a land zone consisting of the African Continent (with the exception of Egypt, Libya, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia, and the Union of South Africa, together with the territory under its mandate, and Southern Rhodesia), the adjacent islands situated within one hundred marine miles from the coast, Prince's Island in the Bight of Biafra, St. Thomas, Annobon, and Socotra (but not the Spanish islands north of 26° north latitude), the Arabian peninsula, Gwadar, Syria, Lebanon, Palestine, Transjordan and 'Irāq ; and to a maritime zone, including the Red Sea, the Gulf of Aden, the Persian Gulf, and the Gulf of Oman,[1] bounded by a line drawn from and following the latitude of Cape Guardafui to the point of intersection with longitude 57° east of Greenwich and proceeding thence direct to the point at which the eastern frontier of Gwadar meets the sea. The Spanish Government by a special declaration agreed to the inclusion in the land zone of the territory of Ifni (North Africa) unless and until it notified the contracting powers to the contrary. The export of arms other than warships to these zones might be authorized if the High Contracting Party exercising sovereignty, jurisdiction, protection, or tutelage over the territory to which the export was consigned was willing to admit the articles in question and if those articles were intended for a lawful purpose.

The terms of the convention were not to apply to arms forwarded to the military forces of an exporting country or to those carried by persons in the military or other service of the exporting Government : and the stipulations regarding supervision of export and import and publicity were to be suspended in the time of war so far as consignments of arms to, or on behalf of, belligerents were concerned.

Certain special provisions were laid down in Chapter IV regarding the position of Abyssinia, of countries bordering on Russia, and of countries possessing extraterritorial jurisdiction in the territory of another state.

Disputes regarding the interpretation or application of the convention were to be referred to the Permanent Court of International Justice or to some other arbitral tribunal. The convention was to come into force after ratification by fourteen Powers.

In the Final Act of the Conference the delegates expressed the opinion that the convention ' must be considered as an important

[1] The Persian delegation to the conference was unable to agree to the inclusion of the Persian Gulf and the Gulf of Oman in the special zone and therefore withdrew from the conference.

step towards a general system of international agreements regarding arms and ammunition and implements of war, and that it is desirable that the international aspect of the manufacture of such arms and ammunition and implements of war receive early consideration by the different Governments'.

The Protocol relating to Chemical and Bacteriological Warfare, which was mainly due to the initiative of the American and Polish delegations, contained a declaration by which the contracting Powers recognized that the use in war of asphyxiating, poisonous, or other gases, and of all analogous liquids, materials, or devices, had been justly condemned by the general opinion of the civilized world, and that prohibition of such use had been made in treaties to which the majority of Powers were parties. With a view to the acceptance of this prohibition as a part of international law, binding alike the conscience and the practice of nations, the contracting Powers, in so far as they were not already parties to treaties prohibiting such use, accepted this prohibition, agreed to extend it to the use of bacteriological methods of warfare, and agreed to be bound as between themselves according to the terms of this declaration. The High Contracting Parties further undertook to do all in their power to induce other states to adhere to the Protocol. The Protocol was to come into force for each Power as from the date of the deposit of its ratification.

The more general question of disarmament, in its relations to security and arbitration, came up again when the Assembly met for its Sixth Session in September 1925. The delegates were in the main in a difficult position. The majority of them were faithful to the ideals of the Protocol for the Pacific Settlement of International Disputes, which was, however, obviously incapable of immediate realization, in view of the attitude of the British Government, and meanwhile the Assembly was anxious to do nothing which might imperil the negotiations for a regional pact or pacts about to begin between Germany and the Allies. After some preliminary discussion the Spanish delegate, Señor Quiñones de León, brought forward on the 12th September a resolution which had already been approved by Mr. Chamberlain, M. Briand, and others. After recording the fact that the Assembly 'regards favourably the effort made by certain nations' to conclude treaties of arbitration and mutual security, it ended:

> And [the Assembly] requests the Council to make preparatory arrangements for a conference on the reduction of armaments, as soon as, in its opinion, satisfactory conditions have been achieved from the

point of view of general security as provided for in Resolution XIV of the Third Assembly.

This recommendation was referred to the Third Committee of the Assembly, where it became the subject of a lively discussion.[1] The delegations of Hungary and of the Netherlands, supported by, or at least enjoying the sympathy of, the majority of the Committee, immediately put forward draft amendments, similar in purport, calling upon the Council to convene at an early date a general international conference for the reduction of armaments, and to begin the preparatory work for such a conference forthwith. The chief opposition to this proposal came from the delegates of Great Britain and Italy. The former feared that a conference would be premature. Previous proposals 'had not taken into account the opinions of the Home Government Departments responsible for the public safety'. The complexity of the essential elements of disarmament 'rendered it essential to have the support of the Home Military Department'. The Italian delegate, a Fascist by conviction, saw 'many dangers' in the proposal. It would mean 'a permanent control of the most delicate machinery of countries and would furnish certain States not members of the League' (the speaker went on to name the United States, Germany, and Russia) 'with information which might be exploited in the course of industrial competition'. He considered that a disarmament conference would 'impinge unnecessarily on national sovereignty'. The reduction and limitation of armaments could only be achieved, he believed, on a political basis.

As the majority of the delegates present conceived otherwise the relative importance of the several factors bearing on the question, the debate which followed was lively. A compromise was at last found by M. Beneš, President of the Committee, who secured the concurrence of the British delegation in a form of amendment to the last paragraph of the Spanish resolution which ran as follows:

> And, in conformity with the spirit of Article VIII of the Covenant, [the Assembly] requests the Council to make a preparatory study with a view to a conference for the reduction and limitation of armaments in order that, as soon as satisfactory conditions have been assured from the point of view of general security as provided for in Resolution XIV of the Third Assembly, the said conference may be convened and a general reduction and limitation of armaments may be realized.

A memorandum which accompanied the resolution of the Third

[1] See *Records of the Sixth Assembly: Minutes of the Third Committee* (Special Supplement No. 36 to the *League of Nations Official Journal*).

Committee, while leaving to the Council the choice of the moment which they might deem opportune to initiate the necessary preparatory studies, made it quite clear that ' any inactivity of the Council in this respect would fail to meet the ideas of the Sixth Assembly '. The Third Committee also criticized the constitution of the Co-ordination Commission, which many representatives considered to be too undemocratic in character.

The Assembly adopted the draft amendment to the Spanish resolution on the 25th September, and drew the attention of the Council to the suggestions made with regard to the Co-ordination Commission. On the following day the Council decided to ask the Committee of the Council set up by the resolution of the 3rd October, 1924, to submit proposals for the reorganization of the Co-ordination Commission and to make ' the necessary studies for determining the questions which should be submitted to a preparatory examination with a view to a possible conference for the reduction and limitation of armaments and to draft definite proposals ' for submission to the Council at the session to be held in December 1925.

At the December meeting of the Council the scheme drawn up by the Council Committee was put forward and adopted.[1] The Co-ordination Commission was reorganized under the title of ' Preparatory Commission for the Disarmament Conference '. Besides the ten members of the Council Committee, it was arranged that it should consist of representatives from certain states not otherwise represented on the Commission and especially interested in the question of disarmament, namely, Bulgaria, Finland, Jugoslavia, the Netherlands, Poland, and Rumania, while Germany, the United States, and the U.S.S.R. were also invited to send representatives, and any other state especially interested might be heard or consulted. The assistance of the Permanent Advisory Commission, of the Economic and Financial Commission, of the International Labour Office and of other experts was arranged for as in the case of the Co-ordination Commission. A list of questions to be studied at the first meeting, which was fixed for February 1926, was drawn up.

Consideration of this list will be reserved for a future volume of the *Survey*. Here it may be stated that the Council succeeded in reaching unanimity on the following questions to be referred to the Preparatory Commission.

I. What is to be understood by the expression ' armaments ' ? (*a*) Definition of the various factors—military, economic, geographical, &c.

[1] See League of Nations Document C.P.D. 1 : *Documents of the Preparatory Commission for the Disarmament Conference*, Series I.

—upon which the power of a country in time of war depends. (*b*) Definition and special characteristics of the various factors which constitute the armaments of a country in time of peace; the different categories of armaments—military, naval, and air—the methods of recruiting, training, organizations capable of immediate military employment, &c.

II. (*a*) Is it practicable to limit the ultimate war strength of a country, or must any measures of disarmament be confined to the peace strength? (*b*) What is to be understood by the expression 'reduction and limitation of armaments'? The various forms which reduction or limitation may take in the case of land, sea, and air forces; the relative advantages or disadvantages of each of the different forms or methods: for example, the reduction of the larger peace-time units or of their establishment and their equipment, or of any immediately mobilizable forces: the reduction of the length of active service, the reduction of the quantity of military equipment, the reduction of expenditure on national defence, &c.

III. By what standards is it possible to measure the armaments of one country against the armaments of another, e. g. numbers, period of service, equipment, expenditure, &c.?

IV. Can there be said to be 'offensive' and 'defensive' armaments? Is there any method of ascertaining whether a certain force is organized for purely defensive purposes (no matter what use may be made of it in time of war) or whether, on the contrary, it is established for the purposes in a spirit of aggression?

V. (*a*) On what principle will it be possible to draw up a scale of armaments permissible to the various countries, taking into account particularly: population; resources; geographical situation; length and nature of maritime communications; density and character of the railways; vulnerability of the frontiers and of the important vital centres near the frontiers; the time required, varying with different states, to transform peace armaments into war armaments; the degree of security which, in the event of aggression, a state could receive under the provisions of the Covenant or of separate engagements contracted towards that state. (*b*) Can the reduction of armaments be promoted by examining possible means for ensuring that the mutual assistance, economic and military, contemplated in Article 16 of the Covenant shall be brought quickly into operation as soon as an act of aggression has been committed?

VI. (*a*) Is there any device by which civil and military aircraft can be distinguished for purposes of disarmament? If this is not practicable, how can the value of civil aircraft be computed in estimating the air strength of any country? (*b*) Is it possible or desirable to apply the conclusions arrived at in (*a*) above to parts of aircraft and aircraft engines? (*c*) Is it possible to attach military value to commercial fleets in estimating the naval armaments of a country?

VII. Admitting that disarmament depends on security, to what extent is regional disarmament possible in return for regional security? Or is any scheme of disarmament impracticable unless it is general? If regional disarmament is practicable, would it promote or lead up to general disarmament?

The Council invited the Secretary-General to prepare for its next ordinary session (1) a complete statement of all proposals, declarations, and suggestions made at the Sixth Assembly and at the Council meetings with a view to the pacific settlement of international disputes, and (2) a systematic survey of the arbitration conventions and treaties of mutual security deposited with the League. The draft questionnaire to Governments on the subject of the private manufacture of arms, drawn up by the Committee of Inquiry in the spring,[1] was also revised at this Session of the Council and sent out to the Governments.

One proposal more in connexion with disarmament remains to be mentioned here. On the 16th September, 1925, the Chilean delegate suggested to the Sixth Assembly that a Press Conference be held to secure the co-operation of the Press in the work of 'moral disarmament'. Questions were sent out, and up to the end of 1925 fourteen countries (all European) and various international news agencies had replied in favour of an International Press Conference on the subject.

(v) Arbitration Treaties concluded or renewed in 1925.

The dream of universal arbitration, like that of universal disarmament, was not destined to be realized in 1925. Had the Protocol of Geneva been brought into force, all states accepting it would have been pledged to universal and compulsory arbitration of every dispute. All justiciable disputes would have come before the Permanent Court of International Justice, the 'optional clause' becoming compulsory; non-justiciable disputes would have come, as under the Covenant of the League of Nations, before the Council of the League; but if the efforts of the Council towards conciliation proved unavailing, the difference would have been settled by compulsory arbitration, the signatory states undertaking 'in no case to resort to war, either with one another, or against a state which, if the occasion arises, accepts all the obligations set out [in the Protocol], except in case of resistance to acts of aggression or when acting in agreement with the Council or Assembly of the League of Nations in accordance with the provisions of the Covenant and of the present Protocol'.

Although it proved impossible to gain universal and unconditional acceptance for these ideas, the number of arbitration treaties concluded in 1925 which embodied their principles was very great, and these treaties in practically every case were of the most comprehen-

[1] See above, p. 68.

sive type, covering all disputes without reservation. The other type of treaty, which confined itself to justiciable disputes and excluded matters affecting ' the vital interests, the independence or the honour of the two contracting states ' was represented in the simple arbitration treaties of earlier date which were renewed in the course of the year: that between the United Kingdom and the Netherlands (concluded on the 15th February, 1905, and renewed for a further period of five years on the 12th July, 1925 [1]); between the United Kingdom and Norway (signed on the 11th August, 1904, and renewed for a further five years on the 13th May, 1925, with the difference that the parties accepted by mutual consent the jurisdiction of the Permanent Court in place of the arbitral body foreseen in the earlier document [2]); and between Norway and Sweden (signed on the 26th October, 1905, renewed for a further ten years on the 23rd October, 1925, again with an amendment accepting the authority of the Permanent Court for justiciable disputes [3]). The last-named treaty was superseded on the 25th November by a comprehensive treaty of compulsory arbitration.

The treaties concluded by Germany with Finland on the 14th March, 1925, [4] and with Estonia on the 10th August, 1925, which were identical *mutatis mutandis* with those concluded by her in 1924 with Sweden and Switzerland,[5] also contained reservations due to Germany's position as a non-member of the League of Nations. All justiciable disputes were to be submitted to arbitration, with compulsory award; all others to a Permanent Conciliation Board, whose judgement was not binding on the parties; and either party might plead that the question was one which affected ' its independence, the integrity of its territory, or other vital interests of the highest importance ' when, if the other party recognized its plea as valid, the dispute was to be submitted, not to arbitration, but to conciliation. Should the other party contest the plea, the question of its admissibility was to be submitted to arbitration.

The remaining arbitration treaties of 1925 are best considered in a series of groups. Where they had any outstanding political importance they are treated from that point of view in other sections of this volume; here there is space only for a brief technical enumeration.

The most important group was of course that embodied in the Pact of Locarno.[6] Germany signed four treaties, with Belgium,

[1] *League of Nations Treaty Series*, vol. xxxviii.
[2] *Op. cit.*, vol. xxxvi.
[3] *Op. cit.*, vol. xxxix.
[4] *Op. cit.*, vol. xliii.
[5] See *Survey for 1924*, pp. 66–72.
[6] See above, pp. 53 *seqq.*

Czechoslovakia, France, and Poland respectively; each was initialed at Locarno on the 16th October, was signed in London on the 1st December, 1925, and came into force on the 14th September, 1926. The treaties dealt with 'all disputes of every kind in which the parties are in conflict as to their respective rights'. The first stage in every case was to be submission to a Permanent Conciliation Commission; failing settlement, justiciable disputes were to be brought before the Permanent Court of International Justice and other disputes before the Council of the League, which would deal with them in accordance with Article 15 of the Covenant of the League.

The treaty of conciliation and arbitration between Poland and Czechoslovakia,[1] signed at Warsaw on the 23rd April, 1925,[2] covered all disputes excepting those concerning the territorial status of either party, which, it was stated, were not susceptible of a solution other than by free agreement between the parties. The first stage was to be conciliation; and failing agreement, submission to compulsory arbitration by a special board or by the Permanent Court of International Justice.

The treaty of conciliation and arbitration signed on the 17th January[3] between Poland, Estonia, Finland, and Latvia provided for peaceful settlement of all controversies and disputes arising between the parties. The first step was to be conciliation, while all important questions were to be submitted, either to arbitrators chosen *ad hoc* or to the Permanent Court of International Justice.

Switzerland continued her active policy of previous years[4] by signing treaties of conciliation and arbitration or judicial settlement with Belgium (13th February, 1925)[5], with Poland (7th March), with France (6th April)[6] and with Greece (21st September). Two treaties for conciliation only were also signed in 1925, with Norway on the 21st August,[7] and with the Netherlands on the 12th December. Further arbitration and conciliation treaties were also concluded in this year by the Scandinavian and Baltic States, but these are dealt with elsewhere in the present volume.[8]

An interesting group of treaties was that concluded by Siam with

[1] See below, p. 249.
[2] Text in *League of Nations Treaty Series*, vol. xlvii.
[3] *Op. cit.*, vol. xxxviii. [4] See *Survey for 1924*, pp. 66 *seqq.*
[5] Text in Swiss official publication: *Feuille Fédérale*, 20th May, 1925. This treaty was not ratified and was replaced by a more comprehensive treaty signed at Brussels on the 5th February, 1927.
[6] Text *loc. cit.* For the Franco-Swiss *compromis d'arbitrage* in connexion with the dispute over the Savoy Free Zones see below, Part II. B, Section (iv).
[7] Text *op. cit.*, 25th November, 1925. [8] See Part II. C. below.

France (14th February 1925),[1] Italy (9th May), Norway (16th July), Spain (3rd August), Portugal (14th August), Denmark (1st September), Sweden (19th December), and Great Britain (25th November).[2] All of these, except the last named, which was for judicial settlement only, were treaties of friendship, commerce and navigation, the general clauses being the following :[3]

> Article 1. There shall be constant peace and perpetual friendship between [the contracting parties].
>
> Article 2. In conformity with the principles laid down in the Covenant of the League of Nations, [the contracting parties] agree that in the event of disputes arising between them in the future which cannot be settled by friendly arrangement and through the diplomatic channel, they will submit any such disputes to one or more arbitrators selected by themselves, or failing arbitration, to the Permanent Court of International Justice. The dispute shall in this event be brought before the Court by agreement between the two parties, or, if the parties are unable to agree, by a request on the part of one of them.

A treaty of arbitration and judicial settlement (unlimited) was concluded between Spain and Portugal on the 14th August, 1925.

Italy on the 14th February, 1925, signed agreements with Germany and Austria for arbitration under Paragraph 4 of the Annexe to Section IV of Part X of the Treaties of Versailles and Saint-Germain respectively.

[1] *League of Nations Treaty Series*, vol. xliii.
[2] *Cmd* 2813.
[3] Quoted from the Franco-Siamese Treaty.

PART I

WORLD AFFAIRS

B. ECONOMIC AND SOCIAL CO-OPERATION (1920–5)

Introduction.

In the *Survey for 1924* some account was given of two of the main questions of a political and social nature—Disarmament and Security and the Movement of Population—which were of world-wide importance during the five years 1920–4, and in the preceding pages of the present volume the record has been brought down to the end of 1925 in the field of Disarmament and Security. These movements, upon the solution of which the happiness and prosperity of Mankind largely depended, had only partly been brought under control. The endeavour to control them was one of the most difficult tasks that human enterprise could have undertaken; and the difficulty was aggravated by the fact that two competing, if not incompatible, forms of organization were in the field.

There were attempts to solve these problems independently within the frontiers of particular Great Powers, or by co-operation between two or more of them; and there were also attempts to solve them by international organizations embracing all states and admitting the lesser states, as well as the Great Powers, to active membership. In the problem of Security and Disarmament, for example, the scheme for insuring against future war through a separate pact between France and Great Britain [1] stood in striking contrast to international schemes of general application such as the draft Treaty of Mutual Assistance [2] or the Geneva Protocol; [3] and in 1925, while the majority of the nations represented in the Assembly of the League continued to pin their faith to the more general scheme, they were obliged to postpone their hopes in view of the preference for a regional pact forcibly expressed by a small but important group of nations. The eventual conclusion of the Locarno Pact in October 1925 offered a practical solution to concrete difficulties, creating a sense of security where it was most urgently needed, and at the same time keeping the door open for measures of wider application to be taken at a later date.

In the problem of emigration and immigration, the first steps

[1] *Survey for 1924*, pp. 2–16.
[2] *Op. cit.*, pp. 16–27.
[3] *Op. cit.*, pp. 36–64.

towards an international solution were taken, during this period, by the International Labour Organization through the collection of statistical and other information and the sifting and comparison of the relevant elements in municipal legislation. This was a notable though modest innovation, since, under existing international law, emigration and immigration were regarded as matters solely within the domestic jurisdiction of the states respectively concerned; and, in accordance with this principle, the most momentous issues were dealt with either by municipal legislation, or by bilateral agreements, or even by the hazardous method of diplomatic controversy. Again, in economic problems, the bases of international action were laid during these years through the collection of information and the conduct of research by the Economic and Financial Committees of the League of Nations on lines originally laid down at the Brussels Conference of the 24th September–8th October, 1920,[1] though for the most part these economic and financial forces were still operating under the uncoordinated control of the various Governments, so far as they were under control at all.

Thus two competing forms of organization—a Great Power system and an international system—were in evidence almost everywhere, but the relations between them were not static. International organizations were gaining ground, and this not only in the political but in the economic field, where, for half a century past, the progress of the Industrial Revolution had been creating needs which could only be satisfied by international organizations of world-wide scope. The measure in which that had been happening is given by the vigorous growth of international economic organizations for half a century before the War of 1914; and the strengthening, extension, and co-ordination of these organizations, for which provision was made in Articles 23, 24, and 25 of the Covenant of the League of Nations, was not a new departure but a statesmanlike endeavour to accelerate an existing process in response to the increased urgency of an existing need.

These Articles of the Covenant, which constituted the terms of reference of the League in its economic and social functions, were to the following effect:

> Article 23. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:
>
> (*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own

[1] For the Brussels Conference see the *Survey for 1920–3*, pp. 42–7. For the work of the Economic and Financial Organization, see below, pp. 92–102.

countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations ;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control ;

(*c*) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs ;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest ;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connexion, the special necessities of the regions devastated during the War of 1914–18 shall be borne in mind ;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25. The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

The following sections are concerned with the international organizations which were developed, in pursuance of these three Articles, on the initiative or under the auspices of the League. The greater part of their work was of a technical character, but this did not mean that it was necessarily less important, or less beneficial, than the political proceedings of the League. Just in so far as this work could be kept on technical ground, it proved possible for the representatives of many different states to carry it on in common without passion and often without controversy, even when some of these states were estranged from one another on the political plane of

intercourse. Thus, at the first general conference of the new International Labour Organization, held in Washington in October–November 1919, Germany and Austria were admitted to membership by 71 votes to 1 ;[1] and in May 1922, during the Genoa Conference, the temporary Epidemic Commission of the League succeeded in entering into official relations with the public health authorities of Soviet Russia,[2] although at that time the Soviet Government was displaying violent political hostility towards the League of Nations itself and towards most of the states members. In November 1925, though the U.S.S.R. was still, as a general rule, holding aloof from any form of international co-operation, the Soviet Government was represented at a conference held under the auspices of the League's organization for communications and transit, and even signed the convention drawn up by the conference, dealing with the tonnage measurement of vessels in inland navigation.[3]

So long as they were not drawn on to political ground, the technical organizations of the League were able to accomplish these triumphs of co-operation without forfeiting their efficiency for practical work. On the other hand, when their work unavoidably became involved in politics, as happened in the case of the Opium Commission of the League,[4] the atmosphere sometimes changed and then agreement became very much more difficult. When, and only when, these rare political complications occurred, the activities of the technical organizations received publicity in the Press and thus momentarily attracted public attention. From this it will be evident that the importance of their work cannot be judged by the standard of notoriety. On the contrary, they realized the ideal which Pericles set before the women of Athens, in accomplishing most at times when least was said or thought about them by the world outside. ' Their highest ambition ' was ' to be as little heard of as possible, for good or evil '.

(i) The Work of the International Labour Office.

The genesis and history of the International Labour Organization down to and including the Fourth Session of the International Labour Conference which was held at Geneva on the 18th October–3rd November, 1922, have been recorded in the *History of the Peace Conference*,[5] while the work done by the Organization between that

[1] *H. P. C.*, vol. vi, p. 465.
[2] See p. 139, below.
[3] See p. 108, below.
[4] See Section (vi) below.
[5] Vol. VI, Ch. vi, Part 2. For a short general account of the Organization, its origin and achievements, see Rt. Hon. G. N. Barnes, *The History of the International Labour Office* (London, 1926, Williams and Norgate).

date and the close of 1924 in the special field of emigration and immigration has been dealt with in the *Survey for 1924* under that heading. The inquiry into unemployment which was initiated by the Third International Labour Conference in 1921 is dealt with below in connexion with the work of the Economic and Financial Organization of the League of Nations.[1] It remains to consider those activities of the Organization during the years 1923, 1924, and 1925 which were directed towards the social welfare of the working classes.

Since the industrialization of Western society and the world-wide extension of international trade in staple articles of consumption, the conditions of labour in any country participating to any considerable extent in this economic system had become a matter of international concern, since, by affecting world prices, they would indirectly but infallibly affect the conditions of labour in other countries. In fact, the standard of living of industrial workers was tending more and more to approximate to a single world level; and, with the entrance of Japanese, Chinese, and Indian labour into the industrial arena, this tendency might have serious consequences for the populations of Western countries which had been industrialized at an earlier date and had started with a higher initial standard of living. Thus conditions of labour and standards of living had become international questions, and it was of the utmost importance that endeavours should be made to maintain the minimum standard at as high a level as possible. Broadly, this was the task which the International Labour Organization had been created to carry out under the Peace Treaties; but great diplomatic energy and ability were needed if that task was to be executed with success, since the social legislation through which alone this international purpose could be put into effect lay within the exclusive domestic jurisdiction of the various sovereign states concerned. The Labour Chapter of the Peace Treaties had laid down that the conclusions of the General Labour Conference should be cast in the form of draft conventions and recommendations, and that if these were adopted by the conference (for which a two-thirds majority was required), they should be submitted to the 'competent authority' in each country for acceptance or rejection within eighteen months. Such acceptance of a draft convention was to involve ratification, to be followed by the passage of the necessary domestic legislation. Acceptance of a recommendation was to involve States Members in no international engagement except an obligation to inform the Secretary-General of

[1] See pp. 100–2, below.

the League of Nations of such action as they might see fit to take in the matter. At the Fourth Session of the General Conference (18th October–3rd November, 1922) a resolution was adopted recommending that, when a draft convention had been adopted in any given session, the final vote should not be taken until the following session—the proposal having been communicated in the meantime to States Members by the International Labour Office.[1]

A study of the *Official Bulletin* of the International Labour Office at Geneva, from the terminal date of the First Session of the General Conference onwards, reveals how large a part of the work of the Office consisted in tactfully but insistently pressing a large number of Governments to take that action upon draft conventions and recommendations which they had pledged themselves to take in adhering to the Labour Organization; and this work seemed destined to increase perpetually in volume by the provision in Article 389 of the Versailles Treaty that meetings of the International Labour Conference should be held at least once in every year.[2] The Fifth Session—in which 42 States Members were represented by 74 Governmental, 24 Employers' and 24 Workers' Delegates, under the Presidency of M. Adatci (Japan)—was held at Geneva on the 22nd–29th October, 1923,[3] and on this occasion the conference adopted a draft recommendation [4] on general principles for the organization of factory inspection, besides a number of resolutions concerning technical questions such as safety work, automatic couplings, and the institution of a special inspection service for the mercantile marine, and one resolution of an interpretative character concerning the provisions of the Versailles Treaty in regard to the conditions of labour in the Saar Basin. During the Sixth Session, which was held at Geneva on the 16th June–5th July, 1924, the Conference adopted a recommendation on the development of facilities for the utilization of workers' leisure, and provisionally adopted (in accordance with the new procedure which had been introduced during the Fourth Session) three draft conventions on equality of treatment for national and foreign workers in regard to workmen's compensation for accidents, weekly suspension of work for twenty-four hours in glass-

[1] See the *Official Bulletin* of the International Labour Office, vol. vi, p. 537.

[2] See M. Albert Thomas's supplementary letter of the 28th April, 1923, regarding the convocation of the Fifth Session of the International Labour Conference.

[3] See the *Official Bulletin* of the International Labour Office, vol. viii, Nos. 18–19 (7th November, 1923).

[4] Text in the *Official Bulletin*, supplement to vol. viii, Nos. 22–3 (5th December, 1923).

manufacturing processes where tank-furnaces were used, and night work in bakeries.[1]

These three draft conventions were accordingly on the agenda for the Seventh Season of the Conference, which was held in Geneva on the 19th May–10th June, 1925. The convention regarding equality of treatment for national and foreign workers and a recommendation on the same subject were adopted, and so was the convention on nightwork in bakeries, but only after prolonged discussion by a special committee and the introduction of certain amendments. The convention regarding weekly suspension of work in glass-works had given rise to strong differences of opinion in the previous year, and it was finally rejected, by a considerable majority, on its second reading. A vote was then taken to decide whether a new convention dealing with workmen's compensation for accidents should be approved finally during this session or referred to the next session, and the conference decided that the final decision should be taken immediately. The convention was thereupon adopted, together with two recommendations. A convention and recommendation relating to workmen's compensation in occupational diseases were also finally adopted. Thus the Seventh Session of the Conference in practice abandoned the two readings procedure, but, in view of obvious differences of opinion on the subject, the whole question of consideration of conventions in two stages was referred back by the Conference to the Governing Body.[2]

At the opening of the 1924 Session a political incident[3] was created by the deliberate omission, on the part of the Group of Workers' Delegates, to nominate the principal Italian Workers' Delegate, Signor Rossoni, to a seat on any of the Conference Committees. Since this omission practically excluded the Italian Workers' Delegation from active participation in the proceedings of the Conference, the Italian Government lodged a protest, which the Conference referred to a special committee. The fact was that Signor Rossoni had been appointed Italian Workers' Delegate in virtue of his being President of the Confederation of Fascist Corporations, and that, on the occasion of the preceding session of the International Labour Conference in 1923, the Italian Confederation of Labour had represented to the Verification of Powers Committee of the Conference that Signor Rossoni was not qualified to act as a Workers' Delegate, since the Italian organization over which he presided was not con-

[1] See *Official Bulletin*, vol. ix, No. 4 (20th September, 1924).

[2] See an article on the Seventh Session of the Conference in the *International Labour Review* for August 1925.

[3] See the *Corriere della Sera*, 19th June, 1924.

fined to workers' associations but included associations of employers. On that occasion the validity of Signor Rossoni's mandate had been recognized by the Conference after a hot debate; but, in the interval between the Fifth and Sixth Sessions, the murder of Signor Matteotti had strongly affected public opinion, especially among the workers, not only in Italy but in other countries, and the attitude of the Workers' Group towards Signor Rossoni at the Sixth Session was an expression of this feeling. Hence the special committee appointed by the Conference failed to induce the Workers' Group to change their decision, and the original nominations to committees (among which Signor Rossoni's name was not to be found) remained as they were.

The question was again debated at the Seventh Session of the Conference. The validity of Signor Rossoni's mandate was recognized by a two-thirds majority of the Conference, but the Workers' Group still persisted in their refusal to nominate him on any committee. Certain proposals for amending the standing orders of the Conference were, however, referred by this Session to the Governing Body for study and report, and on the 29th January, 1926, the Governing Body reached a decision which might be expected to go some way towards solving this recurring difficulty when it approved the insertion in the standing orders of a provision that any delegate to the Conference should be entitled to be present at the meetings of committees and have the full rights of members, except the right to vote.[1]

In the meantime the Governing Body of the International Labour Office, which bore much the same constitutional relation to the General Labour Conference as the Council of the League of Nations bore to the Assembly, had held twenty-five sessions by the close of the year 1925. The Twenty-First Session, which took place at Geneva on the 29th–31st January, 1924, had been marked by a debate of great political importance. It will be remembered that the draft Eight Hours' Convention, which had been adopted by the International Labour Conference during its first Session at Washington in 1919, had not yet been ratified by the majority of the leading industrial countries (including not only the United States but Great Britain and Germany), and that a number of smaller industrial countries, such as Belgium, had refrained from ratifying so long as the intentions of the leading countries remained in doubt.[2] Meanwhile, before the draft Eight Hours' Convention had been adopted

[1] See *Official Bulletin*, vol. xi, No. 2.

[2] See *H. P. C.*, vol. vi, pp. 467–70, for an account of the progress of ratification up to March 1922, and of the obstacles to ratification in the case of Great Britain.

by the International Conference at Washington, its provisions had been anticipated by national legislation in both Germany and France; but the German Eight Hours' Ordinance of the 23rd November, 1918, after continuing in more or less effective operation for the best part of five years, had been overthrown, in the course of the year 1923, by the struggle in the Ruhr.[1] That struggle had ended in the defeat, not only of Germany by France and Belgium, but of the German workers by the German industrialists. The foreign pressure which had brought the industrialists to the verge of ruin had threatened the very existence of the workers and their families, and each of the victorious parties in this 'three-cornered duel' exploited its advantage to the full. At the moment when the industrialists were signing the terms of capitulation dictated by the Franco-Belgian 'M.I.C.U.M.', they were forcing their own employees to sign collective agreements re-establishing a nine hours' or even ten hours' day. They represented, in fact, that they could not make the enormous deliveries in kind on Reparation account, the responsibility for which was being placed on their shoulders, without this extension of the hours of labour; and on the 21st December, 1923, the new arrangements which they had imposed upon their workmen by private action were sanctioned by the Government of the *Reich* in a Labour Ordinance forming part of that body of emergency legislation which was passed about that time as a consequence of the German Government's surrender.[2] It is true that in this new ordinance the maintenance in principle of the eight hours' day was expressly reserved, and the extension of hours declared to be a temporary expedient; but the general development of the labour situation in Germany, of which this emergency ordinance was the culmination, had by this time created widespread alarm, not only among workers in all countries, who felt (notwithstanding the German Government's reservation) that the eight hours' principle was seriously threatened, but among Governments which had already introduced, or were desirous of introducing, the eight hours' day and which felt that this retrogression in Germany might expose their national industries to unfair German competition. Such anxieties were particularly acute in industrial countries immediately adjoining Germany, among which Belgium had passed legislation applying the provisions of the Eight Hours' Convention, while Czechoslovakia had ratified the convention and Poland had been preparing legislation to that end.[3]

[1] See *Survey for 1924*, Part II A, Section (ii)
[2] *Op. cit., loc. cit.*
[3] See *H. P. C., loc. cit.*

Accordingly, at the Twenty-First Session of the Governing Body of the International Labour Office, M. Oudegeest (Workers' Delegate for the Netherlands) submitted the following proposal in the name of the Workers' Group :

> The Governing Body instructs the Director :
> (1) to continue his efforts to obtain in all countries the ratification of the Washington Convention concerning the eight-hour day and forty-eight-hour week ;
> (2) in particular, to recall to the attention of the Governments of all countries the Washington Convention and the reasons for which it was adopted ;
> (3) to draw attention to the reasons for which the Washington Convention was adopted by means of suitable publications and communications to the Press, and to attempt to secure its ratification by informing public opinion of the experience already gained in the application of the eight-hour day and the forty-eight-hour week.

The debate which followed [1] is of considerable historical interest as an illustration of the complexity of contemporary society, in which political events were followed by the most unexpected economic repercussions, while conflicting allegiances towards country and class vexed the souls of statesmen and divided their counsels. On the one side M. Oudegeest's proposal was supported unreservedly by M. Stern (Governmental Delegate for Czechoslovakia) and in principle by Miss Margaret Bondfield (Governmental Delegate for Great Britain) and Signor de Michelis (Governmental Delegate for Italy). It was also supported by M. Jouhaux and Herr Leipart, the Workers' Delegates for France and Germany respectively, though both displayed a certain timidity. On the other side M. Pinot (Employers' Delegate for France), who led the opposition, received the support of Herr Vogel (Employers' Delegate for Germany), Dr. Feig (Governmental Delegate for Germany) and Mr. Forbes-Watson (Employers' Delegate for Great Britain), and the Belgian Governmental Delegate also inclined to this side on the ground that ' the financial and economic situation of Belgium was dependent upon the payment of Reparations '.

In the course of the debate, a colourless counter-proposal was put forward by the Employers' Group, and various alternatives or amendments by Signor de Michelis, Miss Margaret Bondfield, and Sir Louis Kershaw (Governmental Delegate for India). Signor de Michelis suggested the adoption of a general motion instructing the Director ' to continue his efforts to obtain in all countries the ratification of the various Conventions adopted by the International Labour

[1] *Verbatim* report in the *Official Bulletin* of the International Labour Office, vol. ix, No. 1 (31st March, 1924).

Organization', without specifying any particular one; and eventually his draft motion was accepted, with one slight alteration, by M. Oudegeest in the name of the Workers' Group, on condition that the *verbatim* record of the debate should be published for the information of the workers. After vigorous resistance on the part of Mr. Forbes-Watson, this condition eventually gained acceptance, and Signor de Michelis's resolution was then adopted unanimously (Mr. Forbes-Watson abstaining from voting).

At the Sixth Session of the International Labour Conference in the following summer, this controversy was reopened by the Workers' Group in a motion[1] in which, after paying homage to the Dawes Report, they submitted that 'the prolongation of the hours of labour in one country would constitute a serious menace, in the existing state of international competition, to the conditions of labour in other countries', and requested the Governing Body 'to see by what means and methods the attention of the Reparation Commission might be drawn to the international social conditions [involved in] the execution of the programme which the Commission had adopted'.

In the ensuing debate, Herr Leymann, the Governmental Delegate for Germany, after reviewing the social and economic effect of the struggle in the Ruhr and explaining how this had forced the German Government's hand, held out the hope that the emergency Labour Law of December 1923 might be expected to be modified 'under more favourable and less incalculable economic conditions'. He declared, however, that the German Government must reserve complete liberty of action in the matter and that the idea of 'introducing a kind of international control over our hours of labour' was not open to discussion.[2] On the 27th June the Director, M. Albert Thomas, replied[3] to Herr Leymann by pointing out that the attitude of all the great countries towards the ratification of the Washington Eight Hours' Convention was excellent with the single exception of Germany, but at the same time he conceded that Germany was acting within her rights. At the conclusion of the debate, the motion of the Workers' Group was not put to the vote, but was referred to the Governing Body of the Labour Office.

In the following September, a meeting was held in Berne between the Ministers of Labour of Great Britain, France, Belgium, and Germany, and as a result of their deliberations, Herr Brauns, the *Reich* Minister of Labour, 'offered to try to find a way of ratifying

[1] Text in *Le Temps*, 24th June, 1924.
[2] *Deutsche Allgemeine Zeitung*, 26th June, 1924.
[3] *Le Temps*, 28th June, 1924.

the Washington Convention '.[1] At the Seventh Session of the International Labour Conference, Herr Feig, though he could not promise immediate ratification of the Convention, and though he thought it necessary to emphasize the industrial difficulties with which Germany was still struggling, was able to announce that definitive labour legislation, conforming as far as was possible to the principles enunciated at Washington, was actually being drafted. In the course of the debate on hours at this Session of the Conference, it was announced that a Bill authorizing the ratification of the Washington Convention was before Parliament in France and a similar Bill was under consideration in Denmark, that Belgium could ratify at any moment on the basis of existing legislation and was willing to do so as soon as her industrial competitors were prepared to take the same course, and that the British Government, while holding out no hope of early ratification, was ready to consult with other Governments to prevent any retrograde movement in the matter of hours. References were also made to the possibility of international consultation to secure a common interpretation of certain articles of the Convention, with a view to simultaneous ratification by a number of industrial states.[2]

The French Bill, which authorized ratification on condition that the Convention did not come into force until Germany had ratified it, was adopted by the Chamber on the 8th July, 1925, but had not yet come before the Senate at the end of the year.[3] A Bill providing for ratification was submitted by the Belgian Government to Parliament in the autumn of 1925 and had been approved by all the six committees of the Chamber, meeting separately, by the end of December.[4] By that time the Convention had been ratified unconditionally by only five countries—Bulgaria, Czechoslovakia, Greece, India[5] and Rumania. Italy had ratified the Convention

[1] Statement by M. Albert Thomas, recorded in *The Manchester Guardian*, 6th February, 1925.

[2] Proposals of this nature had already been made during the previous session of the Conference. They finally bore fruit in March 1926, when the Labour Ministers of Belgium, France, Germany, Italy, and Great Britain met in London and reached agreement on the interpretation of certain clauses of the Washington Convention—an agreement which enabled the Eighth Session of the International Labour Conference to put it on record that, in view of previous declarations by the Governments concerned, ' as far as they are concerned, no objections against ratification now stand.'

[3] See an article by M. Albert Thomas in *The International Labour Review* for August 1926.

[4] *The Times*, 13th October and 28th December, 1925.

[5] India was placed in a somewhat difficult position owing to the fact that Japan, the other great industrial country of the Far East, had not ratified the Convention. For an exchange of views between Indian and Japanese delegates to the Seventh Session of the International Labour Conference on this question,

by a decree of the 29th March, 1923, which made its application conditional on ratification by Germany, Belgium, France, Great Britain, and Switzerland. Thus, by the close of the year 1925 comparatively little progress had been made in securing the application of this convention—described by the Polish Minister of Labour at the Seventh Session of the International Labour Conference as 'in some sort the touchstone of the success of the Organization'; but the prospects for the future were brighter than they had been for some time.

In the meantime the International Labour Office, in addition to exerting its influence on Governments to bring into force the conventions and recommendations adopted by the successive sessions of the International Labour Conference, had been developing its own organization on the technical side. A joint Maritime Commission, consisting of representatives of shipowners, of seamen, and of the Governing Body of the International Labour Office, had been set up by the Governing Body on the 7th October, 1920,[1] in accordance with proposals adopted at the Second Session of the Conference held at Genoa in the previous June and July, and this Commission had held five sessions by April 1925. An Agricultural Advisory Committee held its first session on the 22nd-24th August, 1923,[2] and an Advisory Committee on Industrial Hygiene met for the first time on the 13th–15th September of the same year.[3] A special sub-committee to deal with industrial safety was subsequently constituted and met from the 11th–13th May, 1925.

On the 11th October, 1924, the Governing Body approved of the nomination of a small permanent committee,[4] assisted by experts, to carry on the study of emigration questions begun by the International Emigration Commission which had met in August 1921, on the recommendation of the First Session of the International Labour Conference. As from the 1st January, 1925, the International Labour Organization became responsible for the technical work in connexion with the employment, emigration, and repatriation of Russian and Armenian refugees which had hitherto been performed by the League of Nations organization under Dr. Nansen as High Commissioner for Refugees. Dr. Nansen, however, continued to deal with questions of a political or legal character. At the request

when the Indian employers' delegate urged that the Japanese Government should hasten ratification to avoid measures of reprisal by Indian manufacturers against Japanese competition, see *Le Temps*, 29th May, 1925.

[1] *Official Bulletin*, vol. ii, No. 6–7, p. 10.

[2] *Op. cit.*, vol. viii, Nos. 10–11.

[3] *Op. cit.*, vol. viii, Nos. 15–16.

[4] *Op. cit.*, vol. ix, No. 5, p. 202.

of the Fifth Assembly of the League, the International Labour Organization, in collaboration with Dr. Nansen, also undertook in 1925 an inquiry in connexion with the scheme for settling Armenian refugees in the Caucasus.[1]

(ii) The Work of the Economic and Financial Organization of the League of Nations.[2]

The Covenant of the League of Nations imposed on the League only one direct obligation in connexion with economic matters, that of making ' provision to secure and maintain equitable treatment for the commerce of all Members of the League ' (Art. 23 (e)) ; but the League's interest in economic and financial problems was not limited to this one duty. Its functions of providing means for the settlement of disputes without recourse to war, and of establishing machinery for international co-operation, implied further constructive activities in this sphere. Moreover, Article 16 of the Covenant laid it down that in certain cases the League should use an ' economic weapon ', that is, that States Members should boycott any state which disregarded certain of its obligations under the Covenant.[3]

The economic and financial burdens under which the world was suffering in 1920 need not be recapitulated here, but it was clear from the outset that the problems which would confront the League in this sphere would be among the most urgent and delicate that it would have to handle. Moreover, this part of the League's task was undertaken in peculiarly unpropitious circumstances. The questions of Reparation and Inter-Allied Debts—the most serious of the economic and financial problems arising out of the War—were outside the scope of the League's Economic and Financial Organization, but at the same time its possibilities of action were necessarily limited as long as the disputes which raged round these questions remained unsettled. Nevertheless, in spite of its handicaps, the Economic and Financial Organization achieved a number of notable

[1] *Op. cit.*, vol. xi, No. 1. The Armenian Refugee Settlement Scheme will be dealt with in a later volume of the *Survey*.

[2] See the pamphlet issued by the Information Section of the Secretariat : *The Work of the Financial and Economic Organization.*

[3] A special Blockade Committee was set up by the Council on the 22nd February, 1921, in accordance with a resolution of the First Assembly, to consider the application of Article 16 of the Covenant. This Committee, which met from the 22nd–28th August, 1921, submitted a report to the Second Assembly, recommending certain amendments to Article 16. The Assembly approved the report and adopted resolutions to constitute temporary rules for guidance should the necessity arise of applying these provisions of the Covenant before the amendments recommended could come into force.

successes during the first six years of its existence, not only in handling problems with a political bearing such as arose in connexion with the financial reconstruction of certain countries or the settlement of refugees, but also in finding solutions for various economic and financial questions of a more general character ; and even in cases where its labours might seem to have been expended to little practical purpose, the value of the investigations carried out was often quite disproportionate to the immediate effects produced, owing to the light which they threw on problems regarding which the information hitherto available had been scanty and only too often untrustworthy.[1]

The first step taken by the Council was to summon an International Financial Conference to provide a general exchange of information on the economic and financial situation of the world and if possible to suggest remedies. The work of the Conference, which met at Brussels from the 24th September–8th October, 1920, and its recommendations regarding what was known as the ter Meulen Scheme for international credits, have been described in a previous volume.[2] An account of the work done by the Financial and Economic Organization in answer to special appeals from Governments—in connexion with the financial reconstruction of Austria[3] and of Hungary,[4] the settlement of Greek[5] and Armenian refugees or the financial situation of Albania[6]—will also be found under the appropriate heads ; and the present section deals only with the more important economic problems of a general nature which were brought to the notice of the League by the Brussels or Genoa Conferences or which came before it for consideration in some other way.

The Brussels Conference suggested that the League of Nations should establish an organization to ensure the extension of international cooperation to financial and economic problems ; and on the 27th October, 1920, the Council decided to set up a Provisional Economic and Financial Commission,[7] composed of two committees,

[1] From the outset, the Economic and Financial Organization adopted the practice of publishing as much as possible of the results of its investigations, and this developed into not the least important part of its work. The documents and verbatim records of the Brussels Conference were published at once, and two years later a review was brought out of the recommendations of the Conference and their application. Other publications included a Monthly Bulletin of Statistics and a number of special memoranda and reports on Public Finance, Currency, Double Taxation, Raw Materials, the Economic Situation of Russia, &c.

[2] *Survey for 1920–3*, pp. 42–7.

[3] *Op. cit.*, pp. 311–27.

[4] *Survey for 1924*, pp. 423–37.

[5] The present volume, Part II E, Section (iii).

[6] *Survey for 1920–3*, pp. 347–8.

[7] Unlike the Health Organization (see Section (vii) below) the Economic

one to deal with economic and the other with financial questions, which should share the same President[1] (M. Gustave Ador), but should as a rule meet separately, though they might be convened in plenary session should occasion arise. Each committee consisted of ten or twelve members—'high officials from Treasuries or Ministries of Commerce, directors of great private banks, eminent economists or statisticians'[2]—who were chosen for their expert qualifications and not as representing their respective Governments. Subject to the Council's general approval the committees were free to conduct their inquiries as they thought best, and they frequently appointed sub-committees or special committees to deal with specific questions. The secretarial work for the two committees was carried out by an Economic and Financial Section of the League Secretariat, which included an Economic Intelligence Branch whose special function was the preparation and bringing up to date of the Organization's technical publications.

The first session of the Economic and Financial Commission was held in Geneva from the 25th November–10th December, 1920, concurrently with the first meeting of the Assembly and the eleventh meeting of the Council; and by the end of 1925 the Financial Committee had held twenty, and the Economic Committee seventeen plenary sessions.

Apart from its special work in connexion with such matters as the reconstruction of Austria and Hungary, the main activities of the Financial Committee during the five years under review lay in attempting to secure the application of the resolutions of the Brussels Conference and in following up lines of inquiry suggested by that Conference or by the Genoa Conference—such, for instance, as the question of international credits, the claims of holders of bonds the interest of which was in arrears, or the reciprocal treatment of branches of foreign banks, all of which came under review by the Committee during its first year of existence. By means of questionnaires circulated to Governments by the Secretariat, the Committee collected information regarding public finances and currency and published a series of memoranda on these questions. It also conducted an important inquiry into the questions of double taxation and fiscal evasion.

and Financial Organization was not subsequently placed on a permanent basis, but was purposely kept as elastic and adaptable as possible in order to meet the many different calls made upon it.

[1] Each committee had its own chairman, elected in rotation from among its members.

[2] *The Work of the Financial and Economic Organization*, p. 8.

The Brussels Conference had drawn attention to the desirability of an international understanding for the avoidance of double taxation, which was an obstacle to the placing of investments abroad; and during its sixth session, from the 23rd February–1st March, 1922, the Financial Committee drew up the terms of reference of a committee of experts to consider this question in its theoretical and scientific aspects. The experts—Professors Bruins, Seligman and Finaudi and Sir Josiah Stamp—had completed their report, which discussed four different solutions of the problem, by the end of March 1923. In the meantime, on the 16th September, 1922, the Council had approved the action of the Financial Committee in asking the Governments of France, Belgium, Great Britain, Switzerland, Holland and Italy to appoint representatives of their financial administrations to carry the investigation a stage further and consider the problem of double taxation from the administrative point of view and in relation to the question of tax evasion. This committee of Government experts met for the first time from the 4th–9th June, 1923, when it had before it the preliminary report drawn up by Professor Bruins and his colleagues. It held a second session in October 1923 and two more during 1924 and its final report was presented to the Financial Committee in February 1925. The solutions proposed by this committee differed in the case of so-called impersonal or schedular taxes and of personal or general income tax: in the first case the principle adopted was that the state in which the source of income was situated was entitled to impose the tax; in the second case the state of domicile of the taxpayer, generally speaking, was alone entitled to impose the tax. There were, however, several exceptions to this rule, and the definition of them occupied a large part of the report. The Financial Committee at its eighteenth session on the 4th–18th June, 1925, decided to recommend to the Council the calling of a conference of experts, to include delegates of countries not represented on the existing committee of Government experts, to draw up a draft international convention which would provide a remedy for double taxation and fiscal evasion. The Council approved this recommendation on the 11th June, and it was anticipated that the conference would assemble during 1926.

The Economic Committee, during its first year of action, gave special attention to the question of raw materials, and questionnaires were sent to the various Governments in order to ascertain the extent of requirements for raw materials, the causes of the difficulties which occurred in their distribution and the consequences of mono-

polies. From the replies which had been received by September 1921, when the Economic Committee reported to the Second Assembly, it appeared that the need for raw materials was less acute than it had been a year before, but the Committee considered that there was still urgent need for improvement in transport conditions throughout the world in order to facilitate the distribution of raw materials.[1]

The principal activities of the Economic Committee, however, were carried out in fulfilment of the League's obligation under the Covenant to secure equitable treatment for the commerce of States Members. In September 1921 the Council asked the Committee to submit a report on the meaning of the provisions of Article 23 (e) of the Covenant. During its fourth session, from the 23rd–25th March, 1922, the Committee came to the conclusion that while any attempt to draw up a convention dealing with the whole subject would be premature, certain special points might be separately considered, and a Sub-Committee on the Equitable Treatment of Commerce was set up to deal with these special points.[2] The aspects of the problem which were thus isolated for separate treatment fell under the heads of Unfair Competition, the Treatment of Foreign Nationals and Enterprises, Customs Formalities, Customs Tariffs, Import and Export Restrictions and False Customs Declarations.

The question of unfair competition had been dealt with in the convention on industrial property signed in Paris in 1883 and revised at Brussels in 1900 and again at Washington in 1911. At its fourth session in March 1922, the Economic Committee discussed proposals for amending this convention and drew up recommendations regarding draft clauses to be inserted in the convention for submission to the Union for the Protection of Industrial Property at its next conference. These recommendations, by a Council decision of the 13th May, 1922, were communicated to Governments for their observations. By the end of 1923 the original proposals had been revised in accordance with comments from twenty-five Governments and from the Permanent Bureau for the Protection of Industrial Property at Berne; and from the 5th–9th May, 1924, a conference of experts met at Geneva and drew up a statement of principles for submission, through the Economic Committee, to the forth-

[1] In the following December the Council decided to publish a report drawn up by Professor Gini in connexion with this inquiry.

[2] The Sub-Committee at an early stage of its proceedings had to consider the report of the Economic Commission of the Genoa Conference, all the questions dealt with in which fell under the head of equitable treatment of commerce. For the Genoa Conference, see the *Survey for 1920–3*, pp. 25–33.

coming conference of the Union for the Protection of Industrial Property. The experts' conclusions were approved, as the basis for a definite programme, by the Economic Committee during its twelfth session, from the 8th–12th May, 1924; and when the conference for the revision of the industrial property convention finally met at The Hague from the 8th October–6th November, 1925, two members of the Economic Committee were present in an advisory capacity and the amendments which the Committee had proposed for insertion in the text were accepted by the conference with a few slight changes.

A study of the fiscal treatment of foreign nationals and enterprises in various states had been completed by May 1923, when the Economic Committee held its ninth session. The Committee found itself unable to present its conclusions in a form which could serve as the basis for an international convention, but it submitted a series of recommendations to the Council, which on the 23rd July, 1923, decided to invite States Members to put into practice the principles worked out by the Committee. In the following September, the Fourth Assembly, on the suggestion of the Japanese delegation, asked the Committee to give further consideration to this question, from the point of view of the general economic position of foreigners. After investigation by a sub-committee, the Economic Committee, during its fifteenth session from the 25th–30th May, 1925, was able to draw up further recommendations relating to the admission of foreigners into professions, trades or other occupations; and these recommendations were again forwarded to States Members by a Council decision of the 10th June, 1925.

The Economic Committee's inquiry into questions regarding customs formalities was so far advanced by September 1922 that it was able to recommend the convocation of an international conference to draw up a convention. The Council, in February 1923, decided to summon the conference for the following October; the preparatory work was carried out by the Economic Committee with the assistance of experts in the customs administration of various countries; and the conference took place in Geneva from the 15th October–2nd November, 1923. Germany, Egypt, and the French Protectorates of Tunis and Morocco were represented, as well as thirty-two States Members, and the United States sent an observer. The convention[1] drawn up by the conference, which was opened for signature until the 31st October, 1924, and was signed by twenty-one states[2]

[1] Text in *League of Nations Official Journal*, December 1923.
[2] Including Tunis and Morocco.

on the 3rd November, 1923,[1] is too long to analyse here. It dealt with such questions as the elimination of unnecessary customs formalities and the simplification of others ; the equitable treatment of the commerce of all contracting states ; the reduction of export and import prohibitions ; the publication of customs tariffs and regulations ; and technical facilities for international commerce. By Article 22, disputes regarding the application or interpretation of the convention might be referred, before resort to arbitral or judicial procedure, to some technical body of the League ; and the Council on the 11th March, 1924, agreed to the proposal of the Economic Committee that it should itself act as that body.

The publication of customs tariffs, which was provided for in this convention, had been recommended by the Economic Commission of the Genoa Conference ; and at its fifth session from the 8th–14th June, 1922, the Economic Committee had decided that the best means of carrying out this recommendation lay in co-operation with the International Bureau for the Publication of Customs Tariffs which had been founded in Brussels in 1890. On the 16th September, 1922, the Council approved the communication to States Members of a resolution drawn up by the Economic Committee recommending that ' all states should endeavour to assure that their customs tariffs should remain applicable over substantial periods of time '.

The question of the suppression of import and export prohibitions, which was also dealt with in the convention on customs formalities, was again referred to the Economic Committee by the Council on the 29th September, 1924, in accordance with a resolution of the Fifth Assembly, with a view to the conclusion of a special international agreement. By the following January, in reply to a request from the Secretariat, twenty-one Governments had submitted observations on the question, and these had been examined by the Sub-Committee on Equitable Treatment. At its fifteenth session from the 25th–30th May, 1925, the Economic Committee, which was assisted by experts from certain Central European states, decided that there was a sufficient consensus of opinion in favour of abolishing import and export prohibitions, or at least reducing them to a minimum, to warrant preparatory steps being taken with a view to subsequent international action, and as a first step it drew up a provisional list of prohibitions recognized as legitimate by international law, which would not come within the scope of its investigation.

At this same session, the Economic Committee appointed a special

[1] By the end of 1925 the convention had been signed by thirty-seven countries and ratified by fourteen.

committee to examine a draft international agreement, prepared by its Brazilian member, for the suppression of false customs declarations, and instructed the special committee to collaborate with the Legal Section of the Secretariat in the examination of the proposals contained in the draft that an importing country might require an exporting country to take proceedings against a trader making a false declaration to the authorities of the importing country.

In addition to dealing with questions which arose out of the League's obligations regarding equitable treatment of commerce, the Economic Committee undertook investigations into certain other economic problems of a general nature. At its fourth session, from the 24th–25th March, 1922, it had under consideration the question of the validity from an international point of view of arbitration clauses in commercial contracts between citizens of different states. Attention had recently been called to this matter by certain judicial decisions, and its importance had been pointed out by the International Chamber of Commerce. At the next session of the Economic Committee, from the 8th–14th June, 1922, a sub-committee of six legal and commercial experts was appointed ; and as a result of the sub-committee's investigations the Council, on the 16th September, 1922, decided as a preliminary step to invite States Members to encourage the conclusion of bilateral agreements for introduction of arbitration clauses in commercial contracts. By the following January a draft international convention had been worked out ; the draft was, on the 30th January, 1923, referred by the Council to a small committee of jurists for further consideration; and the amended text was approved by the Economic Committee during its ninth session, from the 14th–17th May, 1923. By the terms of the convention the contracting parties recognized the validity of agreements for submission to arbitration of disputes arising in connexion with a commercial contract—the arbitral procedure to be governed by the provisions of the contract and by the law of the country in which arbitration took place. Contracting states further undertook to facilitate procedure taking place in their territories and to ensure the enforcement of arbitral awards. By a Council decision of the 17th April, 1923, the convention was forwarded to States Members, who in the following July were asked to authorize their delegates to the forthcoming Fourth Assembly to sign the protocol of the convention. The protocol was opened for signature on the 24th September, 1923.[1]

[1] By the end of 1925 it had been signed by twenty-eight countries and ratified by thirteen.

The possibility of introducing uniformity into legislation relating to bills of exchange was considered by the Economic Committee during its fourth session in March 1922. Unification of legislation on this subject had been discussed at two conferences held at The Hague in 1910 and 1912, and had also been considered by the Brussels Conference in 1920; and the Economic Committee had in view the convocation of another conference. After the legal aspects of the question had been examined by a committee of experts, however, the Committee came to the conclusion that the immediate establishment of common principles was out of the question, owing to differences between the various systems of European law; and in their report to the Fourth Assembly in September 1923 the Committee confined themselves to recommending that states should be urged to introduce amendments into their national legislation to enable standardization to be effected gradually.

At the beginning of December 1922 a joint meeting was held in London of representatives of the Economic Committee, the International Labour Office, and the International Institute of Statistics to discuss practical measures to increase the comparability of methods employed in different countries in the compilation of economic statistics. The appointment of a committee of experts was decided on to draw up memoranda on the different fields of statistics. This expert committee held a number of meetings during the first part of 1923 and submitted resolutions, dealing with statistics of international trade, agricultural production and fishery, and indices of the economic situation, to a conference of the International Institute of Statistics held in Brussels in October 1923. The resolutions, after discussion and amendment by the conference, were transmitted to the Economic Committee; and on that Committee's recommendation the Council, on the 11th March, 1924, decided to submit them for consideration to the various Governments. The question of co-ordination of statistical methods was also taken up by the Financial Committee. A Preparatory Committee on Statistics appointed by that Committee met at Geneva in May 1924 and divided itself into five sub-committees to deal with different aspects of the question. At a subsequent meeting, held in Rome in October 1925, the Preparatory Committee decided to extend its inquiry to all industrial statistics other than the census of production, mineral and agricultural statistics; and each member of the committee was asked to prepare a report on the methods employed in his own country in compiling industrial statistics.

One of the most important and far-reaching inquiries undertaken

by the Economic and Financial Organization was that in connexion with economic crises and the causes of unemployment which was initiated by the International Labour Office and carried out in collaboration with that body. An inquiry into unemployment, to be undertaken in co-operation with the League organization, had been recommended by the Third International Labour Conference, held in November 1921; the Third Assembly of the League of Nations had in September 1922 adopted a resolution approving of co-operation for this purpose; and the Fourth International Labour Conference in November 1922 defined the scope of the inquiry by instructing the International Labour Office to make, in collaboration with the Economic and Financial Organization of the League of Nations, 'a special study of the problem of the crises of unemployment, their recurrences and the fluctuations of economic activity, to collate and compare, in particular, the results of the investigations made in various countries, and to make known the measures taken with a view to sustaining economic activity, and thus stabilizing the labour market'.[1] The nature of the co-operation between the two bodies and of the work to be undertaken by each was laid down in correspondence between the Directors of the International Labour Office and of the Economic and Financial Section of the League in 1923.[2]

Since both bodies were agreed that unemployment was mainly to be attributed to the economic situation of the world, the first step taken by the Economic Committee was the appointment of a sub-committee to examine the causes of the economic crisis. A memorandum on the work of the Economic and Financial Organization so far as it contributed to the restoration of normal conditions was supplied to the International Labour Office to be attached as an annex to the report on the inquiry submitted by the Office to the 1924 session of the International Labour Conference. The establishment of a Mixed Committee of representatives of the Economic Committee and of the International Labour Office was suggested early in 1924, but the Mixed Committee did not actually meet until the 26th–27th January, 1925. On this occasion its main work was to examine the question of economic barometers and the possibility of developing and extending their use. It decided that the co-operation of the Financial Committee was necessary for the successful performance of its task, and in the following month the Financial Committee designated three of its members to serve on the Mixed

[1] *Official Bulletin* of the International Labour Office, vol. xi, No. 1, p. 40.
[2] Texts in *Official Bulletin* of the International Labour Office, *loc. cit.*

Committee. At a further meeting held on the 2nd–3rd June, 1925, the committee considered the stabilization of prices and decided to make a detailed study of two important factors—the influence of the credit policy of financial institutions, and the influence of the economic policy of Governments. It also considered the possibility of seeking expert advice as to the means of developing, extending and improving the use of economic barometers.

It has been seen that during the first five years of its existence the Economic and Financial Organization of the League found itself obliged to approach the problems which lay within its sphere one by one, and though some lines of inquiry led to definite results, others were found unprofitable and had to be abandoned. It was not until the autumn of 1925 that it was considered possible even to make preparations for an international conference to be held under the auspices of the League which should attempt to take a general view of the economic situation. When, however, during the Sixth Assembly in September 1925, the French delegation proposed that a committee should be constituted to prepare the ground for a general Economic Conference, the suggestion met with almost universal approval. The Council was accordingly asked by the Assembly to constitute a preparatory committee ; and on the 14th December, 1925, after the question had been discussed by the Economic Committee during its seventeenth session from the 30th November–4th December, 1925, the Council decided to appoint a committee of about thirty-five members, chosen for their expert capacity and not as representatives of their Governments, and including persons with practical experience in industry, trade and agriculture, economists, and representatives of workers and of consumers. The committee was to arrange for the collection and preparation of such economic information as might assist the work of the Conference ; to submit to the Council a report on the programme, composition, rules of procedure and date of meeting of the Conference ; to consider to what extent existing economic difficulties were international ; and to try to discover points in respect of which practical solutions might be found, together with the best methods of carrying such solutions into effect. The committee was empowered to institute inquiries, to seek expert advice and to set up committees of specialists if required. The programme of work of the Preparatory Committee was thus sufficiently comprehensive to make it unlikely that its labours would be completed in time for the General Economic Conference to be summoned before the early part of 1927.

(iii) Communications and Transit.

This problem, which had become acute with the extension of the Industrial Revolution from Great Britain to the European continent, was first handled by diplomacy at the Vienna Congress of 1814–15. A century later the vast development of international trade had invested it with far greater importance, while the territorial disintegration of Eastern Europe had made it essential to compensate by international co-operation for the disappearance of the great units of internal free trade formerly provided by the Hohenzollern, Hapsburg, and Romanov Empires. In view of all this, the Peace Conference of Paris appointed a strong commission to deal with the international régime of ports, waterways and railways, and the work of this commission was embodied in the relevant chapters of the four European Peace Treaties. The international régime thus applied to communications and transit in the defeated countries—Germany, Austria, Hungary and Bulgaria—has been fully and ably described in the *History of the Peace Conference of Paris*,[1] and in the *Survey for 1920–3* it was only necessary to notice the Definitive Statute of the Danube contemplated in Article 348 of the Versailles Treaty and eventually signed at Paris on the 23rd July, 1921.[2] The problem, however, was not merely international but essentially uniform in character ; it could not be solved by differential régimes imposed on defeated countries or by statutes confined to particular railway systems or waterways ; and these facts were recognized by the Peace Conference. The Commission on International Communications approached the subject throughout from a general point of view, and the texts of the Peace Treaties reflected this attitude of mind by providing for the intervention of the League of Nations. Disputes arising between interested Powers regarding the interpretation and application of the Ports, Waterways and Railways Chapter of the Treaties were to be settled by the League (Versailles Treaty, Art. 376); the League might at any time recommend the revision of such of these articles as related to a permanent administrative régime (Art. 377) ; and a number of differential stipulations were to be subject to revision by the Council of the League at any time after five years[3] from the coming into force of the Treaty—failing which, no ex-Allied or Associated Power was to claim the benefit of these stipula-

[1] Vol. II, Ch. I, Part (v).

[2] See the *Survey of International Affairs for 1920–3*, pp. 328–32. For questions regarding international rivers generally, see the present volume, Part II A.

[3] Three years in the case of Austria, Hungary, and Bulgaria.

tions from any ex-Enemy Power unless it granted reciprocity (Art. 378). In addition, the League was charged with 'securing and maintaining freedom of communications and transit and equitable treatment for the commerce of all members' by paragraph (e) of Article 23 of the Covenant; and the combined effect of these provisions was to make the League responsible for solving the problem of international communications and transit, in its general aspects, under the new conditions resulting from the War.

On the 13th February, 1920, the Council of the League transformed the Peace Conference Committee on Ports, Waterways and Railways into a Provisional League Committee for Communications and Transit;[1] and, before the Assembly held its First Session in the autumn of the same year, this provisional body had performed practical current work and had at the same time drafted the constitution for a permanent organization. Its practical achievement was a conference on passports, customs formalities, and through tickets, which met in Paris on the 15th–21st October, 1920, and drew up recommendations for the standardization and simplification of procedure which had been elaborated in all countries during the War, and for diminishing the cost and delay to which goods and travellers had consequently been subjected.[2] The constitutional labours of the Provisional Committee were embodied by the Assembly in the Permanent League Organization for Communications and Transit, for which it made arrangements during its First Session on the 9th December, 1920.

The principle of this, as of the Health Organization,[3] was to bring the technical experts of the different countries into direct co-operation with one another on their own ground without raising political issues; and, on the Provisional Committee's recommendation, the Assembly therefore instituted a General Conference—to meet at long intervals and to be composed of technical representatives of all States Members and, in certain circumstances, of all other states—and a smaller Advisory and Technical Committee on Communications and Transit. The constitution of this latter body was left by the Assembly to be worked out in detail by the First General Conference,

[1] The Committee was strengthened for this purpose by the inclusion of ex-neutrals, and weakened by the withdrawal of the United States.

[2] This conference was attended by all European states, as well as by Japan, China, and Uruguay. In January 1922 a certain number of states held a conference at Gratz and concluded a convention based on the recommendations of the Paris Conference of 1920; and the Genoa Conference requested all Governments to conform to those recommendations.

[3] See Section (vii), below.

which met at Barcelona on the 10th March–20th April, 1921,[1] and executed this task in addition to the other work described below. As constituted by the Barcelona Conference, the Advisory and Technical Committee was composed of experts appointed by a few countries which had either been elected by the General Conference or were permanently represented on the Council of the League. It was to meet at shorter intervals than the General Conference, to prepare business for it, to advise the Council and the Assembly, and to act (by a carefully defined procedure) as mediator in technical disputes between states—whether members or not of the League—in fulfilment of those articles of the Peace Treaties which have been cited above. Both the General Conference and the Technical Committee were granted a wide autonomy, subject to control by the Council and Assembly on lines laid down in an Assembly resolution of the 9th December, 1920.

Besides setting up the Advisory and Technical Committee, the Barcelona Conference of the 10th March–20th April, 1921, drew up two international conventions, one on freedom of transport in transit and the other on freedom of transport on navigable waterways of international concern.[2] In pursuance of provisions adopted by the Assembly during its First Session for the settlement of disputes arising out of clauses in the Peace Treaties dealing with transport, both these conventions laid down that all disputes regarding their interpretation and application should be submitted to the Permanent Court of International Justice, but that, before resorting to judicial proceedings, all contracting parties should seek an amicable settlement by inviting the assistance of the newly constituted Advisory and Technical Committee. In addition, the Barcelona Conference adopted a declaration recognizing the right to a flag of states having no sea-coast, and drew up recommendations for the international régime of ports and railways as a first step towards the conclusion of conventions on some later occasion. The protocols of the two conventions and of the declaration were opened for signature until the 1st December, 1921.[3]

[1] It was attended by representatives of Germany, Hungary, Latvia, Esthonia, and Lithuania as well as by representatives of states at that time members of the League.

[2] In the latter convention it was found possible to reconcile the traditions of international law in Europe and South America, which had evolved on independent lines in regard to international waterways during the preceding century. For the provisions of the convention on navigable waterways, see Part II A, Section (i), below.

[3] By that date the convention on freedom of transit had been signed by 32 states, the convention on the régime of navigable waterways by 27, and

The Advisory and Technical Committee held its first meeting in Geneva from the 25th–28th July, 1921, and appointed three sub-commissions to deal respectively with railway transport, water transport, and general questions. An important function of the Advisory Committee was to promote the ratification of the conventions adopted at Barcelona and the execution of the Conference's recommendations by the states concerned, and at the Genoa Conference all the European Governments represented declared that they had either ratified or were about to ratify the convention on freedom of transit and that they were carrying out the recommendations on the international régime of railways, while all but two announced their intention of ratifying the convention on navigable waterways of international concern. The Genoa Conference asked the Advisory Committee to undertake a general investigation into the restoration of means of communication in Europe, and an inquiry concerning railways was carried out by General Mance, on behalf of the Committee, during 1922.

During 1922, also, the Committee was called upon to perform its function as a mediatory body in connexion with a dispute between Germany and the Governing Commission of the Saar Territory regarding the conditions under which the Berne Convention on Transport by Rail should be applied to the relations between the railways of the Saar and the German railways. This controversy, after dragging on for two years, was referred to the Committee and was successfully settled by it. During the third session of the Committee, on the 31st August, 1922, a committee of inquiry was set up, composed of technical experts. In addition to two experts appointed respectively by the German Government and the Saar Governing Commission, it comprised three members, one of whom acted as chairman and was himself chairman of the Railways Sub-Commission of the Advisory and Technical Committee, while the two others were taken from a panel of experts nominated by all the Governments in order to assist the Commission if it were called upon to deal with disputes. The expert committee met at Luxembourg on the 23rd and 24th November, 1922, and prepared a draft convention, into which no idea of political considerations was allowed to enter. This

the declaration recognizing the right to a flag by 29. By the end of 1925, 21 states had ratified and 7 more had acceded to the freedom of transit convention, the corresponding figures for the waterways convention and the declaration being 11 ratifications and 8 accessions in the case of the first, and 12 ratifications and 7 accessions in the case of the second. The texts of the conventions and of the declaration will be found in vol. vii of the *League of Nations Treaty Series*.

convention was subsequently signed and ratified by both the parties concerned, and came into force in January 1923.[1]

The close relations with Governments into which the Advisory and Technical Committee was brought by its work in connexion with securing ratification of the Barcelona Conventions resulted in its being invited to send representatives to international conferences on transport questions even when these were not summoned under the auspices of the League. It was, for instance, represented at the international conference for the revision of the Berne Convention on Goods Traffic, which met at Berne in May 1923 and drew up a convention on the transport of passengers and luggage.

The Second General Conference on Communications and Transit met at Geneva from the 15th November–8th December, 1923.[2] It examined the work of the Advisory and Technical Committee; renewed its membership; and, on the basis partly of the Barcelona recommendations and partly of further preparatory work carried out by the Advisory Committee during the interval, adopted four conventions: a general convention on the international régime of railways, a general convention on the international régime of maritime ports, a convention relating to the transmission in transit of electric power, and a convention on the development of hydraulic power affecting several states. The protocols of the four conventions were opened for signature by states represented at the Conference, by Members of the League, and by any state to which the Council might transmit a copy of the conventions for that purpose down to the 31st October, 1924. The contents of these conventions[3] are too technical and too voluminous to be even summarized in this place; but it may be noted that political issues were again successfully excluded from their scope and that the railway convention, in particular, was an achievement of the greatest potential importance for the economic reconstruction of the regions devastated by the War of 1914.

[1] For the action taken by the Advisory Committee in connexion with the disputes regarding the jurisdiction of the International Oder Commission and the European Commission of the Danube, which were similarly referred to it for conciliation at the end of 1924, see Part II A, below.

[2] Turkey was among the 41 states represented, and thus for the first time took part in a conference organized by the League of Nations.

[3] The texts are printed in the *League of Nations Official Journal*, January 1924, Part II. By the end of 1925 the railway convention had been signed by 31 states; ratified by 5; and adhered to by 5. The maritime ports convention had been signed by 24 states; ratified by 3; and adhered to by 6. The electric power convention had been signed by 18 states; ratified by 2; and adhered to by 2. The hydraulic power convention had been signed by 17; ratified by 2; and adhered to by 2 states. A number of British colonies had also adhered to all the conventions.

The newly constituted Advisory and Technical Committee, composed of experts nominated by eighteen countries, met at Geneva on the 12th–14th March, 1924, and drew up a programme, which it divided among seven sub-committees, to deal respectively with railway questions, inland navigation, maritime ports and navigation, electricity questions, road traffic, legal questions and budgetary matters. It also reappointed two special committees, one for the study of questions concerning wireless telegraphy and the other for the reform of the calendar, which had already been at work during 1923.

The Sub-Committee on Inland Navigation met at Brussels on the 1st–5th July, 1924, and decided to ask a committee of experts to work out a draft international convention for the unification of tonnage measurements for vessels employed in inland navigation. The convention was to be based on the principle of the reciprocal recognition of tonnage certificates (already established as between Belgium, France, and certain states of the German *Reich* under the Brussels Convention of 1898) and was to be so drawn up as to be acceptable to all the riparian states of the European waterway system. The experts met on the 20th–22nd November following, and again on the 26th February, 1925, and drew up a draft convention which was adopted by the Sub-Committee on Inland Navigation during its session from the 7th–11th May, 1925. The draft convention formed the basis of discussion at an international conference convened by the Council of the League and held in Paris from the 20th–27th November, 1925. A convention [1] establishing a uniform system of tonnage measurement for vessels used in inland navigation in Europe and providing for the reciprocal recognition of tonnage certificates was adopted by the conference, opened for signature until the 1st October, 1926, and signed immediately by fourteen European states, including the U.S.S.R. The occasion was noteworthy, for it was the first time that the U.S.S.R. had signed an international agreement drawn up under the auspices of the League.

At its meeting in July 1924, the Sub-Committee on Inland Navigation also decided to institute an investigation during 1925 into the situation of inland navigation in Europe, in accordance with the recommendations of the Genoa Conference. At the request of the Committee, an inquiry into navigation on the Danube and the Rhine, in its technical, commercial, and administrative aspects, was undertaken by Mr. Walker D. Hines, formerly Director-General of the United States Railroad Administration. Mr. Hines completed

[1] Text in *League of Nations Official Journal*, March 1926.

two reports, dealing with the Danube and the Rhine respectively, on the 1st August, 1925.[1]

The Sub-Committee on Ports and Maritime Navigation held its first session in London on the 21st July, 1924, and its second in Paris from the 28th November–2nd December, 1925. It had to deal with such problems as safety at sea and protection of shipping, the unification of tonnage measurements for maritime shipping and international sanitary regulations for ports. At its first session it decided to make identical representations to the various Governments with a view to the signature and ratification of the convention on the international régime of maritime ports, drawn up by the Second General Conference in December 1923. In connexion with the question of safety at sea, the Sub-Committee also decided, during its first session, to assemble a committee of experts to consider measures for securing uniformity in maritime signals on shore or off shore. A Technical Committee on Buoyage and Lighting of Coasts was accordingly set up, to work in close co-operation with the International Hydrographic Bureau at Monaco, and prepare measures for consideration by a conference to be convened by the International Hydrographic Bureau in 1926. The Technical Committee met for the first time in Monaco from the 3rd–7th November, 1925.

The Sub-Committee on Transport by Rail met in Paris on the 21st–23rd October, 1924. It discussed the steps necessary for the forthcoming application of the convention on the international régime of railways which had been drawn up at Geneva during the Second General Conference in December 1923. It also considered the steps to be taken in pursuance of the resolution of the Rome Conference on Emigration[2] with regard to the transport of emigrants by rail. A committee of experts appointed by the Sub-Committee on Transport by Rail to study the question of unification of nomenclature of goods in connexion with the establishment of international tariffs met in Paris from the 13th–15th July, 1925, and reached the conclusion that all possible steps ought to be taken to maintain and adapt to existing conditions the unification which had been effected before the War between certain railway administrations. The Committee also suggested that a regional conference on this subject might usefully be held.

A special committee of inquiry on road traffic held its first meeting in October 1924, and its second from the 9th–14th March, 1925, to

[1] Printed as League of Nations Documents C. 444, M. 164, 1925, viii (the Rhine) and C. 444 (*a*), M. 184 (*a*), 1925, viii (the Danube). See also Part II A, below.

[2] See *Survey for 1924*, pp. 123–7.

consider a draft convention to replace the international convention of 1909 on the circulation of motor vehicles. The new convention, as drafted by the Committee, provided for the introduction of an international road certificate consisting of two documents, one for the driver and one for the vehicle. On the 11th June, 1925, the Council of the League decided that this draft convention should be communicated to all states signatories of the 1909 convention and should form the basis of discussion for an international conference to be convened by the French Government.

The question of passport formalities, which, as has been recorded above, had been discussed by the Paris Conference in October 1920, came up again for consideration at the seventh plenary session of the Advisory and Technical Committee, which was held at Geneva on the 26th–28th November, 1924, with the disputes regarding the jurisdiction of the International Oder Commission and the European Commission of the Danube as the most important business on its agenda.[1] Since the measures proposed by the 1920 conference had been adopted only partially by the Governments concerned, the Committee decided to appoint a special sub-committee to consider what measures should be taken. As a result of this examination, the Advisory Committee recommended and the Council of the League on the 9th December, 1925, decided, that a second international conference on passports should be convoked for the 12th May, 1926, and should be asked to consider the abolition of passports to the widest extent possible, with a view to mitigating the disadvantages to international trade, and to international relations generally, entailed by the existing system.

(iv) Intellectual Co-operation.

During the half-century preceding the War of 1914 a number of private international organizations had been started for the pursuit of intellectual objects ; but the Committee on Intellectual Co-operation which was set up by the Council of the League of Nations on the 15th May, 1922, in pursuance of a resolution adopted by the Assembly during its Second Session, was the first experiment in bringing intellectual co-operation within the scope of an organization like the League, which was essentially inter-Governmental in its constitution. It is true that the members of the Committee were not appointed as representatives of the respective states of which they happened to be nationals. They were invited on account of their personal qualifications to act as expert advisers to the Council and Assembly of the

[1] See Part II A, below.

League, on the same footing as the members of the Permanent Mandates Commission or the Permanent and Temporary Commissions for the Reduction of Armaments. At the same time, the task of the Committee on Intellectual Co-operation was rendered more difficult than that of these and other expert advisory bodies by the very nature of the activities with which it had to deal; for, whereas the technical sides of Western social life were peculiarly amenable to organization, so that either 'technique' or 'organization' might have been designated with equal truth as the characteristic feature of Western civilization at this time, it had never been found easy to direct into organized channels that creative faculty which was commonly recognized as being the essence of intellectual activity. 'The wind bloweth where it listeth', and in the future, as in the past, the most fruitful co-operation in creative intellectual work was likely to be spontaneous and incalculable. On the other hand, there were certain activities of an economic or social rather than a strictly intellectual character which were invaluable, if not indispensable, auxiliaries to intellectual life under the actual conditions of the contemporary world; and in these fields there were great needs and great opportunities for organized co-operation during the years immediately following the War of 1914.

To begin with, the vast material scale of Western civilization gave an unprecedented importance to 'communications and transit' services in every sphere of human relations, including the field of intellectual action; and accordingly such methods of intercourse as exchanges of publications, international loans of books and manuscripts, the co-ordination of works of analytical bibliography in certain branches of physical science, the compilation of an *Index Bibliographicus* or list of current bibliographical institutions and publications, and the organization of an International Bibliographical Institute and an International University Information Office were already engaging the attention of the Committee when it held its Fourth Session at Geneva on the 25th–29th July, 1924.[1] Again, intellectual workers had the same interest and claim as other members of society to secure the just economic reward of their labours, and while artistic and literary property and technical invention were respectively protected by the legal devices of copy-

[1] Questions relating to intellectual property, bibliography, and University co-operation had been considered by three sub-committees which the Committee had set up at its first session on the 1st–5th August, 1922, and which had all met for the first time in December 1922. A fourth sub-committee, on arts and letters, was established in July 1925 to keep in touch with the corresponding section of the newly constituted Institute of Intellectual Co-operation.

right and patent, no corresponding protection for scientific discovery had yet been instituted. A report on this subject had been submitted to the Committee by an Italian member, Professor Ruffini, during its second session held at Geneva on the 26th July–2nd August, 1923. At the fourth session it was recommended that a committee of experts should be convened in 1925 to draw up a draft international convention for the protection of scientific property on the basis of Professor Ruffini's scheme and of the observations upon it which had been received from various Governments, and this recommendation was adopted by the Council at its next meeting. At its sixth session in July 1925, however, the Committee, while noting that the principles of the scheme seemed to be meeting on the whole with approval, decided not to convene the proposed committee of experts until the views of a number of recognized representatives of industry had been ascertained, and Signor Ruffini was asked, in the meantime, to prepare a report analysing the observations presented by various Governments.

The Committee had also concerned itself with urgent questions of social welfare. At its first session in August 1922 it had set on foot an inquiry into the conditions of intellectual life, that is, the social conditions of intellectual workers and the technical conditions of their work in various countries—particularly in those Continental European countries in which the War, followed by a drastic redistribution of territory, had produced the greatest economic and financial dislocation. The first results of this investigation, which the Committee had had before it at its second session, had shown that in countries with a depreciated currency the situation of intellectual workers was critical. As a remedy for this the Committee had recommended the establishment of national committees, affiliated to itself, which were to centralize and send forward pressing appeals from scientists and learned bodies of their own and other countries regarding publications and instruments of intellectual labour. The particularly urgent and tragic case of the Austrian intellectual workers had also been taken up by the Committee during its first session, and in October 1922 the Council had authorized the Committee to appoint an Austrian correspondent in order to keep it informed of the needs of intellectual life in his country, and also to appeal on Austria's behalf to learned institutions and associations of all countries. In November 1924 a similar appeal on behalf of the intellectual workers of Hungary was made, in compliance with a recommendation from the Fifth Assembly, by the Chairman of the Committee, Professor Bergson. Universities and learned bodies

in other countries were asked to send their publications to Hungarian institutions of the same standing and to organize with these bodies exchanges of publications, professors, lecturers, and students, and gifts were solicited in order to enable Hungarian institutions of research to buy the necessary instruments and material. Meanwhile, two other appeals had been issued by Professor Bergson, in the name of the Committee, in February 1924—one a general appeal on behalf of the newly formed national committees of intellectual co-operation, and the other a special appeal for replacing the library of Tokio University which had been destroyed by the earthquake.

It will be seen that, before it had been in existence for two years, the Committee of Intellectual Co-operation had embarked upon a number of practical activities of great potential importance, but that these activities were of such a character that they could hardly be carried any distance so long as the Committee remained destitute of funds. It had been issuing appeals for funds on behalf of others. It was also in need of them for its own work, and new possibilities were opened to it during its fourth session in July 1924, when, in response to Professor Bergson's appeal of the preceding February, an offer was received from M. Albert, the French Minister of Education and Fine Arts, of ' the material means for translating the Committee's plans into reality '.

The French Government proposed to provide the League of Nations with the premises and the funds for creating in Paris an Institute of Intellectual Co-operation which was to serve the Committee as ' an instrument of action '.

The Committee welcomed this offer with gratitude pending the decision of the Council, and on the 9th September, 1924, the Council accepted the offer in principle, while referring to the Assembly three specific points :

> the functions of the new Institute ; the administrative and legal conditions governing the work ; and the relations between the proposed Institute and existing international institutes of an intellectual order, such as the Union of International Associations, the International Office of Bibliography, the International Council of Research, the International Academic Union, . . .

which were established at Brussels and whose autonomy was to be maintained. The Assembly, during its Fifth Session, referred the question to its Second Committee, and afterwards dealt with it in plenary session on the 23rd September. There was a certain feeling, which was expressed most strongly by the Australian delegate, Mr. Charlton, that the international character of the proposed Institute

would be difficult to maintain if it were established in Paris. Mr. Charlton went so far as to move that the French Government's offer should not be accepted if this were an essential condition, and he was supported in principle by Professor Gilbert Murray, who was one of the British delegates to the Assembly and also a member of the Committee on Intellectual Co-operation. At the same time, Professor Murray pointed out that the League had declined to grant to the Committee the funds which it needed, and that, when the Committee had appealed to the States Members, the only response had come from France, in the form of the offer which was under discussion. He therefore considered that the offer could not be refused. Eventually the Australian delegation withdrew its opposition and a resolution accepting the offer was adopted unanimously. The organization of the new Institute was entrusted to the Committee on Intellectual Co-operation. It was to avoid duplication of work; it was to be absolutely international in its activities and in its choice of staff; and the Committee on Intellectual Co-operation was to exercise a close control over its administration.

In the following December, during its thirty-second session, the Council took note of a draft letter[1] addressed by the French Government on the 8th December to the President of the Council, formally undertaking to found and maintain in Paris an Institute of Intellectual Co-operation. Under the terms of this document, the French Government agreed to supply the necessary premises, bear the cost of installation, and grant to the Institute an annual subsidy of 2,000,000 francs,[2] but it was to incur no responsibility resulting from the activities of the Institute. The League of Nations, on its part, was to assume 'no financial or other responsibility or burden, whatsoever'[3] in connexion with the working of the Institute. The undertaking given by the French Government, which was subject to legislative approval,[4] was to be for a period of seven years, renewable for further periods of seven years, unless denounced two years before the end of any such period. This document, which constituted the formal agreement for the foundation of the Institute, was approved by the League Council on the 13th December.

[1] Text in *League of Nations Official Journal*, February 1925.

[2] This sum might be increased after a vote of the two Chambers should the development of the Institute make this desirable. It was expressly stated that subsidies might also be accepted from other sources. A contribution of 100,000 francs for the first year's budget was offered by the Polish Government and accepted by the Committee on Intellectual Co-operation in May 1925.

[3] *League of Nations Monthly Summary*, December 1924.

[4] The creation of the Institute was approved by the French Chamber of Deputies on the 31st December, 1924.

The main outline of rules to govern the general organization and activities of the new Institute was decided on by the Committee on Intellectual Co-operation at its fifth session, held in Paris from the 11th–15th May, 1925, and a sub-committee was appointed to prepare detailed regulations.

At its sixth session, held in Geneva from the 27th–30th July, 1925, the Committee, sitting as the Governing Body of the Institute, adopted the final text of the internal regulations, the staff regulations and the financial regulations of the Institute, nominated the French, British, Dutch, Italian, and Swiss members of the Committee on Intellectual Co-operation to form a Committee of Directors, which was to meet bi-monthly and supervise the execution of the programme established by the Governing Body, and appointed as Director of the Institute M. Julien Luchaire, Inspector-General of Education in France, who had acted as expert on the Committee on Intellectual Co-operation since its inception. The Governing Body also appointed, from among seven different nationalities, the heads of the seven sections into which the Institute was divided—dealing respectively with Arts, University Questions, Literary Questions, Information, Scientific Questions, Legal Questions, and General Questions. All these decisions of the Governing Body were approved by the Council of the League on the 9th September, 1925.

Apart from the organization of the new Institute, the activities of the Committee on Intellectual Co-operation continued during the year 1925 on the same lines as before. The best results from a practical point of view were perhaps obtained in connexion with bibliographical work. Arrangements were made for co-ordination between the editors of the three existing analytical bibliography reviews dealing with the various branches of physics, and it was hoped that overlapping would thus be eliminated in the future so far as this particular field was concerned.[1] In December 1925 a committee of experts began to consider the means of effecting a similar co-ordination of bibliography dealing with the economic sciences. During the year 1925, also, the first edition of the *Index Bibliographicus* was printed.

A new function was imposed on the Committee by the Sixth Assembly, which, on the 9th September, 1925, adopted a resolution suggesting that the Committee should appoint an expert sub-committee to consider the best methods of co-ordinating official and non-official efforts to familiarize young people with the principles

[1] See the Report of the Second Committee to the Sixth Assembly on the work of the Committee on Intellectual Co-operation (Document A. 83, 1925, xii).

and work of the League and to train them to regard international co-operation as the normal method of conducting world affairs.[1]

(v) The Codification of International Law.

For nearly half a century before the outbreak of War in 1914, experts of different nationalities had been collaborating in the development of that branch of law which governed the relations between states and was thus a matter of international concern. In the year 1873 two international bodies were constituted which had as their object the promotion of the respect for law among nations and the more definite formulation of its rules—the Institute of International Law, composed of sixty members and sixty associates, all of whom must be experts, and the Association for the Reform and Codification of the Law of Nations (which changed its name later to the International Law Association), membership of which was open to all those interested in the subject. Both these bodies held regular meetings until their activities were interrupted by the War, and both resumed their labours after the conclusion of peace, the Institute holding its thirty-third session at The Hague in August 1925[2] and the Association its thirty-third session at Stockholm in September 1924.[3]

It will be noticed that one of the objects of the International Law Association as originally constituted had been to promote the codification of international law.[4] Interest in this question had been marked during the last quarter of the nineteenth century and the preparation of a code had been advocated by many prominent writers on international law, whose advocacy appeared to be justified by the success of the series of ' law-making ' conferences held at The Hague from 1896 onwards, which resulted in the adoption by the majority of states on the European Continent of the Hague Conventions for the Codification of Private International Law.[5] The demand for codification received a new impetus after the War,

[1] Investigations into existing measures for the furtherance of these aims had already been carried out by the Secretariat in accordance with a resolution of the Fifth Assembly.

[2] For an account of this session, see an article by Sir Thomas Bárclay in *The Manchester Guardian*, 10th August, 1925.

[3] No meeting of the Association was held in 1925.

[4] For the arguments for and against codification see an article by Professor P. J. Noel Baker in the *British Year Book of International Law* for 1924. See also an article by Dr. H. H. L. Bellot in the *Journal of Comparative Legislation and International Law*, 3rd series, vol. VIII, Part I.

[5] Some states had already withdrawn their adhesion to these conventions before the War.

and especially after the Permanent Court of International Justice had been established in accordance with Article 14 of the Covenant of the League of Nations. The genesis and constitution of the Permanent Court have been described in the *History of the Peace Conference*,[1] and it is only necessary in this place to note that the view was frequently put forward that the creation of the Permanent Court had ' rendered indispensable a complete code of clear and precise rules which that Court can administer '.[2] Indeed, the Committee of Jurists which in the summer of 1920 prepared for the Council of the League of Nations the first draft of the Statutes of the Permanent Court included among the resolutions which they submitted to the Council a recommendation that an international conference, the first of a series to be held at intervals, should be convened to carry on the work of the two conferences held at The Hague in 1899 and 1907 and to re-establish ' the existing rules of the Law of Nations, more especially and in the first place those affected by the events of the recent War ', on the basis of draft plans to be drawn up by the Institute of International Law, the International Law Association, the American Institute of International Law, the Iberian Institute of Comparative Law, and the Union Juridique Internationale.

The League Council, on the 27th October, 1920, decided to submit the jurists' recommendations to the First Assembly, with the proposal that the international organizations mentioned should in the first place be asked to consider what subjects might advantageously be included in the programme for an international conference, and that, when they had reported, the views of Governments should be ascertained both on the desirability of holding a conference and on the subjects to be discussed. The Third Committee of the First Assembly, to which this question was referred, considered, however, that the work to be undertaken by the proposed conference lay within the scope of the Assembly itself and that any separate organization was therefore unnecessary; and the Assembly in plenary session rejected a modified proposal made by the Third Committee that authoritative institutions dealing with international law should be asked to consider ' what would be the best methods of co-operative work to adopt for the more precise definition and more complete co-ordination of the rules of international law '. No direct steps were

[1] Vol. VI, Ch. vi, Part 3. The Judgements and Advisory Opinions given by the Court are dealt with in this and the preceding volumes under the special heads to which they referred.

[2] Professor Baker, *loc. cit.*

in fact taken by the League for four years to carry out the jurists' recommendations.[1]

The League, however, from its inception, and by the very nature of many of its activities, assisted materially in the development of international law. The Covenant itself comprised a most important series of written rules binding on international society, while instruments such as the statute of the Permanent Court of International Justice or the numerous international agreements drawn up under the auspices of the League and dealing with social or technical matters—the conventions prepared by the International Labour Conferences, for instance, or those which resulted from the Barcelona and Geneva Conferences on Communications and Transit—were all contributions towards a legal definition of relations between states.

In September 1924 a further step was taken. The Fifth Assembly of the League had before it a proposal put forward by the Swedish delegation that the League of Nations should co-operate more directly in the progressive codification of international law, and on the 22nd September the Assembly, ' considering that the experience of five years had demonstrated the valuable services which the League of Nations can render towards rapidly meeting the legislative needs of international relations ', asked the Council to convene a committee of experts, representing the main forms of civilization and the principal legal systems of the world, ' to prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realizable at the present moment.'

The committee, as constituted by the Council on the 12th December, 1924, consisted of sixteen members of whom eleven were nationals of European states (including Germany), while two were drawn from Latin American states, one from Japan, one from China, and one from the United States of America. It was proposed to appoint an expert on Muslim law at a later stage. Only one plenary session of the committee was held during the year 1925, at Geneva on the 1st–8th April, and on this occasion the committee confined itself to the preliminary work of outlining its sphere of activity and agreeing on the methods to be adopted. Eleven small sub-commissions were appointed, consisting in some cases of only one member, to study questions concerning nationality, territorial waters, diplomatic privileges and immunities, legal status of ships owned by the state and used for trade, extradition and the criminal jurisdiction

[1] The League did in 1921 invite the opinion of the International Law Association on the question of lost and stolen securities.

of states with regard to crimes perpetrated outside their territories, the responsibility of states for damages suffered within their territories by foreigners,[1] the procedure of international conferences and the conclusion and drafting of treaties, the suppression of piracy,[2] limitation, the exploitation of the produce of the sea, and enumeration of the subjects of private international law. A number of these sub-commissions had completed their reports by the end of the year and they were examined by the committee during its second session in January 1926.

In the meantime, before the League of Nations committee began work, marked progress in the direction of the codification of international law had been made in America, where this question had been under consideration for some years. A convention drawn up in 1906 and ratified by fifteen American states had set up a Committee of Jurists charged with the task of preparing two draft codes—one for public and one for private international law regulating relations between the nations of America. The committee met in 1912, but its work was interrupted by the War; and in 1923 the Fifth Pan-American Conference, which was held at Santiago in Chile in May of that year,[3] decided to reorganize the Committee of Jurists and to convene it during the year 1925. It was subsequently found necessary to postpone the meeting of the committee; but on the 2nd January, 1924, the Governing Board of the Pan-American Union asked the American Institute of International Law to hold a special session during the year to consider the question of codification, in order that the results of its deliberations might be at the disposal of the Committee of Jurists when it met. The American Institute of International Law accordingly held a session in December 1924 at Lima and gave general approval to certain draft conventions on the international law of peace prepared by the Executive Committee of the Institute.[4] These projects of conventions, thirty-one in number, were described by Dr. James Brown Scott, President of the American Institute of International Law, as 'an attempt to

[1] This question, which had arisen in an acute form in 1923 on the occasion of the murder in Greek territory of an Italian national engaged in delimiting the frontiers of Albania, had already been considered by a special Committee of Jurists appointed by the League of Nations to study certain questions concerning the interpretation of the Covenant which had been raised in the course of settling the dispute between Italy and Greece over the Janina murders and the occupation of Corfù. See *Survey for 1920–3*, pp. 348–56.

[2] This sub-commission was composed of the Chinese and Japanese members of the committee.

[3] See Part IV, Section (i), below.

[4] On these draft conventions, see an article by Professor J. L. Brierly in the *British Year Book of International Law* for 1926.

state in conventional form the principles of justice expressed in rules of law which should govern the relations of the American Republics in their mutual pacific intercourse'; and Dr. Scott added that they were intended to cover only that portion of the law of peace 'which seemed to have direct and immediate application to the American Republics'. The subjects dealt with ranged from the 'fundamental bases of international law' and a 'declaration of the rights and duties of nations' to minor matters like the exchange of publications and interchange of professors and students. On the 2nd March, 1925, the Governing Board of the Pan-American Union received these draft projects from the Institute and resolved that they should be submitted to the Governments concerned. Mr. Charles Evans Hughes, the United States Secretary of State, speaking in his capacity as Chairman of the Governing Body, emphasized the importance of the occasion. 'I believe', he said, 'that this day, with the submission of concrete proposals which take the question of the development of international law out of mere amiable aspiration, marks a definite step in the progress of civilization and the promotion of peace.'[1] The conventions which thus received the approval of a high authority, though they were intended only as drafts for further consideration, and though many of them were of purely regional application, provided a practical basis for future developments both on the American continent and elsewhere.

The Fifth Assembly of the League of Nations, in addition to its recommendations regarding the codification of international law, decided on the 30th September, 1924, to accept an offer made by the Italian Government to found in Rome, under the direction of the League of Nations, an International Institute 'for the Unification or the Assimilation and Co-ordination of Private Law', the general principles of the foundation to be analogous to those laid down by the Assembly in connexion with the Institute of Intellectual Co-operation in Paris.[2] On the 13th December, 1924, the Council decided to communicate to the Committee on Intellectual Co-operation, to the technical organizations of the League, and to a sub-committee of the Committee on the Progressive Codification of International Law, the final text of the draft statutes of the Institute which had been prepared by the Italian Government. The statutes were still under consideration by these various bodies at the end of 1925,[3] and the Institute had therefore not been formally inaugurated.

[1] *Bulletin of the Pan-American Union*, May 1925.

[2] See Section (iv) above.

[3] The statutes were approved by the Committee on the Progressive Codification of International Law during its second session in January 1926.

(vi) The Traffic in Opium and other Dangerous Drugs.[1]

In any review of the attempts made to control the traffic in opium, it is important to remember that there were three main aspects of the problem : states might be interested in opium as producers, as manufacturers, or as consumers. The first class comprised those countries which cultivated the poppy and exported raw or prepared opium (China, India—including Burma—Turkey, Persia, Jugoslavia, Greece, Chinese and Russian Turkestan, Afghanistan, Bulgaria, Siam, Japan —including Korea and Formosa—Indo-China and Egypt) ; [2] while in the second class fell those countries (such as Germany, Switzerland, Great Britain, Holland, the United States, France and Japan)[3] which imported raw opium and manufactured derivative drugs for domestic use or export. The principal countries consuming opium, besides China, were European possessions or dependencies in the Far East, such as India, Malaya, and the Netherlands East Indies, in which the consumption of opium was still permitted under conditions laid down in the Hague Convention of 1912 ; but in addition many Western countries, and in particular the United States of America, were threatened with a serious growth in the consumption of drugs manufactured from opium. The classes, it will be noted, overlapped one another ; China, for example, was not only the largest producing country but also the largest consumer of opium, and countries which manufactured drugs and were therefore commercially interested in maintaining the opium traffic, had also to deal with the problems of consumption. The various aspects of the opium question were so intermingled and the effects of the traffic were so far-reaching that it was clearly impossible for any one state to control importation and consumption without the co-operation of other interested countries ; and the only hope of dealing effectively with the problem as a whole undoubtedly lay in international action.

Generally speaking, the Far East was the region in which the evil, being indigenous, was most difficult to eradicate. Traffic in opium in the Far East had existed before the Portuguese doubled the Cape of Good Hope ; as pioneers, they were the first Europeans

[1] See W. W. Willoughby, *Opium as an International Problem: The Geneva Conferences* (Baltimore, 1925, the Johns Hopkins Press); J. P. Gavit, '*Opium*' (London, 1925, George Routledge & Sons); *The League of Nations: Social and Humanitarian Work* and *the Health Organization of the League of Nations* (Geneva, 1923, Information Section, League of Nations Secretariat).

[2] This list (arranged in the order of the amount produced in each country) is taken from Gavit, *op. cit.*, pp. 37–8.

[3] *Op. cit.*, p. 47. This list includes countries which manufacture derivatives from coca-leaf as well as from opium.

to take part in the trade and to introduce foreign opium into the southern maritime provinces of China from Goa and Daman. In India the home of the poppy appears to have been Malwa, the fertile elevated plain of Central India situated wholly within Native States. In China the poppy appears to have been cultivated first of all in the province of Yunnan contiguous to Burma. The opium poppy was known in China in the tenth century; its use for medicinal purposes was recorded in the fourteenth and its production in the sixteenth century. Speaking generally, the Chinese alone of all opium-using peoples smoked it, and opium smoking came into China through the medium of tobacco, which was introduced by Spanish traders early in the seventeenth century. Tobacco smoking was prohibited as a pernicious vice by a series of Imperial Edicts, which had no effect in checking its universal use. The practice of mixing opium with tobacco was introduced by the Dutch from Java into the island of Formosa (opposite the Chinese province of Fukien) which they held from 1624 to 1662, and spread thence to the mainland. This mixture, to which arsenic was added, was used by the early colonists as a remedy against the malarial fever at that time so rife in the island. There is no evidence to show when opium ceased to be mixed with tobacco, and it is probable that opium was not smoked by itself before 1800. In 1729 the smoking of opium had been forbidden by an Imperial Edict. In that year opium cultivation was flourishing in western Yunnan, and the import of foreign opium was 200 chests annually. The Government in those days was strong and vigorous, but the prohibition became for all practical purposes a dead letter. Foreign importation increased by degrees, home production increased rapidly and smoking came into general practice. In 1800 the import of opium, which was about 4,000 chests annually, was forbidden by Imperial Edict, but the prohibition was disregarded and the import increased steadily. The levy of customs duty ceased, but otherwise there was no change except that the irregular sums paid in lieu of duty were treble the duty.

Great Britain has been accused from time to time of having gone to war with China in the middle of the nineteenth century in order to legalize the import of Indian opium into China. The reproach is unjust and, as a matter of fact, a study of the causes leading up to the wars ending with the Treaties of Nanking and Tientsin will satisfy the dispassionate mind that the wars were fought to secure equality of diplomatic and commercial treatment, which was denied by the Chinese Government to foreigners, and not in order to force opium upon an unwilling customer.

War came when it did because the Chinese had precipitated a crisis by a vigorous campaign against opium: but it was not fought to uphold the trade in opium and it was only the beginning of a struggle, which lasted for twenty years and which was to decide the national and commercial relations which were to exist between the East and West.[1]

The abuse of opium was already recognized as a general evil before the War of 1914. It was being practised on an unparalleled scale and with particularly serious social results in China, and the special efforts of the Chinese Government to combat it could not be successful so long as the importation of the drug from foreign areas of production was not restricted by international co-operation. In May 1906 the House of Commons at Westminster adopted the unanimous resolution 'That this House reaffirms its conviction that the India-China opium traffic is morally indefensible and requests His Majesty's Government to take such steps as may be necessary for bringing it to a speedy close'. In the same year a Chinese Imperial Edict was issued: 'It is hereby commanded that within a period of ten years the evils arising from foreign and native opium be equally and completely eradicated. Let the Government Council frame such measures as may be suitable and necessary for strictly forbidding the consumption of the drug and the cultivation of the poppy.' The British and Chinese Governments took up the question jointly; in January 1908 an agreement was reached that the entire export of opium from India to China should be limited to 51,000 chests annually and that, beginning with 1908, the amount should be reduced annually by 5,100 chests, so that at the end of ten years the entire export should be terminated. During the next three years the Chinese Government gave satisfactory evidence of their sincerity and ability to enforce the suppression of opium cultivation, and in May 1911 a supplementary agreement was concluded between the two Governments. Under this agreement, Great Britain undertook that the export from India to China should cease before 1917 if clear proof could be given of the complete suppression of native opium in China, and that Indian opium should not be conveyed into any province of China in which it appeared by clear evidence that the cultivation of opium had been completely suppressed. Moreover, under this agreement, examination was jointly carried out from time to time, by British and Chinese officials, of those provinces declared by the Chinese Government to be free of poppy cultivation. The attitude of the British Government towards the 'cleansing of China from opium' (to quote a Chinese expression) was inspired by

[1] Morse: *International Relations of the Chinese Empire*, vol. I, p. 254.

an intelligent and sympathetic appreciation of the enormous difficulties which confronted the Chinese Government in their gigantic task; at the same time, the Chinese Government was kept firmly, although by no means meticulously, to the obligations of the agreement. The joint examination of the provinces was conducted on the whole in an admirable spirit, and the British officials, who were selected from H.M. Consular Service in China, carried out their duties with tact and thoroughness. In 1913 the exportation of Indian opium for China was stopped. By the end of 1917 the cultivation of the poppy had almost ceased in China; the amount of native-grown opium, which may be fairly estimated at 23,000 tons in 1905, had fallen to practically nil; and the Chinese Government had accomplished the more difficult half of a task which had seemed to the outside world to be beyond their strength. It is indisputable that success on the Chinese side was largely due to the earnest zeal of many Chinese, who were sincere in their opposition to opium as an enervating drug which was demoralizing their country and sapping its strength.[1] A strong driving force in the anti-opium campaign may, however, be fairly attributed to a general antipathy to the foreign drug as an article associated in the Chinese mind with humiliation at the hands of foreigners and from which foreigners had made and were making large profits. These arguments exercised a real and strong influence in impelling the Chinese authorities throughout the country to eradicate the poppy. In 1906 the Imperial Edict had called for the suppression of opium smoking and cultivation within the limits of the Chinese Empire. Within the space of eleven years the poppy had been eradicated, and there was an extraordinary diminution in opium smoking. It seemed as if the solution of this stupendous problem was in sight. But the success of opium prohibition was shortlived and a reaction ensued. The falling off in consumption had been assisted by the exorbitant prices of the remaining stocks, but it was also noticeable that the abuse of morphia and, to some extent, of native spirits had followed in an alarming degree; the evils of heroin and cocaine also made themselves felt. In 1918 the poppy appeared again, especially in the western and north-western provinces, where it had flourished extensively, and at the same time the practice of opium smoking was generally resumed. By 1923, the amount of opium produced was said to be not less than half the 1905

[1] It may be mentioned that a large proportion of the opium produced in China was utilized for medicinal purposes among the masses of the people, but in the absence of reliable statistics it is not possible to give even an approximate idea of the amount so used.

production—that is, about 11,500 tons.[1] The cultivation, although illegal under the existing Chinese law, was permitted and stimulated by provincial military governors, who discovered that large revenues could be raised by taking toll of the opium traffic, and at Shanghai alone in 1925 the profits of the civil and military authorities exceeded £1,000,000.

In 1909, an International Opium Commission had been convened at Shanghai on the initiative of the United States, and its recommendations had been considered by an International Conference which met at The Hague on the 22nd January, 1912, and drew up an Opium Convention. In this instrument, raw, prepared, and medicinal opium and the chemical compounds of opium (morphine and heroin) were defined, and the parties undertook to control the international traffic in raw opium, gradually to suppress that in prepared opium, and to confine the use of the compounds to medicinal and other legitimate purposes, while the special problem of China was dealt with in other clauses. All Governments represented at the Conference had signed the convention,[2] and twenty-seven additional signatures had been obtained subsequently, but in 1913 and 1914 two further conferences had been necessary in order to overcome delays in ratification. By June 1914 a sufficient number of countries had ratified, or declared their intention of doing so, to warrant the opening of a protocol at The Hague by the signing of which any Power could put the convention into force; during the War of 1914–18 no more ratifications were obtained and few, if any, of the countries which had ratified the convention enacted the municipal legislation necessary to give it effect. Important progress was made, however, in Article 295 of the Versailles Treaty, which automatically brought the convention of 1912 into force for every signatory of the Treaty, and in Article 23 of the Covenant of the League of Nations, which entrusted the League with 'the general supervision over the execution of agreements' with regard to the drug traffic. In pursuance of this trust the Assembly of the League set up, on the 15th December, 1920, during its First Session, a Committee on the Traffic in Opium and other Dangerous Drugs to advise the Council, together with an Opium Section of the Secretariat to collect information.

The Advisory Committee took action both to secure the effective execution of the convention of 1912 and to go beyond it. With the former object it succeeded in increasing the number of signatories

[1] Annual Report of the Anti-Opium Association at Peking.
[2] Though not all without reservations.

to the convention from 41 at the close of the year 1920 to 54 [1] at the close of 1924; procured information by circulating to Governments a questionnaire on cultivation, production, and manufacture; persuaded 38 Governments to assist in controlling the traffic by adopting a uniform importation certificate system; recommended severer penalties for both traffic and consumption; and facilitated the efforts of Governments to control the traffic by organizing the exchange of information regarding seizures of drugs in different national territories. In concert with the Advisory Committee of the League on Communications and Transit, the Opium Committee also formulated proposals for controlling the drug traffic in free ports, which were adopted by the Council of the League on the 1st February, 1923. The possibility of enacting these proposals was safeguarded in the Convention for the International Régime of Maritime Ports (Art. 17), concluded on the 8th December, 1923, at Geneva during the Second General Transit Conference of the 15th November–8th December, 1923, while the control of drugs in transit was safeguarded in the protocol of the International Convention for the Simplification of Customs Formalities, signed at Geneva on the 3rd November, 1923, and in Article 30 of the Statute for the International Régime of Railways, signed at Geneva on the 8th December, 1923.[2]

In addition to these endeavours to promote the execution of the convention of 1912, the scope of which was confined to the questions of traffic and consumption, the Opium Committee took preparatory measures to check the evil at its sources through restricting production. During its first session on the 2nd–5th May, 1921, the Committee passed a recommendation, which was adopted by the Council on the 28th June, 1921, that an inquiry should be undertaken through the Health Organization of the League into the estimated annual requirements of various countries for medicinal, scientific, and other legitimate purposes. In order to check the returns thus obtained, a Joint Sub-Committee of the Health Committee and the Opium Committee was subsequently appointed,[3] to estimate the maximum amount of raw opium required for these purposes per head per year.

[1] Including 47 out of 55 members of the League of Nations, 42 of whom had ratified their signatures. It should be noted that Great Britain signed the Convention for the Dominions and Colonies, and Australia, Canada, India, New Zealand, and South Africa are therefore not included in the 47 signatures and 42 ratifications, but are included in the 55 members of the League.

[2] See pp. 97–8 and 107 above.

[3] The proposal for the appointment of the sub-committee was approved by the Council on the 2nd September, 1922.

Up to this point, the activities of the League of Nations Opium Committee had been almost entirely technical and therefore non-controversial. The Committee had been working for the more effective execution of the Hague Convention of 1912 and for the more active co-operation of other international bodies and of individual Governments in carrying out a policy which had already secured general acceptance in principle. So far there had been no attempt to carry that policy a stage farther; but it was evident that, if the opium evil was to be overcome, the work of the Committee—at some point, sooner or later—would have to pass beyond the limits of technical organization and enter upon political ground; and it was also evident that, as soon as that point was reached, acute political differences might be expected to arise, since important vested interests and tender national susceptibilities were involved.

As has already been noted, the Chinese Central Government at Peking had made vigorous and at first successful efforts to suppress the cultivation of the poppy on Chinese territory, but the relapse which began in 1918 was so serious that by 1923 its effects were felt not only in China itself but in the adjoining countries, into which the surplus Chinese opium was being smuggled. At this stage, therefore, the most insistent demand for a strong international action in regard to opium did not come from the Government at Peking. A consciousness of their own impotence and a not unnatural unwillingness to see the deplorable internal political conditions of their country exposed to international criticism in the glaring light of this relapse into opium cultivation made many Chinese diplomatists shrink from proposals for probing deeper and operating more drastically. Moreover, the argument that foreign opium was China's curse had disappeared with the cessation of the import from India in 1913, and Chinese public opinion was almost inarticulate on the subject of the general recrudescence of cultivation and the revival of smoking.

The strongest advocate of a forward policy was now the United States—a country in which the evil was much less widely spread than it was in the Far East, but had been making alarming strides since the recent prohibition of intoxicating liquors. By the end of the year 1923 a large body of American opinion was not only strongly aroused against the drug traffic but was also determined to take effective action. While the people of China might acquiesce in being impotent to set their house in order, any such admission of inefficiency was quite alien to the temper of the people of the United States. In carrying through, by constitutional methods, legislation prohibiting

the production, sale, and consumption of intoxicating liquors within their own borders, they had recently achieved a feat of organized social reform which was perhaps unparalleled in history. They were not in a mood to be defeated by an evil which in Western communities at this period had a much less formidable hold than alcoholism; but while the drug habit was not so powerful a force in the United States as alcoholism had been, the American social reformers who grappled with the drug problem soon found that it was impossible, on a limited national front, to obtain a decision of this fresh campaign in their humanitarian warfare. Even in the case of alcohol, the increase of smuggling from abroad had threatened to make prohibition ineffective, and in its efforts to prevent liquor-smuggling the United States Government had been involved in diplomatic complications with foreign Powers.[1] In the case of drugs, the amount of the commodity demanded per consumer was so much smaller and the commercial value of a given weight or quantity so much greater than in the case of alcohol that the incentive for smuggling was far stronger, and the international aspect of the problem was therefore bound before long to impress itself forcibly upon any Government which attempted to deal with the drug habit within its own frontiers. The United States Government had taken an active interest in the Opium Convention of 1912, and the experience of the intervening years was summed up as follows by a distinguished American expert twelve years later:

> The use of habit-forming drugs is a very serious problem in America, and it has become apparent that the Opium Convention of 1912 is either being too narrowly interpreted or inadequately applied. The Convention was ratified by the United States in 1915, and stringent domestic legislation made obligatory by the Convention put into effect. Nevertheless, at the end of ten years it is found that approximately 80 per cent of drugs coming into the United States do so through illicit channels—thus demonstrating that domestic restrictions alone are futile and that the source of the problem itself must be approached if the evil is to be controlled. In other words, America has come to the conclusion that the great over-production to-day of opium and the coca leaf is the cause of the present world-wide scourge of drugs.[2]

Thus the United States Government, which, since the Peace Conference of Paris, had been extricating itself, as far as possible, from political entanglements in Europe in obedience to the unmistakable national will of the American people, was forced by circumstances

[1] See Part IV, Section (vi) below.

[2] Letter, dated the 23rd August, 1924, by Mrs. Elizabeth Washburne Wright, one of the three assessors to the Opium Advisory Committee of the League of Nations (published in *The Times*, 30th August, 1924).

to adopt a contradictory policy in the field of social welfare, and to seek the co-operation of the League of Nations in working for the suppression of the opium evil. Here, again, the Government was acting on a mandate from its constituents. The American people had resolved that, as far as the United States was concerned, the evil should be suppressed; and the Government had found that it was technically impossible to execute this national mandate except through international co-operation. For these reasons, an unofficial United States delegation, with a clearly defined and far-reaching policy, appeared at Geneva to confer with the Advisory Committee of the League when it assembled for its Fifth Session on the 24th May, 1923, and to recommend for adoption by the League what came to be called the 'American principles', namely:

(1). If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

(2). In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes.

This American delegation, in presenting the consuming countries' point of view, almost immediately came into collision with the representative of the Government of India. A considerable amount of Indian-grown opium was consumed in India, but largely, it was claimed, for medicinal purposes; in other words, the consumption of opium in India was apparently not seriously abused. At the same time, Indian opium was grown for export as well as home consumption. Indian opium was too low in morphine-content for derivatives to be manufactured from it, and the opium exported was therefore not for scientific use, but was destined for those countries, such as the Malay States and the Straits Settlements, where opium-smoking was regulated by the Government.[1] The Indian delegate could thus defend the export of opium on the ground that it was used for legal, if not for medicinal, purposes. The duties on the export trade brought in but a small percentage of the state revenue, but it was a profitable one for private producers and exporters. The tendency of the

[1] The Hague Convention of 1912, in the chapter dealing with prepared opium, had merely provided (Art. 6) that 'the contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium, with due regard to the varying circumstances of each country concerned. . . .'

Indian Government, therefore, was to approach the opium question not so much as a problem of general human welfare but, primarily, as one of vested interests and finance. The problem was complicated by the fact that a large proportion of Indian opium was produced in the native states, and over the production of this 'Malwa' opium the Government of India could exercise practically no control, being unable even to ascertain the amount that was produced and used for home consumption. No opium produced in the native states could, however, pass into British India except under permit, and since none of the states concerned [1] had direct access to the sea, it was possible for the British authorities to regulate exports, the chief outlet for which, prior to 1913, had been China. Since 1913 the Indian Government had stopped the export of opium to China, although under the 1911 agreement the date might have been postponed until 1917. The disastrous Chinese relapse from 1918 onwards inevitably affected Indian policy; and at the beginning of 1923, when American public opinion was calling for drastic international action, the Indian Government were disinclined on several grounds to go further than the 1912 convention. In the first place, they pointed out that the recrudescence of production in China, and not the continuance of production in India, was now the crux of the problem, and suggested that it was for China to put her house in order first before further sacrifices were demanded from other countries. In the second place, the Indian Government expressed some fear that, whereas any international agreement for progressive restriction would be loyally and effectively executed, if once accepted, as far as India was concerned, other producing countries, such as Turkey or Persia, might be unable or unwilling to put into effect an agreement to which they might have committed themselves officially. In that event, the result would be, not to diminish the evil at its source, but simply to transfer the profits arising out of it from producing countries which carried out their engagements to producing countries which did not. In other words, India might be penalized for acting in good faith. These appear to have been the principal considerations which influenced the representative of the Indian Government at the Fifth Session of the Opium Advisory Committee of the League and in subsequent international negotiations which took place in 1923 and 1924.

After a discussion, in which the American principles were com-

[1] The chief opium-producing states were Indore, Gwalior, Bhopal, Jaora, Dhar, Rutlam, Mewar, and Kotah (Willoughby, *op. cit.*, p. 62, quoting *The Indian Year Book for 1924*).

bated by Mr. Campbell on the Indian Government's behalf, the Committee finally adopted a series of detailed resolutions moved by the British delegate, Sir M. Delevingne, in the first of which the American proposals were accepted by the Committee and recommended to the League, subject to a reservation (on the part of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam) to the effect that

> The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate, so long as that use is subject to, and in accordance with, the provisions of Chapter II of the Convention of 1912.

The representative of India, in associating himself with this resolution, made it subject to the additional reservation that

> the use of raw opium, according to the established practice of India, and its production for such use are not illegitimate under the Convention.

In another of the Delevingne Resolutions, the Committee recommended to the Council of the League—as a means of giving effect to the principles submitted by the representatives of the United States and to the policy of the League—that the Governments of producing and manufacturing countries, the Governments having territories in which the use of prepared opium was temporarily continued under Chapter II of the 1912 Convention, and the Government of China should be invited to consult together

> (*a*) as to a limitation of the production, import, and manufacture of opium and its derivatives to the amounts required for medicinal and scientific purposes, subject to the provisions of Chapter II of the 1912 Convention regarding the temporary continuance of opium smoking in certain territories, and
>
> (*b*) as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Republic of China to bring about the suppression of the illegal production and use of opium in China.

The Committee also adopted detailed resolutions, moved by Sir M. Delevingne, for calling a conference of the nations specially interested in order

> to consider whether it might be possible to reach an agreement on (1) abolition of the farm system and establishment of a monopoly; (2) sale of opium by public shops; (3) limitation of the quantities of prepared opium put on sale; (4) study of the system of registration and licence already introduced into certain Far Eastern territories; (5)

unification of the price of opium; (6) standardization of the penalties for the violation of the opium laws; (7) international agreement for the application of the previous measures; (8) periodical study of the situation.

These projects for conferences, together with the United States delegates' resolutions, were received from the Advisory Committee by the Council in July 1923, and were transmitted without comment to the Assembly, which adopted both the report and the resolutions of the Committee during its Fourth Session in the following September. The Assembly recommended to the Council that invitations to the conference on production and manufacture should be extended to all countries which were members of the League or parties to the convention of 1912; and on the 13th December, 1923, the Council adopted this recommendation and fixed the date of the two conferences (one to deal with the gradual suppression of opium smoking in the Far East and the other with production and manufacture) for November 1924, at the same time arranging for the appointment of a preparatory committee to draw up a programme for the Second Conference. This Preparatory Committee was constituted, during February 1924, of three representatives elected by the League of Nations Advisory Committee—Sir M. Delevingne (Great Britain), M. Bourgeois (France), and M. van Wettum (Netherlands)—a representative of the State Department at Washington (Mr. Neville), and two of the assessors to the Advisory Committee (M. Brenier and Sir John Jordan). At its final meeting, held at Geneva on the 12th–15th July, 1924, the Preparatory Committee drew up a reasoned report on the several alternative plans for limiting production and manufacture to medicinal and scientific needs which had emerged from their discussions; and these plans were examined and combined into a series of proposals by the Advisory Committee during its Sixth Plenary Session on the 4th–14th August. The two conferences on the gradual suppression of opium smoking in the Far East [1] and on the limitation of production and manufacture were fixed to open on the 3rd and the 17th November respectively.

The First Conference assembled on the 3rd November, 1924, and held twenty-four sittings. All the Powers having territories in the Far East in which the use of prepared or smoking opium was temporarily continued (i.e. France, Great Britain, India, Japan, Netherlands, Portugal, Siam, and China) were represented. The Conference decided that all its plenary sittings should be held in public and meetings of

[1] The Preparatory Committee had taken this conference in hand as well as the other.

committees in private. The two subjects for the consideration of the Conference were set out in the agenda as follows :

(1) (*a*) Examination and consideration of the present situation in regard to the application by the Powers represented of Part 2 of the International Opium Convention of 1912 in their Far Eastern territories, and of the difficulties which have been encountered in giving effect to Part 2 ;

(*b*) Consideration of the measures which can be taken to carry out more effectively the policy embodied in Part 2 of gradually suppressing the use of opium for smoking with special reference to the suggestions put forward for consideration in the second resolution adopted by the Opium Advisory Committee of the League of Nations at its meeting in May, 1923 ; and

(*c*) Preparation of a Convention to embody the measures which may be agreed upon by the Conference.

(2) Consideration (*a*) of the present situation in China with regard to the production of opium and its effects on the control of the use of opium in the neighbouring territories ; and (*b*) of the measures which might be suggested to the Government of the Chinese Republic for bringing about a suppression of the illegal production and use of opium in China.

An agreement was eventually signed on the 11th February, 1925. The most important terms of this agreement were that the importation, sale, and distribution of opium should be made a state monopoly: that the manufacture of prepared opium for sale should also be made a Government monopoly as soon as circumstances permitted ; that the exportation of opium, whether raw or prepared, from a possession or territory which continued to allow the importation of opium for smoking purposes should be prohibited ; and that the parties should review from time to time the provisions of the Hague Convention concerning the reduction of consumption—the first meeting to be held in 1929 at the latest. A protocol bearing the same date was attached to the agreement, and a final act embodying a resolution was simultaneously signed. By the protocol the Powers placed formally on record : firstly, that the provisions of the agreement were supplementary to and designed to facilitate the execution of the obligation which they had undertaken in Chapter II of the Hague Convention ; and, secondly, that they undertook to suppress the consumption of prepared opium in these territories within the space of fifteen years from the date, as determined by a League of Nations Commission, when the smuggling of opium from the producing countries ceased to be a serious obstacle to the enforcement of restrictive measures. The Chinese delegation did not sign the agreement or protocol and protested against the final act, and it stated at the twenty-third sitting on the 11th February that it withdrew from the Conference.

The Second Conference, which opened on the 17th November, 1924, differed from the first in that the former embraced all narcotics including opium, whereas the latter dealt specially with opium. Invitations had been sent by the League of Nations to all members of the League, all signatories of the 1912 Convention and all countries producing or manufacturing narcotics. The Soviet Government refused the invitation to attend. Forty-one states took part: six produced raw opium, two the coca leaf, seven manufactured morphia, heroin and cocaine, and twenty-seven were interested only as consumers. The conference held thirty-eight plenary meetings. An analysis of the proceedings shows that nine were occupied with questions of procedure, twelve with the difficulties which arose on the proposals of the United States delegation to enlarge the sphere of the Conference and fifteen with substantive business.

The agenda of the Conference, based on the resolution of the Assembly in pursuance of which the Conference was convoked and adopted by it at its first meeting, ran as follows:

> Consideration of the measures which can be taken to carry out the Opium Convention of 1912 with regard to (1) a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; (2) a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; (3) a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes.

At the twenty-sixth plenary meeting on the 6th February, 1925, the withdrawal of the United States delegation was communicated and that of the Chinese delegation was also announced. The Senate of the United States, in authorizing American participation in the Second Conference, had stipulated 'that the representatives of the United States shall sign no agreement which does not fulfil the conditions necessary for the suppression of the habit-forming narcotic drug traffic as set forth in the preamble' (the preamble in question containing the American resolutions submitted to the League's Advisory Committee on Opium in May 1923);[1] and the American delegation went to Geneva with a complete set of proposals for the restriction of the production of dangerous drugs to the amount needed for medical and scientific purposes, in accordance with the principles formulated in 1923. The other delegations, however, were interested in controlling the trade in dangerous drugs rather than their production, and found themselves unable to agree to all

[1] See above, p. 129.

the American proposals; a joint committee of the First and Second Conferences did not succeed in reconciling the conflicting points of view; and the United States delegates who, in the light of their terms of reference, could not modify the attitude which they had adopted, were obliged to withdraw from the Conference.[1] The Second Conference, however, continued in session for another fortnight, and on the 19th February produced a convention, a protocol, and a final act.

The design of the convention was to take further measures to carry out the objects aimed at by the Hague Convention of 1912 and to complete and strengthen its provisions. It replaced Chapters 1, 3, and 5 of the Hague Convention. The new convention provided for the internal control of raw opium and coca leaves, of manufactured drugs and of Indian hemp, and for the control of the international trade in these drugs by a system of export authorizations and import certificates. In order to watch the course of the international trade, a Permanent Central Board of eight members was to be appointed by the Council of the League of Nations (with the assistance of American and German representatives); this Board was to receive from the contracting Powers periodical estimates of requirements for internal consumption and statistics of production, consumption, &c., and was to report yearly to the Council. If the Board were to come to the conclusion that excessive quantities of a substance covered by the convention were accumulating in any country or that there was a danger of any country becoming a centre of illicit traffic, and if no satisfactory explanation were forthcoming, the Board might bring the matter to the attention of the contracting parties and of the Council of the League, and make recommendations for the restriction of exports to the country concerned. Disputes regarding the interpretation or application of the convention might,

[1] The American attitude to the two Conferences might perhaps be considered somewhat illogical. The United States delegates held that because the Second Conference failed to limit production, therefore the drug evil could not be controlled; but at the same time they criticized the First Conference because it took up the position that opium could not be abolished until production in China was controlled. The American proposals might be sound in theory, but they ignored practical obstacles such as the position of producing countries like Turkey and Persia, which could not afford to abolish profitable crops without some compensation—such as a loan to enable them to develop alternative crops. With regard to the consumption of drugs (the point which really interested the United States), while control of opium production would have struck at the root of the problem, it would have seemed not impossible, as a *pis aller*, to control drug manufacture, which was carried on in a limited number of factories, located in countries whose Governments would presumably have been able to enforce any measures agreed upon. But alternative measures of this kind were not suggested.

before recourse to arbitration or judicial settlement, be submitted for an advisory opinion to a technical body appointed by the Council of the League. The convention was to come into force after ratification by ten signatories, including seven of the states responsible for the appointment of the Central Board. By the protocol, the signatory states agreed to take such measures as might be required completely to prevent, within five years, the smuggling of opium from constituting an obstacle to the effective suppression of the use of prepared opium in those territories where such use was temporarily authorized in accordance with the terms of Chapter II of the Hague Convention of 1912.

The Opium Conferences were among the most difficult in the history of the League of Nations. The problem of drugs might seem at first glance simple, but in actual fact it was so many-sided, revealed so many totally unexpected angles, and reached so deeply into the habits of peoples and the practice of Governments as to be almost hopelessly baffling. By the end of 1925 the League of Nations had not yet solved these difficulties, nor had it removed the world's drug evil, but, nevertheless, the step taken beyond the Hague Convention was a marked advance. The controversies which arose in the course of the two Conferences appeared disheartening at the time, but these very controversies undoubtedly increased the public interest in these questions and resulted in the better understanding of them. This was not the least important of the results, and it was one likely, not only to assist in the effective performance of the agreement and convention, but to render easier the steps towards the final goal.

Following the protocol of the 19th February, 1925, the Government of India announced in September 1925 that they were prepared to accept some measure of responsibility even for licit exports covered by import certificates, and to prohibit or restrict exports, even where foreign Governments were prepared to furnish a certificate, if there was evidence that the opium was finding its way into the illicit trade. Moreover, in order to adopt a policy of progressive all-round reduction and ultimate extinction of exports except for medical and scientific purposes, India fixed the term of ten years as the period within which the process of extinction would be completed. The total exports of 1926 were accordingly to be reduced by 10 per cent. in each subsequent year, so that the last export would take place in 1935.

(vii) The Health Organization of the League of Nations.[1]

In execution of paragraph (f) of Article 23 of the Covenant, the Council of the League decided on the 13th February, 1920, to summon an international conference of health experts in order to draw up a constitution for the League Health Organization. When this conference met in London on the 14th–17th April, 1920, it had to deal simultaneously with the constitutional problem of relating the activities of the League in this sphere to those of pre-existing international organizations which covered the whole or part of the ground, and with the practical problem of combating the typhus and other contagious diseases which had become rampant in Russia and which were threatening to spread into the European countries along the Russian border.

The conference wished—in the spirit of Article 24 of the Covenant—to make the existing Office International d'Hygiène Publique[2] the basis of the League Organization, and this policy was approved by the Assembly during its First Session in the autumn of 1920; but it was obstructed by the opposition of the United States, which, as a member of the Office International, was unwilling to see that body incorporated in the League. On the 21st June, 1921, the Council found a practical solution for the time being by appointing a Provisional Health Committee, many of whose members were also on the committee of the Office International, until on the 15th September, 1922, during its Third Session, the Assembly passed a resolution declaring its desire to see the League Health Organization put upon a permanent basis with a constitution that would prevent overlapping with other institutions created for similar purposes. Thereupon, on the 30th January, 1923, the Council decided to invite the members of the Provisional Health Committee and the Office International d'Hygiène Publique to form a Mixed Committee, in order to prepare for the Fourth Assembly a draft constitution for the Health Organization designed to satisfy the requirements of the Third Assembly. The committee met in Paris in May 1923, and drew up a report which was subsequently adopted by the Fourth Assembly and by the Office International. Under the constitution thus established, the committee of the Office International—a body of Govern-

[1] See the pamphlet bearing this title (Geneva, 1923, Information Section, League of Nations Secretariat), and the first *Annual Report of the Health Organization*, for the year 1925 (League of Nations Document, C. H. 442 [iii. Health, 1926, iii. 10]).

[2] Its seat was at Paris and it had a membership of thirty-three countries.

ment representatives meeting twice a year and empowered to discuss and propose international conventions—was to act, in the League organization, as an Advisory Council, corresponding functionally to the League Assembly, while the provisional Health Committee was succeeded by a permanent body of the same title, corresponding to the Communications and Transit, Financial, Economic and other technical committees of the League.[1] This Health Committee was to direct the work of the Health Section of the League Secretariat, to advise the Council and the Assembly, to prepare business for the Advisory Council, and to submit an annual report to that body. Its members were to be chosen partly by the Council of the League and partly by the committee of the Office International. The new Permanent Health Committee held its first meeting in Geneva on the 11th–21st February, 1924. Dr. Th. Madsen (Denmark) was elected Chairman and Dr. Velghe (Belgium) Vice-Chairman—the latter *ex-officio*, as being the President of the Office International d'Hygiène Publique.

Before the Organization was completed on a permanent basis a number of co-ordinating activities had been initiated in the technical sphere, such as the collection and distribution of epidemiological intelligence and of information regarding vital statistics and the organization of national public health administrations, as well as the co-ordination of scientific research. The method employed throughout, as far as funds permitted, was to bring the officials and experts of different countries into personal touch with one another by conferences of specialists and interchanges of personnel. On a long view, this was doubtless the most important work of the Health Organization of the League, since, if it were continued over any considerable period of years, it would not only tend to raise the level of efficiency in the more backward countries but would be of incalculable value in promoting international amity. The interchanges of Public Health Officers were started in October 1922,[2] with the aid of a grant from the International Health Board of the Rockefeller Foundation,[3] and three courses had been held by the end of the following year. On the termination of the fourth interchange, which took place between the 1st February and the 10th April, 1924, an important

[1] Collaboration between the Health Organization and the Communications and Transit Committee, the Opium Committee, and the International Labour Office was successfully established.

[2] Interchanges of medical statisticians were also held annually from 1923 onwards.

[3] The financial assistance given by the Rockefeller Foundation was not limited to this branch of the Health Organization's work. Grants were also given, for instance, towards the publication of epidemiological information and the establishment of an Epidemiological Bureau at Singapore.

step was taken towards the development of international co-operation by the foundation of

> an International Society of Medical Officers of Health, of which all medical officers—now over two hundred—who have taken part in the interchanges may become original members. It was decided that the head-quarters of the Society should be in Geneva, and that its objects should be: (*a*) the advancement of preventive medicine and public health administration in their international aspects; (*b*) the exchange of information on public health matters by members of the Society; (*c*) the organization of international conferences and the publication of reports in medical periodicals; and (*d*) the promotion of the international activities of the Health Organization of the League.[1]

During the early years of the League's existence, while the Health Organization was still only provisional, it was called upon to undertake emergency hygienic work on a great scale in almost every region of the world. On the recommendation of the London Health Conference of April 1920, a temporary Epidemic Commission was appointed by the Council, on the 19th May of the same year, in order to organize quarantine stations, equip hospitals, institute measures for cleaning and disinfecting, and arrange for the supply of food, clothing, soap, motor transport and other necessities in the European countries adjoining the western frontier of Russia, which were threatened with the introduction of epidemics through the repatriation of their nationals who had fled or been deported eastwards into the interior of Russia during the War of 1914. Although this Commission was originally created as a kind of general staff for the sanitary defence of Europe against infection from Russia, and although it concentrated its efforts upon Poland as the country which possessed the longest common frontier with Russia and was overwhelmed with the largest number of returning refugees, it eventually succeeded in drawing the Soviet Government into co-operation. As a result of negotiations during the Genoa Conference,[2] an agreement was reached in May 1922 between the Epidemic Commission and the Soviet authorities by which the members of the Epidemic Commission were officially recognized and granted diplomatic privileges and immunities in Russia, a liaison was established between them and the Russian public health organization, and branch offices of the Commission were opened in Moscow and Kharkov. In the autumn of 1922, when there was a similar influx of refugees from Anatolia into Greece,[3] with similar dangers of epidemics, the Commission came to the help of the Greek Govern-

[1] *League of Nations Monthly Summary*, April 1924, p. 76.
[2] See *Survey for 1920–3*, pp. 25–33. [3] See Part II. E, Section (iii) below.

ment and employed a grant of £5,000 assigned for sanitary purposes by Dr. Nansen (the High Commissioner of the League for Refugees) in inoculating half-a-million persons against small-pox, cholera and enteric fever.

Meanwhile, the great Russian famine of 1921, with the new impetus which it gave to migration, had produced a recrudescence of epidemics in the border countries of Eastern Europe, and this had led the Polish Government to approach the Council of the League in January 1922 with a view to summoning a European Health Conference. On the Polish Government's invitation this Conference duly met at Warsaw on the 20th March of the same year. It was attended by the Soviet Republics of Great Russia and the Ukraine and by Turkey, as well as by almost every European State, and the services of the League Health Organization and Secretariat were placed at the disposal of the Conference by the Council. A somewhat ambitious scheme for an anti-epidemic campaign in the Donetz Basin proved abortive, though it was submitted to and approved by the Genoa Conference ; but a motion of the Warsaw Conference in favour of the representation on the League Health Committee of all states interested bore fruit later on in the addition of a German member to the Committee and in those arrangements with the Soviet Government which have been mentioned above. The Warsaw Conference also organized courses in Warsaw, Moscow and Kharkov for the training of public health officials in combating epidemics,[1] and successfully promoted the negotiation of a series of conventions, between the Border States themselves and between them and their East and Central European neighbours, providing for direct collaboration between the various national public health authorities. These conventions eliminated the delay and inefficiency involved in the roundabout method of correspondence through diplomatic channels, and in most cases forestalled the dangers of friction and misunderstanding by a proviso that any differences in regard to interpretation or application should be referred, failing a direct settlement, to the Health Organization of the League as a mediating body.[2]

At the end of 1922 the League's activities in regard to epidemics were extended to the Far East. Between November 1922 and July 1923 the Epidemic Commissioner visited the principal ports of the Far East in order to study epidemiological conditions. His report,

[1] These courses started in November 1922.

[2] By the end of 1925 conventions had been concluded between Estonia and Russia, Latvia and Russia, Poland and Russia, Latvia and Poland, Germany and Poland, Rumania and Poland, Czechoslovakia and Poland, and Bulgaria and Jugoslavia. (*Annual Report of the Health Organization for 1925.*)

recommending the establishment of a Bureau at Singapore for the receipt and dispatch of epidemiological information, was approved by the Health Committee, and by the Council on the 17th June, 1924. An international conference to consider the work of the proposed Bureau was held at Singapore from the 4th–13th February, 1925, and the new Bureau actually started work on the 1st March following.

The work undertaken by the Health Organization for the prevention of epidemics was of obvious importance; its activities in other fields—for instance, its researches in connexion with the standardization of sera, with mortality from cancer and tuberculosis, or with the prevention of malaria and sleeping sickness—though perhaps of less immediate interest, were likely to prove of equal value in their permanent results.

The provisional Health Committee decided in October 1921 to begin the study of the standardization of sera and serological tests. Two international conferences were held under the auspices of the League, the first in London from the 12th–14th December, 1921, and the second in Geneva from the 25th–27th September, 1922, and an extensive programme of work was drawn up, the execution of which was entrusted to certain institutes and laboratories in various European countries, the United States and Japan. The research work thus inaugurated developed rapidly, and in January 1923 the Health Committee decided to set up a permanent Standardization Committee to direct and centralize the work of the laboratories. In addition to carrying out much valuable work in connexion with the standardization of anti-diphtheria, anti-tetanus and other sera, this organization initiated inquiries into the biological standardization of certain drugs, and at its suggestion two international conferences on biological standardization were held—in Edinburgh in July 1923 and in Geneva from the 31st August to the 3rd September, 1925—at which a number of resolutions were adopted.

A special commission for the study of malaria was appointed by the Provisional Health Committee during its sixth session, from the 26th May–6th June, 1923. During the same year, an interchange of specialists on the subject took place in Italy, and, at the request of the Albanian Government, a special inquiry was conducted into conditions in Albania. In the following May, the Health Committee decided to launch an anti-malaria campaign, and members of the Malaria Commission accordingly undertook a tour of investigation in Jugoslavia, Greece, Rumania, Bulgaria, Russia, and Italy, and drew up a report on the results obtained, which was submitted to the Health Committee in March 1925. Two months later, certain

members of the Malaria Commission left for Palestine and Syria to study the results of drainage works in those countries, and in the following August and September investigations were also carried out in Spain. During the year 1925, also, special inquiries were undertaken in Corsica, at the request of the French Government, and in Jugoslavia. The Malaria Commission was also represented at the First International Malaria Congress held in Rome in October 1925.

The formation of a special Cancer Commission was also decided on by the Provisional Health Committee in May 1923, as the result of a proposal made by Sir G. Buchanan that the investigations which had been started in Great Britain on comparative mortality from cancer in different countries should be continued internationally. The object of the inquiry undertaken by the Cancer Commission was limited to determining the causes of the differences in the official statistics of Great Britain, Holland, and Italy relating to the mortality rate from two special forms of cancer. Statistical and clinical investigations were carried out, but though considerable progress had been made, the Commission had not yet reported by the end of 1925.

A Commission of Experts on Sleeping Sickness and Tuberculosis in Equatorial Africa had been appointed by the Health Committee on the 6th August, 1922, and this Commission had prepared a preliminary report before the close of 1923. A supplementary report was submitted to the Health Committee in April 1925. At the suggestion of the Commission an international conference was held at the Colonial Office in London from the 19th–22nd May, 1925, to discuss the desirability of sending a special mission to Africa to study on the spot certain problems in connexion with the prevention and treatment of sleeping sickness. The conference, in addition to making various administrative recommendations for the prevention of the disease, agreed that an international commission should spend a year at Entebbe on Lake Victoria, a town very favourably situated for the study of the subject, and should then present a report to the Health Committee. The resolutions of the conference were approved by the League Council on the 9th June, 1925.[1]

A Tuberculosis Commission was set up by the Health Committee in April 1925. On the basis of a preliminary investigation carried out at the request of the Jugoslav Government, the commission decided to undertake statistical inquiries in selected countries into the causes of the decline of tuberculosis mortality. Denmark, Norway, and Sweden were chosen as the special field for investigation, and a

[1] The commission started work at Entebbe at the beginning of February 1926.

programme of work was drawn up at a conference which met in September 1925 at the Danish State Sero-Therapeutic Institute. At the end of 1925 the Commission, by special request of the South African authorities, undertook to carry out an inquiry into tuberculosis among natives in South Africa, particularly those employed in mines.

In breaking off the narrative at this point, it must be noted that, in this survey, a great part of the hygienic work of the League during the first six years of its existence has been passed over, and that the dry catalogue of outstanding facts hardly conveys an adequate idea of the interest and importance of the enterprises undertaken and accomplished. To do justice to this side alone of the League's activities, a historian would require not one but many volumes; and under the limitations here imposed by the need for brevity, he must help himself out by appealing to the reader's imagination. Here at least was a field in which the ravages of the War—and its ravages through the spread of disease exceeded the casualties inflicted in battle—had undoubtedly stimulated greater co-operative efforts for a constructive object than had ever been made before 1914. This work knew no political barriers. Citizens of the United States co-operated with Members of the League, and Members of the League with Soviet Russia; nor was there any discrimination in favour of one particular region or race. The most urgent epidemiological problems of Europe, Africa, and the Far East each obtained equal attention, while the interchanges of personnel created human relations of inestimable value between workers in the same cause in widely separated countries with different climates and conditions. At first sight these commissions and committees and sub-committees and resolutions and reports are repellant. They seem almost a caricature of that zest for 'organization' which was the most characteristic, though not the most attractive, feature of Western society at this time; but that first impression is misleading, for, in this case at least, the dry bones lived.

(viii) The Protection of Women and Children.[1]

Since the traffic in women and children was conducted internationally it was impossible to combat it without international co-operation, and this fact had been recognized by the private organizations for dealing with the evil in the different countries when they held their first International Congress in 1899 and set up

[1] See *The League of Nations: Social and Humanitarian Work* (Geneva, 1923, Information Section, League of Nations).

a permanent International Bureau. On the initiative of this Bureau the French Government had convened a first inter-Governmental conference in 1904, which had drawn up an agreement providing for the establishment of a central authority to collect information regarding the traffic and to assist its victims, and a second inter-Governmental conference in 1910, which had resulted in a convention binding the parties to punish persons guilty of the traffic, as defined in the convention, even though the acts constituting the offence had been committed in other countries. By the 10th January, 1920, when the League of Nations entered upon its official existence and became seized of the problem in virtue of Article 23 of the Covenant, sixteen states were parties to the agreement of 1904 and nine to the convention of 1910.

In November 1920, during its First Session, the Assembly of the League decided that a questionnaire regarding measures taken, or contemplated, in different countries for combating the traffic should be circulated to Governments and an international conference convened for organizing united action. This conference was held at Geneva on the 30th June–5th July, 1921, by the representatives of thirty-four states ; the Final Act of the conference, containing recommendations for action by Governments, was approved by the Council on the 12th September, 1921 ; and, on the initiative of the Assembly during its Second Session, an International Convention for the Suppression of the Traffic in Women and Children, submitted by the British Government and embodying many recommendations of the Final Act of the previous July, was opened for signature at Geneva on the 30th September, 1921, and was signed by thirty-three states.[1] The first article of this convention bound the signatories to ratify or adhere to the instruments of 1904 and 1910 if not parties to them already, while in the remaining articles the provisions of these previous instruments were strengthened and extended. For example, extradition was provided for in this connexion even as between Governments which possessed no general extradition agreements with one another ; and special measures for the protection of emigrants were incorporated in the convention in view of the political conditions prevailing in Central and Eastern Europe.

Meanwhile, the Council, at the same sitting at which it had approved the Final Act of the Conference of 1921, had carried out one of the recommendations of the conference by appointing an Advisory Committee on the Traffic in Women and Children, con-

[1] Twenty-six of these had ratified their signatures by the close of the year 1925, while five states and a number of British colonies had adhered.

taining representatives both of Governments and of private international organizations. During its second session in March 1923 this Committee considered the relationship between the international traffic and the existence of licensed houses in various countries, and passed a resolution against the employment of foreign women in licensed houses ' pending the abolition of the system'. Since, however, this resolution was opposed by delegates who regarded the question of licensed houses as an internal affair, the Council simply communicated the resolution to Governments, while inviting those Governments which had recently abandoned the system to explain the motives for their decision.

A proposal, made by the United States delegate at the same session of the Advisory Committee, for commissioning experts to conduct first-hand inquiries in selected countries, was approved by the Council and adopted by the Assembly during its Fourth Session in September 1923. Governments Members of the League were asked each to appoint an expert, and the American Bureau of Social Hygiene offered a contribution of $75,000 towards the expenses.

This body of experts was duly constituted under the Chairmanship of Colonel W. Snow, Director of the American Bureau of Social Hygiene. At its first meeting held at Geneva on the 1st–7th April, 1924, it drew up a questionnaire for circulation to Governments and made plans for local expert inquiries with the concurrence of the Governments concerned. A second meeting took place at Geneva on the 3rd–6th October following.

The Advisory Committee held its third session at Geneva on the 7th–12th April, 1924. Since the previous session, a number of replies had been received to the questionnaire addressed to Governments which had recently abandoned the system of licensed houses. It appeared that while four states (Belgium, Czechoslovakia, the Netherlands, and Poland) had abandoned the system of licensed houses because they considered that it was a direct cause of the traffic in women, the motives for its abandonment by certain other states had been different. The Committee also decided to ask the International Conference on Emigration and Immigration, which was to be held in Rome in the following month,[1] to discuss measures for the protection of women and children migrants against the traffic. The question was accordingly included in the agenda for the Rome Conference, and among the resolutions adopted was one recommending that Governments and steamship companies should take steps to ensure adequate protection of the desired kind.

[1] See *Survey for 1924*, pp, 123–7.

On the report of the Advisory Committee, the Council of the League decided, on the 11th June, 1924, to request States Members to send in annual reports, on measures taken or contemplated to suppress the traffic, by certain fixed dates ; invited states which had signed the 1921 agreement, but had not yet appointed central authorities to deal with the traffic, to do so as soon as possible ; and expressed the hope that information would be furnished by Governments which had not as yet made known their opinions concerning the possible connexion between the traffic and licensed houses.

In the meantime, the Council had decided, on the 14th March, 1924, that the work hitherto carried out by the International Association for the Protection of Children should henceforth be entrusted to the League Secretariat. This Association [1] had been constituted by an international conference which met in Brussels in July 1921, but it had apparently never contemplated working in independence of the League of Nations and had in fact asked, when it had been in existence for a little more than a year, to be taken under the direction of the League in accordance with Article 24 of the Covenant. This request had come before the Council in September 1922, but a decision had been postponed pending the result of negotiations concerning the nature of the Association's constitution. The Council's decision of March 1924 did not involve the dissolution of the Association ; it remained in existence, as a private body, with the main function of providing for interchange of services between national societies for the promotion of child welfare. Certain work relating to the protection of children was already undertaken by League organizations such as the Health Committee and the International Labour Office, but the new responsibilities undertaken involved work of a different nature—for instance, the collection of information and documents bearing on any question touching child welfare.

Accordingly, the Fifth Assembly, on the 26th September, 1924, recommended that the Advisory Committee on the Traffic in Women and Children should be reconstituted, and that an additional group of assessors should be appointed, including representatives of the principal private organizations dealing with the protection of children, to develop this side of the work.

The action recommended was taken by the Council on the 10th September, 1924, and the new assessors were appointed. At the same meeting the Council decided to invite those states which had either not adhered to or not ratified the 1921 convention on the traffic in women and children to explain their reasons for not doing so.

[1] The idea had originated in 1911, but progress had been delayed by the War.

The first session of the reconstituted committee, now known as 'The Committee on the Traffic in Women and Protection of Children' was held in Geneva from the 20th–27th May, 1925. With regard to the traffic in women, the Committee adopted resolutions on questions concerning licensed houses, the employment of women police, emigration, and measures for the assistance of expelled foreign prostitutes, and appointed a small permanent committee to study the question of propaganda. The Committee also determined its sphere of action concerning the protection of children and drew up a programme of work divided into the three main categories of documentation, research, and discussion, and including such items as the investigation of laws relating to the protection of life and health in infancy, to the age of consent and to the age of marriage, the preparation of an international convention for the assistance and repatriation of foreign children who were abandoned or neglected or delinquent, and inquiries into the effect of child labour, family allowances, and the cinematograph on the physical, mental, and moral well-being of children. The Committee also decided to ask the Council to agree to its title being changed again to 'Advisory Commission for the Protection of Children and Young People' and to the division of the Commission into two committees—the Traffic in Women and Children Committee and the Child Welfare Committee—which would normally hold their sessions separately, but might be convened in joint plenary session. The Council approved these recommendations, and the programme of work relating to child welfare, on the 9th June, 1925.

The First Assembly of the League, in addition to its decisions regarding the measures against the white slave traffic, which have been recorded above, initiated action for the protection of women and children in a particular sphere. In accordance with a resolution of the Assembly, the Council on the 22nd February, 1921, appointed a special Commission to collect information regarding the deportations of women and children which were reported to have taken place during or after the War in Turkey and neighbouring countries. The Commission, which consisted of three persons (Dr. Kennedy, Miss Emma Cushman and Miss Jeppe) already on the spot and specially interested in the subject, reported to the Council on the 30th August, 1921, that thousands of women and children had been carried off into captivity, and that though good work was being done by the British High Commission and the Inter-Allied Police in Constantinople for the relief of destitute women and children who had been separated from their families, no systematic measures had yet been taken to help the deportees to return to their homes. On the basis of this

report, the Second Assembly recommended that a League of Nations Commissioner should be stationed in Constantinople, that the Governments of France, Great Britain, and Italy should be asked to instruct their High Commissioners in Constantinople to act as a committee to aid the Commissioner, and that a Mixed Board should be established, working under the Commissioner, to deal with the reclamation of women and children. The Commission of Inquiry was entrusted with the task of taking over the existing 'Neutral House' at Constantinople and running it as a temporary home of refuge, and this Commission became in fact the executive authority, being authorized by the Council on the 17th July, 1922, to proceed with the work of reclaiming deported women and children in Turkey.

By September 1922, when a report was submitted to the Third Assembly, the work was proceeding satisfactorily, and without consideration of race or religion. At Constantinople an office and staff had been established and the 'Neutral House' had been taken over, while at Aleppo Miss Jeppe had established a rescue home where women and children were taught useful trades during their term of residence, and was returning numbers of deportees to their homes. In the autumn of 1925, Dr. Kennedy estimated that some 3,000 women and children had been assisted in some way by the organization at Constantinople, a large number of them having been helped to emigrate to America. During the year 1924–5, 250 persons received assistance at Aleppo, and good progress was made with a scheme of agricultural settlement, inaugurated by Miss Jeppe in co-operation with the French and Syrian authorities, which it was hoped would eventually make the rescue work in this district practically self-supporting.

(ix) Obscene Publications.[1]

On the 18th April, 1910, on the invitation of the French Government, an international conference had met in Paris to consider measures for dealing with the trade in obscene publications, which was recognized to have grown into an international evil. The conference had drawn up and signed an agreement and had made proposals for an international convention dealing with measures for the suppression of the trade, but these proposals, owing largely to the War of 1914–18, had not been acted upon, and the convention drafted by the Conference had not been signed.

[1] See *Records of the International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications held at Geneva from 31st August to 12th September, 1923* (League of Nations Document C. 734, M. 299, 1923, iv).

In these circumstances, the necessity for some form of international co-operation in dealing with this social evil was brought to the notice of the League of Nations in 1922 by the British Government and the problem was discussed by the Third Assembly, which on the 28th September, 1922, adopted resolutions recommending that those states which had not acceded to the 1910 agreement should be asked to do so, that the convention drafted by the Paris Conference should be communicated to Governments with a request for their observations, and that on the completion of this preparatory work the French Government should summon a second conference to draw up and sign a convention.

The proposed conference was duly convened by the French Government and met in Geneva from the 31st August to the 12th September, 1923, attended by delegates from thirty-five countries. Its task was to decide to what extent the 1910 draft convention was suitable for signature and to make any necessary amendments. A revised text was unanimously accepted on the 11th September and the convention was opened for signature, until the 31st March, 1924, on the following day. It was signed immediately by twenty-two states and in the course of a few days by eight more.[1]

The most important part of the convention related to the undertaking given by contracting parties to prosecute persons producing, having in their possession for purposes of trade or exhibition, importing, exporting, distributing either publicly or privately, or advertising, obscene writings or other obscene objects. These offences were to be punishable by the signatories even if committed in another country.[2] The word 'obscene' was not defined, but it was left to each state to determine its legal signification for itself.

The convention also provided that the Council of the League should be asked to consider the advisability of calling a further conference at the end of every five years or upon the request of five of the contracting parties for a revision of the convention. The conference recommended in addition that the League Secretariat should issue a periodical questionnaire to states asking for information as to cases in which proceedings had been taken under the convention and the general extent of the trade, and should circulate the information obtained.

[1] By the end of 1925, forty-four states in all had signed the convention and twelve had ratified it. In addition, four states and a number of British Colonies had acceded to the convention after the period of signature had closed.

[2] A qualifying clause 'when the laws of the country permit it' was added in order not to deter countries from signing the convention whose legislation did not permit punishment for offences committed abroad.

The Council took note of the work of the conference and accepted the obligations imposed on it on the 10th December, 1924.

(x) Slavery.

The action taken by the League of Nations in regard to the problem of slavery, down to the Fourth Session of the Assembly in the autumn of 1923, has been touched upon in a previous volume.[1] On the 28th September, 1923, the Fourth Assembly had referred to the Council the question of appointing a competent body to continue the investigation on slavery; and action taken by the Council on the 14th March, 1924, resulted on the 12th June in the appointment of a commission of eight members, representing respectively the five European Powers (excluding Spain) which possessed colonies or mandates in Africa, the Netherlands, Haiti, and the International Labour Organization. The Netherlands were included as being a disinterested European state with experience of administration in the Tropics, and Haiti as a disinterested community of native African origin which was a product of the abolition of slavery in the past. The representation of the International Labour Organization promised to link up the work of the committee with kindred social and economic problems.

The Temporary Commission, thus constituted, held its first session at Geneva on the 9th–12th July, 1924. The Belgian member (M. Gohr) was elected chairman after the British and French members (Sir Frederick Lugard and M. Delafosse) had declined the office, and the Portuguese member (Senhor Freire d'Andrade) vice-chairman. On this occasion the Commission drew up its plan of work and took the important decision not to confine its investigations to the official information furnished by Governments in reply to questionnaires which had been circulated by the League Secretariat in 1922 and 1923, but also (as had been suggested by the Fourth Assembly) to draw upon information from individuals of recognized competence and ability. The Commission's report was examined by the League Council on the 29th August and forwarded by that body to the Fifth Assembly, with the result that both the Council and the Assembly approved the Commission's plan of work.

The questionnaire circulated by the Secretariat on the 22nd December, 1923, in accordance with the resolution of the Fourth Assembly, to states ' in the present territory and colonial possessions of which slavery has been known to exist in the past ' had asked for information as to measures taken to secure the suppression of slavery,

[1] *Survey for 1920–3*, pp. 393–6.

the extent to which those measures had been successful in abolishing slavery, and their economic and social results for the former masters, for the slaves, for the Government, and for the development of the territory involved. By the date of the second session of the Temporary Slavery Commission, which was held in Geneva from the 13th–25th July, 1925, replies to this questionnaire had been received from thirty states, including Abyssinia.

With these communications at its disposal, as well as information supplied by various organizations and private individuals, the Commission was able, at its second session, to adopt a report[1] which described the existing situation and recommended a series of practical measures for dealing with the various aspects of alienation or restriction of personal freedom. The report stated that the legality of slavery was no longer recognized by any Christian country save Abyssinia, and that in Abyssinia edicts had been issued ' which, if put in force, would enable a large number of the slaves to recover their liberty, would assure to the others humane treatment, and would prevent others from being enslaved in the future '. Slavery had been definitely abolished in Siam since 1905 and in China since 1909, while the Japanese Government had extended its prohibition of slavery to the territories under its mandate. The status of slavery was legally recognized only in certain Asiatic countries such as Tibet and Nepal,[2] and in Islamic countries such as Afghanistan and the Arabian states. The Commission had directed its attention primarily towards ' those aspects of slavery which were adopted or tolerated by Governments and which, though not approved, they find difficulty in immediately abolishing '. Its report was divided into eight chapters dealing respectively with the status (and the legal status) of slavery, slave-raiding and similar acts, the slave trade, slave-dealing (including transfer by exchange, sale, gift, or inheritance), practices restrictive on the liberty of the person, domestic or predial slavery (serfdom), compulsory labour, and transition from servile or compulsory labour to free-wage labour or independent production. Each chapter contained a review of the situation and suggestions, and since several of the more important of the Commission's recommendations called for joint action by the Powers concerned, a majority of the members considered that an international convention should be drawn up to ensure the necessary co-operation.

[1] Printed in League of Nations Document A. 19, 1925, vi.

[2] The liberation of slaves in Nepal had been completed by August 1926 (see *The Times*, 30th August). On the 4th November, 1926, a proclamation abolishing private property in slaves throughout the state was issued by the Khan of Kalat, in Baluchistan. (*Ibid.*, 30th December, 1926.)

On the basis of this report and of a draft submitted by the British delegation, a convention on slavery was drawn up by the Sixth Committee of the Sixth Assembly and was recommended for approval by the Assembly on the 26th September, 1925. The draft convention bound contracting parties to prevent and suppress the slave trade and to bring about progressively as soon as possible the disappearance of slavery in all its forms. The signatories also agreed to take all necessary measures to prevent conditions analogous to slavery arising from forced labour, and special provisions were laid down to govern the use of such labour. Special clauses dealt with the definition of slavery, trade at sea, penalties, and partial accessions to the convention.

The draft convention, by a Council decision of the 28th September, was communicated to all States Members of the League and to certain other states,[1] with a request for observations.

(xi) Other Humanitarian Activities of the League of Nations.

The first action taken by the League of Nations in the humanitarian field was in connexion with the repatriation of prisoners of war. In April 1920 some half million prisoners of war and interned soldiers were still waiting, often in a condition of great misery, for means to return to their homes. The position may be gauged from the fact that one report predicted that between 120,000 and 200,000 prisoners of war in Siberia would die in the course of the following winter. Various charitable organizations had been attempting to relieve the sufferings of the prisoners; and on the 11th April, 1920, the Council of the League asked Dr. Nansen to undertake the task of co-ordinating the relief work and arranging for repatriation. Dr. Nansen was able to obtain credits for this purpose from various Governments and with these funds at his disposal he organized a fleet of steamers in the Baltic and the Black Sea. By July 1922 Dr. Nansen, in collaboration with charitable organizations and the Governments concerned, had succeeded, at a cost of about £400,000, in completing his task and repatriating over 420,000 prisoners belonging to twenty-six different nationalities.

While still engaged in this work, Dr. Nansen was asked, in the summer of 1921, to turn his attention to the problem of Russian refugees—a problem which had been brought to the notice of the League in the preceding February by the Comité International de la Croix-Rouge. On the 24th August, 1921, Dr. Nansen was appointed

[1] Afghanistan, Ecuador, Egypt, Germany, Mexico, Russia, the Sudan, Turkey, and the United States of America.

by the Council High Commissioner for Russian Refugees, and a year later, on the 19th September, 1922, he was authorized to use his organization for the relief of refugees in the Near East. Some account has been given in the *Survey for 1924*[1] of the work carried out for the benefit of Russian refugees, and the scheme for the settlement of Greek refugees is described in another part of this volume.[2] The steps taken under the auspices of the League in 1924 to cope with the famine in Northern Albania are also dealt with elsewhere.[3]

The Fourth Assembly of the League in September 1923 had under consideration a proposal put forward by Signor Ciraolo, President of the Italian Red Cross, for the creation of an international organization to provide immediate aid to populations suffering from any disaster on so large a scale that the ordinary means of relief at the disposals of Governments were inadequate to deal with it—such a disaster, for instance, as the Japanese earthquake of September 1923. Signor Ciraolo's fundamental idea was that Governments joining the proposed organization should contribute to a fund which could be utilized by the Red Cross Societies if need arose. By an Assembly resolution of the 27th September, 1923, these proposals were communicated to Governments for their consideration, and during the following year twenty-eight countries submitted their views on the subject to the League Secretariat, twenty-one of the replies being in favour of the scheme. Signor Ciraolo's proposals were also endorsed by the League of Red Cross Societies, which met in Paris in May 1924. On the recommendation of the Fifth Assembly, the League Council, on the 11th December, 1924, appointed a Preparatory Committee, with Signor Ciraolo as chairman, to draw up a report defining the scope of the proposed organization and estimating its financial needs. This committee met in May 1925, and again in June, and prepared draft statutes[4] for an International Relief Union, which should comprise a General Council of Government repre-

[1] p. 255 [2] Part II E, Section (iii).

[3] Part II E, Section (v). The Second Assembly of the League had been urged by Dr. Nansen to take steps in connexion with the famine in Russia, but had declined to intervene, on the ground that other organizations were already at work and that it would not be possible to collect the necessary funds. As the result of further representations by Dr. Nansen, however, the Council in July 1922 instructed the Secretariat to collect all possible information bearing on the situation in Russia and its effect on the general economic condition of Europe. The results of these inquiries were published in November 1922 in a *Report on Economic Conditions in Russia with special reference to the Famine of 1921–2 and the state of Agriculture.*

[4] See League of Nations Document A. 20. 1925. ii. [C. 392 (i). M. 133 (i) 1925. iv].

sentatives, an Advisory Committee of fifteen members with technical qualifications, and a small Executive Committee, which, in collaboration with the Red Cross and other associations, would provide immediate relief in the case of disasters falling within the scope of the Union. The Committee estimated that a sum of £25,000 would be be required to initiate the work of the Union, and the various Governments would be asked to contribute to this amount, but it was hoped that the main funds of the organization, which would be under the control of the League, would be drawn from private sources. The constitution of the Union would not become definitive until the statutes had been ratified by at least twelve states whose combined contributions to the initial fund amounted to three-fifths of the total.

The Sixth Assembly, after the draft statutes had been discussed by its Second Committee, recommended that the scheme should be referred back to the Preparatory Committee for revision and should then be submitted to Governments for their formal consideration. The modifications recommended by the Assembly Committee were incorporated in the statutes by the Preparatory Committee at a meeting held from the 18th–20th November; and on the 14th December, 1925, the Council decided to forward the revised scheme to all Governments for their observations.

PART II

EUROPE

A. INTERNATIONAL WATERWAYS

(i) The Barcelona Convention.

THE clauses of the Treaty of Versailles respecting the navigable portions of the Elbe, the Oder, the Niemen, and the Danube (from Ulm to Braila) established for them a provisional régime only, Article 338 providing that the régime should be 'superseded by one to be laid down in a general convention drawn up by the Allied and Associated Powers and approved by the League of Nations, relating to the waterways recognized in such convention as having an international character'. Articles 354–362 of the Versailles Treaty provided that the same future convention should modify the régime on the Rhine, which was otherwise governed by the provisions of the Mannheim Convention and the Treaty of Versailles; and under Article 18 of the Polish Minorities Treaty, which was signed at the same time as the Versailles Treaty, Poland undertook to apply to the river system of the Vistula, including the Bug and Narew, a régime similar to that inaugurated on the Elbe, the Oder, the Niemen, and the Danube, pending the conclusion of the general Convention.[1]

The Convention in question was drawn up in the form of a 'Convention and Statute on the Régime of Navigable Waterways of International Concern',[2] at the International Conference on Communications and Transit held under the auspices of the League of Nations at Barcelona from the 10th March to the 20th April, 1921.[3]

The Statute declared the following to be navigable waterways of international concern:

1. All parts which are naturally navigable to and from the sea of a waterway which in its course, naturally navigable to and from the sea, separates or traverses different states, and also any part of any other waterway naturally navigable to and from the sea, which connects with the sea a waterway naturally navigable which separates or traverses different states.

It is understood that:

(*a*) Transshipment from one vessel to another is not excluded by the words 'navigable to and from the sea';

[1] See *H. P. C.*, vol. ii, pp. 92 *seqq.*
[2] Texts in *League of Nations Treaty Series*, vol. vii.
[3] See Part I. B, Section (iii) above.

(*b*) Any natural waterway or part of a natural waterway is termed 'naturally navigable' if now used for ordinary commercial navigation, or capable by reason of its natural conditions of being so used; by 'ordinary commercial navigation' is to be understood navigation which, in view of the economic condition of the riparian countries, is commercial and normally practicable;

(*c*) Tributaries are to be considered as separate waterways;

(*d*) Lateral canals constructed in order to remedy the defects of a waterway included in the above definition are assimilated thereto;

(*e*) The different states separated or traversed by a navigable waterway of international concern, including its tributaries of international concern, are deemed to be 'riparian states'.

2. Waterways, or parts of waterways, whether natural or artificial, expressly declared to be placed under the régime of the General Convention regarding navigable waterways of international concern either in unilateral Acts of the states under whose sovereignty or authority these waterways or parts of waterways are situated, or in agreements made with the consent, in particular, of such states.

Article 2. For the purpose of Articles 5, 10, 12, and 14 of this Statute, the following shall form a special category of navigable waterways of international concern:

(*a*) Navigable waterways for which there are international Commissions upon which non-riparian states are represented;

(*b*) Navigable waterways which may hereafter be placed in this category, either in pursuance of unilateral acts of the states under whose sovereignty or authority they are situated, or in pursuance of agreements made with the consent, in particular, of such states.

Article 23. A navigable waterway shall not be considered as of international concern on the sole ground that it traverses or delimits zones or enclaves, the extent and population of which are small as compared with those of the territory which it traverses, and which form detached portions or establishments belonging to a state other than that to which the said river belongs, with this exception, throughout its navigable course.

On these waterways, the contracting states accorded one another free navigation and recognized a perfect equality in the exercise of navigation to the nationals, property and flags of all contracting states (Arts. 3 and 4) with certain exceptions.

A riparian state had the right to reserve for its own flag the transport of passengers and goods from between two ports both situated in its own territory; on the waterways referred to in Article 2 this right extended only to local passengers or goods of national origin or naturalized. In the case of waterways separating or traversing two states only, and not coming under Article 2, such states might

reserve to their flags by mutual agreement the transport of passengers and goods between ports of this system, if genuinely local (Article 5).

Contracting states maintained their rights to take measures of police, sanitary, veterinary, &c., supervision, and supervision of migration, provided that such supervision be reasonable and equally applied (Article 6). No dues of any kind might be levied beyond those necessary for the maintenance and improvement of the waterway, and in the interests of navigation (Article 7). Customs formalities in transit were to be governed by the conditions laid down in the Statute on Freedom of Transit, which was also drawn up at the Barcelona Conference. When transit was unaccompanied by transshipment, customs formalities should, under normal circumstances, be entirely dispensed with where the waterway formed a frontier between two states, and be limited to affixing a seal or providing an escort where both banks of the waterway were within one and the same state (Article 8). Subject to the provisions of Articles 5 and 17, the nationals, property, and flags of all contracting states should enjoy treatment equal to that accorded to nationals in all ports situated on an international waterway in all that concerned the use of the port, including port dues and charges. Facilities in such ports must not be unreasonably withheld; in customs, octroi, consumption, and other charges, contracting states must receive the same treatment as nationals, unless it were proved that the owner of any vessel was systematically discriminating against nationals of the state to which the port belonged. Custom dues must not ordinarily be higher than those levied on other frontiers of the state interested (Article 9). Each riparian state was to refrain from measures prejudicial to the navigability of the waterway, and to take steps to remove any obstacles or dangers to it. Each state must take the necessary steps to ensure navigability in its own waters, asking its neighbours for contributions towards the costs where such a demand was justifiable. Any state could request another to take specific measures on payment of a fair share of the cost of works and upkeep and refusal to carry out the request must be substantiated. Costs and works might be distributed by mutual consent. On the waterways referred to in Article 2, decisions in regard to works were to be made by the Commission. A state territorially interested might question the decisions of the Commission on the ground that they were *ultra vires* or infringed the international conventions in accordance with which the Commission worked. A riparian state might close a waterway to navigation, wholly or in part, if all riparian states (or, under the second category of waterways, all states

represented on the Commission) consented, or after giving notice, on the grounds that the navigation was of very small importance, and economic interests clearly of greater importance than the navigation could be adduced. These provisions regarding upkeep applied only to the principal branches in the case of a waterway debouching on the sea through several branches (Article 10). In the absence of special conventions to the contrary, each riparian state was to exercise the administration of the waterway in the reaches where the waterway came under its authority, and could issue regulations for navigation in these reaches, and see to their execution. It was considered desirable that such regulations should be made uniform where possible (Article 12). Conventions already in force between riparian states were not abrogated by the Statute, but provisions in them conflicting with the Statute were not to be applied (Article 13). Any International Commission including representatives of non-riparian states should be deemed an International Bureau under the direction of the League of Nations. Its powers and duties should be laid down in each Act of Navigation, but in all cases it should be entitled to draw up such navigation regulations as it thought necessary (all other navigation regulations being communicated to it); to indicate to riparian states the action advisable for the upkeep of works and the maintenance of navigation; to receive information from the riparian states of all proposed improvements; and to approve dues and charges, where not specified in the Act of Navigation (Article 14). The Statute was to continue in force in time of war so far as the rights and duties of belligerents (which it did not affect) permitted (Article 15).

The Statute did not impose on contracting states any obligation conflicting with rights and duties enjoyed under membership of the League of Nations (Article 16). It did not refer to the navigation of vessels of war, or of vessels exercising public authority, such as police vessels, &c. (Article 17). Contracting states undertook not to grant non-contracting states treatment over international waterways irreconcilable with the Statute (Article 18). Emergency action affecting the safety or vital interests of a state, conflicting with the Statute, must be of the shortest duration possible and prejudice freedom of navigation as little as possible (Article 19). The Statute did not prohibit the present or future granting of greater facilities towards free navigation, consistent with equality of treatment, than it envisaged itself (Article 20). A state could be temporarily relieved of the provisions of the Statute if it could prove a case based on devastation caused by the War of 1914–18 (Article 21). Disputes arising over the Statute were to be referred to the Permanent Court of Inter-

national Justice ; states undertook to ask the opinion of the advisory and technical bodies of the League of Nations before resorting to judicial proceedings (Article 22).

In an additional protocol, the contracting states further declared that they would concede equality of treatment to all signatory states as regards transport of exports and imports without transshipment, either (*a*) on all navigable waterways or (*b*) on all naturally navigable waterways under their sovereignty or authority which, without being of international concern, were accessible to ordinary commercial navigation to and from the sea, and in all ports situated on these waterways. In making this declaration, each state declared whether it accepted the wider obligation or the more limited one.

The conclusion of this Statute had been the most difficult task of the Barcelona Conference, and in its final form it represented a compromise between a number of very divergent views. Certain delegations had desired to extend the freedom of navigation to every waterway without discrimination, including even inter-oceanic canals. Others, notably the Czechoslovak, Polish, Jugoslav, and Rumanian delegations considered that riparian states should be left entirely free to establish whatever régime they liked on their national waterways. The question of cabotage was the object of lengthy discussion, the Jugoslav and Rumanian delegations in particular being desirous that riparian states should have the right to reserve cabotage, at least local cabotage, for themselves. The compromise in Article 10, under which a state might request another to carry out works, while itself bearing a proportion of the costs, was reached with much difficulty.[1] Finally, throughout the discussions, the delegates were under the necessity of reconciling the European and South American conceptions of international law ; the idea of international Commissions of Control being foreign to the latter, although the countries concerned were familiar with the idea of inter-state or regional conventions.[2]

By the end of 1925 thirty-four signatures or adhesions had been received to the Statute, but only Albania, Austria, the British Empire (with New Zealand and India), Czechoslovakia, Denmark, Finland, Italy, and Norway had ratified it.

[1] For the discussion of these points on the preliminary draft, see League of Nations document 20/31/58 : *General Conference on Communications and Transit : Preparatory Documents.* For the discussions at Barcelona, see *Verbatim Records and Texts relating to the Convention on the Régime of Navigable Waterways of International Concern*, Geneva, 1921.

[2] See G. Hanotaux : *L'Œuvre de Barcelone* (Paris, 1922, Payot).

(ii) The Rhine.

The Central Commission for Rhine Navigation did not find it easy to complete the revision of the Mannheim Convention foreseen by Article 354 of the Treaty of Versailles. Considerable initial delay was caused by a protest from the Netherlands against the diminution of their rights under the Mannheim Convention arising from the provisions of the Treaty of Versailles, to which they had not been signatories. Negotiations opened at the end of 1919 led to no result, and in 1920 the Netherlands refused to take part in the sittings of the Commission until their objections should have been removed. This was accomplished by an agreement concluded at Paris on the 21st January, 1921,[1] whereby the Netherlands received the right to have a third delegate on the Commission, and a promise that no further internationalization of Dutch waterways should be undertaken without the consent of the Government of the Netherlands. A supplementary treaty dated the 29th March, 1923,[2] provided that the resolutions of the Central Commission should be taken by majority vote, and that a state should not be bound to carry out resolutions the application of which to its own territory it had not approved.

Similar protests came from Switzerland, who, although not a signatory of the Mannheim Convention, based her claim on the general principle of international law allowed in the final protocol of the Congress of Vienna to be applicable to all riparian states of navigable rivers.[3] On the 18th November, 1920, however, the Swiss Federal Government agreed to accept the provisions of the Treaty of Versailles respecting Rhine navigation.[4]

The regulations regarding Rhine navigation certificates contained in certain articles of the Conventions of 1868 and 1898 were revised in a convention and additional protocol dated the 14th December, 1922, and the 22nd December, 1925, respectively,[5] and the Commission began the revision of the Mannheim Convention proper on the 20th March, 1924.[6] This proved, however, to be a very long and difficult task. Two main questions, among many, may be mentioned here.

The first was that of railway tariffs. Since the transfer of the German railways to the Reich, the old reduced tariffs to Rhine ports maintained by the Baden and Palatinate railways had lapsed, while

[1] Printed in *La Navigation du Rhin* (Strasbourg, 1924). [2] *Ibid.*

[3] Dr. Hans Vomhoff: *Die Revision der Mannheimer Rheinschiffahrtsakte.* (Berlin, 1925.)

[4] See *Feuille Fédérale*, 1922, vol. ii, pp. 997 *seqq.* (Berne, 1922), for the Swiss attitude. [5] Published as a British White Paper, *Cmd.* 2521 of 1925.

[6] *Deutsche Allgemeine Zeitung*, 18th March, 1924.

the Reich introduced preferential tariffs for traffic to the seaports of Hamburg and Bremen. Further, the German graduated railway tariff of 1920 provided reduced rates for long distances and relatively high rates for short distances. The French and Belgian railways, on the other hand, introduced very low rates over certain lines, which also had the effect of diverting much traffic from the Rhine.

Secondly, the *surtaxe d'entrepôt* imposed by France on goods imported from overseas by any route other than a French seaport[1] further diverted traffic from the Rhine, and was argued by Dutch jurists to conflict with the provisions of Article 14 of the Mannheim Convention.

Two important schemes for work on the Rhine were put forward by the French and Swiss Governments respectively. The former provided for the creation of the Grand Canal d'Alsace between Huningue and Strasbourg, for use both for navigation and for hydraulic power. The scheme involved setting up a movable weir across the Rhine and digging a canal 114 kilometres long which would take from the Rhine an average of 800 cubic metres of water per second. Almost at the same time the Swiss Government put forward a scheme for regulations on the stretch between Bâle and Strasbourg.

Each party attached great importance to its own plan, and was sharply opposed to the rival idea, Switzerland (supported by Germany) being anxious to secure easy through traffic to the highest possible point, France desiring that Strasbourg should remain the upper point for regular Rhine traffic. The Central Commission finally adopted both plans in a modified form on the 29th April, 1925. The canal was to be subject to the same international régime as the Rhine. Both works had to be so arranged that the free navigation of the Rhine was in no way impeded.

In May 1920 the Genoa Conference had decided that inquiries should be undertaken from time to time into the state of communications and means of transport in Europe and the task of carrying this through was subsequently entrusted to the competent organizations of the League of Nations.

In 1924 the League of Nations Committee on Communications and Transit empowered Mr. Hines to carry out an investigation into conditions on the Rhine and the Danube. Mr. Hines made his inquiry in the summer of 1925, and his reports were brought before the Committee on Communications and Transit in August 1925.

In his report on Rhine navigation,[2] Mr. Hines discussed the

[1] With the exception of concessions made by special arrangement for the port of Antwerp. [2] League of Nations Document C. 444, M. 164, 1925, viii.

questions of railway competition and of the French supertax, coming to the conclusion that it was desirable, both from the national and international standpoint, that the Rhine should continue to carry the traffic which it was naturally adapted to carry on an economic basis. He also discussed French and Belgian objections to the alleged German and Dutch practice of breaking seals on transit traffic at the frontier; French complaints of unjust discrimination alleged to be practised by the customs authorities at Cologne; and possible simplifications of the existing German and Dutch procedure respecting bills of lading (*Begleitscheine* and *Vrachtlijsten*).

(iii) The Elbe.

The International Elbe Commission was successful in drawing up a Statute of Navigation, which was signed at Dresden on the 22nd February, 1922.[1] Its general provisions followed the principles of the Barcelona Convention in ensuring freedom of navigation and equality of treatment for the nationals, goods, and flags of all nations, and need not be summarized here. Among the particular points of interest the following may be mentioned. The international system (the exact upstream limit of which the Commission would be called upon to fix) might be extended by the decision of the riparian state or states interested, subject to the unanimous consent of the Commission. The Commission was to be composed of four representatives of German riparian states, two of Czechoslovakia, and one each of Great Britain, France, Italy, and Belgium. No vessel might navigate the Elbe without having on board the holder of a navigation permit, which would only be issued to persons with practical experience of navigation on the Elbe, although they might be of any nationality. Tribunals were to be set up to adjudicate on contraventions of the provisions laid down by the regulations for river police, and also on other matters. The provisions of the Convention were to remain valid in case of war to the fullest extent compatible with the rights and duties of belligerents and neutrals. If, however, occurrences in time of war compelled Germany to close the route to Czechoslovakia, she undertook to provide her with another route as nearly equivalent as possible. Should this prove physically impossible the signatory states would endeavour to provide Czechoslovakia with means of communication with the sea.

A supplementary convention, signed at Prague on the 27th January, 1923,[2] dealt with the competencies and procedure of the tribunals mentioned above.

[1] Issued as a British White Paper, *Cmd.* 1833 of 1923.
[2] *Cmd.*, 2091 of 1924.

The chief difficulties which attended navigation on the Elbe after the war came from railway competition, in view of the German railway tariff, the facilities accorded by Germany to her seaports, and the provisions of the Peace Treaties regarding the port of Trieste. The Elbe shipping companies were able to combat this competition with some success by forming a combine with a common tariff for the German and Czechoslovak sections, drawn up with special reference to the railway tariffs of the two countries.

(iv) The Oder.

The International Oder Commission failed at three successive sessions to come to an agreement with regard to the limits of its own jurisdiction as defined under Articles 331, 338, and 341 of the Treaty of Versailles.

The point disputed was whether the navigable sections of the Polish course of the Oder tributaries (the Netze and the Warthe) should be subjected to the jurisdiction of the Oder Commission. The Polish delegate maintained that the jurisdiction of the Commission ought to cease at the Polish frontier as the Polish portions of the tributary rivers concerned did not ' naturally provide more than one state with access to the sea '. The German delegates maintained that the whole navigable portion of the system fell under the jurisdiction of the Commission.

The Commission therefore did not proceed with the preparation of an Act of Navigation, and on the 23rd August, 1924, the British Government, in virtue of Article 376 of the Treaty of Versailles, brought the matter before the League of Nations, and it was referred to the League Committee on Communications and Transit. The Committee appointed an Enquiry Commission of three, which was, however, unable to present an unanimous report, as the views of the Polish member differed from those of his colleagues. The majority of the Commission reported that Article 341 of the Treaty of Versailles was applicable to the whole navigable system of the Oder and its tributaries, while the provisions of Article 331 (which laid it down that the Oder was an international river ' from its confluence with the Oppa ') had been replaced (in virtue of Article 338) by the more general definition of navigable waterways of international concern given in the Barcelona Convention.[1] The conditions laid down by the Barcelona Convention were fulfilled by the Warthe as far as

[1] See above, p. 155. Poland, however, had not ratified the Barcelona Convention, and might consider herself not bound by its provisions.

Pogorzelice (although it was also navigable to some extent as far as Luban) and by the Netze below Nakło, but not above that point.

On the 26th–28th November, 1924, the question came again before the League Committee on Communications and Transit, which adopted a resolution submitted by a joint committee, formed by the Sub-Committee on Inland Navigation and the Legal Sub-Committee. The resolution recommended an agreement under which the jurisdiction of the Oder Commission should extend up the Warthe to a point situated beyond Posen and up the Netze to Ujście (Usch), while the Netze from this point to its junction with the Vistula via the Bydgoszcz Canal should come under the provisions of the Barcelona Convention.

The resolution was adopted by thirteen votes to two (Germany and Poland), the Austrian delegate abstaining. The German delegate opposed the resolution as exempting from the jurisdiction of the Commission certain navigable sections of the basin, while the Polish delegate opposed it on the ground that the jurisdiction of the Oder Commission up the Warthe and the Netze ought not to extend within the Polish frontier. He promised, however, to recommend the solution if his Government should decide to waive what they considered as their legal rights.[1]

The Committee on Communications and Transit recommended this compromise to the Governments concerned, but while it was accepted by the Czechoslovak Government, and by other states less immediately concerned, it was definitely rejected by Poland, while the German Government made no official pronouncement.

(v) The Vistula.

The Polish Government, on the ground that the Vistula was a Polish national river, took no steps towards inaugurating the international régime foreseen in the Polish Minorities Treaty of 1919, arguing that both Articles 332–337 of the Treaty of Versailles and Articles 1 and 2 of the Barcelona Statute did not consider rivers to be of international concern if they naturally provided only one state with access to the sea, that Danzig did not constitute a state within the meaning of the term, and that Germany had ceased to be a riparian state since the frontiers of East Prussia laid down in the Treaty of Versailles had been revised in favour of Poland. Germany, on the other hand, considered that the Polish attitude was clearly contrary to the intentions of the treaty, which could not have provided for a temporary régime to be terminated on the conclusion of a general

[1] See *League of Nations Monthly Summary*, November 1924, pp. 252–3.

convention: and further that the population of East Prussia was guaranteed certain rights of access to the Vistula which were sufficient to constitute Germany a riparian state. The matter had not got beyond the stage of legal controversy by the end of 1925.

(vi) The Danube.

One of the first applications of the principles laid down in the Barcelona Statute was their embodiment in the definitive Statute of the Danube, which was signed on the 23rd July, 1921.[1] After that date two principal disputes arose.

The first concerned the question of cabotage and the interpretation of Article 22 of the Danube Statute. Jugoslavia and Rumania adopted the standpoint that the international freedom of cabotage laid down in Article 22 was entirely nullified by the paragraphs in the final protocol bearing on this Article, which gave a state the right to forbid a regular service under a foreign flag between its ports, or any public service if this was carried on 'sufficiently regularly, uninterruptedly, and in volume sufficient to influence unfavourably, to the same extent as regular lines properly so called, the national interests of the state within which it is carried on'. Jugoslavia and Rumania interpreted these articles as giving them the right absolutely to reserve for their own flags all cabotage and strictly internal traffic between their ports. The other riparian states, whose practice it was to allow foreign cabotage, urged that this point of view was not only contrary to the Danube Statute, but also detrimental to the interests of the countries themselves. The question, however, although it caused a prolonged controversy, was not brought before the International Danube Commission up to the end of 1925.[2]

The second controversy arose over the limits of jurisdiction of the European Commission of the Danube, and was really principally due to Rumanian discontent, partly with the working, but more with the existence itself, of the Commission. Rumania alleged that the Commission carried out its work in an extravagant manner, and with insufficient zeal, and that her ports were suffering owing to the inefficient dredging of the Sulina Channel. Having failed to get the European Commission replaced altogether by the International Commission[3] Rumania therefore seized the occasion to bring forward a technical point.

The full powers of the European Commission extended, in virtue

[1] See *Survey for 1920–3*, pp. 328–32.

[2] See *Report on Danube Navigation* (League of Nations C. 444 (*a*), M 164 (*a*), 1925. viii), pp. 24–7.

[3] *Le Temps*, 25th June, 1924.

of its statute, as far as Galatz. The Treaty of London contemplated their extension 21 kilometres farther upstream, to Braila, but Rumania had never adhered to this treaty; accordingly, the European Commission only exercised on this short section rights confined to the maintenance of the channel and pilotage. The Statute of the International Commission gave it authority as far as Braila; thereupon the European Commission suggested extending its own full authority up to that port.[1] Rumania objected, and the British Government accordingly brought the matter before the League of Nations in November 1924. The League appointed a commission to study the question on the spot. Rumania, however, refused to recognize the competence of the League in this question, and continued to demand the replacement of the European Commission by the International Danube Commission.[2]

In his report on Danube Navigation, published in 1925,[3] Mr. Hines stated that Danube freight traffic, although improving, was much lower than before the war. The fleets, however, were larger, and port and shop facilities at least as great. The increase in the international character of the traffic had caused difficulties, but there were already signs of improvement. The diminution was largely due to the general post-war depression, partly to customs barriers which made the conclusion of commercial treaties urgently necessary. The Rumanian and Jugoslav attitude towards cabotage, and their action in closing important national tributaries to international traffic, impeded the growth of traffic; frontier formalities also caused excessive delay and waste. Comprehensive improvements in the channel were necessary at various points, some of them, especially those at the Iron Gates, being on so large a scale that all riparian states ought to co-operate to find the money for them. Capital would be more easily found if causes of friction were removed so as to make foreign capitalists less dubious about investing in Eastern Europe. Mr. Hines considered that the International Commission had accomplished substantial work, but that delay had been caused by the practice of postponing important questions instead of immediately taking a vote on them.

[1] *Le Temps*, 13th January, 1925. [2] *Ibid.*, 29th November, 1926.
[3] *Report on Danube Navigation* quoted above; summarized in *League of Nations Monthly Summary*, August 1925.

PART II

EUROPE

B. WESTERN EUROPE

(i) Belgium, the Netherlands, and the Revision of the Treaty of 1839.

THE treaty of 1839, which regulated the international position of Belgium, covered a wide field. It not only guaranteed the international neutrality of Belgium, but also, while delimiting the frontier between that country and the Netherlands, made minute provision concerning the waterways of the Scheldt and the Meuse, the mouths of which remained in Dutch territory, while the former served Belgian ports almost exclusively, the latter to a considerable extent. The economic portions of the treaty had already been revised between Belgium and the Netherlands on more than one occasion,[1] and in 1919 it was obvious that a further revision, at least in detail, was necessary in view of the increased size of the shipping then operating on the waters concerned, and of the changes in the international situation resulting from the Treaty of Versailles.

Most of the questions concerned could have been regulated during the negotiations of 1919–20[2] by mutual goodwill, since the Dutch Government, which were on the whole interested in the maintenance of the *status quo*, were inclined to make concessions to the Belgian request for a more favourable agreement, in order to avert the danger threatening from the Flemish movement in Belgium, and a possible attempt by Belgium to compensate herself for the loss of her international guarantee of neutrality by annexing Limburg. The negotiations unfortunately broke down over the question of the Wielingen Channel, the prolongation of the southern *embouchure* of the Scheldt which ran out to open sea between clearly-defined but submerged banks. This channel the Dutch claimed to be a prolongation of the waterway of the Scheldt, and therefore Dutch waters,[3] while Belgium contended that it ran through Belgian territorial waters and thus came under her jurisdiction. The Dutch contention rested

[1] e. g. in 1867, 1880, 1892.

[2] See *Survey for 1920–3*, pp. 66–7.

[3] It is interesting to note that, while Dutch jurists unanimously supported this claim, the Dutch geographical expert, Professor Niemeyer, rejected it.

on accepted historical rights, but the Belgian interest, economically, was much the stronger. To admit the Dutch claim would have isolated Zeebrugge, like Antwerp, behind a belt of Dutch waters. Antwerp, as it was, was entirely dependent for its existence on free use of the mouths of the Scheldt, which were also of great importance for Ghent (by the Ghent–Terneuzen Canal) and for Liège and south-eastern Belgium (by the Ghent–Maestricht–Antwerp Canal). Against this, the Netherlands could plead the economic needs of Flushing, while it was unfortunately also an undoubted fact that the interest of the two countries conflicted, owing to the rivalry of their respective shipping and harbours.

Thus the negotiations failed in 1920 owing to a dispute on a point which, given peace and goodwill, need have had no practical importance. Both sides, however, preferred to stand on their assumed rights with the result that situations sometimes arose which an outsider might have difficulty in treating seriously. The Belgian Government seized some German torpedo-boats in the port of Antwerp after the War, and these boats, destined to form the nucleus of their national navy, they proposed to take out through the disputed channel. The Government of the Netherlands thereupon stationed two gunboats and two torpedo boats at Flushing to keep them in. This situation of stale-mate lasted until 1924, when Belgium took down the bridges, masts, and funnels of the imprisoned boats and sent them to Zeebrugge by inland canal.[1]

This prolonged, if passive, incident, combined with Dutch fears of a possible annexationist movement in Belgium, and the fact that the commercial prosperity of the Netherlands was heavily affected by the Franco-Belgian occupation of the Ruhr, long rendered the prospect of an agreement between the two countries a remote one, the more so as the Dutch Government showed no eagerness to allow Belgium to construct through Dutch territory the Rhine–Herne–Maas–Scheldt Canal foreseen under Article 361 of the Treaty of Versailles.[2] In 1924, however, the question was revived in Belgium, where anxiety was felt on account of the silting-up of the port of Antwerp. On the 26th March, 1924, the question was debated at length in the Belgian Chamber, the Antwerp deputies, in particular, urging the early conclusion of an agreement with the Netherlands.[3] The demand was repeated in May, during the discussion of the Belgian budget for the year.[4] In September the two Foreign Ministers,

[1] See *The Times*, 7th April, 1925.
[2] See *The Manchester Guardian*, 23rd April, 1924.
[3] *Le Temps*, 28th March, 1924.
[4] *Ibid.*, 10th May, 1924.

MM. Jaspar and van Karnebeek, met at Geneva during the Assembly of the League, and were understood to have resumed discussion of the problem. On the 8th January, 1925, discussions were officially reopened at The Hague, and on the 3rd April a treaty was signed between the two Governments.

The treaty[1] was both political and economic. The Wielingen question was not mentioned in the body of the treaty, but the parties exchanged notes to the effect that each maintained its point of view on the subject. The treaty of 1839 was amended to the following effect.

The control of the issue of Belgian waters into Dutch territory was entrusted to a mixed Managing Commission, each country paying for the works in its own territory (Art. 2). Either party agreed to apply towards the other the principles of freedom of navigation and equality of treatment on the navigable waterways separating or traversing Dutch and Belgian territories and on the intermediary waters between the Scheldt and the Rhine (Art. 3). The Western Scheldt and its *débouchures* and the Scheldt below Antwerp were declared permanently free and open to the navigation of all vessels of all nations, except vessels of war, the parties reserving themselves certain rights respecting vessels bound for or proceeding from their own ports (Art. 4, par. 1). The upkeep and improvement of the Scheldt and its mouths, westward of Antwerp, was placed under a Managing Commission, composed of an equal number of Dutch and Belgian Members (Art. 4, pars. 2 and 3). The decisions of the Commission were to be subject to the approval of their respective Governments. Disagreements were to be submitted to a Court of Arbitration, constituted for each case (Art. 4, par. 5). In urgent cases the Commission could take executive decisions; a Permanent Court of Arbitration had to decide, in case of disagreement, whether a case was urgent (Art. 4, par. 6).

Either state was to pay the costs of maintenance and improvements on its own territories (Art. 4, par. 8). Either state was to receive exclusive right of pilotage over certain stretches, while in others the vessel needing a pilot would have free choice (Art. 4, par. 9). Fishing rights throughout the Scheldt were to be arranged on a footing of reciprocity and perfect equality (Art. 4, par. 11). The Netherlands undertook to maintain and, if required, enlarge the Walcheren and Zuid–Beveland Canals (Art. 4, par. 12). The Ghent–Terneuzen Canal was put in charge of a Mixed Managing Commission,

[1] For text see *L'Europe Nouvelle*, 22nd August, 1925. Summary in *The Times* of the 4th April, 1925.

under the same conditions as in the case of the Scheldt Commission (Art. 4, pars. 13–20). The Netherlands agreed to construct and maintain a canal from Antwerp to Moerdijk and consented to the construction across Dutch territory of the Rhine–Meuse–Scheldt Canal. These canals were to be placed in charge of Mixed Managing Commissions and either country was to pay for upkeep on its own territory (Art. 6). Provision was similarly made for the improvement, maintenance, and administration of the Liège–Maestricht Canal (Art. 7).

Article 1 of the treaty was political and ran :

> The High Contracting Parties recognize as abrogated :
> Article 7 of the treaty concluded at London on the 19th April, 1839, so far as it concerns the neutrality of Belgium, and Article 14 of the said Treaty.[1]

This article was designed to clarify the difficult situation as regards Belgian neutrality.[2] After the Treaty of Versailles, the signatory Powers to that treaty (except Russia) had in practice treated Belgian neutrality as abrogated ; the Netherlands, however, who were not signatories to that treaty, had considered the treaty of 1839 as still in force. On the completion of the negotiations for the treaty, the terms of the draft were therefore communicated to the British and French Governments, who were asked to signify their approval of the provisions by which Articles 7 and 14 of the treaty of 1839 were abrogated. On the evening of the 2nd April[3] replies were received in Brussels from the British and French Governments signifying their readiness to proceed to the abrogation of the treaty of 1839 and their intention of consulting with one another as to how best to draw up a declaration to this effect.[4]

The signature of the Belgo-Dutch treaty of the 3rd April was received with satisfaction in Belgium, but with mixed feelings in the Netherlands. The Dutch press was disposed to resent the fact that Belgium had not given up her thesis as regards the Wielingen Channel, and to consider that the concessions made, by which the Belgian control over the Scheldt was increased, were altogether too generous, and that heavier financial burdens than were necessary were undertaken by the Netherlands. Neither of the Governments which had concluded the treaty remained in power for long after its conclusion. The Belgian Governments, which succeeded one another

[1] Art. 7 guaranteed Belgium's independence and imposed perpetual neutrality on her. Art. 14 stipulated that Antwerp should remain solely a commercial port.

[2] See *Survey for 1920–3*, p. 65.

[3] *The Times*, 3rd April, 1925.

[4] For texts of these letters see the *Gazette de Hollande*, 8th May, 1925.

in the course of a prolonged political crisis, all announced their intention of adhering to the policy expressed in the treaty; but in the Netherlands, although Jonkheer van Karnebeek was reappointed Minister of Foreign Affairs in the new Cabinet formed on the 15th July, after the General Elections, he found himself attacked with unremitting and increasing violence in his own country, where organizations of all kinds began to send in petitions demanding the rejection, or at least a wide revision, of the treaty. In July the press of the two countries engaged in a fresh polemic respecting the attitude of the Netherlands in case of a violation of their frontier. The Government, in preparing a statement to accompany the text of the treaty, when it came up for ratification, had included the phrase that they 'would never show themselves indifferent if Dutch territory were wilfully violated and would, so far as the provisions of the Covenant of the League of Nations allow, consider such a violation, wherever committed, as a *casus belli*'.[1] The Belgian press maintained that a passive attitude on the part of the neutral state in the case envisaged (violation by Germany was assumed, if not mentioned) was incompatible with real neutrality, making the state which adopted it 'accomplice of the belligerent Power which had availed itself of its territory', and that in such a case the assistance of the League envisaged under Article 16 of the Covenant could not be invoked or rendered.[2]

In other words, the Netherlands considered the financial and economic terms of the treaty to be objectionable, while Belgium found its political provisions dangerous for her security.

The latter difficulty was largely eliminated by the successful course of the security negotiations [3] and in December 1925 it was announced that the treaty would be brought before the Belgian Chamber shortly for ratification. Actually, this was not done until the following summer, when the treaty was ratified in the Belgian Chamber by a large majority on the 17th July [4] and accepted unanimously by the Senate on the 29th July.[5]

The Dutch objections were less easily disposed of. The country was plunged at the end of the year into a political crisis which lasted for some four months. When a Government was at last formed, on the 4th March, 1926, Jonkheer van Karnebeek was again nominated Foreign Minister, but his Belgian policy had proved so unpopular, that, although a memorandum and an additional protocol to the

[1] *Deutsche Allgemeine Zeitung*, 18th July, 1925. [2] *Ibid.*
[3] See Part I. A, above. [4] *The Times*, 19th July, 1926.
[5] *Ibid.*, 30th July; *Le Temps*, 31st July, 1926.

treaty were issued on the 30th May, he was obliged to refer the treaty to a Commission appointed by the Second Chamber. The report of the Commission, which was issued in July, designated the treaty as one-sided and expressed the view that it could not prove acceptable to the Dutch Parliament without further negotiations. A revision was desirable from many points of view. A new régime on the Scheldt was unnecessary, as the Netherlands had always done their duty there. All members of the Commission considered the Antwerp–Moerdijk Canal undesirable, and many objected to the Rhine–Meuse–Scheldt and to the Limburg Canals. Many were also opposed to the abolition of the restrictions on Antwerp as a naval base.

Discussion of the treaty began in the Second Chamber on the 29th October,[1] and in the second week of November, the Chamber, after rejecting a motion for the reopening of negotiations with Belgium, ratified the treaty by a majority of three.[2] Strong opposition continued to be manifested, however, during the four months which elapsed before the First Chamber began its discussion of the treaty on the 9th March, 1927;[3] and though its fate remained in the balance during the fortnight for which the debate lasted in the First Chamber, it was finally rejected on the 24th March, by 33 votes to 17.[4]

(ii) The Military Control and Disarmament of Germany and the Evacuation of Occupied Territory.

The question of the Inter-Allied Military Control in Germany had become dormant in January 1923, on the occasion of the Franco-Belgian occupation of the Ruhr.[5] The last event of importance in connexion with it had been a note presented by the Allied Ambassadors in Berlin on the 29th September, 1922, in which, as it appears, the Allied Governments had formulated five categories of control operations which were still necessary: (*a*) The reorganization of the police; (*b*) the adaptation of factories; (*c*) the surrender of unauthorized war material; (*d*) the delivery of statistics of war material existing in Germany at the date of the Armistice, and of the production of German factories during the war and after the Armistice; (*e*) the promulgation of laws or administrative decrees necessary to prohibit effectually the import or export of war material and to

[1] *The Times*, 30th October, 1926.
[2] *Ibid.*, 12th November; *Le Temps*, 13th November, 1926.
[3] *The Times*, 10th March, 1927.
[4] *Ibid.*, 25th March; *Le Temps*, 26th March, 1927. The situation created by the rejection of the treaty will be dealt with in a future volume.
[5] See *Survey for 1920–3*, p. 112.

bring the recruiting system and army organization into conformity with the military clauses of the Treaty of Versailles, especially as regards the cancelling of mobilization arrangements. If the German Government gave prompt satisfaction in regard to these five categories, and agreed to the formation of an Inter-Allied Commission of Guarantee, to replace the Control Commission, the Allies agreed to withdraw the Control Commission.[1]

During 1923 only three visits of control took place, and at none of them were French or Belgian officers represented.[2] The Conference of Ambassadors, in notes dated the 21st March and 7th June, 1923, invited the German Government to facilitate the resumption of control, but received no reply, while in answer to an intimation that control would be resumed on the 28th June, the German Government refused to accept control by delegations which included French and Belgian officers.[3] In the stormy autumn of 1923, which was marked by such intense feeling between Germany and France, by the fictitious 'Separatist' movement in the Rhineland and the Palatinate, by the sinister activities of General Ludendorff and the return to Germany of the ex-Crown Prince, the Allied Governments decided that a resumption of control could no longer be delayed. On the 3rd October and 3rd November notes were addressed by M. Poincaré, as President of the Conference of Ambassadors, to the German Government, calling upon them 'for the last time' to facilitate the resumption of control, and coupling this request with a warning to the German Government of 'the grave consequences to which the maintenance of its present attitude might lead'.[4] The German Government having requested a postponement in view of the internal situation,[5] France urged the application of sanctions ;[6] but owing to the opposition of the British Government, compromised on the drafting of a note which, after receiving the approval of Belgium, was presented on the 2nd November and merely declared that military control and aeronautical inspection would be 'resumed without delay'.[7] On the 30th December the programme of the first visits to be undertaken was communicated to the German Government.

The latter replied on the 9th January arguing that, legally, the Commission had already finished its task, so far as personal contact

[1] The text of this correspondence was not published (see *Survey for 1920–3*, p. 112) but it was quoted in the correspondence dealt with below, which passed between the German and Allied Governments in 1924.

[2] Note of the Conference of Ambassadors to the German Government, 3rd October, 1923 (*The Times*, 9th November, 1923). [3] *Ibid.*

[4] *The Times*, 9th November, 1923. [5] *Ibid.*, 12th November, 1923.

[6] *Ibid.*, 15th, 17th, and 19th November, 1923.

[7] *Ibid.*, 22nd November, 1923.

with the armed services was concerned. The five categories (outside which German disarmament was complete) did not necessitate visits. Under Article 213 of the Treaty permanent control was not provided for, but only special inquiries to be undertaken on occasion arising, and for reasons to be definitely formulated by the Council of the League of Nations. The necessary instructions had been given to the German officers to facilitate the visits announced for the 10th and 12th January, but only in the ' firm hope ' that the legal position outlined by the German Government would be fully appreciated by the Control Commission and that no further visits would be undertaken.[1]

The activities of the Control Commission recommenced on the 10th January. They were accompanied by hostile German demonstrations of some violence.[2] The question of substituting a Commission of Guarantee in some international form for the Commission of Control was widely canvassed in the following weeks. The British Government was said to favour such a scheme,[3] on which, indeed, the Permanent Advisory Commission on Armaments of the League of Nations had been fitfully at work since September 1920. A British memorandum on the subject was sent to the Conference of Ambassadors on the 25th February, but its terms were not published. It was, however, semi-officially stated that the memorandum contained no reference to a new form of control, but simply defined the ' manner in which the British Government regards the resumption of control '.[4] The memorandum was submitted to the ' Versailles Committee ' (the Inter-Allied Military Committee presided over by Marshal Foch) by the Conference of Ambassadors, which at the same time occupied itself with drafting a reply to the German note of the 9th January.[5]

The note was delivered on the 6th March, and bore the signature of M. Poincaré.[6] It entirely denied the validity of the German contentions. The five categories mentioned in the Allied note of the 29th September, 1922, did not compose the whole of the work to be done, but only examples of it. The German Government, the note pointed out, had never accepted the Allied offer of the 29th September. The right of the Allied Governments to continue the control remained ' entire and absolutely intact '. Besides this, it was for the Allies alone to decide whether the military clauses had been executed and whether alleviations might be granted, and they could take their decision only on a report based on direct investigations by the

[1] *Le Temps*, 14th January, 1924.
[2] *The Times*, 14th January, 1924.
[3] *Le Temps*, 16th February, 1924.
[4] *Ibid.*, 29th February, 1924.
[5] *Ibid.*, and *The Times*, 28th February.
[6] *The Times*, 7th March, 1924.

Control Commission, with the loyal co-operation of the German Government. As regards the five categories, the Commission alone could decide whether they did or did not call for personal contact with Germany's military authorities.

Meanwhile, the note offered to limit the control to be exercised by the Commission to the five categories, and to replace it ultimately by a Commission of Guarantee, on condition that a preliminary inspection be held to ascertain whether Germany was in fact completely disarmed except in so far as the five categories were concerned.[1]

This note provoked renewed agitation in Germany. A number of the German military and semi-military Leagues, with a joint membership of over 2,000,000 men, appealed to their Government to reject the Allied proposals and to do away with all foreign control commissions in Germany.[2] The German answer of the 31st March, however, confined itself to repeating that any measures of disarmament outside the five categories were in any case unimportant; that the Conference of Ambassadors themselves, in a note of the 8th March, 1921, addressed to the League of Nations Secretariat, had not made the cessation of the work of the Control Commission dependent on the integral fulfilment of all details of disarmament; that it was long since time that the Commission of Control was replaced by another régime, and that investigations into the five categories should be conducted, not by unilateral decision of an organ of the Allied and Associated Powers, but by special agreement. Germany proposed that the control of the five categories be entrusted immediately to a body with limited powers and of non-controversial composition. As regards matters outside these categories, Germany was disarmed, and since this had been admitted (e. g. by the British Under-Secretary of State for War in the House of Commons on the 7th May, 1923) any further investigation was not the prerogative of the Conference of Ambassadors, but of the League of Nations, under Article 213 of the Treaty of Versailles. Germany therefore proposed that the Conference of Ambassadors request the Council of the League to make such investigations as it might find necessary; it might be well if the League also took charge of the body dealing with the five categories. The League, the note hinted, might combine investigation into Germany's disarmament with 'the simultaneous inauguration of a general and effective disarmament' and thus make it clear that the object of the investigations was not 'to maintain permanently the disproportion now existing between the state of

[1] Text in *L'Europe Nouvelle*, 5th July, 1924.
[2] *The Times*, 26th March, 1924.

German armament and that of Germany's neighbours, but the loyal and final pacification of Europe '.[1]

The reply of the Conference of Ambassadors, dated the 28th May, re-stated the Allies' arguments, and refuted those of Germany. The Allies had never made any formal declaration that Germany had disarmed. As regards the general inspection, the Allies had the right to withdraw their offer of the 29th September, 1922. If they did not do so, they must, in view of the time which had elapsed since, insist on a preliminary inspection, lasting probably no more than three or four months. After this, they were willing progressively to reduce the effectives of the Control Commission, and had no intention of prolonging its existence unnecessarily ; but they could not either abolish it or make future investigations dependent on special agreement with the German Government. Either, then, the German Government must accept the Allied offer, in which case a general inspection would be carried through, and, if the results were found satisfactory, control would be limited to the five categories and the effectives of the Committee considerably reduced ; or, if Germany refused the offer, the Allies would ' demand the strict application of the Treaty '. The note requested the German Government to signify acceptance of the offer as soon as possible, and in any case before the 30th June.[2]

This note was one of the last to be signed, for a time at least, by M. Poincaré. Defeated in the French general election shortly before its dispatch, he resigned office on the 2nd June and M. Herriot succeeded him on the 14th June. One of the first actions of the new French Premier was to visit his British colleague, Mr. Ramsay MacDonald, at Chequers on the 21st and 22nd June. As an outcome of these conversations, a joint declaration was presented in Berlin on behalf of the two Governments on the 24th June.

The declaration differed in a very marked degree from the notes which had borne the signature of M. Poincaré. Its tone was far more cordial, and it shifted the centre of responsibility, in an interesting fashion, from the German Government itself to the Nationalist and Monarchist societies in Germany. The move was tactically a good one. These reactionary societies represented a minority—a strong and an exceedingly active one, but still a minority—in Germany, and the majority of German opinion was bitterly hostile to their aims and opinions. As for the German Government of the day, the official recipients of the declaration, the Centre Party belonged to the

[1] Text in *L'Europe Nouvelle*, 5th July, 1924.
[2] *Ibid.*, and *The Times*, 31st May, 1924.

Weimar Coalition, the People's Party was republican. The declaration offered the Government a way out of their difficulties by reconciling the necessity of the general inspection with the ' defence of the Republic '.

The declaration intimated that information had reached its authors that the German Government might return a refusal to the note of the 28th May. At the same time, ' most disquieting reports ' had reached them ' of continued and increasing activities of nationalist and militarist associations, which are more or less openly organizing military forces to precipitate further armed conflict in Europe '. The writers warned the German Government that failure to disarm would jeopardize the application of the Dawes Plan, begged them earnestly to co-operate in ' giving effect to the legitimate requirements of the Military Commission of Control ', which was in Germany's own interests ; and declared that ' France and Great Britain have no desire to cause embarrassment to the German Government, nor to continue control longer than is necessary. On the contrary, they look forward to the withdrawal at the earliest possible date of the Control Commission. So soon as the several points on which the Allied Governments have explained that they must be satisfied shall have been properly met, the Allied Governments are ready and anxious to see the machinery of the Control Commission replaced by the rights of investigation conferred on the Council of the League of Nations by Article 213 of the Treaty '. They earnestly hoped that the German Government would return to the note ' the only answer which is called for by the facts of the situation and the sanctity of the solemn engagements entered into under the Treaty '.[1]

The German answer to the Ambassadors' note of the 28th May, and to the Anglo-French declaration of the 24th June, was delivered to the Conference of Ambassadors on the 30th June. It denied the construction put on the nationalist associations by the French and British Premiers, declaring that ' there is no justification for associating the sporting and athletic associations of the German youth in any way with military preparations on the part of Germany. That would be to misconstrue completely the spirit of education preached in Germany.' As to the political organizations, the German Government had made ' serious endeavours ' to carry through their disarmament, and there could be ' no question of these associations being really armed '.[2] There was indeed a ' deep sense of bitterness

[1] Text in *L'Europe Nouvelle*, 5th July, 1924 ; *The Times*, 25th June, 1924.

[2] The exact question of the accuracy of this assertion belongs to the internal history of Germany. The following letter may be quoted from a German work

with regard to the present situation in Germany ' prevailing in the German nation ; but this was only natural. Germany was quite incapable of provoking any kind of armed conflict in Europe, even if she wanted to. Public opinion in Germany ' revolted against renewed control ' by the Inter-Allied Commission, as ' an infringement of the sovereignty of the Reich which, besides being in itself very humiliating indeed, appears no longer to be authorized by the Treaty of Versailles ', but in view of the present situation, of the promise of a speedy end to the Commission and of the prospect of the establishment of better relations under the Dawes Scheme, the German Government agreed to permit the general inspection ' on the basis of the express declaration of the Allied Governments that the general inspection demanded means the conclusion of Inter-Allied Military Control and transition to the procedure contemplated under Article 213 of the Peace Treaty '. It made, however, the condition that the methods to be adopted be decided by understanding between the Allies and Germany, and requested that the 30th September be declared the date on which the general inspection should be concluded.[1]

The answer of the Conference of Ambassadors, signed by M. Herriot, was dispatched on the 8th July. It noted with satisfaction the German acceptance of the Allied offer, but pointed out that the Allies had always made clear that the general inspection in no case meant the end of the control under the five categories, and repeated that such inspection must continue. As to the date of the inspection, it was not for Germany to fix conditions, but it would take place as soon as possible. The methods adopted would be in the spirit which had inspired the Allies' last communications to the German Government.[2]

on the subject (E. I. Gumbel, *Verschwörer*, Vienna, 1924). The letter is addressed to Lt. Rossbach and dated the 19th January, 1923.

" Our Sport-club ' Haia ' is the successor of the ' Leitzmann ' local branch of the recently dissolved ' League of Patriotic Soldiers '. (*Verband national-gesinnter Soldaten.*) We are a military organization with arms of our own. Our men, who are not old soldiers, are trained on the Mark ·98 rifle, learn to aim, are made familiar with the articles of war. Route marches and field days are undertaken. Night and field practices are held in Doberitz, firing practices on the ranges in Kaulsdorf and Weissensee. We have also a signals section, trained in Morse.

(signed) Alfred Herzog, Company Sergeant-Major,
7th Gymnasium Squad."

Gumbel's works, *Verschwörer* and *Vier Jahre Politischer Mord*, contain many well-documented statements of interest in connexion with the note of the German Government, quoted above.

[1] *L'Europe Nouvelle*, 5th July, 1924 ; *The Times*, 1st July, 1924.

[2] Text in *Le Temps*, 11th July, 1924.

So this long-drawn-out diplomatic duel reached its unsatisfactory conclusion. The German Government had agreed to the inspection, but at the expense of fresh outbursts from the German Nationalists, who lost no time in addressing an open letter to the German Minister of Foreign Affairs, declaring the Allied demands impossible, announcing that 'now is the hour, now is the last moment to free Germany from the shame of the military control' and demanding that the Government declare their acceptance void, since the conditions upon which it was made had not been accepted, and refuse the inspection.[1] The Allies had gained their point, but the tone of the German correspondence had left behind a profound mistrust in the minds of the majority of persons in both France and Great Britain, and especially among the French parties of the Right. The French Press opened an early and copious campaign to prove the untruthfulness of Germany's assertions of disarmament. This campaign was as a rule well supported by facts. A good example of its methods was contained in a series of detailed and brilliantly-written articles which appeared in *Le Temps* in August and September, under the signature of Lieut.-Colonel Reboul and the title '*Les Camouflages de l'Allemagne continuent.*'.[2]

In the meantime the London agreements were signed on the 16th August, 1924, and shortly afterwards approved by the Parliaments of France and Germany.[3] In settling, at least for a time, the question of reparation, they had the effect of narrowing down the main points at issue between Germany and the Allies to those of military control and the evacuation of occupied territory; the question of security, which stood behind them both, not being directly raised as a separate issue until January 1925. It was inevitable that these two points should be considered in close interdependence. In fact, during the next year they were so intertwined that it is not possible to treat them separately.

The evacuation of the Ruhr and of the 'Sanctions Areas' had formed the subject of special correspondence at the signature of the London Agreements,[4] and it may be noted that the economic 'evacuation' of these districts was carried through smoothly and according to agreement in the autumn of 1924.[5] There remained the military occupation of these districts together with that of the three zones originally occupied under Articles 428–32 of the Treaty of Versailles, 'as a guarantee for the execution of the treaty'. The occupation,

[1] *Deutsche Allgemeine Zeitung*, 15th July, 1924.
[2] *Le Temps*, 19th, 23rd, 28th August; 10th, 13th, 21st, 30th September, 1924.
[3] See *Survey for 1924*, Part II. A, Section (vi).
[4] *Op. cit.*, pp. 384 and 385.
[5] *Op. cit.*, pp. 385–91.

of course, depended on Germany's execution not only of the reparation, but also of the military clauses of the treaty, and might be extended for fifteen years from the coming into force of the treaty. Article 429, however, provided that if the conditions of the treaty were faithfully carried out by Germany, the northernmost or Cologne zone, which was occupied mainly by British troops, might be evacuated after five years ; i. e. on the 10th January, 1925. At the time of the signing of the London Agreements it was universally assumed in Germany that, with the question of reparation settled, the evacuation of the northern zone would take place automatically on the earliest possible date.

This was not, however, it was soon seen, the view of France. An early idea of making the military occupation of the Ruhr dependent on the receipt of satisfactory guarantees of disarmament from Germany was indeed rejected.[1] Yet there was not wanting a strong body of opinion in France which urged on technical military grounds that the evacuation should be delayed until the Allies possessed the assurance of the material and military impossibility of future aggression from Germany.[2]

On the 15th August the *Petit Parisien* published information concerning a letter addressed by the British Premier to the French Government in which he stated that the evacuation of the Cologne zone depended on the complete observance by Germany of her obligations to disarm.[3] The general inspection commenced on the 8th September. The German Government issued an appeal to the population to refrain from obstruction,[4] and the opening weeks passed off smoothly. As early as the 30th September, the Naval Control Commission was, in fact, dissolved, on the ground that its work was finished.[5] The military inspecting officers had no such easy task. Early in November it was announced that between the 8th September and the 25th October they had carried out no less than 793 visits.[6] The first serious 'incident' occurred on the 5th November at Ingolstadt, the Bavarian fortress town. A threatening crowd surrounded the Allied officers, one of whom, it was alleged, had used the expression 'sale boche', spat on them and stoned them.[7] The Bavarian Prime Minister addressed an apology to the senior

[1] *The Times*, 12th August, 1924.
[2] See an article in *Le Temps*, 16th December, 1924, by General Nudant, which sets out the military argument in a very authoritative style.
[3] *The Times*, 16th August, 1924.
[4] *Ibid.*, 6th September, 1924. [5] *Ibid.*, 1st October, 1924.
[6] *Deutsche Allgemeine Zeitung*, 2nd November, 1924.
[7] *The Times*, 7th November, 1924.

French officer of the Commission at Munich, but the incident aroused much ill-feeling. About this time, too, it began to be hinted that the findings of the Commission were not proving satisfactory. They were meeting with passive opposition, especially in the Reichswehr Ministry and among the illegal semi-military organizations, and the German Government appeared powerless over the one and the other. Numerous infractions of the treaty had been discovered, some of them very serious.[1] The German Government, which was engaged at the time in addressing notes to the Powers and to the Council of the League of Nations respecting Germany's entry into the League, chose to assume that her disarmament was complete ;[2] but it was by no means certain that this view would be adopted by the Allies.

The inspection dragged on. It seemed impossible that the general report of the Commission could be ready by the 10th January, but an interim report was rendered in December to the Versailles Committee, whose task it was to present it, with their comments, to the Conference of Ambassadors. In the meantime, it had already been stated in the British Press that the Cologne zone would not be evacuated on the 10th January[3] and agreement had apparently been reached between M. Herriot and Mr. MacDonald in Paris that the evacuation should only be carried through in concert between the Allies. The first official statement was made by Lord Curzon, on behalf of the new Conservative Government of Great Britain, in the House of Lords on the 18th December, to the effect that the report of the Control Commission had been delayed 'by constant and persistent obstruction from German hands'. When the report had been received, the Allies could discuss how far the treaty had been complied with and whether the evacuation could begin.[4]

This statement awoke intense indignation in Germany, which was directed principally against Great Britain. The reason advanced by Lord Curzon was not commonly admitted to be the true one ; among the hidden motives attributed to the British officers of control was the desire to paralyse Germany's industrial competition by throttling her factories.[5] Others believed it to be part of a deep-laid plot for the permanent retention of the Ruhr by France,[6] while it was widely stated that a result of the non-evacuation would be the impossibility of forming in Germany a Government to carry through the obliga-

[1] *The Times*, 14th November and French Press, *passim*.
[2] See above, Part I. A.
[3] *The Westminster Gazette*, 2nd December, 1924, &c.
[4] *The Times*, 19th December, 1924.
[5] *Vossische Zeitung*, 28th December, 1924.
[6] *The Times*, 29th December, 1924.

tions undertaken under the London Agreements. Nevertheless, the Conference of Ambassadors unanimously decided on the 28th December to postpone the evacuation,[1] and a note to this effect was presented, in the form of a communication from the Allied Governments, on the 5th January, 1925.

The note[2] briefly informed the German Government that the Allies had received information showing that Germany had not fulfilled, and could not possibly fulfil by the 10th January, the conditions necessary to secure the evacuation. The following specific defaults were alleged: reconstruction under another form of the Great General Staff; recruiting and training of short-term recruits; failure to demilitarize factories; retention of surplus war material; failure to reorganize the police; failure to take all the administrative and legislative measures demanded by the Allies in their note of the 29th September, 1922.[3] When the report of the Control Commission had been received, it would be considered, and a further communication addressed to the German Government on the subject.

The German answer was delivered to the Allied Ambassadors in Berlin on the 6th January.[4] It declared that the prolongation of the occupation 'over the time set by the treaty' was creating a very grave situation, which was aggravated by the fact that the Allied note, instead of adducing at once Germany's alleged defalcations, had confined itself to general terms and postponed details of the proofs for a later date; especially as 'the judgment of the facts does not depend on the one-sided and arbitrary opinion of the Allied Governments'. So soon as the details were presented, the German Government would reply to them, point by point. But it declared at once that 'the attempt to justify the delay in evacuation of the northern Rhineland zone by the state of German disarmament can be considered at once as mistaken', as there could be no defaults on the part of Germany commensurate with the severity of the measure. A certain friction was inevitable; but in general, Germany was attempting to carry through a policy of peaceful understanding by fulfilling the terms of the treaty, and she called on the Allies to do likewise.

This answer was perhaps the mildest comment on the Allied note received from Germany. In all quarters the indignation was general and intense. Meetings of protest were held all over the country, particularly in the Rhineland, and numerous measures were

[1] *The Times*, *loc. cit.*
[2] Text *ibid.*, 6th January, 1925.
[3] See above, p. 172.
[4] Text in *Deutsche Allgemeine Zeitung*, 9th January, 1925.

advocated in the Press, ranging from armed resistance to refusal to ratify the Anglo-German Commercial Treaty.[1] The more serious papers attributed the Allied note to the influence of French Nationalism; public opinion, however, was inflamed more directly against Great Britain. One result of the Allied note was a decided deterioration in the relations, hitherto comparatively happy, between the British military authorities and the civil authorities and Press in Cologne.

Subsequently it became known that the non-evacuation of the Cologne zone, or the threat of it, was one of the motives which impelled Dr. Stresemann to make his first offer of a Security Pact in January 1925.[2] For the time, however, this aspect of the question did not enter into the controversy, which centred round the truth and gravity of the Allies' accusations respecting Germany's disarmament, and the legality of their decision.

The Allies replied on the 26th January to the German note of the 6th January.[3] They declined to enter into a discussion with the German Government regarding the execution of the provisions of Article 429 of the Versailles Treaty, or to deal with allegations which they could 'in no way accept'. They promised to hand in the list of the German defaults at the earliest possible date, but maintained that the reduction of the occupation, under Articles 428 and 429 of the treaty, was contemplated only in the event of Germany's faithfully carrying out the conditions of the treaty. The solution of the difficulty, therefore, lay with Germany herself.

The German answer,[4] delivered on the following day, declared that the Allied note contained merely a 'formal contradiction' to the arguments contained in the German note of the 6th January, and thus in no way contributed to the disposal of the problem. The German people were still kept in ignorance of the grounds for the non-evacuation and again accused of non-fulfilment of the Versailles Treaty without being given an opportunity to defend themselves. The Allied Governments were drawing 'the most serious conclusions from a one-sided estimate of the matters in question'. Germany could not admit that she had misinterpreted the treaty, and declared that if the provisions of Article 428 concerning disarmament were binding on Germany, those of Article 429 concerning evacuation were equally binding on the Allies. The German Government expected 'that the Allied Governments will have the information previously

[1] e. g. *Kolnisches Tageblatt*, 6th January, 1925.
[2] See above, Part I. A, p. 17. [3] Text in *The Times*, 27th January, 1925.
[4] Text *ibid.*, 28th January, 1925.

mentioned communicated forthwith, and thereby create the necessary basis for a settlement of the present conflict '.

To this note the Allies returned for the time no reply, either by communicating the desired information or otherwise. The next public utterances on the subject all came from Germany, consisting of repeated statements that Germany was being unjustly treated, especially by the withholding of the facts upon which the decision not to evacuate the Cologne zone had been based.[1] The British statesmen preferred to make no statement until the report of the Inter-Allied Commission of Control had been received.[2] French statesmen, on the other hand, notably M. Herriot in his declaration on foreign policy of the 28th January, frankly linked the question of evacuation with that of security.[3]

The report was brought from Berlin to Paris on the 17th February, and handed to the Versailles Committee, which was allotted the task of examining it and presenting it with their comments to the Conference of Ambassadors.[4] The question was felt, however, to be of such importance that the Conference of Ambassadors was hardly likely to take any further decision in the matter on its sole responsibility, and complicated negotiations took place on the subject between the Allies, especially between Paris and London. A divergence of views was already apparent, and grew wider as the German offer of a Security Pact became more precise. The standpoints of the parties interested have been noted above.[5] Great Britain held the view that the question of evacuation depended solely upon that of disarmament, and that the one should be effected so soon as the other was perfected. France argued that her security was dependent on the retention of the bridge-head of Cologne and that evacuation could not take place until Germany had fulfilled the terms of the treaty in their very widest metaphysical sense—until she was demonstrably and lastingly unwilling and unable to attack France, mere technical disarmament not sufficing. Germany, contending as she did that the continued occupation of the northern zone was illegal, could not well make its cessation dependent on any action on her part; but indicated that evacuation would so improve international relations as to facilitate the solution of the security problem.[6]

In these circumstances, the Allies devoted most of their attention

[1] e. g. Dr. Luther on the 30th January in Berlin and on the 9th February in Cologne.

[2] Mr. Austen Chamberlain in the House of Commons on the 16th February, 1925.

[3] See above, Part I. A, p. 15.

[4] *The Times*, 19th February, 1925.

[5] See Part I. A, Sect. (i).

[6] See *The Times*, 19th, 23rd, and 25th February, 1925.

to the larger question of security, and the Versailles Committee worked at leisure on the report of the Commission. Their comments were completed on the 1st March, and the report was considered by the Conference of Ambassadors on the 3rd March. The Ambassadors, however, referred the report back to the Versailles Committee, requesting them to make known their opinion on the report, to determine exactly the respective gravity of the various defaults laid to the charge of Germany, and to indicate what measures of disarmament Germany had still to carry through in order to fulfil the conditions of evacuation under Article 429 of the Treaty of Versailles.[1]

This task occupied the Versailles Committee until the 11th April, when a draft reply was submitted to the Conference of Ambassadors. The French draft note to Germany, based on this text, was ready the following day. The British draft, however, differed from it on various points, and an agreement was not reached until the last days of May; such agreement being obviously delayed by the divergences of view between the British and French Cabinets respecting the reply to be delivered by France to the German security proposals. When these divergences had been settled, the Conference of Ambassadors was easily able to decide on the final text of the disarmament note, which was drawn up on the 30th May, and presented to the German Government on the 4th June, being published on the following day in the form of a British White Paper.[2]

The note, which was of considerable length, confined itself to the questions of disarmament and evacuation, and made no reference to the security negotiations then in progress. The only extraneous matter consisted of an annex containing a report by the Reparation Commission that Germany was faithfully observing her obligations with respect to reparation. The report of the Inter-Allied Commission of Control had, it stated, established 'the numerous defaults of the German Government in respect of the obligations devolving upon them under Part V of the Treaty of Versailles'. The Allies considered it 'of capital importance to place in the foreground of their argument the general observation that these defaults, if not promptly rectified, would in the aggregate enable the German Government eventually to reconstitute an army modelled on the principle of a nation in arms'. So long as these 'important defaults' remained unrectified, it was 'impossible to consider Germany's military obligations as fulfilled'. The defaults specified constituted 'the most serious, but not the only, evidence of the non-fulfilment by Germany

[1] *Deutsche Allgemeine Zeitung*, 5th March, 1925.
[2] *Cmd.* 2429. Text also in *The Times*, 6th June, 1925.

of this essential portion of the Treaty of Peace '. A memorandum was attached to the note giving (1) an examination of the state of execution of Germany's military obligations, according to the report of the Commission of Control ; (2) a summary of the principal points upon which the Allies had not yet received satisfaction ; (3) a detailed list of the measures to be taken to rectify these defaults, under supervision of the Commission of Control ; and (4) a list of concessions already made by the Allies. The Allies declared that it only required goodwill on the part of Germany (such as, the Commission of Control had reported, she was now showing) to rectify the defaults ; and as soon as this was done, they would waive other considerations and order the evacuation of the first zone of occupation. There would then be nothing further to prevent the withdrawal of the Inter-Allied Military Commission of Control and the Council of the League of Nations would then take further action under Article 213 of the Treaty of Versailles. The Allies denied that the non-evacuation of the Cologne zone on the 10th January, 1925, had constituted ' a measure of reprisal on their part ', or an act of severity out of all proportion to its cause, and pointed out that new and serious infractions of the treaty had been committed since the non-evacuation. They appealed to the German Government ' to liquidate with the necessary goodwill the outstanding matters, the settlement of which the gravity of the situation demands '.

The measures to be taken on the points under which Germany had not given satisfaction were as follows :

(1) The police must remain a state and municipal organization. Its effectives must be reduced to 150,000, and there must be no reinforcement from auxiliary police or volunteers. The military character of the *Schutzpolizei* must entirely disappear.

(2) A detailed list of factories, &c., was given where rectifications were needed, the Control Commission being left to indicate the precise measures of destruction, dispersal, or transformation to be adopted. The list was divided into (*a*) private factories other than authorized factories ; (*b*) former state factories ; (*c*) authorized factories ; (*d*) military establishments ; (*e*) military workshops with units ; (*f*) police workshops.

(3) All existing war material in excess of the scales laid down by the Control Commission must be surrendered. With regard to police armament, machine guns were only authorized for armoured cars and river police launches. All mountings enabling them to be used in any emplacement must be surrendered. With regard to gas masks, a concession was made : a stock of masks to be fixed by the Control Commission was allowed for the Reichswehr.

(4) The treaty laid down that the German army should be devoted exclusively to the maintenance of order within the territory and the

control of the frontiers; consequently: (*a*) The decree of the 11th August, 1920, which had the effect of conferring the powers of a Commander-in-Chief on the head of the Army Directorate and of grouping the administrative services in a special organization under a Secretary of State directly responsible to the Reichswehr Minister (equivalent to a Commander-in-Chief and a Great General Staff), must be repealed, and fresh measures, approved by the Control Commission, promulgated in its place. The head of the Army Directorate must return to his old place as Chief of Staff to the Reichswehr Minister. (*b*) The organization of the *Heeresleitung*, which resembled the pre-war Great General Staff, must be abolished, and new measures, approved by the Control Commission, put into force. The sections to be abolished include those dealing with the promotion of retired officers, the Air Council, and the gas section. (*c*) The military organization of the railways, still constituted, as in 1914, with a view to mobilization, must be reformed. (*d*) The practice of attaching supernumerary officers from units to divisional staffs, and of maintaining supplementary cadres in units must be stopped by decree, as must the co-operation of aircraft with infantry, the use of civil aircraft for military purposes, and military training in arms not authorized by the Peace Conference. (*e*) The administrative *personnel* of the services must be reduced to the authorized numbers Reserve rations for the Reichswehr must be reduced to the scales laid down by the Control Commission. (*f*) The Coast Artillery School at Wilhelmshaven would be authorized, provided that all army personnel be excluded from it.

(5) Short term enlistment, the preparation of reserve cadres and the military activities of associations must be suppressed by decree.

(6) The German Government and the Control Commission were stated to be already in negotiation with regard to the settlement of the question of import and export of war material.

(7) Legislation regarding possession of, traffic in and illicit manufacture of war material must be brought into harmony with the treaty and put into force.

(8) Legislation must be promulgated and put into force for the suppression of all forbidden zones.

(9) Legislation regarding war requisitions must be brought into harmony with the treaty and put into force.

(10) All guns in the fortress of Konigsberg must be placed on fixed mountings, and their excess spare parts delivered or destroyed.

(11) The guns in fortifications and coast defences must be placed on fixed mountings. In regard to fortifications, in exceptional cases certain uncompleted work would be allowed to stand.

(12) and (13) Documents to enable accurate statistics respecting fortifications to be prepared, and documents relative to existing stocks of war material and production of German factories during the war and after the armistice must be delivered as required.

The list of concessions already made by the Allies were tabulated, with the occasion on which they were granted. The most important were: military doctors and veterinary officers not to be included in the 4,000 officers allowed by the treaty; increase of the strength of

the police from 92,000 to 150,000, and authorization to increase their armaments; a stock of rifles and ammunition to be kept in reserve against wastage during civil disturbances; fortifications to be dismantled instead of demolished.

The criticism which this document received in the German Press was very thorough and minute. All parties united in repudiating the idea that the German defaults would in the aggregate eventually enable the German Government to reconstitute a national army. Certain items aroused heated objection; as for example the alteration in the executive position of the head of the Army Directorate, the distribution or dispersal of industrial plant, and the requirements regarding the guns in Königsberg fortress. The paragraphs respecting illegal military training and traffic in arms were on the whole welcomed by the Left, and by some members of the Centre, who desired nothing better than the disarmament and disbandment of the 'Völkisch' organizations. The more extreme sections of the Nationalist Press called for a flat refusal of the note.[1] The Allies, however, justified their position by publishing the report of the Inter-Allied Commission of Control, on which the note had been based, on the 8th June.[2] The report gave a very detailed account of Germany's defaults, and accumulated serious evidence of complicity against the German Government. Its leniency towards those convicted of infractions of the treaty, compared with its severity towards informers of such infractions, implied 'the existence of secret measures, deliberate dissimulations, foremost amongst which are the military training of youths and the secret surplus of armaments and of war material'. The reductions in armament since 1922 were few; since then the military power of Germany appeared 'to have remained almost stationary throughout the whole sphere of armament and war material'. It had received a 'marked strengthening' in the sphere of effectives, recruiting and military training, and some strengthening in the sphere of armaments and of fortifications. The Commission expressed itself conscious of 'the spirit arising from the new circumstances and the general need for peace'; but considered Germany to be still far removed from the stage of disarmament required by the treaty.

The Foreign Affairs Committee met to consider the Allied note on the 10th June, but while the general tendency was to deny the accuracy of the Allied statements, the debate was not carried far,

[1] *The Times*, 8th June, 1925.

[2] Text in *Le Temps*, 10th June, 1925; summary in *The Times*, 9th June, 1925.

being broken off to await the arrival of the French answer to the German security offer, on receipt of which it would be possible to decide how far the questions of disarmament and security had to be treated as indivisible.[1] In fact, the next German move, the note of the 20th July which answered the French note of the 16th June, made no reference to the disarmament question, except in its description of Germany as 'a disarmed country, surrounded by strongly armed neighbours', and its insistence that the time for general disarmament was due. Dr. Luther, the German Chancellor, had already treated the subject on the same lines in a speech delivered at Düsseldorf on the 18th June, when, after restating the German case respecting evacuation and disarmament, he declared, while referring hopefully to the security proposals, that, 'so long as the great problem of disarmament is not realized to the same degree by all states, a complete system of peace will be impossible'.[2]

In view of the progress of the security negotiations, there was now a general disposition on all sides towards conciliation as regards both disarmament and the question of the occupied territories. Following on a meeting of the French Cabinet on the 23rd June, an official statement was issued that: 'the Council approved the measure proposed by the Prime Minister and the Minister for War, and by the Minister for Foreign Affairs, with a view to the carrying out of the promises given in connexion with the evacuation of the Ruhr. This operation is intended to begin very shortly'.[3] It commenced, in fact, with the evacuation of the Homberg bridgehead on the 1st July, and the evacuation of the whole Ruhr area was completed by the 31st July,[4] and of the 'sanctions' towns by the 25th August,[5] the whole operation being accomplished without incident. In the question of disarmament matters proceeded more slowly, but a considerable step forward was taken in July when the Reichswehr Ministry appointed a Special Commission under Major-General von Pawelsz to collaborate with the Commission of Control in taking the necessary steps. The work of the Commission was slow, but both parties were sufficiently convinced of the others' goodwill for the disarmament question to raise few difficulties in the security negotiations which were carried through to a successful conclusion during September and October.

The question of the Cologne zone was not so easy. It has been

[1] *Deutsche Allgemeine Zeitung*, 11th June, 1925.
[2] *Ibid.*, 19th June, 1925.
[3] *The Times*, 24th June, 1925.
[4] *Ibid.*, 1st August, 1925.
[5] *Le Temps*, 26th August; *Deutsche Allgemeine Zeitung*, 26th and 27th August, 1925.

told above [1] how, immediately before attending the Locarno Conference, the German Government, under pressure from the Nationalists, attempted to precede the conclusion of the Security Pact by the evacuation of the North Rhenish zone and the final settlement of the disarmament question ; and how the Allied Governments refused to admit the suggestion. Irritation over the outstanding question of the Cologne zone was the factor which came nearest to wrecking the Locarno proposals in Germany.

Fortunately, in October and November advances were made by both sides. On the 20th October it was announced that Krupps, the greatest armament factory in Germany, had at last begun to demolish their gun-making plant—only just in time, since the time limit fixed by the Allies for complete demolition was the last week of December 1925.[2] On the 22nd October, a conference of French political and military leaders found that in certain points, especially regarding the destruction of war material and plants, the German Government had taken satisfactory steps towards disarmament.[3] On the 23rd October a German note on disarmament [4] was delivered simultaneously to the various Allied Governments, being the long-delayed answer to their note of the 4th June. It was divided into four parts. The first enumerated those demands in the Allied note which had already been complied with ; the second, those which would be complied with before the 15th November ; the third contained a list of measures being taken to comply with demands in the Allied note, the execution of which had been inevitably delayed ; and the fourth referred to demands which would ' necessitate some further discussion ', these being (1) Police (title of higher officials ; rules for *personnel* ; barracks) ; (2) High Command ; (3) Prohibition of training with certain weapons ; (4) Artillery arming of the fortress of Königsberg ; (5) Associations. The points of contention were practically reduced to two : the police and the General Staff. With regard to the former, the German Government demanded the right to maintain 35,000 men of the Security Police in military formation in barracks, while the Versailles Committee refused to sanction more than 20,000. The German Government also desired to enlist police for short-term service, the Allies requiring enlistment to be for life. With respect to the General Staff, the German Government promised to accede to the Allied demands that the distinction between officers of the staff and officers of the Reichswehr be abolished, that the

[1] See Part I. A, pp. 47–8. [2] *The Times*, 21st and 24th October, 1925.
[3] *Ibid.*, 23rd October, 1925.
[4] Printed as a British White Paper, *Cmd.* 2527. Summary in *The Times*, 27th October, 1925.

numbers of the staff be reduced, and that their appointment be placed in the hands, not of the Army Command, but of the Minister of Defence responsible to the Reichstag. The German note, however, contended that legislation on these subjects, as demanded by the Allies, was unnecessary, a written promise on the German Government's part being sufficient.

The Conference of Ambassadors met to consider this note on the 27th October, and passed it to the Versailles Committee for comment. On the 4th November, Marshal Foch stated his opinion, which was that the German Government had made genuine efforts to disarm their country, but that on three questions their attitude was still unsatisfactory; these being the maintenance of the Great General Staff, the strength of the Security Police, and the secret military associations.[1] On the 6th November, the Conference of Ambassadors drafted a reply to the German note requiring explanation on the points enumerated in the fourth part of the German note of the 23rd October, particularly Nos. 1, 2 and 5; declaring that, in view of their importance, no definite opinion on the question of disarmament could be expressed before an agreement had been reached on these points, and requesting the German Government to submit its proposals towards their settlement at an early date. Such proposals must in any case have the effect of depriving the German police of any military character, and of forbidding the maintenance or formation of organs of command superior to those of Army Corps.

Should the German reply be satisfactory, the Ambassadors' Conference intimated that they hoped to be able to fix a date for the evacuation of the North Rhineland zone of occupation, and that they would be happy if they were able to fix this date for the 1st December, 1925.[2]

At the same time it was reported that the Allied Governments had reached an agreement with regard to alterations to be introduced into the régime of occupation.[3] In the second week of November, in accordance with arrangements made at Locarno, a German Commissioner for the Occupied Territories was appointed, in the person of Baron Langwerth von Simmern, German Ambassador in Madrid. The German Commissioner took up his duties in Coblenz on the 23rd December, 1925.

On the 11th November the German answer to the note of the Ambassadors was received in Paris. The German Government were willing to satisfy the Allies' demands regarding the High Command,

[1] *Le Temps*, 6th November, 1925.
[2] *Cmd.* 2527.
[3] *The Times*, 6th November, 1925.

but raised certain moral difficulties in their fulfilment. They denied that there was any connexion between sporting and other associations and the Reichswehr, and also denied the possession of any illegal arms. With regard to artillery at Königsberg they urged tactical necessity ; and they declared that the existing organization of the police was indispensable in view of the Communist danger.[1]

On the 14th November the Conference of Ambassadors addressed a note and a verbal declaration to the German Ambassador in Paris, and on the 16th November a further note.[2] In the first note the Conference referred to the successful termination of the Locarno negotiations and declared that ' in the same spirit of confidence, faith and goodwill, the Governments participating in the occupation of the Rhineland territory have decided to introduce into the occupation all the alleviations compatible with the Treaty of Versailles '. The note referred to the appointment of a German Rhineland Commissioner ; stated that the Allies were prepared to grant large measures of amnesty, subject to reciprocal action by Germany, and to introduce a far-reaching plan of reform reducing considerably the number of troops of occupation and facilitating, within the Rhineland Agreement, the free exercise of the German administration within the occupied territory. The ordinances in force would be revised ' in the same spirit of conciliation and appeasement '.

By the verbal declaration, the Ambassadors' Conference decided to fix the beginning of the evacuation of the Cologne zone for the 1st December, 1925.

By the note of the 16th November, confirming the verbal declaration of the 14th November, the Ambassadors' Conference declared that complete agreement had been reached with Germany on the points relative to disarmament still in dispute. Without waiting for the execution to be entirely completed, the Allies had therefore decided to proceed with the evacuation of the Cologne zone, to be completed if possible during January, but in any case by the 20th February. The Commission of Control would be withdrawn as soon as it had completed the tasks which remained for it to accomplish, and its numbers would be considerably reduced at once. The news of the imminent evacuation of Cologne, of the alleviations in the existing régime, and of the probable speedy end of the Control Commission, were among the main factors which induced the German Reichstag to approve the signature of the documents constituting the Rhineland Pact.[3] For their part, the Allies promulgated a

[1] *Le Temps*, 15th November, 1925.

[2] Texts in *Cmd.* 2527 and in *Deutsche Allgemeine Zeitung*, 18th November, 1925.

[3] See p. 60, above.

detailed list of the alleviations to be introduced on the 18th November.[1]

The measures for the re-grouping of the forces of occupation were taken in hand at once. The first detachment of British troops left Cologne on the 30th November, the official evacuation beginning on the 1st December. On the 30th December the British Army of the Rhine officially took over from the French the administration of the Wiesbaden zone. On the 29th January, 1926, the Belgian garrison completed its evacuation of its area of occupation in the northern Rhineland zone. On the 30th January the last of the British troops left Cologne, and the last French left Bonn.[2] The evacuation of the northern Rhineland zone was officially completed at midnight on the 31st January—1st February, 1926.[3]

On the 1st January, 1926, official notice was issued that the branches of the Military Control Commission, except those in Munich and Königsberg, would be discontinued. A small nucleus remained to complete the work of controlling the final disarmament of Germany.

Technically it was possible for the Allies to reoccupy the Cologne zone, given sufficient evidence of ill-will on the part of Germany. Actually, it remained only to accelerate the task of disarmament so as to permit the withdrawal of the Control Commission in favour of a body appointed by the League of Nations, and possibly even to accelerate the evacuation of the remaining zones and the final deliverance of Germany from foreign occupation, an occupation which she was inclined to resent more and more as an indignity and a relic of the bad years immediately following the War. A not inconsiderable body of opinion among the Allies, especially in Great Britain, concurred with her in this view : but the question depended in part on larger issues.

(iii) Negotiations for Commercial Treaties between Germany and the Principal Allied Powers of Western Europe.

Introduction

The Treaty of Versailles under Article 51 restored Alsace and Lorraine to France with the frontiers of 1871. To mitigate the consequent economic dislocation, Article 68 of the treaty provided that natural and manufactured products originating in and coming from these territories should be exempt from all customs duties on importa-

[1] See *The Times*, 19th November, 1925, for a list of these alleviations.
[2] *Frankfurter Zeitung*, 31st January, 1926.
[3] *The Times*, 1st February, 1926.

tion into the German customs territory until the 10th January, 1925. The French Government were to fix by decree annually the nature and amount of commodities enjoying this privilege, the amount not to exceed the average sent into Germany annually in 1911–13. A special clause respecting the Alsatian textile industry provided that, for the same period, the German Government should allow the free export from Germany and reimportation into Germany of all textile materials sent into Alsace and Lorraine for finishing.

Under Articles 264–7 Germany agreed to allow the produce of the Allied and Associated Powers imported into Germany unilateral most-favoured-nation treatment for the same period and not to impose on such importation any restriction which would not apply equally to all other states.

These, briefly, were the arrangements by which the authors of the Treaty of Versailles dealt with the industrial situation in Western Europe. The provisions respecting the general grant of most-favoured-nation treatment might be said to be part of the Reparation clauses ; they were an attempt to compensate the Allied Powers for the losses inflicted on them by German aggression in the War.

The restitution of Alsace and Lorraine was primarily political ; the clauses dealing with their industrial position recognized, however, that simple reversion to the *status quo* of 1870 was impossible in view of the entirely altered economic position.

The great basin which included the Rhineland, the Saar coalfields, the Ruhr, Alsace, Lorraine, Eastern Belgium, southern Luxembourg and north-eastern France had by 1914 become the key to the industrial situation on the continent of Europe, thanks to its extraordinary wealth, in close proximity, of iron ore and coal. The following were the chief deposits :

(1) The Rhenish-Westphalian coal basin, extending throughout the Ruhr basin and westward to the Belgian frontier near Aachen (Aix-la-Chapelle). This basin supplied both the most abundant and the best coking coal on the continent of Europe. Its reserves had been estimated at 213,566 million tons, of which probably 50 per cent. was suitable for coking.[1] In 1913, 117 million tons were raised, amounting to 61 per cent. of the total production of Germany. Conditions of exploitation were easy and communications excellently organized. The Ruhr basin contained few seams of ore, but was the centre of the principal metallurgical industry of Germany, and in 1913 it included 42 per cent. of the production of pig-iron and 53

[1] Sir R. Redmayne : ' Coal Resources of the World ' (*Transactions of the World Power Conference*, vol. i, p. 420 [1924]).

per cent. of the production of steel of the German Zollverein, which then included Alsace and Lorraine. The imported ore came chiefly from Sweden (25 per cent.), Spain (20 per cent.) and French Lorraine (15 per cent.). The by-products of the coke (84 per cent. of the German production being produced in the Ruhr and Rhineland out of Ruhr coal) were valued in 1913 at about 174,147,000 marks, and formed the basis of the German aniline dye and chemical industries.[1]

(2) The Saar coal basin with known reserves of over sixteen and a half million tons [2] of a quality inferior to the Ruhr coal, containing only 62 per cent. of the coking value of the latter. It had, however, a flourishing metallurgical industry, which in 1913 produced 1,371,000 tons of pig-iron and 2,081,000 tons of steel, all the ore being imported from Lorraine and Luxembourg.

(3) The Rhineland lignite basins, extending into Belgium. The reserves were small, but the lignite lay in or near the surface, was very easily exploited and was much used for producing electric power.

(4) The Lorraine-Luxembourg iron ores. This basin extended along both sides of the Franco-German frontier of 1871 [3] and into Luxembourg, which was then part of the German Zollverein. Up to 1918 the production on the French and German sides of the frontier was about equal. In 1913 German Lorraine produced about 20,600,000 long tons, or 75 per cent. of the iron mined in Germany. French Lorraine produced 19,400,000 tons, or 90 per cent. of the product of France. Luxembourg produced 7,000,000 tons; 29 per cent. of the world production of iron in 1913 came from this district. About two-thirds of the production was consumed on the spot, the rest being exported to the Ruhr (in 1913, 4,200,000 tons) and the Saar (in 1913, 4,400,000 tons). About 12,000,000 tons of coke were consumed, 77 per cent. of which came from the Ruhr. These deposits were of the so-called 'minette' ore, which was strongly phosphoric, and could not be advantageously worked until the discovery of the Thomas process in 1878. The Lorraine basins were practically dependent on the Ruhr for their coke, since the coal reserves in France in 1913 were too low to permit her to utilize her coal for coking. The metallurgical industry of this basin was growing rapidly before the war. In 1913 it produced 9,900,000 tons of pig iron and 6,028,000 tons of steel, Luxembourg producing

[1] *Vierteljahreshefte zur Statistik des Deutschen Reiches*, 25. Jahrgang, 1916, Drittes Heft.

[2] 'Coal Resources of the World.'

[3] Owing to a mistake on the part of the geologists consulted by the German Government when tracing the frontier. In any case only the Thomas invention made the deposits really valuable. See Haskins and Lord, *Some Problems of the Peace Conference* (Harvard University Press, 1920), pp. 102–3.

2,540,000 tons of pig iron and 1,520,000 tons of steel, and exporting its surplus ore to the Ruhr and the Saar. The pig-iron metallurgical industry of Lorraine was actually greater than that of the Ruhr ; but the latter led in production of steel. It was, however, only partially true in 1913 to speak of a rivalry between those closely interconnected industries, since many of the works in German Lorraine and the Ruhr were controlled by the same German firms. The Saar stood a little apart, being distinctly more backward than the other two basins, but able to compete with them, largely thanks to the skill of its population, in certain specialized branches. Taken all in all, the whole basin formed the most closely unified, as well as the most highly organized and the most important industrial system on the Continent, the great bulk of it lying within the frontiers of the German Zollverein, while the French ironmasters in the rest of it entertained close relations with their German colleagues.[1]

A word must be added on the Alsatian textile industry. In 1918 Alsace possessed 1,900,000 spindles, 40,000 looms, and 160 printing machines. The acquisition of the territory increased France's spinning capacity by 23 per cent., her weaving capacity by 25 per cent., her finishing capacity by more than 100 per cent. The textile industry in the former French territories being already old-established, and at the same time rather precariously situated, owing to the distance of the mills both from ports and from fuel, the competition of the Alsatian mills was most dangerous to the French textile industry, while the attempt to make room for it by driving out British imports raised other difficulties. The five-year régime was designed both to preserve the Alsatian mills from destruction and to enable them to adjust their markets. The maintenance of the French industry was practically dependent on the Alsatian products continuing to find their market in Germany. In fact, practically all the product was so absorbed in 1921 ; but in 1922 Germany took only 42 per cent. of the Alsatian textiles, and in 1923, a boycott having been declared against them, only 13·8 per cent.[2]

Commercial relations between Germany and the Allies, but particularly between Germany and France, were dominated during

[1] Of twelve blast furnaces producing pig iron in German Lorraine seven were owned and controlled by German firms operating also in the Ruhr, and two by German firms from the Saar. The three others were of mixed ownership. Two-thirds of the remaining concessions were entirely owned by German firms of the Ruhr and Rhineland, and four-fifths of those in Luxembourg. German firms also had important interests in French Lorraine. See G. Greer : *The Ruhr-Lorraine Industrial Problem* (New York, 1925, Macmillan Company).

[2] *L'Europe Nouvelle*, 17th January, 1925.

the whole period of the special régime established by the Versailles Treaty, and indeed after it, by the necessities of the great system which for convenience may be called the Ruhr-Lorraine basin. The rest of Germany's commercial policy may be treated very shortly. At first production fell to a low ebb, and as there was a great need of manufactured products, due to the shortage caused by the War, quantities of such products poured in from France, Great Britain, and Belgium through the 'gap in the west' left under the Treaty of Versailles. To prevent this, Germany, on the 3rd November, 1921, declared that she would only admit on most-favoured-nation terms certain contingents of imports, while for further imports, licences must be obtained. This had the effect of greatly diminishing the Allied imports into Germany. At the same time, German production revived, and, thanks to the low wages paid during the inflation period and the long hours worked, Germany was able to compete at a great advantage with her rivals on the world market; especially as the great German cartels favoured this process by a deliberate policy of dumping. The result was a number of protectionist measures taken by Belgium, Great Britain, the United States, and other countries, which were generally directed against Germany. The system of protection spread throughout the world, and Germany herself made preparations to introduce a high protectionist tariff as soon as the provisions of the Treaty of Versailles should allow her to do so.

Meanwhile, the Ruhr-Lorraine basin was growing ever more important for both France and Germany. At the same time, it was split into a definitely French and a German half. During the War, when Germany had been in occupation of the entire basin as well as of most of the coal-mines of northern France, it had been united as never before; and, remaining practically unravaged by war, had acquired an overwhelming importance. In 1919 the whole of Lorraine was re-transferred to France, while the Saar came under a special régime,[1] and Luxembourg left the Zollverein, later uniting in a customs union with Belgium. The German ironmasters from Lorraine were expropriated and settled in the Rhineland and the Ruhr, rebuilding new works there. Their place was taken by French industrialists. The ironmasters of Lorraine practically dominated the heavy industry of France, especially in view of the destruction suffered by northern France during the War. Similarly in Germany, the loss of Upper Silesia accentuated the importance of the Ruhr. The mutual needs of the two systems were accentuated by the destruc-

[1] See *Survey for 1920–3*, Part II, Section (ii).

tion of the French coal-mines. It must not, however, be forgotten, that France needed Germany much more than Germany France. For the Lorraine ironmasters an undisturbed supply of Ruhr coke was vital, while they also exported their semi-finished products to Germany.[1] Germany could do without France much more easily, having raw material at her disposal.

It must be added that the general trend of political events in both countries was to bring prominent metallurgical and coal magnates (M. Loucheur and Herr Stinnes may be cited) into a position of extraordinary political importance not shared by the representatives of other industries.

(*a*) Negotiations between Germany and France

In previous volumes an account has been given of the various attempts which were made by Governments or by industrial leaders to solve the crucial problem of re-establishing working relations throughout the Ruhr-Lorraine basin. From the narrower French nationalist aspect, indeed, the question was merely that of supplying the Lorraine ironmasters with sufficient coke for their purposes. But both far-sighted Frenchmen and Germans saw that the real problem was one of a lasting co-operation. Germany was in fact so impressed by this idea that during the negotiations which were to come she quite obviously preferred that no commercial treaty should be concluded between the Governments until a satisfactory accord should have been reached between the magnates of the principal industrial groups concerned. The chief of these groups were those interested in coal and metallurgy, in potash, and in textiles. The potash magnates came to a successful arrangement in August 1924 to divide the American market between them.[2] The textiles question proved one of the principal difficulties in the commercial negotiations. France demanded a continuance of the duty-free régime in Alsace and Lorraine and this demand was violently opposed, not only in Germany (especially by the Saxon textile industry),[3] but also in

[1] After the War the French production of cast iron rose from 5 to 11 million tons annually—an amount which her home market could not possibly absorb; while her annual deficit in coke rose from 3 to 7 million tons. (*Le Temps*, 6th December, 1924.)

[2] *The Times*, 28th August, 1924. An agreement on the principle of the division of the market outside Germany and France and the French Colonies was reached between the *Deutsches Kalisyndikat* and the *Société Commerciale des Potasses d'Alsace* at Lugano on the 10th April, 1926, and a definitive convention, putting the principle into effect, was signed in Paris on the 29th December, 1926. (For texts of these agreements see *L'Europe Nouvelle*, 30th April, 1927.)

[3] *Deutsche Allgemeine Zeitung*, 2nd October, 1924.

Lancashire, where it was feared that such exceptional terms to France would seriously prejudice British interests.[1] The question of an agreement among the representatives of the heavy industry was the most complicated and the most difficult of all, and during the negotiations of 1924 this problem intruded itself so persistently that complaints were made that the Governments concerned were letting themselves be swayed by the private interests of a few overpowerful persons.

The shadow of the worst of many disasters which had overtaken the heavy industry hung over the opening of negotiations between France and Germany for a commercial treaty in the autumn of 1924. The problem of Reparation was not yet settled and the Ruhr was not yet evacuated, when the end of the special Versailles régime came into sight, and the two Governments had to work out proposals for submission to one another.[2] None the less, since M. Herriot had come into power, it was recognized that France and Germany were declaring for peace rather than for war. An integral factor in true peace was the conclusion of a commercial treaty, to take effect on or as soon as possible after the 10th January, 1925. Such a treaty M. Herriot declared to be 'absolutely necessary', and he announced his intention of discussing it with Herr Stresemann during the London Conference of August 1924.[3] It was perhaps not unnatural that, since M. Loucheur was present in London, and since it was known that the question of the evacuation of the Ruhr was being raised between Dr. Marx and M. Herriot, reports were spread that France was using the evacuation as a means of pressure to extract from Germany favourable commercial agreements. These reports caused some alarm in Great Britain, but were denied by M. Loucheur. In any case, no bargain involving evacuation as a price of a combine was made, even if offered, the German attitude being, apparently, that it was impossible to make permanent and important concessions for the sake of temporary alleviations.[4] Another question, more definitely dangerous to Great Britain, was that of the continuance of the Versailles régime for the Alsatian textile industry. The French proposals to this effect were watched with grave anxiety in Great Britain,[5] until the successful conclusion of the British-German commercial treaty removed the grounds of apprehension.

In effect, France and Germany made no progress in their com-

[1] *The Times*, 24th September, 1924.
[2] *Deutsche Allgemeine Zeitung*, 5th July, 1924.
[3] *Ibid.*, 2nd August, 1924. For the London Conference, see *Survey for 1924*, pp. 371 *seqq.*
[4] See *Le Temps*, 2nd September, 1924.
[5] See a speech by Sir Robert Horne, *The Times*, 20th September, 1924.

mercial negotiations in London. Indeed, partly perhaps owing to Germany's refusal to agree to a bargain, France, following the British example, imposed the 26 per cent. duty on German imports by a decree dated the 20th September and coming into force on the 1st October, 1924.[1] The existence of this duty was one of the many stumbling-blocks when the negotiations definitely opened in Paris on the 1st October.

It would be unnecessarily tedious to describe in detail the whole tangled course of the negotiations which followed. Broadly, the German delegates demanded a return to the system applied before the War—a simple commercial agreement based on general most-favoured-nation treatment, with moderate tariffs and without any special stipulations or exceptional measures. France, on the other hand, declared that her tariff of the 29th July, 1919, did not permit of general most-favoured-nation treatment (to which principle, moreover, she raised various general objections), but only of percentage reductions of tariff on specified classes of goods.[2] She therefore demanded special treatment for particular industries, especially those situated in Alsace and Lorraine. As M. Raynaldy frankly pointed out: 'Alsace and Lorraine had only received very partial benefits from the régime of the Treaty of Versailles . . . while the currents which led their production to the German market could not be interrupted without involving them in grave loss. The French Government must, therefore, in the interests of justice, and as a guarantee of peace and conciliation, raise the question of maintaining in favour of Alsace-Lorraine, for a certain further period and in a manner to be determined, the free entry into Germany of certain products.'[3]

On the 11th October a protocol was signed, which determined the general lines on which further discussions were to take place. The German delegates agreed to consider the granting to France of general most-favoured-nation treatment, while Germany would in principle content herself with *de facto* favoured treatment in the shape of tariff reductions on certain articles, to be specified in the course of the negotiations.[4] The question of Alsace-Lorraine, on which no agreement could be reached, was left aside. By the end of October Germany had confirmed her offer,[5] and during November the German delegates agreed, with some demurral, not to link up the question of the 26

[1] See *Survey for 1924*, p. 386.
[2] *The Times*, 8th October, 1924.
[3] *Le Temps*, 3rd October, 1924.
[4] *The Times*, 13th October, 1924; *Deutsche Allgemeine Zeitung*, 12th October.
[5] *Deutsche Allgemeine Zeitung*, 4th November, 1924.

per cent. duty with the conclusion of the treaty.[1] France agreed to drop her demand for special treatment for Alsace-Lorraine as a whole, in return for detailed concessions for special industries, including those of especial importance for Alsace-Lorraine.[2] Yet progress was very slow, largely owing to the clash of the opposing metallurgical interests. The German Government, which was strongly influenced by its heavy industrials, was anxious that a private agreement should be reached between the iron and coal industries of the two countries. Such an agreement could not be reached, and it was currently believed that the German heavy industrial experts were prolonging the negotiations in order to put pressure on the Comité des Forges to conclude a pact favourable to German interests.[3] There was thus a strong conflict of interests in France itself between the Comité des Forges and the Alsatian textile industries on the one hand and the remainder of French industry on the other; since a favourable agreement for France as a whole could probably be reached if the demands, expressed or implied, of Germany regarding Alsace and Lorraine were granted.[4] Meanwhile the date of the expiration of the Versailles arrangement drew on, and the imminence of a treatyless period was viewed in France, and especially in Alsace-Lorraine, with grave apprehension. In Germany the psychological effect of the Allies' decision not to evacuate Cologne was to produce a certain bellicosity which tempered regrets.[5]

A treatyless state, in fact, entered into being on the 10th January, 1925, and lasted until the 28th February, when notes were exchanged, laying down the principles and, to some extent, the terms of both the provisional *modus vivendi* and the definitive treaty to be concluded.[6] In the former, which was to last for nine months, Germany agreed to grant France general most-favoured-nation treatment, except for a limited and definite number of articles, with reductions or consolidations of duties on articles particularly interesting the French export trade. She would abolish import and export prohibitions, with few exceptions. She would apply to certain contingents of the products of Alsace-Lorraine a preferential régime amounting in principle to a 50 per cent. reduction of the duties imposed on corresponding products coming from other districts of France. France undertook to divide imports from Germany into four categories. Almost all

[1] *Le Temps*, 22nd November, 1924. [2] *The Times*, 26th November, 1924.
[3] *Ibid.*, 27th November, 1924.
[4] See *The Manchester Guardian*, 5th November, 1924.
[5] *The Times*, 7th January, 1925.
[6] *The Times* and *Le Temps*, 2nd March, 1925.

raw materials and foodstuffs and certain manufactured goods were included in the first category, which would be admitted under the minimum French tariff. The second category comprised a small number of articles, to limited contingents of which the minimum tariff would be applied. The minimum tariff was also to apply to the third category of goods, but with the reservation that the duty might be increased by agreement with the German delegation—such agreement to be submitted immediately to the French Chamber for ratification. A fourth category of goods was to be subject to duties intermediate between the minimum tariff and the general tariff. The definitive treaty, when concluded, would be valid for eighteen months. Germany would grant France unrestricted general most-favoured-nation treatment, with reductions and consolidations of duties on important articles; and would only apply import or export restrictions in exceptional cases. France would afford imports interesting the German export trade her minimum tariff, with certain temporary exceptions designed to give French industries time to adapt themselves to the new conditions; and would also suppress all import and export restrictions, subject to special reservations. The two Governments agreed to undertake no tariff hostilities before the end of the negotiations.

The detailed tariff negotiations necessary to fill in this agreement on principles began on the 16th March, 1925, and were to some extent facilitated by the conclusion of a contingent agreement between the iron, coal, and steel magnates of France and Germany in June. The great difficulty regarding Alsatian textiles remained, however, unsolved. On the 4th July the negotiations were indefinitely suspended; the two Governments, however, agreed to renew their understanding not to enter upon any tariff hostilities against one another during the period of suspension.[1]

Conversations were resumed on the 15th September, by which time the way had been partly cleared, partly complicated, by yet another minor agreement, this time relating to the Saar, the special régime affecting the trade of this basin (Article 31 of the Annexe to Articles 45–50 of the Treaty of Versailles) having lapsed on the 15th January, 1925. Separate negotiations for the replacement of this régime by another had been in progress since the 10th March, 1925, and a provisional agreement, valid for four months only, had been concluded on the 11th July, being based apparently on the private agreement of the heavy industry recently concluded.[2] Agreed quantities of

[1] *The Times*, 6th and 8th July, 1925.
[2] *Deutsche Allgemeine Zeitung*, 12th July; *The Times*, 13th July, 1925.

Saar products, including porcelain, glassware and certain metallurgical products and engineering manufactures, were to be imported free into Germany, and agreed quantities of raw materials, half-products and foodstuffs necessary for the Saar territory imported from Germany were to receive the minimum French tariff. The convention was made conditional on an agreement between the Saar and Lorraine industries to compensate the latter for the advantage enjoyed by the former under the private agreement.

The Saar agreement was beneficial to the German inhabitants of the district, but more advantageous to the French customs union, which included the district, as against the German. It was ratified by the French Chamber on the 12th July but not by the Reichstag, and was still inoperative when the French and German delegates met on the 15th September. By this time the new German tariff was in force, while the French tariff was still under discussion.

After further delays, a basis of compromise was reached on the 19th December. The definitive commercial régime was to begin as soon as the revised French tariff came into force, and in any case not later than fourteen months after the coming into effect of the *modus vivendi*. Under the *modus vivendi* Germany was to receive the minimum tariff for some of her products and intermediary tariffs for most others, and was to grant France in return *de facto* most-favoured-nation treatment for most French products, and consolidated duties on articles specially interesting the French export trade. Under the definitive régime, France was to enjoy general most-favoured-nation treatment in Germany and the consolidated duties granted under the *modus vivendi* were to be maintained. The new French minimum tariff was to be applied to almost all German goods—in other words, Germany would receive *de facto* most-favoured-nation treatment. If subsequent modifications in the French tariff were to prove specially injurious to certain German products, Germany might receive compensation on other articles.[1]

The negotiations reopened on the 15th January, 1926,[2] and on the 12th February the plenipotentiaries signed a provisional agreement, to be valid for three months after ratification by the Reichstag (ratification by the French Parliament not being necessary). Under this arrangement the seasonal products of French agriculture imported by Germany were to receive most-favoured-nation treatment and a stipulated reduction of tariffs, while Germany was to receive the minimum French tariff or intermediate rates on sawn timber and

[1] *Le Temps*, 24th December, 1925.
[2] *Frankfurter Zeitung*, 16th January, 1926.

on certain chemical products, agricultural machinery and domestic articles. On both sides the concessions granted were limited in certain cases to specified quantities of imports.[1] The agreement was approved by the Reichstag on the 20th February[2] and came into force at midnight on the 28th February–1st March.[3] A supplementary agreement, increasing the contingents of certain articles, was concluded on the 8th April.[4]

By the beginning of June, when the term of the *modus vivendi* expired, it had become clear that the immediate conclusion of a definitive treaty could not be expected and the French delegation accordingly proposed the negotiation of a further provisional arrangement, again applying only to certain agricultural and industrial products.[5] Fresh difficulties arose, however, regarding German imports of French wines and other matters[6] and it was not until the 5th August that the delegates signed a new *modus vivendi* which was to regulate customs relations for six months from the 20th August.[7] Certain important categories of articles [8] not covered by the previous *modus vivendi* were included in the terms of this agreement, and most-favoured-nation treatment was provided for as between Germany and the French colonies.[9] On the same day an agreement was signed regulating trading relations between the Saar basin and Germany. This followed the same general lines as the convention of the 11th July, 1925, which had never come into force.[10] The signature of these agreements was generally welcomed, both in Germany and France, since they marked a considerable advance towards abolishing the interregnum which had existed since the 10th January, 1925, and establishing commercial relations between France and Germany on a normal basis.[11]

After the conclusion of the provisional agreement of the 5th August (which was approved by the Reichstag on the 14th August [12] and

[1] *Frankfurter Zeitung* and *The Times*, 13th February, 1926; *Le Temps*, 20th February.
[2] *Frankfurter Zeitung*, 22nd February, 1926.
[3] *Ibid.*, 27th February, 1926.
[4] *Ibid.*, 10th April; *Le Temps*, 11th April, 1926.
[5] *Frankfurter Zeitung*, 20th June, 1926.
[6] *Ibid.*, 4th and 17th July; *The Times*, 2nd August, 1926.
[7] Text in *Frankfurter Zeitung*, 11th August, 1926.
[8] French motor cars, silk goods, dress goods, soaps, &c., and German machinery, paper and leather goods, glass, pottery, optical goods, and agricultural products were to benefit by the tariff concessions.
[9] The most-favoured-nation principle was applied not only to trade but also to the right of domicile, which was provisionally settled for France (though not for the French colonies) on a mutual basis (see *The Times*, 7th August, 1926).
[10] *The Times*, 6th August, 1926.
[11] See *The Times* and *Le Temps*, 7th August, 1926.
[12] *Frankfurter Zeitung*, 15th August; *Le Temps*, 16th August, 1926.

brought into force in France by decree pending ratification by Parliament),[1] interest once more centred in the difficult negotiations between the French and German metallurgical industries, which had hitherto proved one of the main stumbling-blocks in the way of a definitive commercial treaty. A conference of the representatives of the principal firms in the French and German metallurgical industries opened in Paris on the 12th August to discuss the possibility of an agreement for the systematization of European iron and steel production, in order to maintain it at its existing level and regulate output in each country in accordance with the needs of the market.[2] These negotiations, which resulted in the signature, on the 30th September, 1926, of an agreement for an International Steel Cartel, will be dealt with in a subsequent volume.

(*b*) Negotiations between Germany and Great Britain

The difficulties attending the negotiation of a commercial agreement between Great Britain and Germany were less complicated than in the cases of Germany and her immediate neighbours, since no part of Germany's industrial system had been transferred to Great Britain. The chief difficulty lay in the similarity of methods and interests which had made the countries serious rivals to one another. The diminution of Germany's producing power immediately after the War had given Great Britain an advantage in this respect which she lost when Germany recommenced production on a large scale, assisted by a depreciated currency and a less rigid industrial welfare legislation than was in force in Great Britain. The latter country found the fictitious advantages which she had obtained as against Germany under the Treaty of Versailles fast disappearing, and was obliged to guard herself against her dangerous rival by various measures of anti-dumping legislation.

The crisis in Great Britain was accentuated when the French franc began to go the way of the mark ; and, at the same time, the Dawes Plan, by providing a temporary solution of the Reparation problem, permitted Germany to embark on a definite foreign commercial policy. Great Britain as a whole was, however, interested in Germany's recovery as a producing power, even though that recovery should prove dangerous to certain groups of British industry ; since, if Germany did not produce, she could not pay. Both countries realized that they could only derive profit from a readjustment on a firm basis of their commercial relations.

Negotiations were only seriously taken up in September 1924, by

[1] *Le Temps*, 13th August, 1926. [2] See *The Times*, 13th August, 1926.

which time it was known that France was pressing for a continuance of the Versailles régime in Alsace and Lorraine. Reports on this subject were received with anxiety in Great Britain, as it was felt that, if the French demands were accepted, not only would the French iron and steel industry (given agreement with the German industries interested) acquire a dominating position on the Continent, but the Alsatian textile industry would be able to undercut all competition in the German market, to the great detriment of the British manufacturers. When the Anglo-German negotiations opened in Berlin on the 22nd September, 1924, the British demand was for a simple most-favoured-nation agreement, which would avert the danger of the French proposals.

The negotiations were suspended immediately for preliminary consideration of certain questions, but they were resumed in London on the 24th November, and from that time on proceeded rapidly. The German Government was understood to be willing to accept the British demand for most-favoured-nation treatment, subject to three conditions : (1) that German banks be allowed to open branches in London immediately ; (2) that German sailors and stewards be allowed to take employment in British ships ; and (3) that the 26 per cent. duty imposed on German imports in Great Britain under the Reparations (Recovery) Act [1] be modified, if not abolished altogether.[2] The first and second of these proposals presented no excessive difficulties, and by the end of November, a formula regarding the 26 per cent. duty, by which in effect the question was left open for further discussion, had been submitted to the German Government for approval.[3] The German acceptance of this formula enabled a treaty to be signed on the 2nd December, 1924.

The treaty [4] consisted of thirty-three articles, to which was added a protocol of eight articles. The main lines of the treaty followed to a large extent those of other commercial agreements concluded by Great Britain. The two countries guaranteed each other reciprocally freedom of commerce and navigation and national treatment in the same matters (Art. 1). In matters of taxation, customs, &c., the subjects of either country in the territory of the other were to enjoy most-favoured-nation treatment (Art. 2). In all matters relating to commerce, navigation and industry, most-favoured-nation treatment was accorded reciprocally (Art. 3) ; and imports and exports between the countries were to receive most-favoured-

[1] See *Survey for 1920–3*, p. 147 ; *Survey for 1924*, p. 386.
[2] *The Times*, 20th November, 1924. [3] *Ibid.*, 1st December, 1924.
[4] Printed as a White Paper, *Cmd.* 2345 of 1925, and in *The Times*, 5th December, 1924.

nation treatment (Arts. 8 and 9). Import or export restrictions or prohibitions were to be removed as far as possible, except in cases where public safety, sanitary arrangements, regulations concerning material of war, patent laws or national monopolies, necessitated reservations (Art. 10). The system of import and export licences was to be simplified (Art. 12). The coasting trade was to enjoy not national, but most-favoured-nation treatment, provided reciprocity was assured (Art. 21). The treaty was not to be applicable to the British Empire outside the United Kingdom, nor to British mandated territories, unless notice was given at Berlin that any units of the Empire wished to adhere, but goods produced in the Empire or mandated territories were to enjoy most-favoured-nation treatment in Germany so long as reciprocity was accorded (Arts. 31 and 32). The treaty was to come into force on ratification, and to be binding for five years (Art. 33).

The protocol was more interesting than the treaty. It declared that, the treaty being based on the principle of the most-favoured-nation, the parties undertook to give ' the widest possible interpretation to that principle ' ; in particular, while retaining their right to take appropriate measures to protect their own industry, they would abstain from discriminating, through their customs tariffs, or otherwise, against the trade of the other party, and would consider sympathetically any cases where such discrimination seemed to have been shown (Art. 1). They agreed, within the limits of this undertaking, to abstain from any duties or charges which might be specially injurious to the other party, and to consider each other's interests in their tariff legislation and in the application of import restrictions or prohibitions (Art. 2). All import and export restrictions, except in the special cases mentioned in Article 10 of the treaty, were to be removed within six months (Art. 3). The British Government undertook to bring in legislation to remove special legal disabilities in force against German nationals (under the Non-Ferrous Metal Industries Act, 1918, the Aliens Restrictions (Amendment) Act, 1919, Section 2, and the Trading with the Enemy (Amendment) Act, 1918, Section 2), and to include Germany in any benefit granted under the Overseas Trade Acts, 1920–1924 and the Trade Facilities Act, 1921–1924 to the trade of any other foreign country (Art. 4). The German Government granted special provisions safeguarding the interests of British insurance companies and banking companies in Germany (Art. 5). National treatment was to be accorded mutually in regard to the carriage of emigrants and transmigrants (Art. 6). Both parties promised to adopt the provisions of the Barcelona Conven-

tion of 1921 respecting the freedom of transit and international waterways, the Geneva Conventions of 1923 regarding customs formalities, maritime ports and railways, and the Protocol on Arbitration clauses drawn up at Geneva in 1923.

With regard to the outstanding question of the Reparation (Recovery) Act, the German delegates had proposed that the existing system of collection of the duty should be replaced by a monthly account between the two Governments, the German Government to place to the credit of the British Government a sum in gold marks equal to 26 per cent. of the declared imports from Germany into Great Britain. In a letter dated the 28th November, 1924,[1] Sir Otto Niemeyer informed Herr von Schubert, the chief German delegate, that this would be difficult, since the Reparation (Recovery) Act had a recognized position, and by altering the procedure, Britain might lose some of her rights. It would be necessary first to consult the Agent-General for Reparation, the Transfer Committee and the other Governments signatory to the London Agreements. If their consent were obtained, the British Government would negotiate with the German Government regarding the introduction of a new procedure.

The Agent-General for Reparation took up the question in February 1925, and quickly reached an agreement in principle with the British Treasury,[2] but the negotiations between the German Government, the British Treasury and the Agent-General for Reparation were not concluded till the end of March,[3] an agreement being signed in Berlin on the 3rd April. The existing procedure was replaced by a system of monthly lump sum payments calculated on the average of the monthly statistics and paid for by voluntary surrenders out of the sterling proceeds accruing from exports. The value in Reichsmarks of the foreign currency thus delivered was to be reimbursed to the exporters out of the Dawes Annuity.[4] The House of Commons having given their consent to the new procedure on 7th April an Order in Council was issued on the 9th April suspending Articles 1, 2, and 5 of the Reparation (Recovery) Act as from that date.[5]

The commercial treaty was considered by the Reichstag Permanent Committee on Trade Policy early in August and approved by the Reichstag on the 12th August, only the Fascists and Communists

[1] Printed as an annex to *Cmd.* 2345.
[2] See *Le Temps*, 15th February, 1925.
[3] *Deutsche Allgemeine Zeitung*, 29th March, 1925.
[4] *The Times*, 4th April. The text of the agreement with technical details of the procedure was published on the 5th April; see *The Times* of 6th April, 1925, for a summary.
[5] *Le Temps*, 10th April, 1925.

voting against it.[1] Ratifications were exchanged on the 8th September, 1925.

(c) Negotiations between Italy and Germany

The economic situation between Italy and Germany was comparatively simple. Up to 1914 trade between the two countries was brisk, Italy importing from Germany mainly metallurgical products, and exporting principally raw silk and hemp with their products, and agricultural produce. The two countries hardly competed with one another; Italy's exports consisted mostly of commodities which could not be produced in Germany, while her own industries were so little developed that no serious resistance was raised to the German imports.

During and after the war the situation was to some extent altered by the demands for protection put forward by the new metallurgical industry which had been brought into being in northern Italy under the somewhat artificial conditions of war.

In a *modus vivendi* signed on the 28th August, 1921, Italy and Germany undertook ' without regard to arrangements which are at present in existence or may be made in the future ' to grant reciprocal facilities for commerce and exchange of produce. A list of articles which might be exported from Germany included automobiles, coffee, jewelry, perfumery, explosives, toys, and films.[2]

The main difficulty in the way of concluding a definitive treaty was that of reconciling the interests of industry and agriculture in Italy; the agriculturists desiring an agreement on the most-favoured-nation lines proposed by Germany, while the industrialists stood out for a protective tariff. A provisional *modus vivendi* was concluded on the 10th January, 1925, with validity from the 11th January till the 31st March, 1925. Based on the most-favoured-nation principle, it embodied concessions on the part of both states. The existing German favourable tariff was maintained on almost all Italian agricultural produce, while Germany received preferential treatment for copper and aluminium products, chemical products, dyestuffs, paper and shoes, but not for most iron and steel products.[3] On the 31st March, 1925, the agreement was prolonged *sine die* in a rather wider form.[4]

After considerable delays occasioned by the uncertainty regarding the new German tariff, the instability of the lira, and the rejection by

[1] *The Times*, 13th August, 1925.
[2] *Ibid.*, 31st August, 1921.
[3] *Corriere della Sera*, 22nd February; *Deutsche Allgemeine Zeitung*, 13th and 15th January, 1925.
[4] *Corriere della Sera*, 1st April, 1925.

the Reichstag of the German-Spanish treaty, which would have given Italian products improved treatment under the most-favoured-nation clause, a treaty was concluded on the 31st October, based on full most-favoured-nation treatment.

Germany made special concessions with regard to Italian agricultural produce, fruit and vegetables, and also in respect of silks, motor-cars and hats, receiving compensating advantages for her own mechanical, optical, and machinery products. The treaty was to come into force on the exchange of ratifications, which was to take place at the latest by the 15th December, and was to be valid for five years.[1]

The Reichstag adopted the treaty on the 2nd December.[2] Ratifications were exchanged on the 15th December, the Italian ratification having been effected by Royal Decree.[3] The treaty was approved by the Italian Chamber on the 19th December[4] and by the Italian Senate on the 25th May, 1926.[5]

(*d*) Negotiations for Commercial Treaties between Belgium (the Belgo-Luxembourg Customs Union) and France, and between Belgium and Germany

The political and racial duality of Belgium before the War was paralleled by a duality of economic interests. The Flemish population inhabitating northern and western Belgium sustained, indeed, an important textile industry ; but the greater part of the population was engaged in agriculture, and the chief source of revenue for the Flemish inhabitants of this district was the transit trade, to and from the German Zollverein, carried by the port of Antwerp. The Walloon population in the west was little interested in the transit trade, but supported an important heavy metallurgical industry round Liège, some of the coke for which was produced in Belgian coal-fields, the rest being generally imported from Germany.

In 1914 Belgium's commercial régime was directed largely towards maintaining and expanding her transit trade. Her numerous commercial treaties were invariably based on the most-favoured-nation principle ;[6] some, including that with Germany, also established fixed maximum tariffs. The tariff was low and simple. It

[1] See *The Times*, 3rd November, 1925 ; *Deutsche Allgemeine Zeitung*, 13th November. [2] *Deutsche Allgemeine Zeitung*, 3rd December, 1925.
[3] *Corriere della Sera*, 16th December, 1925.
[4] *Deutsche Allgemeine Zeitung*, 22nd December, 1925.
[5] *Frankfurter Zeitung*, 26th May, 1926.
[6] See an article : 'La Politique commerciale de la Belgique' by F. van Langenhove, in *Le Flambeau*, 31st January, 1926.

comprised only about seventy items, and of its two schedules, the lower was regularly applied, even in the absence of a commercial treaty, the maximum tariff being reserved for the event of commercial reprisals. This system resulted in a very low cost of living and in considerable prosperity, although even at this time the industrialists complained that their interests were being neglected in favour of those of the carrying trade. A Bill to revise the tariffs was actually brought forward in 1910, but did not become law.

Luxembourg, at that time part of the German Zollverein, had a well-developed metallurgical industry, which, industrially, formed an integral part of the great Rhineland-Luxembourg-Saar-Lorraine basin. She was a large exporter (chiefly via Antwerp) of cast iron and steel, and imported a certain amount of iron from Lorraine and of coke from Germany.

The customs union concluded between Luxembourg and Belgium in 1921 [1] was one of the several factors which materially altered the balance between the (mainly Flemish) carrying trade and the (mainly Walloon) industry of Belgium. Another of these factors was political. The War naturally brought the pro-French party in Belgium into almost unchallenged supremacy. The idea of a customs union with France had been put forward in 1916, and while at the time the Belgian Government had not felt itself justified in committing the country to such far-reaching changes, the idea retained many supporters. It was urged by a large party for purely political motives. It was supported by the rank and file of the Socialists from the large industrial towns, such as Charleroi, situated on the French frontier (although not by the leaders, who appeared doubtful whether a too close connexion with France would not lead Belgium into undesirable adventures), and by the Liberal Party, which comprised most of the leaders of industry. It was opposed by the Flemish Party, again for political reasons, and by the circles chiefly interested in the carrying trade. An account has been given in a previous volume [2] of the economic relations between France and Belgium during the first years after the War; of the signature of a commercial agreement on the 12th May, 1923; and of the rejection of the agreement by the Belgian Chamber on the 27th February, 1924.

In the meantime the position of Belgian industry had been growing increasingly difficult. Immediately after the War, Belgium had taken advantage of the Versailles régime and of her priority in Reparation payments to repair the ravages inflicted on her industry

[1] See *Survey for 1920–3*, pp. 68 *seqq.*

[2] *Op. cit.*, pp. 71–2.

by the German occupation, to expand her coal-mining industry, opening up the new northern coal-field of Campine, and to call into existence a number of new and rather hastily constituted industries which could hardly have been established in less exceptional circumstances, but which, once established, formed an important factor in the life of the country. It was soon found, however, that the German system of import coefficients throttled Belgium's exports to that country, and since France was inclining more and more towards protection, the old Belgian principle of approximate free trade appeared, for the time at least, to be no longer tenable. A new Belgian tariff was accordingly worked out, on a protectionist basis. It was not at first published, but was taken as a basis for the final negotiations with France, which resulted in the commercial agreement of May 1923.[1]

The new tariff was introduced and passed by the Senate on the 6th May, 1924, having already passed the Chamber; under the Bill the Belgian Government was left free to fix the date of its application. A maximum and a minimum tariff were provided, the latter for normal use, the former in case of commercial reprisals. Even the minimum tariff represented a great advance on the tariffs hitherto in use, both as regarded the height of the duties and the number of articles affected.[2]

The negotiations with France were resumed shortly after the rejection of the first treaty in February 1924, but were suspended in consequence of the French Ministerial crisis, and in order to allow France to pass her own new tariff.[3] In the meantime, negotiations for a *modus vivendi* were opened with Germany on the 15th September, 1924, but were immediately suspended, owing to Belgium's refusal, in the interests of her young industries, to grant the general most-favoured-nation treatment desired by Germany.[4]

The Belgian Government, whose policy wavered at this time in a curious way between France and Germany, temporarily dropped the German negotiations and reopened conversations with France in October, but again encountered difficulties. France demanded reciprocal preferential tariffs; these Belgium refused to grant, on the ground that this would run counter to her whole general commercial policy.[5] It proved possible, however, to arrive at a provisional arrangement fairly quickly. France guaranteed to put no tax on exports to Belgium of raw materials, half-finished products, and animal and vegetable products essential to Belgium, granted reduc-

[1] *Le Temps*, 1st May, 1924.
[2] *Ibid.*, 8th May, 1924.
[3] *Ibid.*, 24th August, 1924.
[4] *Ibid.*, 24th September, 1924.
[5] *Ibid.*, 11th October, 1924.

tions on certain Belgian products by changing their nomenclature for tariff purposes (e.g. Belgian prayer-books would be admitted free, even though bound in leather); and agreed entirely to suppress the *surtaxe d'entrepôt* for Belgian ports (regarding which there had been considerable controversy in the years 1920 and 1921) [1] for the duration of the agreement. Belgium agreed to reduce her duties on some twenty articles, including specifically French products, such as luxury articles and wines, so that under the *modus vivendi* her duties under the new tariff (which was to come into force in November) should not be much higher than under the old.[2] Each party reserved to itself the right of raising its tariffs in the future.

An agreement was initialed on the 24th October, approved by the Belgian Ministerial Council on the 27th October and signed on the 30th October,[3] no further ratification being required by Belgium under a law of the 24th June, 1924. It was arranged that the agreement should come into force on the 10th November.[4]

The same day, however, was selected by Belgium to bring into force her new tariff, which did not, it is true, affect the limited number of articles detailed in the *modus vivendi*, but raised the duties on some four hundred other articles, affecting very severely many other French interests.[5]

The agreement seemed to be for a time imperilled, but the situation was eventually met by a further agreement, signed on the 4th April, 1925, extending the provisions of the *modus vivendi* to a further list of articles. The chief products originating in France and French colonies and protectorates to which Belgium granted most-favoured-nation treatment under this agreement were sparkling wines, aromatic and medicinal wines, flowers, furniture, paper, tools, light shoes, radiators, and wheels. France granted favoured treatment to horses, milk, grapes, some vegetables, and small arms originating in Belgium or her colonies and Luxembourg, and promised not to increase existing duties on certain other articles. Other arrangements dealt with trade-marks, &c., and both parties agreed to take legislative measures against false indications of the origin of wines and alcoholic liquors.[6] This supplementary agreement came into force on the 2nd September, 1925.[7]

The Belgo-German negotiations were resumed on the 10th November, 1924, but by the 10th January, 1925, no agreement had

[1] See *Survey for 1920–3*, pp. 71–2.
[2] *Le Temps*, 23rd October, 1924; *The Times*, 25th October.
[3] *Le Temps*, 22nd November, 1924.
[4] *Ibid.*, 30th October, 1924.
[5] *Ibid.*, 22nd November, 1924.
[6] See *Le Temps*, 7th April, 1925.
[7] *Ibid.*, 28th August, 1925.

been reached, and there was some irritation in Germany, where it was alleged that Belgium had actually consented to grant Germany most-favoured-nation treatment, but had revoked this concession when the news of it elicited protests from France. On the lapse of the Versailles arrangements, Germany agreed to continue, until the conclusion of a definite treaty, to apply the tariffs then in force (except for certain reductions granted to Spain and Austria in virtue of recent agreements) to products originating in Belgium and Luxembourg, while Belgium would also maintain the tariff rates hitherto applied to goods originating in Germany—which were, in fact, her maximum rates.[1]

In March a draft agreement was drawn up. During an interim period of one year, the two countries agreed to grant one another most-favoured-nation treatment in respect of a certain number of products, and to establish differential taxes for other products. On the termination of this period, the most-favoured-nation principle was to be applied generally, without exception. Each side granted a certain number of reductions of customs dues. Germany agreed that the increased customs tariff in preparation by the German Government should not apply prejudicially to articles in which Belgium was particularly interested. The agreement was not to come into force until the new German tariff had been put into operation.[2] A clause was also included providing for the abrogation of all regulations affecting international exchanges.[3]

The Belgian Council of Ministers, while approving the draft in principle, made certain reservations. With regard to the last-named clause, it was argued that Belgium must have the power to maintain the system of coal licences, since, in view of the fact that large deliveries of coal were made by Germany to Belgium on Reparation account, the Government must be able to control the market.[4]

The negotiations were, however, brought to a successful conclusion, and the supplement to the treaty was signed simultaneously with the Franco-Belgian *modus vivendi* on the 4th April, 1925. Like that instrument, it was not laid before the Belgian Chamber for ratification. In Germany the treaty was approved by a large majority of the Economic Commission of the Reichstag on the 5th August.[5] Ratifications were exchanged on the 16th September, and the agreement came into force on the 1st October. Simultaneously with the instruments of ratification, notes were exchanged. The German

[1] *The Times*, 10th January, 1925 ; *Le Temps*, 11th January, 1925.
[2] *Le Temps*, 23rd March, 1925.
[3] *Ibid.*, 27th March, 1925.
[4] *Le Temps, loc. cit.*
[5] *Le Temps*, 7th August, 1925.

Government declared that should Belgium decide to impose the 26 per cent. Reparation levy, Germany would regard that measure as a discrimination against German goods on the Belgian market, and inconsistent with the most-favoured-nation principle upon which the treaty was based. Belgium replied that if she ever had to impose this duty, she would first communicate with the German Government in order to arrange for the collection of the duty without disturbing the trade between the two countries.[1]

Belgium had already concluded analogous agreements with other countries, and on the expiration of the transitional period with Germany, she would thus return to her old principles—a single tariff with general application of the most-favoured-nation treatment. The only difference, as compared with the pre-war system, was that the new tariff was more extensive and higher.

(iv) The Controversy between France and Switzerland over the Savoy Free Zones.[2]

The dispute over the Savoy Free Zones differed from many others recorded in this Survey, rather by reason of its more respectable antiquity and of the smallness of the districts involved than in any mitigation of the violence of controversy which it aroused.

Geneva, for many centuries a free city, had not enjoyed the advantage, which enabled most of the Hanse towns to prosper, of direct access to the sea. From ancient times the necessity had been recognized of a special régime to facilitate intercourse between the city and the country districts surrounding it. A convention embodying such a régime, concluded with Savoy in 1570, was in force when these districts came under French rule in 1601. At first, indeed, King Henry IV of France confirmed to the Genevese their old right of exemption from tolls and customs duties with regard to the district of Gex, the zone lying westward of Geneva, while in 1603 he granted them the same rights with regard to Savoy. Later, he

[1] *The Times*, and *Deutsche Allgemeine Zeitung*, 17th September, 1925; *Le Temps*, 18th September.

[2] See L. Cramer: *La Question des Zones franches de la Haute-Savoie et du Pays de Gex* (Berne, 1919), and *Une Capitulation du Conseil fédéral* (Geneva, 1921); Dr. J. Paulus: *Les Zones franches autour de Genève* (extract from *Revue de Droit international et de Législation comparée*, Brussels, 1924); A. Picot: *L'Affaire des Zones franches* (extract from *Revue de Genève*, Geneva, 1924); G. Werner: *La Convention des Zones du 7 août 1921* (Geneva, 1922); *La Revue Hebdomadaire*, 29th March, 1924 (French view), and 17th May, 1924 (Swiss view); *Message du Conseil fédéral à l'Assemblée fédérale concernant l'approbation du compromis d'arbitrage conclu le 30 octobre 1924 entre la Suisse et la France au sujet des zones franches de la Haute-Savoie et du Pays de Gex* (extract from *Feuille Fédérale*, Berne, 3rd December, 1924).

suppressed these privileges without compensation; but in 1775 Louis XVI, at the request of the inhabitants, established the district of Gex as a free zone.

In 1798 Geneva was annexed to France, and did not recover its political independence till 1813, while in 1815 it was admitted a member of the Swiss Federation. It was now entirely enclosed by foreign territory, to remedy which difficulty the Treaty of Paris (1815) re-established the free zone of Gex, placing it outside the French customs barriers, while adding some communes of Gex to the territory of Geneva, in order to make it contiguous with the rest of Switzerland. Under Article 3 of this treaty, dated the 20th November, 1815, the Powers further made a declaration guaranteeing the neutrality of Switzerland and extending the neutralization to a large zone comprising the Sardinian territory of Haute-Savoie and part of Savoy, which Swiss troops might occupy, to ensure that this neutrality be respected, in case of a European War. The Treaty of Turin (1816) between Geneva, Sardinia, and Switzerland, supplemented these arrangements by creating another free zone, the small Sardinian zone (*petite zone sarde*) opposite the Gex zone, on the left bank of the Rhone. The Sardinian customs frontier was withdrawn to behind this zone, and also behind the village of St. Gingolph, where a third free zone was thus constituted; while, finally, the same treaty prohibited the Sardinian customs service from operating on Lac Léman.

In 1860 Savoy was ceded to France, who took over from Sardinia the 'servitudes' in the territories concerned.[1] On the 23rd April, 1860, the inhabitants of Haute-Savoie declared by plebiscite in favour of the annexation, provided that the district which they inhabited were declared a free zone. Yet another free zone thus came into being, the 'Great Zone' or 'Zone of Annexation', which, however, differed from those mentioned above in that it was based on no international treaty, but on a private agreement between the French sovereign and his subjects. On the 14th June, 1881, the French Government withdrew the privilege, replacing it by certain facilities for the inhabitants under the Franco-Swiss customs convention concluded at that time. All French Governments after 1815, however, recognized the legal existence of the other free zones established in 1815 and 1816.

[1] Already at this date the official French view was advanced that the neutralization automatically became void on France's acquiring those territories which it had been designed to protect against France. The Swiss Government dissented and upheld its right of occupation in its declarations of neutrality of 1870 and of the 4th August, 1914.

During the War of 1914–18 the French General Staff advanced the view that the existence of the neutralized zone was detrimental to France. At the same time, largely at the instance of the deputies of the two Savoies and the Ain, the French Government arrived at the conclusion that the régime of free zones no longer corresponded to the needs of the day. France, therefore, on the 18th December, 1918, denounced the customs agreement of 1881 and all other agreements or commercial treaties with Switzerland, and endeavoured to induce the Swiss Government to abandon its claims. The French proposals met with some response as regards the question of the neutralized zone, since Swiss public opinion was at the time sharply divided between the desire to enter the League of Nations, then about to be formed, and the fear that to do so would prove incompatible with Swiss neutrality, and France had held out a hope that these difficulties could be reconciled if her own wishes were met. France, therefore, attempted to combine the two questions of neutrality and the free customs zones ; Switzerland to keep them apart. On the 24th February, 1919, the French Minister of Foreign Affairs, in a note addressed to the Swiss Government, expressed the desire ' to substitute for the régime of the free zones a régime suited to modern ideas and needs, taking into account the respective geographical situations of the regions concerned and based on a just reciprocity '. Conversations were opened in Paris and Geneva on the subject of a draft article which France proposed should be inserted in the Treaty of Versailles. The original French draft abrogated the stipulations relating to the free zone and to the neutralized zone together, in one sentence. As, however, Switzerland refused to accept this, the draft was re-cast in two paragraphs, in the following form, in which it finally appeared in the Treaty of Versailles (Art. 435).

> The High Contracting Parties, while they recognize the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations, and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna, and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.
>
> The High Contracting Parties also agree that the stipulations of the

Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

In a note dated the 5th May the Swiss Government accepted the first paragraph of this draft provided it was inserted in the Peace Treaty without alteration of the wording and subject to ratification by the Federal Chambers, and to the recognition ' of the guarantees formulated in favour of Switzerland by the Treaties of 1815 '. The Swiss Government also desired that the parties to the Peace Treaty should endeavour to secure the assent of non-signatory Powers which had signed the treaty of 1815.

With regard to the second paragraph of the draft, however, the Swiss Government made ' the most express reservations ', making it clear that they did not propose to give up the free zones. ' In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question.'

The French Government replied on the 18th May that the purport of the second paragraph was ' that no other Power but France and Switzerland will in future be interested ' in the question of the Free Zones. They proposed to assure to the inhabitants of the French territories in question a suitable customs régime, and more modern methods of exchange between those territories and the adjacent Swiss territories. ' It is understood that this must in no way prejudice the right of France to adjust her customs line in conformity with her political frontier.' The note assumed that the ' maintenance of the régime of 1815 as to the Free Zones ' would be only ' provisional '.

These two notes were printed as annexes to Article 435 in the final text of the Treaty of Versailles. The difficulties regarding the demilitarized zone were overcome by the declaration of the Powers of the 13th February, 1920, that Switzerland would only be required to apply economic sanctions under Article 16 of the Covenant of the League. The negotiations concerning the Free Zone proved much more difficult, and no progress whatever was made in them for two years. The points of view appeared absolutely irreconcilable, since France refused to consider any solution which would not allow her

to advance her customs frontier up to her political frontier, and also rejected the proposal of the Swiss Government to submit the question to arbitration.

It was only in a note dated the 10th May, 1921, that the French Government, proposing a renewal of the conversations, suggested that, while France maintained her legal thesis, compensation might be found for Geneva and for the Swiss Federation. On the 7th August, 1921, the two Governments at last agreed on a commercial convention, entitled ' Convention between Switzerland and France regulating commercial relations and neighbourly intercourse between the former Free Zones of Haute-Savoie and of the Gex district and the adjacent Swiss cantons '.[1] In this agreement the French Government secured its main point: the customs frontier was to be advanced to coincide with the political frontier, and all the Free Zones were to disappear. A minutely organized régime of ' neighbourly relations ' (*bon voisinage*) which was not, however, worked out in all its details, was to subsist for an indefinite period, not subject to unilateral denunciation, but capable of revision from time to time if required ; this was to extend, not only to the Free Zones proper, but also to the Grande Zone de Savoie. A mixed Franco-Swiss Commission was to be in charge of its working. Thirdly, a special commercial régime was to be set up, allowing the export and import between these zones and Switzerland of certain specified quantities of commodities. This could, however, be denounced by either party ten years after ratification ; in that case, the two parties agreed to conclude a new treaty to replace it as soon as possible. The convention was approved by the two Chambers of the Swiss Federal Assembly early in 1922, but it was received without any enthusiasm by the country at large. Under the Swiss Constitution Law of the 30th January, 1921, international treaties with a validity exceeding fifteen years must be submitted to a plebiscite if 30,000 citizens demanded it, and could not come into force, in such a case, unless and until sanctioned by the plebiscite. The demand was made and the plebiscite taken on the 18th February, 1923, when 400,000 votes were cast against the convention and only 90,000 in favour of it. In Geneva the majority for rejection was small ; but the German-speaking cantons, where anti-French feeling was strong owing to the occupation of the Ruhr, were almost solid against the convention. The Swiss Government, accordingly, informed the French Government that the convention could not be ratified by Switzerland. This elicited a sharp reply from M. Poincaré, calling upon Switzerland to

[1] See Werner, *op. cit.*

honour the convention. The situation became extremely strained, but the French Government in subsequent correspondence [1] moderated its attitude and negotiations were reopened. Meanwhile, however, a Bill had already been passed in France (16th February, 1923), arranging for the advance of the customs line, and the fresh Swiss proposals, which were long in arriving, had only been in the hands of the French Government for two days when the *Journal officiel* of the Department of Haute-Savoie, on the 12th October, published a decree putting into force the convention of August 1921, and advancing the French customs line to the political frontier as from the 10th November, 1923. On the 17th October the Swiss Government protested, and suggested arbitration by the Permanent Court of International Justice at The Hague or some other body. On the 25th October the French Government replied, maintaining their point of view, expressing surprise that the Swiss Government were unwilling to continue negotiations and insisting that the matter was not one for arbitration.

The Swiss reply of the 30th October expressed willingness to negotiate, but not until France had suspended the decree, and not on the basis of the complete abolition of the Free Zones. In the event of negotiation not being possible, Switzerland would insist once more that the dispute be submitted to arbitration.

On the 10th November the French customs line was duly advanced, evoking a fresh protest from Switzerland and a fresh suggestion (12th November) that recourse be had to judicial or arbitral procedure. In December the French Government signified their willingness, within limits, to resort to arbitration. The actual French answer to the Swiss note was, however, not presented until the 23rd January, 1924, and annexed to it was the draft of a *compromis d'arbitrage*, containing the thesis that the French law of the 16th February could not be discussed, but that the arbitrators (not the Hague Court, but a special Court of three) should decide (1) whether the convention of the 7th August, 1921, actually gave Switzerland the compensation due to her, and (2) whether the convention assured to the districts concerned a customs régime which provided for methods of exchange in conformity with actual economic conditions, and should have power to indicate any modifications in the convention which might seem desirable.

The Swiss Federal Council, in its comment on this document

[1] Texts of notes exchanged between the two Governments from the 19th March, 1923, to the 14th April, 1924, will be found in *Feuille Fédérale*, 3rd December, 1924.

(dated 14th February, 1924), declared again that Article 435 of the Versailles Treaty did not, as the French contended, automatically suppress the Free Zones. This was the real subject for arbitration. The French proposal was therefore rejected and a proposal for a *compromis* was made, again suggesting reference to the Permanent Court of International Justice.

The French reply (dated the 19th March) was more conciliatory and suggested that a French and a Swiss jurist be appointed to draft a new *compromis* on the subject to be submitted to arbitration. On the 31st March, Switzerland agreed to this suggestion. By the time the jurists had finished their consultations, M. Poincaré had been succeeded in office by M. Herriot, and it seemed possible that the dispute might at last reach an end. On the 30th October an agreement was signed submitting the question to the Permanent Court. Primarily, the Court was to be called on to decide whether paragraph 2 of Article 435 of the Treaty of Versailles abrogated the stipulations of previous treaties regarding the Free Zones, or whether it only provided that a new convention to replace them be concluded by the two Powers concerned. Having concluded its deliberations, the Court was to inform the parties of its opinion, but was not at once to pronounce sentence, leaving them a suitable period to reach an agreement in the light of the situation. If such an agreement could not be reached, the Court was to pronounce its award, and at the same time regulate for a period, fixed by itself, the whole complex of questions involved in the execution of paragraph 2 of the Versailles Treaty, Article 435. The two Governments agreed to maintain the *status quo* in the meanwhile.[1]

Matters were thus placed on a much more satisfactory footing, especially as the French Government on the same date agreed in principle to conclude a treaty of compulsory conciliation and arbitration, to replace the old-fashioned Franco-Swiss arbitration convention of 1904, which had expired in 1917. This treaty was signed on the 6th April, 1925.[2]

The Swiss State Council unanimously approved the *compromis* in February 1925,[3] and the National Council followed its example on the 18th March.[4] France, however, did not ratify the *compromis*, and the whole matter fell again into abeyance. The delay on the French side caused considerable dissatisfaction in Switzerland, and

[1] The text of the *compromis* and accompanying letters is given in *L'Europe Nouvelle*, 22nd November, 1924, and also in *Feuille Fédérale*, *loc. cit.*

[2] See above, p. 77.

[3] *Le Temps*, 21st February, 1925.

[4] *Ibid.*, 19th March, 1925.

representations were made to the French Government with a view to hastening the process of ratification.[1] In July 1926, the *compromis* came before the French Chamber and was adopted on the 16th July with only one dissentient vote.[2] The approval of the Senate had, however, still to be secured, and ratification had not been effected at the end of 1926.

[1] *The Manchester Guardian*, 9th June, 1926.
[2] *Le Temps*, 17th July, 1926.

PART II

EUROPE

C. NORTHERN EUROPE

(i) The Situation of the Scandinavian States.

THE Scandinavian states (among which Finland had definitely ranged herself in 1924)[1] continued in 1925, thanks to their peculiar circumstances, to make greater progress towards arbitration and disarmament than almost any other group of states in the world. Among themselves, they were in the fortunate position that none of the four threatened the security of the others. Indeed, the only real point of dispute among any of them was a certain animosity entertained by Nationalist opinion in Norway against Denmark on account of the latter country's interests in Greenland and the Faroes. The relations between Sweden and Norway and Sweden and Finland, on the other hand, improved steadily ; the latter being instanced by the warm reception given to the King of Sweden when he visited Finland in 1925.

Following on the signature in June 1924 of bilateral conventions for the establishment of Conciliation Commissions, further negotiations took place, which resulted in the conclusion of a series of treaties of compulsory arbitration ; that between Sweden and Norway being concluded on the 25th November, 1925 ;[2] that between Denmark and Sweden on the 14th January, 1926 ;[3] that between Denmark and Norway on the 15th January ;[4] that between Finland and Sweden on the 29th January ;[5] that between Finland and Denmark on the 30th January ;[6] and that between Finland and Norway on the 3rd February. The treaties were all of similar character, being of the most comprehensive type, and dealt with all disputes, including those regarding ' vital interests '. All disputes of a judicial nature were to be submitted to the jurisdiction of the Permanent Court of

[1] See *Survey for 1924*, p. 461.

[2] An arbitration convention of the 26th October, 1905, had been renewed and brought up to date by an exchange of notes dated the 23rd October, 1925 (*League of Nations Treaty Series*, vol. xxxix).

[3] *League of Nations Treaty Series*, vol. li.

[4] The Norwegian Government, however, postponed ratification on account of dissatisfaction with the position in Greenland.

[5] *League of Nations Treaty Series*, vol. xlix.

[6] *Op. cit.*, vol. li.

International Justice; other disputes, after coming before the Conciliation Commissions established by the conventions of June 1924, were to be submitted to the final award of an arbitration board under a neutral chairman.

Sweden concluded further treaties of conciliation, identical in plan with those of 1924, with Latvia (28th March, 1925),[1] Estonia (29th May, 1925)[2] and Lithuania (11th June, 1925) and a treaty of arbitration with Poland on the 3rd November, 1925.

The existence of these treaties practically guaranteed the security of Norway and Sweden, and they were able to approach the question of disarmament without great misgivings. The Socialist Government of Sweden presented a Defence Bill at the beginning of March 1925, which contained proposals for drastic reductions in Sweden's military forces. There was considerable opposition from the Conservatives in both Chambers, and the Bill was revised in Committee,[3] but was finally passed on the 25th May.[4] It provided for a reduction of the army from six army corps to four, with an independent brigade; the number of infantry battalions was reduced from 28 to 20, of cavalry units from 6 to 4, and of artillery units from 10 to 9. The number of regular officers was reduced from 2,657 to 1,677, and the period of training from 165 to 140 days. The total annual expenditure on defence was reduced from 138,000,000 to 107,000,000 kroner. No great changes were made in the navy. In Norway the Communist Party brought in a Bill for complete disarmament, which was heavily rejected on the 3rd April. Opinion in Norway was not in favour of sudden reductions of armaments, preferring to await the outcome of a general conference.

In Denmark and Finland the problem of security was less easily solved. The Schleswig frontier was the scene of various small incidents, in themselves trivial, but serving to trouble relations between Denmark and Germany. It was only after the signature of the Locarno Pact that negotiations could begin which led on the 2nd June, 1926, to the signature of a German-Danish treaty of arbitration and conciliation. Less far-reaching than the agreements concluded by the Scandinavian states with one another, the treaty followed the usual German formula. It was applicable to all differences of any kind, but only in the case of judicial disputes was the award, as given by an arbitral tribunal with neutral chairman, to be binding. All other disputes were to come before a mixed conciliation tribunal. If Germany became a member of the League

[1] *League of Nations Treaty Series*, vol. xxxvii.
[2] *Op. cit.*, vol. xlvi.
[3] *The Times*, 19th May, 1925.
[4] *Ibid.*, 27th May, 1925.

of Nations, either party might appeal to the Council of the League for its decision, according to Article 15 of the Covenant, within one month of the termination of the work of the Conciliation Commission.[1] This treaty gave Denmark practical security for her frontier, especially after Germany became a member of the League of Nations in 1926.

The comparative difficulties of Denmark's foreign political situation were reflected in the fate of her Disarmament Bill. The first stages of this bold measure were recorded in an earlier volume of this work.[2] As a matter of fact, however, the Bill made slow progress, as the Socialists who sponsored it in the Folkething enjoyed only a very small majority, while the Upper House was definitely antagonistic to it. After a great deal of work in Committee, during which various more or less drastic drafts were brought forward, a revised Bill was brought in during the session which opened on the 6th October, 1925. The Prime Minister announced that the Bill would provide for an army of 13,000 men, which, it was considered, would be sufficient to fulfil Denmark's possible obligation under the Covenant of the League. The total forces would amount to 30,000, the naval establishment consisting of 6 ships for guards and inspection and 24 smaller units, including a mine-layer, 2 depôt vessels and 12 hydroplanes. The Ministries of War and Marine were to be dissolved, and their functions taken over by the Prime Minister. All fortifications were to be razed and the arsenals turned into state establishments supplying partly civil needs. Similarly, all associations having for their aim military preparations were to be disbanded. The total proposed budget for the land forces was 7,272,000 kroner and for naval forces 10,354,000 kroner. After passing the Folkething the Bill was to be submitted to referendum before coming into force.[3]

On the 15th November, the Liberals announced that, in view of the Locarno negotiations, their party would be more favourable towards disarmament. On the 2nd December the Bill was introduced into the Folkething, and passed its third reading on the 12th March, 1926, by 75 votes to 71. The Socialists had, however, reason to fear that the Bill, even in its modified form, would not prove acceptable to the Upper House, and their fears were justified. The Bill was introduced into the Landsthing on the 6th October, 1926,[4] and was rejected on the 8th June, 1927, by thirty votes to twenty-four.

At the time of writing, therefore, Denmark was no nearer to practical disarmament than she had been at the beginning of 1924.

[1] See *Frankfurter Zeitung*, 3rd June, 1926.
[2] See *Survey for 1924*, pp. 73–7.
[3] See *Le Temps*, 19th October, 1925.
[4] *Le Temps*, 18th October, 1926.

Finland, was, of course, in a still less fortunate position than Denmark. However akin she might feel herself to the western Scandinavian states in culture and general policy, the question of her security was necessarily dominated by the attitude of Soviet Russia, and she was obliged to adopt, in questions of disarmament and of foreign affairs generally, a policy approximating rather to that of the Baltic, than to that of the Scandinavian states. It should be mentioned, however, that the Finnish Parliament overthrew the Government on the 10th December, 1925, by refusing to sanction increased expenditure on the naval programme.[1]

(ii) The Status of Spitzbergen.

The Paris Treaty of the 9th February, 1920,[2] relative to the status of Spitzbergen having been duly ratified by all Powers concerned, Norway assumed sovereignty over this archipelago on the 14th August, 1925. The Paris Treaty and Norwegian laws regarding the exploitation of mines and the administration of the islands came into force simultaneously.[3]

Under the treaty the rights and domains of nationals other than those of Norway were safeguarded; Norway was not allowed to show preferential treatment to Norwegian mining companies, nor to levy taxes except for the purpose of administration; nor to use the archipelago for purposes of war. Disputed claims to estates were to be submitted to a neutral commission, presided over by a Danish subject. The general name of the archipelago was changed by decree of the Storting to the old Norse Saga name of Svalbard.[4]

(iii) Relations between the Baltic States (1925).[5]

The situation of the Baltic states—Lithuania, Latvia and Estonia (to which, as regards relations with Russia, Finland must be added) —had not lost its difficulties by the beginning of 1925. Unlike the Balkan countries, these small states seemed marked out by nature to be one another's friends and allies. Neither questions of minorities, frontier disputes nor commercial rivalries divided them, and their situation in regard to their enormous neighbour, Russia, was almost identical; for each of them Russia could be the most profitable of friends or the most dangerous of enemies. It was their misfortune that the international position of Poland influenced all

[1] *The Times*, 12th December, 1925. [2] See *Survey for 1924*, p. 462.
[3] *The Times*, 15th August; *Le Temps*, 16th and 23rd August; *Deutsche Allgemeine Zeitung*, 16th August, 1925. [4] *The Times*, 24th April, 1925.
[5] For the position of the Baltic States in 1924, see *Survey for 1924*, pp. 458–61.

their destinies to an exaggerated degree. With one of them, Lithuania, Poland had a standing and, it seemed, an irreconcilable feud. So deep was this hostility that Poland looked on efforts by Latvia or Estonia towards a *rapprochement* with Lithuania as an insult to herself. It was hard to do without Poland's friendship; for Poland, with her ally Rumania, was the only Power which could be expected to lend immediate assistance against an aggressive Russia. On the other hand, too close commitments to Poland were dangerous, for her very strength made it more likely that she would be involved in a conflict with Russia which a weaker state might avoid. Finally, Poland's relations with Germany were unsatisfactory, while all the Baltic states had, at any rate, a commercial interest in remaining Germany's friends.

The policy of the Baltic states during 1925 was thus condemned to be uncertain and vacillating, seeking to win the friendship of one antagonist without incurring the hostility of the other. Only Lithuania, in her single-minded devotion to the Vilna question, maintained her attitude of being in a state of war with Poland.

Poland secured her greatest diplomatic success at the beginning of the year. When the representatives of Poland, Latvia, Estonia, and Finland met in Helsingfors on the 16th January, 1925,[1] in continuance of their policy of periodical conferences, the memory of the Communist rising in Estonia[2] was still fresh in their minds; indeed, the arrests made in connexion with this rising had hardly ceased. The aggressive nature of the Russian policy of the moment, and the resultant Communist danger within their own frontiers, disposed the Governments of the small Baltic states to court Polish support. The personal feeling of the delegates, especially of the Estonian representative, was friendly towards Poland, and the Polish Government seized the opportunity by sending as its delegate to the conference Count Skrzyński himself, who on his journey to Helsingfors visited the Latvian and Estonian capitals.[3] The result was the signature of a number of important documents, including, besides agreements relative to communication facilities, passport formalities, and intellectual co-operation,[4] a general convention for arbitration and conciliation.

This convention[5] was a modernization and restatement in more

[1] Lithuania sent an observer to this conference (*The Times*, 19th January, 1925). [2] See *Survey for 1924*, pp. 198 *seqq.*

[3] *Le Temps*, 10th January; *Deutsche Allgemeine Zeitung*, 11th January, 1925.

[4] See *The Times*, 19th January; *Deutsche Allgemeine Zeitung*, 20th January, 1925. [5] Text in *League of Nations Treaty Series*, vol. xxxviii.

specific terms, and taking into account the principles of the Geneva Protocol, of the political agreement which the same four contracting parties had signed on the 17th March, 1922, but which had lapsed owing to Finland's refusal to ratify it.[1] Ratifications of the present instrument were deposited on the 7th September, 1925. The contracting parties undertook (Art. 2) to submit to conciliation or arbitration any disputes arising between them which could not be solved by diplomatic procedure, except disputes ' the legal nature of which makes them subject solely to the domestic legislation of the Party concerned, or any disputes regarding the territorial status of the High Contracting Parties '. Conciliation was to precede arbitration, unless otherwise agreed, while any dispute might by agreement be submitted direct to the Permanent Court of International Justice (Art. 5). A Permanent Conciliation Commission was to be established consisting of a national of each party, with a neutral chairman (Art. 6), and its decisions were to be by majority vote, minority opinions being recorded (Arts. 14 and 15). The report of the Commission was to contain suggestions for a settlement of the dispute, and the parties undertook to inform the Chairman and each other, within a reasonable time, whether they accepted the findings of the Court and the proposed settlement (Arts. 15 and 18). If a dispute were to be submitted to arbitration the method of constitution of the Court and the procedure to be followed were laid down (Arts. 19 and 20). An arbitral award was to be binding (Art. 21).

The conclusion of this convention was regarded at the time as a distinct triumph for Poland, and in the spring the Baltic states appeared to have modelled their policy, at least towards Russia, on that of Poland. Russian diplomacy was at the time chiefly occupied in other fields ; but Russia found time to make tentative offers for pacts of non-aggression to Poland and all the Baltic states. The offer to Poland was made, apparently, with a view to exploiting her nervousness over the developments of the security negotiations ; to the Baltic states Russia proposed to negotiate a treaty based on an undertaking by them to remain neutral in case of armed conflict between the U.S.S.R. and another state[2] and the submission of disputes to arbitration.[3] Poland, however, shared the general opinion that these offers were made only in order to sow disunion along the Baltic,[4] and replied that she could consider no offer unless it were made to all the states concerned alike, and a conference arranged of the delegates of Poland, Russia, the Baltic states, and

[1] See *Survey for 1920–3*, p. 242.
[2] *The Times*, 10th June, 1925.
[3] *Le Temps*, 11th June, 1925.
[4] *The Times*, 23rd April, 1925.

Finland, speaking on a footing of equality between all their members.[1] In fact, the Baltic states made no immediate reply to the Russian overtures.[2]

By the summer, however, there were signs of a change of attitude, especially in Latvia. The propaganda of the Third International had become less aggressive; all the Baltic states were improving their relations with Germany, as indicated by the arbitration conventions concluded with Germany by Finland on the 14th March [3] and by Estonia on the 10th August. Estonia and Latvia, particularly the latter, began to feel again their old desire to widen their own alliance by the inclusion of Lithuania.

The ' war ' between Lithuania and Poland still continued and had even drawn into its orbit no less a third party than the Vatican. The causes of the dispute lay far back, in the Vilna controversy.[4] An attempt by the Conference of Ambassadors, on the 2nd June, 1924, to induce Poland and Lithuania to resume normal relations had been defeated by the attitude of Lithuania, who categorically refused to recognize the decision of the Conference of Ambassadors relative to Vilna, dated the 15th March, 1923, and suggested that the Principal Allied Powers call a conference, to be attended by their own representatives, those of Lithuania and Poland, and, if desired, of other Powers interested, to determine the frontier line between Poland and Lithuania. In their reply dated the 3rd December, 1924, the Conference of Ambassadors refused to reconsider their decision, or to reopen the question.[5] Lithuania nevertheless continued to consider herself at war with Poland, but recognizing the inappropriateness of military operations, contented herself with closing her frontier to traffic of any sort and allowing no mutual diplomatic or consular representation. If this action left the Polish army unaffected, it caused considerable prejudice to the owners of the timber forests in east Poland, who were deprived of their natural and usual waterway for rafting, the Niemen.

On the 10th February, 1925, Poland, one of the oldest and most potent allies of the Catholic Church in Europe, concluded an important Concordat with the Vatican, under which the Catholic Church of Poland received ecclesiastical jurisdiction over all Poland, including Vilna. Lithuania was already on strained terms with the

[1] See a statement by the Polish Minister at Helsingfors (*Le Temps*, 14th April, 1926).
[2] *The Times*, 10th June, 1925.
[3] *League of Nations Treaty Series*, vol. xliii.
[4] See *Survey for 1920–3*, pp. 250–6.
[5] The correspondence on this question is given in the *League of Nations Official Journal*, March 1925.

Holy See, owing to a dispute between the native clergy within her borders and those of Polish origin, and the news of the Polish Concordat was the signal for hostile demonstrations, culminating in a bombardment of the residence of the Vatican representative in Kovno with eggs,[1] and the withdrawal of the Lithuanian representative from the Vatican.[2] A minor incident on the Lithuanian–Polish frontier followed, as a result of which Lithuania appealed to the League of Nations, which was able to liquidate the matter without further consequences.[3]

Yet feeling continued to run high and when in June the press of Latvia and Estonia once more began to canvass the desirability of Lithuania being included in the alliance existing between their two countries, and to speak of a forthcoming meeting of the three Foreign Ministers, the Polish Minister in Riga declared in a Press interview :

> The Polish Government has no official information on this Conference, and is therefore unable to take up any standpoint in the question. As regards Polish public opinion, it cannot, however, be denied that indications of a *rapprochement* between the pro-Polish states, Latvia and Estonia, and Lithuania, would make a bad impression on the Polish public.[4]

Nevertheless, such a *rapprochement* took place. On the 1st July a protocol was signed in Kovno which contemplated the conclusion of economic and arbitration treaties between Latvia and Lithuania, on the basis of the existing Latvian–Estonian treaty.[5] Agreement in principle on the economic points was reached in the following December.[6]

The growing preference for a purely Baltic *bloc*, as against a larger coalition under Polish auspices, was emphasized by the Latvian Foreign Minister in August when he stated that ' the question of the formation of a quadruple coalition between Finland, Estonia, Latvia, and Poland was no longer urgent, and expressed the opinion that ' sooner or later a close alliance between Latvia, Estonia, and Lithuania would come '.[7] A further sign was, perhaps, the postponement at the last moment, at the request of Finland, of the next of the periodical conferences of Foreign Ministers of Poland, Latvia, Estonia,

[1] *The Times*, 12th March, 1925. [2] *Le Temps*, 16th May.
[3] See *The Manchester Guardian*, 19th March ; *Le Temps*, 20th, 23rd, and 27th March, 1925. [4] *Deutsche Allgemeine Zeitung*, 19th June, 1925.
[5] *The Times*, 4th July, 1925.
[6] *Deutsche Allgemeine Zeitung*, 17th December, 1925.
[7] *Ibid.*, 23rd August, 1925.

and Finland, which had been arranged at Reval for the 25th August.[1] The conference met at Geneva in September, where the Ministers had gathered for the Assembly of the League of Nations, and appears to have been rather formal in character. The delegates expressed the identity of their views on the general problems of security and disarmament, and their attachment to the ideals of the Geneva Protocol; and with regard to their own specific problems, took measures to accelerate the entry into force of the arbitration and conciliation convention concluded at Helsingfors in the previous January; but no definite arrangements were made for the next of the periodic conferences, the Latvian Government, which was to act as host, being left to fix the programme and date of the meetings.[2]

Poland made a further attempt in the summer and autumn to settle the dispute with Lithuania, at least far enough to open the Niemen for rafting. A conference of Polish and Lithuanian delegates met on the 1st September in the calm atmosphere of Copenhagen, and by the 15th September the delegates were able to sign a protocol to the effect that agreement had been reached on the questions of traffic on the Niemen, of postal communications, and of liberty of entry for Polish citizens into Lithuania and *vice versa*.[3] No agreement could be reached regarding a railway convention or the question of consular representation, since Poland demanded a consulate of her own in Memel, while the utmost that Lithuania would concede was to allow a third Power, assisted by Polish subordinate officials, to take charge of Polish interests.[4] The delegates met again at Lugano on the 12th October, but the conference was broken off by Lithuania on the 26th October,[5] apparently because, in view of the impending elections in Lithuania, and the strength of feeling against Poland in that country, the parties in power were unwilling to compromise themselves by concluding a friendly arrangement with Poland.[6]

Thus the year closed without bringing any certainty into the relations between Poland and the Baltic states, or between the Baltic states among each other. It was probable that the next developments would be made in answer to some move from Soviet Russia,

[1] *Le Temps*, 24th August, 1925.
[2] *Ibid.*, 13th September, 1925.
[3] *Ibid.*, 17th September, 1925.
[4] *Ibid.*, 10th October, 1925.
[5] *Deutsche Allgemeine Zeitung*, 28th October; see also *The Times*, 14th October, 1925.
[6] The Niemen was opened to Polish timber in 1926 by a simple decree of the Lithuanian Government.

who had been stimulated to renewed political activity by the progress of the security negotiations in Central Europe. The dispatch of trade delegations to Moscow from Latvia, Lithuania, and Estonia in the course of the autumn—even though these were instructed to exclude politics from their discussions[1]—might be taken as laying the foundations for future developments on a larger scale; and M. Čičerin, by visiting Kovno at the end of December, indicated that such developments might be expected in the near future.

[1] *The Times*, 17th November, 1925.

PART II

EUROPE

D. NORTH-EASTERN AND EASTERN EUROPE

(i) Relations between Germany and Poland (1924–5).

THE signature on the 1st December, 1925, of the German-Polish arbitration treaty, which formed part of the Pact of Locarno, might be expected to mark an important step in the improvement of relations between the two countries ; but so hardly was this achievement won, so grudgingly received, so nearly neutralized afterwards by Poland's attitude in respect to a permanent seat in the Council of the League of Nations that, if its ultimate effects could not fail to be valuable, it was at the time rather a source of irritation than otherwise. It was the misfortune of Germany and Poland that their relations were too intimate. On questions which ranged from the security of frontiers and a place in the councils of the civilized world, down to the use of a frontier station or the rights of a farmer of German origin settled in Polish Pomerania, they found cause for dispute. Such disputes were fought out in the most unforgiving of spirits. Moreover, if Great Britain and Czechoslovakia were at hand to mediate, Soviet Russia was equally present to divide ; and if all direct causes of friction had been removed, the position of the Free City of Danzig, with which Germany was not, indeed, legally concerned, would still have embittered relations. With so many causes for disagreement, it seemed at times remarkable when any agreement whatever was reached. It is impossible here to do more than summarize the principal points of difference which arose during 1924 and 1925, adding the following general remarks : that incidents, varying from insults to a consul or violations of a frontier to complicated espionage affairs, were of frequent occurrence ; that the legal experts appointed to carry on the negotiations on technical points which had previously been unsuccessfully pursued in Dresden and Warsaw, did conclude a number of agreements of minor importance which had, however, a considerable general effect ; [1] and that the widest of all the questions,

[1] Among these may be mentioned an agreement under which either state allowed the nationals of the other, within certain limitations, the benefit of its valorization laws (3rd October, 1925) ; a legal convention (16th December,

that of security, was dealt with in European negotiations which resulted in the signature, on the 1st December, 1925, of a treaty of conciliation and arbitration covering all disputes of any kind except those arising prior to the treaty and belonging to the past.[1]

The most difficult questions were those concerning optants and nationality, with the allied but distinct controversy regarding the expropriation of German interests in Poland. The first stages of the negotiations on the former subject were traced in a previous volume.[2] Following the advisory opinions delivered by the Permanent Court of International Justice on the 10th and 15th September, 1923, and a decision of the League of Nations Council of the 10th December, 1923, the Polish Government proposed to open direct negotiations with Germany on the interpretation of Articles 3 and 4 of the Minorities Treaty between Poland and the Powers, dated the 28th June, 1919, on which the controversy turned.[3] It was agreed that the question of acquisition of nationality under Article 4 of this treaty should be discussed at Geneva, under the auspices of a member of the Council of the League ; questions arising out of Articles 3 and 5, which included that of optants, should be dealt with in Warsaw, and minor and less controversial points in Berlin. The Geneva negotiations opened on the 12th February,[4] but led to an immediate rupture,[5] and the possibility was contemplated of asking the Permanent Court of International Justice for a further advisory opinion on the points still at issue.[6] In Warsaw a similar deadlock occurred in March over the question of option.[7] On the 14th March the Council of the League invited the litigants to continue negotiations on all points raised under Articles 3, 4, and 5 of the Minorities Treaty, and, considering that reference to the Permanent Court would involve excessive delay, suggested, as had been advocated by Poland, that a third person in the shape of the President of the Upper Silesian Mixed Tribunal be invited to preside over the negotiations in the capacity of mediator. Should the parties not have reached a com-

1925), under which, amongst other provisions, the nationals of either state were guaranteed equality of treatment in the other state with its nationals in respect of legal security for their persons and property. A railway convention (including Danzig) was signed on the 27th March, 1926. The question of immigration, including that of Polish seasonal labour, was temporarily regulated on the 12th January, 1926, but no permanent agreement could be reached.

[1] See above, Part I A, p. 55. [2] *Survey for 1920–3*, pp. 222–4.
[3] *Deutsche Allgemeine Zeitung*, 29th January, 1924.
[4] *Ibid.*, 13th February, 1924. [5] *Ibid.*, 6th March, 1924
[6] See *League of Nations Monthly Summary*, vol. iv, No. 3, p. 62.
[7] *Le Temps*, 17th March, 1924.

plete agreement, expressed in a signed convention, before the 1st June, 1924, the mediator should arbitrate on all points at issue.[1]

Negotiations under these conditions opened at Vienna on the 30th April.[2] By the 7th May they had reached a deadlock,[3] necessitating calling on the arbitrator, who delivered judgement on the 10th July. On the 30th August the parties signed a convention on the basis of the arbitrator's award. The chief points of it were as follows.[4] By 'German national' should be understood a person possessing this status on the 10th January, 1920 (Art. 2). The term 'habitual residence' received a common-sense definition (Art. 4), and the fulfilment of its conditions qualified for the acquisition of Polish nationality (Art. 5). German nationals habitually resident in Poland from the 1st January, 1908, to the 10th January, 1920, and their children automatically acquired Polish and lost German nationality; other German nationals habitually resident in Poland on the 10th January, 1920, could acquire Polish nationality only by special authorization (Art. 6). German nationals who acquired Polish nationality under these provisions reverted to German nationality if they fulfilled certain conditions, and also otherwise unless they claimed Polish nationality before the 28th February, 1925, adducing proof that they fulfilled certain conditions. German nationals who satisfied the provisions of both Articles 3 and 4 of the Minorities Treaty automatically acquired Polish and lost German nationality (Art. 7). The conditions and formalities of a valid option were defined (Art. 9). The contracting parties undertook to send each other lists before the 1st December, 1924, of persons who had made valid declarations of option and had remained in Polish territory (Art. 11). Such persons were obliged to leave Poland by the 1st August, 1925, if they possessed no immovable property in Poland; by the 1st November, 1925, if their immovable property was situated in fortified areas or frontier zones; and by the 1st July, 1926, in other cases. They must receive notice to leave between the 1st January and the 28th February, 1925, otherwise a further period of grace must be allowed them, and they might remain altogether if notice to leave were not given before the 31st December, 1926, ceasing to be treated as optants (Art. 2). Their removal must be unattended by restrictions or expense (Art. 14).[5]

[1] *League of Nations Monthly Summary, loc. cit.*
[2] *Deutsche Allgemeine Zeitung*, 2nd May; *Le Temps*, 3rd May, 1924,
[3] *The Times*, 9th May, 1924.
[4] Text in *League of Nations Treaty Series*, vol. xxxii.
[5] The text of the decisions of the arbitrator, the Convention and other relative documents was published by Manz, Vienna, as *Actes et Documents de la Conférence germano-polonaise, tenue à Vienne du 30 avril au 30 août 1924.*

The German Government apparently hoped that an arrangement might be reached to avoid putting this agreement into force. They therefore deferred giving notice to Polish nationals until all attempts to negotiate had failed, and Poland had duly served notice, early in 1925, on the German nationals in Poland.[1] The arrangement was naturally unpopular in Germany, who must not only expect to receive a larger number of optants than she would expel,[2] but was particularly anxious to preserve the German minority in the Polish corridor. The arrangements for the reception of the Polish refugees worked smoothly enough, but the German Government had failed to make proper preparations for the reception of its own nationals, and the refugees arriving in early August in the concentration camp which had been provided at Schneidemühl were forced to shelter there in the most wretched conditions. Public opinion in Germany was at first inclined to blame Poland,[3] and when it turned, more justly, against the German Government, the latter blamed Poland for having refused to cancel the notices, and declared themselves forced by Poland's attitude of 'violence, selfishness and hate' to take reprisals against Polish optants in Germany.[4] The German Right attacked Poland violently in a Reichstag debate.[5] The Governments exchanged acrimonious notes on the 10th August,[6] and individual optants, who found themselves the passive channels of reprisals, suffered severely. On the 21st August, the German Government made a fresh proposal for the cessation of all further expulsions. No reply was received at first,[7] and the optants of the second category prepared to leave; but at the last moment, as a consequence of the Locarno agreements and of conversations between Count Skrzyński and Herr Stresemann, Poland decided not to proceed with further expulsions, while reserving her right to do so at a later date.[8] The German Government accordingly suspended their retaliatory measures.[9]

Poland's rights to expropriate German interests in Poland were based on the provisions of the Treaty of Versailles, and on specific

[1] *Deutsche Allgemeine Zeitung*, 24th February and 4th August, 1925.

[2] The German optants in Poland numbered about 20,000 under the first category, 2,500 under the second, and 4,500 under the third (*The Times*, 27th July, 1925; *Deutsche Allgemeine Zeitung*, 31st July, 1925), while the Polish optants in Germany numbered only 4,200 according to Polish statistics, 14,000 or 15,000 according to German figures (*The Times*, 12th August, 1925).

[3] See *Deutsche Allgemeine Zeitung*, 2nd August, 1925; *The Times*, 3rd August.

[4] *The Times*, 7th August, 1925.

[5] *Ibid.*, 8th August, 1925.

[6] Texts in *Deutsche Allgemeine Zeitung*, 12th August, 1925.

[7] *Ibid.*, 4th September, 1925.

[8] *The Times*, 24th October, 1925.

[9] *Ibid.*, 28th October, 1925.

arrangements with regard to Upper Silesia made between Poland and Germany. Article 297 of the Treaty of Versailles gave the Allied and Associated Powers the right to liquidate the property, rights and interests of German nationals within their territories; while Article 92 provided that the proceeds of such liquidation in Poland should be paid direct to the former owner, and that disputes as to the justice of the compensation awarded be referred to a Mixed Arbitral Tribunal, constituted as provided under Article 304 of the said treaty. Articles 6–22 of the Geneva Convention of the 15th May, 1922, relative to the partition of Upper Silesia, referring to the above provisions of the Treaty of Versailles, gave Poland the right (under well-defined limitations) to expropriate in Polish Upper Silesia undertakings and mineral deposits belonging to the group of 'major industries', and also large rural estates, owned or controlled by German nationals, while Article 23 provided that differences respecting the interpretation and application of the above articles should be referred for arbitration to the Permanent Court of International Justice.

In the first years of its existence, the Polish Republic could make small progress with the expropriation owing to shortage of funds for compensation. In 1924, however, the work was taken in hand more vigorously, and by the 1st January, 1925, rural estates with a total area of 94,032 hectares had been expropriated, besides urban sites, factories, &c.[1] The remainder to be liquidated, according to the Polish programme at the time (which was afterwards extended) amounted to about 100,000 hectares; and of these 6,000 had been dealt with, and proceedings opened in respect of 83,000 more, by the autumn.

The progress of the liquidation had evoked much ill-feeling in Germany, and on one occasion a complaint was lodged with the League of Nations in the case of thirty persons whose nationality was alleged to be still undecided. Germany made various attempts to get the process stopped, at one time embodying this demand among her conditions for the conclusion of a commercial treaty. It was not, however, until after the conclusion of the Locarno agreements that Poland showed any signs of relenting. From November 1925 onward, delegations met periodically to discuss the question, but with little success. Poland refused to reopen any cases where the process of liquidation had already commenced, and although she offered to suspend liquidation in a number of cases which covered nearly 50,000 hectares of rural properties, besides urban sites,

[1] *Deutsche Allgemeine Zeitung*, 19th April, 1925, quoting *Kurjer Poznanski*.

Germany contended that in many or most of these cases, Poland's right to liquidate at all was dubious. Meanwhile, the number of cases yet untouched in which Poland's right to take action was uncontested was growing small, and it seemed likely that the question would solve itself.

In certain specific cases, Germany was more fortunate. One of these cases was mentioned in a previous volume.[1] A further question arose in Upper Silesia in 1922.[2] In July of that year Poland seized the nitrate factory at Chorzow entered in the land register as belonging to the Oberschlesische Stickstoffwerke, on the plea that the factory did not in reality belong to that company, but to the German Reich, the latter having in fact exercised all rights of ownership until December 1919, when it had drawn up a contract with the company for the sale of the factory. Poland regarded this contract as fictitious and contrary to the obligations imposed on Germany under the Treaty of Versailles and the Armistice Convention, and therefore null and void; she therefore seized the factory under her law of the 14th July, 1920, which laid down that the Polish state was to be automatically substituted for the German state in cases where the latter had been entered in land registers since the 11th November, 1918, as the owner of property. This law, the Polish Government claimed, merely gave effect to rights which Poland enjoyed under the Treaty of Versailles and other international engagements—rights which were not affected by the Geneva Convention concerning the partition of Upper Silesia. In any case, measures taken in application of this law could not be regarded as liquidation within the meaning of Articles 6–22 of the Geneva Convention. The German contention was, firstly, that the contract between the German Government and the Oberschlesische Stickstoffswerke was real and legal; secondly, that Poland's action was contrary to the Geneva Convention, which could not be overridden by any Polish law.

Further, in December 1924, the Polish Government announced its intention of expropriating a number of large landed estates in Upper Silesia.

On the 15th May, 1925, the German Government appealed in both cases to the Permanent Court of International Justice. Poland contested the jurisdiction of the Court, but the Court, by judgement

[1] *Survey for 1920–3*, pp. 221 *seqq.*

[2] For the cases of the Chorzow Factory and the landed estates see the *League of Nations Monthly Summary*, vol. v, Nos. 7 and 8; vol. vi, Nos. 1, 2, 3, and 5 (*Judgement*), and the publications of the Permanent Court of International Justice, Series A (*Collection of Judgements*), Nos. 6 and 7.

of the 25th August, upheld its jurisdiction. It delivered judgement on the 25th May, 1926, in respect of the Chorzow works and eight estates (a number of cases having been withdrawn).

With regard to the estates, the Court held that expropriation was permissible only where expressly authorized by the Geneva Convention. It upheld Poland's claim in some of the cases (including one which Germany had contested, on the ground that the owners, the municipality of Ratibor, could not be regarded as a 'German national') and dismissed it in others where industrial interests were proved which, under the Geneva Convention, gave exemption from expropriation; and in one case because the proprietor at the decisive date possessed Czechoslovak nationality. With regard to the Chorzow works, the Court decided that the application of the Polish Law of the 14th July, 1920, was not in conformity with the Geneva Convention, and that Poland could cite no title of international law permitting her law to override that convention. It regarded the contract between the German Government and the Oberschlesische Stickstoffwerke as valid, as also the contracts of that company with the Bayrische Stickstoffwerke, and decided that the attitude of the Polish Government towards these companies was not in conformity with the Geneva Convention.

In consequence the German Government filed claims against Poland which, according to an estimate of September 1926, amounted to about 521,000,000 marks; 135,000,000 being for compensation to settlers evicted under the law of the 14th July, 1920; 90,000,000 for large estates; 100,000,000 for the Chorzow factory and the rest for expropriated peasant proprietors, municipal property, &c.[1]

The commercial relations between the two countries proved not much easier than the political. Negotiations for the conclusion of a commercial treaty were opened in the autumn of 1924, in view of the approach of the dates of the 10th January, 1925, when Germany would cease to be bound under the Treaty of Versailles to grant Poland unilateral most-favoured-nation treatment; and of the 15th June, 1925, when she would no longer be obliged, under the Geneva Convention, to admit duty-free contingents of products originating in Upper Silesia. The most important of the Polish exports to Germany under these arrangements was a monthly contingent of 500,000 tons of coal.[2] The situation was curious, for these provisions had been drafted largely in Germany's interest, to compensate her for her losses under the partition of Upper Silesia; but since the

[1] *Frankfurter Zeitung*, 7th September, 1926.
[2] *The Times*, 16th and 29th June, 1925.

appearance of a general coal glut, it was Poland who was interested in maintaining the export, while Germany was anxious to stop the gap. In other respects, Poland seemed more interested than Germany in establishing good commercial relations. Russia no longer received the products of the metallurgical and textile industries of Congress Poland. In other countries new markets were hard to find, and home consumption was low. The centre of gravity of the Polish exporting industry, on which Poland's financial policy depended, now lay in the former German provinces, and especially in Upper Silesia. Germany received about 50 per cent. of all Polish exports, particularly the heavy raw materials for which alternative markets could not easily be found, while only 6 per cent. of Germany's products went to Poland.

In the negotiations which opened in earnest on the 6th January, 1925,[1] Germany appeared thus to hold the stronger cards, and she insisted from the first, not only on general most-favoured-nation treatment and fixed tariffs, but on concessions such as freedom for German commercial travellers to circulate in Poland and for German merchants to settle in that country (and at one time, for abandonment of the liquidation of German property) which Poland rejected as political, and out of place in a commercial treaty. Poland, on the other hand, demanded a continuance of the duty-free régime in Upper Silesia, to be applicable to both coal and living and dead meat, while the utmost that Germany was willing to grant was the maintenance of a reduced contingent of 100,000 tons of coal.

A provisional *modus vivendi* was signed on the 13th January,[2] but it proved impossible to effect a definite agreement, and in June Germany notified Poland that she would accept no more duty-free contingents of coal after the 15th June.[3] Poland replied by passing a series of measures which, if their general purport was to correct her balance of trade and stabilize her currency by restriction of imports, in practice had the effect of stopping imports from Germany.[4] These restrictions took effect from the 27th June.[5] The German Reichsrat in return passed a bill on the 2nd July, putting prohibitive tariffs on important Polish imports, including agricultural produce, timber, petroleum, and zinc.[6] Poland immediately extended the list of her own prohibitions, and although both sides officially avoided the

[1] *Deutsche Allgemeine Zeitung*, 8th January, 1925.
[2] Text in *Deutsche Allgemeine Zeitung*, 17th January, 1925.
[3] *Le Temps*, 16th June, 1925.
[4] *Ibid.*, 26th June; *Deutsche Allgemeine Zeitung*, 20th June, 1925.
[5] *The Times*, 29th June, 1925.
[6] *Deutsche Allgemeine Zeitung*, 4th July, 1925.

expression 'tariff war', in practice they were already engaged in such a war, which was to prove prolonged.

Negotiations were never entirely broken off, but they made very small progress, and neither party seemed anxious to sacrifice any principle to the resumption of relations. Unexpectedly, Germany proved the heavier sufferer. Her favourable trade balance with Poland was wiped out, and if the coal industry of German Upper Silesia received a stimulus, the industries in eastern Germany dependent on cheap coal suffered rather severely and considerable criticism was directed against the Agrarians, who were held to be chiefly responsible for the German Government's unbending attitude.[1] Poland, on the other hand, succeeded in converting her trade balance from passive to active. New markets for her Silesian coal were found at home, in Scandinavia and the Baltic States, while in 1926 the British coal strike gave the Silesian fields a period of unexpected prosperity, and finally, the German tariffs were not so high but that a certain amount of Polish products were still sold to that country.

(ii) The Status of Danzig.

The improvement in the relations between Danzig and Poland in 1923, which was noted in a previous volume,[2] was marked while it lasted—between the 20th August and the 1st September, 1923, alone, the two Governments succeeded in settling by agreement some thirty questions—but it was of short duration. In 1924 and 1925 the points of dispute multiplied again, and if in a few cases agreement was reached by negotiation, in more the decision of the High Commissioner of the League was called for, and the party against which that decision was given rarely failed to protest and to appeal to the Council of the League. To diminish the delays thus involved for all parties, and the political excitement, the Council of the League, on the 11th June, 1925, adopted a new procedure, which maintained the system of direct negotiations between the parties, while the High Commissioner was as before empowered, if necessary, to summon either or both of the parties to attend a meeting to discuss a question at issue. In the case of legal or technical questions, the High Commissioner now received authority to consult the technical organizations or experts of the League before giving his decision. Should appeal be lodged against his decision after this, he was to forward for transmission to the Council of the League the

[1] For statistics and survey see *The Times*, 3rd August, 1926; *Frankfurter Zeitung*, 4th November and 2nd December, 1926.

[2] *Survey for 1920–3*, p. 266.

opinion of the experts, with other relevant matter.[1] This alteration had the desired effect of obviating the reference to the League Council of a number of petty technical disputes.

A great number of decisions had, however, still to be given in 1924 and 1925, either by the High Commissioner, or by the Council of the League. It is impossible to enter into the details of every dispute, but it may be said, broadly, that the trend of the decisions was to uphold Danzig's case where the legal question of the status of the Free City was involved, while allowing Poland's demands for practical facilities in specific cases.

The Polish Government, for instance, had refused to ratify a railway agreement concluded with Danzig in 1922, on the ground that mere confirmation was sufficient, ratification implying that Danzig enjoyed a more complete independence than was actually the case; but on the matter being referred to the High Commissioner, he decided on the 10th November, 1924, that Danzig was a state in the international sense of the word, and that Polish-Danzig relations were inter-state relations, though of so complicated and unusual a kind as not to admit of the normal international procedure being necessarily of application to them. In December 1924 the Council of the League recognized Danzig's right to participate as an independent contracting party in commercial treaties signed by Poland, and a convention to that effect was signed between Poland and Danzig on the 4th May, 1925. A further concession which was greatly valued by the citizens of Danzig was made by the Council of the League on the 10th June, 1925, when it authorized the High Commissioner to receive petitions addressed to the League by the citizens of Danzig, and at his discretion to bring the matter before the Council.[2]

On the other hand, the two principal concrete disputes which arose between Poland and Danzig in 1924 and 1925 were decided in a manner which was at any rate less satisfactory to the latter than to the former.

The first of these concerned the establishment by Poland of a site in Danzig harbour for the unloading, temporary storage and dispatch to Poland of material of war and munitions in transit. The matter first came befcre the League in 1921, Poland having requested that definite steps be taken to provide her with this site, in view of Article 28 of the treaty between the Free City and Poland of the 9th November, 1920, which provided that Poland should have the

[1] *League of Nations Monthly Summary*, vol. v, Nos. 3 and 6.
[2] *Ibid.*, No. 6.

right to import and export via Danzig all goods not prohibited under Polish laws, at all times and in all circumstances. On the 22nd June, 1921, Poland and Danzig agreed that a site should be selected for the purpose on the banks of the Vistula, and that this site should be as far as possible from all dwelling houses. It proved, however, difficult to find such a site ; Poland complained of the limited space allowed her, Danzig protested that a site anywhere near the port or city would endanger the commerce, industry, shipping, and welfare of the inhabitants.[1] The matter was brought before the Council of the League on the 14th December, 1923, and a Commission of Inquiry was appointed. On the recommendation of the Commission the Council on the 11th March, 1924, designated the peninsula of Westerplatte as the site in question, and by its resolution provided for the construction of a depot on this spot.[2] In consequence of a further request from the Danzig Harbour Board, the exact area to be assigned to Poland was delimited in October 1925, and Poland entered into possession on the 31st October. She then, however, put forward a further claim to be allowed to keep on the site an armed guard of 88 men ; and this question, after raising a fresh controversy, was decided in Poland's favour on the 9th December, 1925.

The second and more spectacular dispute arose out of action taken by Poland on the 5th January, 1925. Article 29 of the Polish-Danzig Convention of the 9th November, 1920, recognized Poland's title 'to establish in the port of Danzig a post, telegraph, and telephone service communicating directly with Poland '. A further agreement between the parties in matters of detail was signed at Warsaw on the 24th October, 1921. The convention of November 1920 gave Poland the right to purchase or hire the buildings necessary for establishing and working her postal service ; and she acquired premises in the Heveliusplatz in 1922. On the 5th January, 1925, the Polish Government set up boxes at various points in Danzig for the receipt of postal matter to be sent to Poland by the Polish postal service ; they also claimed the right to deliver, outside the Heveliusplatz premises, postal matter brought from Poland by their postal services. The Government of Danzig contested these rights, which they claimed were excluded by a decision given by General Haking, when High Commissioner, precluding the Polish postal service from working outside the Heveliusplatz premises and from being used for correspondence other than that of Polish officials.

On the 6th January, the post-boxes set up by Poland were found to

[1] *League of Nations Monthly Summary*, vol. iii, No. 12.
[2] *Ibid.*, vol. iv, No. 3.

have been painted over, by unknown hands, with the old German national colours. Poland thereupon demanded compensation and apologies, regarding the matter as an insult to the Polish Republic, and suggested that if the local police were incapable of preventing such outrages, Poland herself would take steps.[1] The Danzig Government answered that the incident was merely a question of damage to private property, since Poland had no sovereign rights in Danzig.[2] Intense feeling was aroused on both sides, which was not diminished by an extremely stiff apology by the Danzig Senate for the damage done to Polish property.[3] The High Commissioner, who had been on leave when the incident occurred, returned on the 9th January, and the Danzig Government appealed to him, basing their protest on the alleged decision of General Haking, referred to above. The High Commissioner invited the Polish Commissioner-General in Danzig to remove the boxes, in order to avoid further incidents, but without success ;[4] and on the 4th February the High Commissioner announced his decision that the Polish Government had a right to conduct a postal service only in its premises situated in the port of Danzig, and not outside them, and that the use by Poland of post-boxes outside these premises, or the employment of Polish postmen in any part of the Free City was inadmissable, and contrary to the previous decision given by General Haking.[5] The Polish Government appealed against this decision to the Council of the League, which, on the 15th March, requested the Permanent Court of International Justice to give an advisory opinion.

The opinion of the Court was delivered on the 16th May, 1925. It declared valid a decision given by General Haking on the 25th May, 1922, and interpreted by him on the 30th August, 1922 ; but dismissed as irrelevant two other opinions of the 23rd December, 1922, and 6th January, 1923, cited by Danzig. It pointed out, however, that none of these decisions really dealt with the legal points at issue—that is, whether the Polish postal service was to be limited to operations which could be effected within the Heveliusplatz premises, and whether its use was confined to the Polish authorities and offices. The answers to these questions were to be sought in the agreements of the 9th November, 1920, and the 24th October, 1921 ; and as neither of these instruments showed any trace of any restrictive pro-

[1] *Deutsche Allgemeine Zeitung*, 8th January, 1925.
[2] *Deutsche Allgemeine Zeitung, loc. cit.*; *The Times*, 13th January, 1925.
[3] *Ibid.*, and *Le Temps*, 11th January, 1925.
[4] *Le Temps*, 16th January ; *Deutsche Allgemeine Zeitung*, 15th January, 1925.
[5] *Deutsche Allgemeine Zeitung* and *The Times*, 6th February, 1925.

vision, the normal procedure must be assumed in both cases. In short, the Polish postal service might operate outside the premises at the Heveliusplatz, and its use was not confined to Polish authorities ; but its operations were limited to the Port of Danzig. The port was a territorial entity, the limits of which, however, as the sphere of operation of the Polish postal service, had not been defined. The Court observed that the practical application of its decision depended on what were taken to be the limits of the Port of Danzig within the meaning of the treaty stipulations.[1]

On the 11th June the Council of the League adopted this advisory opinion, and appointed a Commission of Experts to undertake the delimitation of the port for the purpose of the postal service. The commission, after investigations on the spot, drew up its report on the 3rd August.[2] The experts adopted in the main the Polish contention, which was that the term 'port', in the postal sense, should not be taken to consist only of the waters and waterside technical plant, as urged by Danzig, but should be given a more liberal economic interpretation, being taken to include the area in which the economic constituents of the port were concentrated, i. e. that part of the town where the establishments whose work was connected with that of the port were sufficiently numerous. The commission recommended a line marking the limits of the port in this sense ; but advised that this boundary should be revised after three months, and should in any case be subject to revision every five years at the request of either party.[3] On the 19th September the Council of the League adopted this report, approved the boundaries suggested by the commission, and invited the parties to negotiate on the points of debate which remained to be settled.[4]

These were the chief, though by no means the only, disputes between Danzig and Poland in 1924 and 1925. Most of the other points at issue were of purely local importance, and the new system of dealing with them adopted in June 1925 fortunately had the effect of localizing their repercussions also. The conclusion at Locarno of a German-Polish arbitration treaty had a certain effect in diminishing friction, since many of the disputes would have been less violent if Danzig had not figured in them partly as the mouthpiece of German Nationalist sentiment.

A still greater factor for peace was the defeat on the 12th June,

[1] See the publications of the Permanent Court of International Justice, Series B (*Collection of Advisory Opinions*), No. 11.
[2] Text in *League of Nations Official Journal*, December 1925.
[3] *League of Nations Monthly Summary*, vol. v, No. 8.
[4] *Ibid.*, vol. v, No. 9.

1925, of the Nationalist Government which had been in power in Danzig for a considerable time, and its replacement at the beginning of August by a coalition of the Centre, Liberals, and Social Democrats; the German Nationalists passing into opposition. The change in this instance was particularly significant, for the crisis had arisen over the patriotic but expensive policy of the Nationalists in maintaining a disproportionately large number of police officials, most of whom were drawn from the more extreme Nationalist circles in Germany.[1] Economy marched here with conciliation. The commercial world of Danzig saw that its prosperity was, after all, bound up with Poland, and the new coalition declared its intention, while watching over the independence of Danzig and the maintenance of the treaties, of 'abstaining from any provocative nationalist gestures' as well as of reducing the numbers of the police and other officials.[2]

Indeed, the Free City, if its Governmental machinery was rather expensive, enjoyed as much prosperity as could be expected in the difficult years 1924 and 1925. The uncertainty of Polish tariff policy and the instability of the Polish currency caused very considerable difficulties at times, as did the tariff war between Poland and Germany; although special alleviations were introduced for the benefit of Danzig's citizens. But the Free City succeeded in capturing much of the trade of Stettin and Königsberg. Her privileged position secured her a practical monopoly of the increasing volume of trade carried up the Vistula to the Ukraine and Rumania; and the tonnage of ships frequenting her port, which in 1912 had been 1,963,805, had risen in 1924 to 3,283,033.[3] A number of commodities which she had not previously handled, or only to a small extent, began to pass through her territory; notably oil and coal. The latter commodity, in particular, was shipped to Scandinavia via Danzig in large quantities in 1925 as a direct result of the German-Polish tariff war.[4] Further, while previously to the tariff war Danzig had been almost solely a port of transit, by 1925 she had developed an important industry of her own; and finally, she was becoming an important centre for air communications between eastern and western Europe. The financial position of the Free City was sound. The new currency introduced early in 1924 by the bank of Danzig, as an emission bank, proved stable. A 7 per cent. Municipal Mortgage Loan of £1,500,000 for harbour development,

[1] *Deutsche Allgemeine Zeitung*, 6th August, 1925.
[2] *Ibid.*, 8th August, 1925. [3] *The Times*, 17th September, 1925.
[4] Still more in 1926 as a result of the British coal strike.

the installation of power stations, and other works of improvement, was floated in 1925 and was heavily over-subscribed. The loan was issued under special conditions, owing to the peculiar status of Danzig. Its issue was authorized by the Council of the League on the 14th March, 1925, and a trustee was appointed by the League to supervise the loan contract ; the League considering that within certain limits, which did not include responsibility for the success of the loan, it might give its name to the enterprise.

The difficulties with Danzig, which in spite of all improvement, remained considerable, inspired Poland in 1924 to project the creation of a new Baltic port on Polish territory. The site chosen was at Gdynia, a short distance westward from Danzig. The new port was developed with the assistance of French capital, and it was expected that the necessary works would be concluded by the end of 1930.[1] On the 11th June, 1925, the Polish Sejm authorized the construction, which was at once taken in hand, of a direct railway line connecting Gdynia with central Poland, without touching Danzig territory.[2] By the end of 1925, however, Gdynia had not advanced much beyond the state of a watering-place.

(iii) Relations between Poland and Czechoslovakia (1924–5)

Despite what appeared to be a strong community of interests, the relations between Poland and Czechoslovakia had never, up to 1925, been really happy. Disputes over frontier questions and differences of policy in regard to Russia had affected the minds of statesmen more deeply than the common need of a further guarantee of existing frontiers against Germany. A link was indeed provided by France, with whom both countries had concluded treaties ; but Poland found herself unable to join the Little Entente, although her representatives sometimes attended its conferences in the capacity of observers, and the political convention signed between Poland and Czechoslovakia in 1921 was never ratified.[3]

By 1924, however, the bitterness of the old antagonisms was dying down and it was possible to make some progress towards smoothing over the remaining difficulties. The question of the delimitation of the Czechoslovak-Polish frontier in the Javoržina district was finally settled in the spring of 1924,[4] and a conference which met on the 6th May at Cracow drew up a protocol allowing freedom of movement for the local population, for tourists and for foodstuffs. In October

[1] *Le Temps*, 5th March, 1925. [2] *The Times*, 12th June, 1925.
[3] See *Survey for 1920–3*, pp. 282 *seqq.* and 299. [4] *Op. cit.*, pp. 457–8.

M. Beneš and Count Skrzyński, meeting at Geneva, drew up a programme for the settlement of all differences still in suspense between the two states,[1] and in the following month negotiations for the conclusion of a commercial treaty opened in Warsaw.[2]

In the meantime the question of the relations with Germany, over which the two countries were united by a common bond, grew more, and not less, acute. Their desire for friendship and co-operation was intensified tenfold in the spring of 1925, when it became known that the German security proposals of the 9th February[3] differentiated, at least by implication, between Germany's eastern and western frontiers, and it seemed further possible, however remotely so, that France might enter a Western European Security Pact which might affect her treaty obligations in the East, especially as regards Poland. The Polish-Czechoslovak negotiations for a commercial treaty accordingly received a new impetus, and a special conference also met to discuss railway questions.[4]

On the 1st April M. Beneš, speaking in the Foreign Affairs Committee of the Czechoslovak Senate, was able to announce that all the negotiations on technical matters were nearing completion. He attached great importance to this 'in view of the fact that it means the definite liquidation of all the disputes which have existed between the two countries and the opening of a new period of friendly relations between the two States'.[5]

On the 7th April a provisional commercial and tariff agreement was put into force. On the 20th April M. Beneš in person arrived in Warsaw, and on the 23rd the whole complex of agreements was signed.

They comprised three documents. The first, the so-called 'liquidation convention', finally settled various juridical and financial problems arising out of the partition of the Teschen, Zips, and Orava districts, and included provisions relating to minorities. The third, a bulky commercial convention,[6] afforded the nationals of the contracting parties reciprocal enjoyment of the most-favoured-nation clause. Tariff reductions were granted reciprocally on a comprehensive and detailed scale, and special arrangements regarding railway tariffs were concluded, one important effect of which was to facilitate the export of Polish coal across Czechoslovakia—a matter of great importance for the Polish mine-owners whose principal markets had long been, besides the Baltic states, Austria and the Balkans. A veterinary con-

[1] *Le Temps*, 17th October, 1924.
[2] *Ibid.*, 27th November, 1924.
[3] See above, Part I A, pp. 19–20.
[4] *Le Temps*, 2nd March, 1925.
[5] *Central European Observer*, 3rd April, 1925.
[6] Text in *L'Europe Nouvelle*, 13th March, 1926.

vention, appended as an annex, codified the precautions to be taken against the introduction of epizootic complaints by the importation of cattle and other domestic animals, and facilitated delivery of Polish cattle to the Czechoslovak consumers.

The second and most important document was a treaty of conciliation and arbitration.[1] The two contracting parties pledged themselves to submit to conciliation or to arbitration all disputes which could not be settled within a reasonable period by the ordinary methods of diplomacy, except those disputes for which another procedure was already provided elsewhere; although such other disputes might by agreement be submitted to the procedure of conciliation foreseen in the present treaty. Questions relating to the territorial status of either party were also excepted from the provisions of the treaty. All differences were to be submitted first to conciliation, unless the parties agreed to resort direct to arbitration (Art. 1). Within six months after ratification, the parties agreed to set up a permanent Conciliation Commission consisting of five members, of which either party was to nominate one national of its own and one of a third state, the President being a neutral nominated by consent of both parties, or, failing such consent, by the President of the Swiss Federal Council (Art. 3). The Commission must report on disputes within six months, and if possible suggest methods of settlement (Art. 12). The parties engaged to inform one another within a reasonable time, not exceeding three months, whether they accepted the conclusions embodied in the Commission's report and the proposals for settlement (Art. 13). Failing a settlement by conciliation, the dispute was to be brought before an arbitral tribunal constituted in a manner laid down in the treaty (Art. 15), or a dispute might be brought by common consent before the Permanent Court of International Justice (Art. 17). In either case, the parties agreed to accept the award in good faith, and as binding (Art. 21). Article 23 stipulated expressly that the treaty in no way modified the obligations undertaken by the signatory states under the Geneva Protocol for the Pacific Settlement of Disputes. The treaty was to come into force thirty days after the exchange of ratifications for a period of five years (Art. 25). A final protocol stated that, since any differences of opinion which might arise regarding any alteration of the existing territorial status could only be settled by agreement between the parties, it was unnecessary to constitute a body competent to deal with such differences of opinion.

These treaties, and the political *rapprochement* which they indicated and introduced, were received with the warmest satis-

[1] *Ibid.*, 13th June, 1925.

faction in both countries and in France. They did not, indeed, as was commonly stated, bring Poland into the orbit of the Little Entente, nor, in fact, greatly alter her attitude towards it. On this point the old difference remained unimpaired; Poland continued to disinterest herself from the precautions which the members of the Little Entente found it necessary to adopt towards Hungary, and the Little Entente, as such, preserved its neutral attitude towards Russia. The settlement of the frontier disputes and of certain commercial differences, relating principally to coal and live stock had, however, a notable effect in removing causes of friction between Poland and Czechoslovakia. On the most important question of the moment, that of security and of Germany's eastern frontiers, sufficient agreement had been reached to enable the two countries henceforward to work together during the progress of the security negotiations, even if Poland did not always find it easy to imitate the more conciliatory attitude of the Czechoslovak Government.

(iv) Proceedings of the Little Entente (1925).

The Little Entente, as such, displayed little activity during 1925. It was, indeed, inevitable that this should be the case. The formal basis of this political system was a narrow one, resting essentially on the maintenance of the Treaties of Trianon and Neuilly. So long as these treaties were not threatened, the Little Entente had small reason for adopting anything more than a passive attitude, or at the most, for reiterating declarations made in previous years. It was true that the system, regarded less narrowly, had undergone considerable extensions at various periods, and especially during 1924, through the conclusion of the Italo-Jugoslav Pact of Friendship of the 27th January, the Franco-Czechoslovak Treaty of the 25th January and the Italo-Czechoslovak Pact of Friendship of the 5th July.[1] This process was carried a step further during 1925, most notably by the conclusion of the Polish-Czechoslovak treaties of the 23rd April.[2] Further minor agreements were concluded between Italy and Jugoslavia in July, while, during practically the whole of the period under review, Jugoslavia was engaged in negotiations with Greece for a rearrangement of their relations to replace the old Graeco-Serb Treaty of 1913, denounced by Jugoslavia in November 1924.[3] Finally, the relations of Czechoslovakia with France and with Germany were placed on a new footing by the conclusion of the Locarno Pact in October 1925.[4] All these develop-

[1] See *Survey for 1924*, pp. 443 *seqq.*
[2] See the preceding section.
[3] See p. 295, below.
[4] See Part I. A, Sect. (iii), above.

ments, however, implied no change in the constitution or the position of the Little Entente proper. The treaty between Poland and Czechoslovakia, as has been seen, did not commit the latter Power to an active policy against Russia, nor the former to action in defence of the Treaty of Trianon. Poland remained content with her alliance with Rumania, which was renewed under another form in 1926; in other matters she co-operated more closely than heretofore with Czechoslovakia, but her relations with the other two partners in the Little Entente were unaffected by this, and she continued to confine herself to collaboration with the Little Entente in certain definite cases only.[1] Czechoslovakia preserved her detachment as regards Balkan affairs, and the various suggestions made during the year of a Balkan *bloc*, a Balkan Locarno, or an anti-Bolshevik *bloc* in South-Eastern Europe were dealt with exclusively by the statesmen of the Balkan countries, and indeed came to nothing. Greece, despite rumours to the contrary, showed no signs of entering the Little Entente. It is not clear what inducement she would have found to do so, in any circumstances; but the fact that her relations with Jugoslavia remained unsettled throughout the year in any case precluded any such step, and M. Caclamanos, the head of the Greek delegation in charge of the negotiations with Jugoslavia, announced in the spring of 1925 that the Greek Government would not put forward a request for admission to the Little Entente at its forthcoming conference.[2]

The periodical meeting of the Foreign Ministers of Czechoslovakia, Jugoslavia, and Rumania was originally fixed for the 15th–20th March in Bucharest.[3] It was postponed until the 1st May, on the request of the Jugoslav Foreign Minister, apparently owing to the extremely uncertain political situation created in Jugoslavia by the elections of the 8th February.[4] It was subsequently postponed again, and was ultimately held at Bucharest from the 9th–11th May. By this time sufficient events had happened to provide the meeting with an ample programme.

The question of relations with Russia was omitted from the agenda, and the position of Poland was only touched on in connexion with the recent successful conclusion of the Czechoslovak-Polish

[1] The Rumanian *Universul* (quoted in *Le Temps* of the 7th April, 1925) declared that the entry of Poland into the Little Entente was a 'necessity of the first order' on the ground that 'the security of Poland is the security of us all', but the Polish Government did not apparently share this view.

[2] *The Manchester Guardian*, 27th April, 1925.

[3] *Deutsche Allgemeine Zeitung*, 22nd February, 1925.

[4] *Corriere della Sera*, 19th March, 1925.

negotiations, the results of which were reported by M. Beneš. Some attention was, however, devoted to Austria, and to the attitude of the German Nationalists. The election of Field-Marshal Hindenburg to the Presidency of the German Reich had been received with anxiety in Czechoslovakia and, to a lesser extent, in Jugoslavia, and it was generally prophesied that it would form a subject of debate at the conference. It might have been difficult to find an official justification for such discussion, had not two Austrian Parliamentarians of some note, Dr. Dinghofer, President of the National Assembly and a leader of the Pan-German Nationalist Party, and Dr. Frank, another leader of the same party, and ex-Vice-Chancellor of the Austrian Republic, caused a mild sensation by visiting Berlin in the third week of January, holding conversations with prominent German statesmen, and, finally, giving an interview to the Press in which Dr. Frank spoke of the 'necessity of a renewed petition by Austria to the League of Nations for permission to incorporate herself within a greater economic area'.[1] The old question of the union of Austria and Germany was thus fitfully roused from its sleep. Various Austrian organizations, official and Parliamentary, discussed methods of drawing the two countries closer together by assimilation of the legal codes and of Parliamentary methods, and negotiations were begun for the abolition of passport visas.[2] In a communiqué issued on the termination of the second day's proceedings at Bucharest, the Foreign Ministers of the Little Entente announced their agreement on the desirability of pursuing the policy of reconstruction of Austria's finances inaugurated under the auspices of the League of Nations, and the indispensability of maintaining in their integrity the clauses of the Peace Treaties.[3] This pronouncement was interpreted to mean that the Little Entente statesmen would oppose any union, whether direct or disguised, between Austria and Germany[4] and it was received with indignation in Austria, where such language was considered to be a 'fresh humiliation' for Austria.[5]

The tone of the Little Entente towards Hungary was officially more severe. A short while before, Count Bethlen, the Hungarian Premier, questioned in a party meeting, had declared that every Magyar must be convinced in his heart of the injustice of the Treaty of Trianon, and that the Hungarian Government would make use of every opportunity to create the possibility of its revision. As the

[1] *The Times*, 22nd January, 1925.
[2] *Deutsche Allgemeine Zeitung*, 12th May, 1925.
[3] *Le Temps*, 12th May, 1925.
[4] *Le Temps, loc. cit.*; *Corriere della Sera*, 12th May, 1925.
[5] *Neue Freie Presse*, quoted in *Corriere della Sera, loc. cit.*

Central European Observer (a semi-official Czechoslovak organ) remarked,[1] this speech 'came just at the right moment for the states of the Little Entente to be able to show that such speeches are provocative'. A warning was issued that no attempt to bring about a revision of the frontiers or a relaxation of the League of Nations control would be tolerated.

The decisions of the Bucharest Conference which were given the greatest prominence in the Press were those which dealt with the relations between the Little Entente and Bulgaria. For some months past the increase in Communist activities and in the number of political crimes in Bulgaria had been causing great anxiety. In the spring of 1925 the Bulgarian Government had reason to fear that a Communist revolution was being organized by the Pan-Balkan Communist Union (a branch of the Third International which had its head-quarters at Vienna),[2] and that any Communist outbreak would be supported both by the Macedonian Revolutionary Organization and by the more extreme members of the Agrarian Party—who had still to avenge the death of their leader, M. Stamboliski, in 1923.[3] The law for the defence of the state was amended early in the year in order to give the Government greater powers to deal with any crisis.[4] In March the Conference of Ambassadors was asked, in view of the Communist danger, to authorize the enlistment in the Bulgarian army of additional troops, and permission for the temporary enrolment of 3,000 volunteers was granted on the 10th April. In the meantime documents had been seized by the Government which indicated that risings had been planned for the 15th April.[5] On the 14th, an attempt was made on the life of King Boris;[6] and on the 16th the Government's forebodings received terrible confirmation. A bomb was exploded in the Cathedral of Sveta Nedelia at Sofia during the funeral of General Gheorgiev (who had himself been assassinated on the previous day), and some 120 persons were killed and over 300 injured.[7] Martial law was at once proclaimed, and numbers of suspected persons were arrested and tried by court martial, house to house visitations being carried out throughout the country. On the 22nd April, the Conference of Ambassadors, in answer to further urgent appeals from the Bulgarian Government,

[1] Issue of the 15th May, 1925.
[2] *The Times*, 6th April, 1925.
[3] See *Survey for 1924*, pp. 206 *seqq.*
[4] *Le Temps*, 1st and 19th March, 1925.
[5] *The Times*, 6th April, 1925.
[6] *Ibid.*, 15th April; *Deutsche Allgemeine Zeitung*, and *Corriere della Sera*, 16th April, 1925.
[7] See the *Corriere della Sera*, 17th and 18th April, *The Times*, *The Manchester Guardian*, *Le Temps*, and *Deutsche Allgemeine Zeitung*, 18th April, 1925.

agreed to the enlistment, until the 31st May, of an additional 7,000 men—making a total temporary increase of 10,000 above the strength allowed by the Treaty of Neuilly.[1]

These events in Bulgaria were closely followed by neighbouring countries. Since the outrage of the 16th April was not the signal for any general rising there was no immediate need for precautions against the spread of Communist disturbances, and both Rumania and Jugoslavia adopted a policy of strict non-intervention. The Greek Government protested formally against the temporary increase in the Bulgarian forces;[2] and though the increase was accepted by Jugoslavia without protest, it seems to have given rise to some anxiety in Belgrade.[3] Relations between Bulgaria and Jugoslavia were in fact strained for some weeks, owing to the arrest by the Bulgarian authorities of certain Jugoslav citizens suspected of complicity in the outrage;[4] and the cloud was not dissipated by the visit to Jugoslavia of the Bulgarian Foreign Minister, M. Kalfov, who arrived in Belgrade on the 6th May (as the first stage in a tour which included Paris, London, and Bucharest), with the object of explaining the internal situation of Bulgaria and urging the formation of an anti-Bolshevik *bloc* in the Balkan countries.[5]

In these circumstances, the question of relations with Bulgaria was naturally one of the items on the agenda of the Bucharest Conference which aroused great interest. The delegates of the Little Entente countries declared themselves satisfied that the Communist attempt had definitely failed in Bulgaria and announced that they intended to take no action 'which might hinder the final triumph of order' in that country.[6] They were, however, definitely opposed to any permanent increase in the Bulgarian army, considering that such an increase was unnecessary and might 'create a state of things south of the Danube contrary to the treaties'.[7]

In all these points, it will be seen, the Little Entente adhered closely to its original basis—the maintenance of the Peace Treaties. The other principal decision reached at Bucharest was that expressing approval of the conduct of the security negotiations by Czecho-

[1] *The Times*, 23rd April, 1925. [2] *Ibid.*, 28th April, 1925.
[3] *The Times, loc. cit.*
[4] *Deutsche Allgemeine Zeitung*, 1st May; *The Times*, 25th and 29th June, 1925.
[5] *Corriere della Sera*, 7th May, 1924. The idea of common action against the Communist danger had already been propounded by the Bulgarian Prime Minister, M. Tsankov, who had visited Belgrade and Bucharest at the beginning of the year (*Le Temps*, 1st and 2nd January; *The Times*, 2nd and 5th January, 1925).
[6] *The Times*, 12th May, 1925. [7] *The Times, loc. cit.*

slovakia. This was in fact a matter of some importance, as it meant that M. Beneš could be sure that his negotiations with the Western Powers would meet with the approval of his allies in Central Europe.

During the rest of the year the attention of Czechoslovakia was absorbed by the security negotiations, that of Jugoslavia was mainly occupied by her internal situation and her negotiations with Greece and Italy, that of Rumania by her relations with Poland, Italy, and Russia. Meetings of the Little Entente Foreign Ministers were, however, held at Geneva in September during the session of the League of Nations Assembly, and on the 21st October, after the Locarno Conference, M. Beneš and M. Ninčić met at Bled, the result of their conversations being subsequently communicated to the Rumanian Foreign Minister. A formal meeting of the Little Entente was fixed for December in Belgrade, but was later postponed until 1926.

Certain minor manifestations of the Little Entente policy remain to be stated. At the end of May 1925 a party of Rumanian journalists visited Czechoslovakia, and so agreeable were their impressions that it was determined to create a systematic co-operation between the press of the two countries, of Jugoslavia and, if possible, Poland. A conference of the journalists and representatives of the official press bureaus of Rumania, Jugoslavia, and Czechoslovakia was held in Sinaia from the 15th–18th August, as a result of which a Little Entente of the Press was formed, with the object of promoting closer co-operation and furthering the aims of the Little Entente by improvement of communications, exchange of news, &c. A central bureau was instituted with a committee in each country concerned, and future meetings were envisaged.[1]

(v) The German-Russian Commercial Treaty.

The broader aspects of Russo-German political relations during 1925 are discussed elsewhere;[2] here mention will be made only of the single instrument of importance actually signed in that year; the commercial treaty which was signed in Moscow on the 12th October, 1925, as an extension and completion of the commercial clauses of the Treaty of Rapallo of the 16th April, 1922.[3] The treaty consisted of three independent parts: (1) seven special agreements introduced by a covering series of ' general conditions ' and combined into a single instrument; (2) an agreement regarding legal assistance in civil cases; (3) a consular convention. The most

[1] For an account of the conference see *Deutsche Allgemeine Zeitung*, 25th August, 1925; for the text of the statute *Europäische Gespräche*, January 1926.

[2] See above, Part I. A, pp. 63–6.

[3] See *Survey for 1920–3*, p. 30.

important of these was the first, which formed the treaty proper, and represented an interesting if imperfectly successful attempt to establish relations between two systems resting on entirely different legal and economic bases.

The treaty was based on recognition of the existing economic system in Russia, including the state monopoly of foreign trade. A logical consequence of this monopoly was the existence of trade delegations, whose position was defined in detail in the treaty. Members of the delegations were recognized to be at once Government representatives and traders ; in their former capacity they and the premises occupied by them were to enjoy a limited degree of extra-territorial privileges, in the latter, they were considered in law to be merchants, although enjoying as such a certain privileged position. The Russian delegation in Germany were to be subject to German judicial procedure, and their property could be seized in case of default, except such objects as were commonly recognized in international law as used in the exercise of diplomatic functions. The covering agreement provided for most-favoured-nation treatment, but Russia was not obliged to grant Germany equal treatment with a number of other countries, including Persia, Afghanistan and the Baltic states (with which at the time Russia had no final commercial treaties). Among the special agreements were conventions dealing with railways, shipping, taxation, testamentary dispositions, commercial courts of arbitration, and various legal points.[1]

Simultaneously with the treaty, an agreement was signed under which German banks granted Russia a short-term credit of 1,000,000,000 marks.

The Reichstag ratified the treaty on the 12th December by a large majority, although the speeches in the debate showed a lack of enthusiasm. It was generally lamented that Russia had made no concessions in her economic system, and it was considered doubtful whether much trade would result from the treaty. It was, however, considered better than nothing ; and considerable political significance was attached to it by those parties in the Reichstag which disapproved of any orientation of German policy towards the West.[2]

[1] For an analysis of the treaty see *The Times*, 14th October, 1925 ; *Deutsche Allgemeine Zeitung*, 25th and 27th October, and 23rd November, 1925.

[2] See *The Times*, 3rd and 14th December ; *Deutsche Allgemeine Zeitung*, 2nd and 15th December, 1925.

PART II

EUROPE

E. SOUTH-EASTERN EUROPE

(i) The Exchange of Populations between Greece and Turkey.

FROM the moment of the *débâcle* which the Greek army in Anatolia suffered in August and September 1922, the Greek and Armenian inhabitants of the territories previously under Greek military occupation fled towards the west coast *en masse*, and the flood of refugees increased as the area reoccupied, or due to be reoccupied,[1] by the Turks extended. The Turkish military authorities allowed the women and children to embark for Greece (as far as shipping was available), but they interned the men of military age—a precaution on their part which rendered the task of the Greek Government and of the foreign private relief organizations much more difficult when the refugees arrived on Greek soil. The Turkish Government was just as anxious, however, to get rid eventually of the entire Greek and Armenian minority as the latter were to avoid falling back again under Turkish rule ; and on Dr. Nansen's initiative, a convention was signed by the Greek and Turkish Governments on the 30th January, 1923, during the peace negotiations at Lausanne, for the exchange of Greek and Turkish populations.

By this instrument,[2] a compulsory exchange of Turkish nationals of the Greek Orthodox religion in Turkish territory and of Greek nationals of the Muslim religion in Greek territory was to take place as from the 1st May, 1923 (Art. 1)—the Greek inhabitants of Constantinople who were ' established ' before the 30th October, 1918, and the Muslim inhabitants of Western Thrace being alone exempted (Art. 2).[3] Persons who had already emigrated since the 18th October,

[1] e. g., the retrocession of Eastern Thrace to Turkey was provided for by the terms of the Mudania Armistice, which was signed on the 11th and accepted by the Greek Government on the 14th November, 1922. (See *H. P. C.*, vol. vi, p. 105.)

[2] Text in British Blue Book : *Treaty of Peace with Turkey* (*Cmd.* 1929 of 1923). To the convention was attached a protocol relative to the release of able-bodied men. (See also *H. P. C.*, vol. vi, p. 110.)

[3] For the difficulties which arose in connexion with the execution of this article, see pp. 260 *seqq.* below.

1912,[1] were to be considered as included under Article 1 (Art. 3); able-bodied men belonging to the Greek minority in Anatolia, who had been detained by the Turkish authorities but whose families had already left Turkish territory, were to have priority of transportation under the present convention (Art. 4); migration was to involve an automatic change of nationality (Art. 7); rights of property were as far as possible to be preserved (Art. 5); and elaborate arrangements were worked out (Arts. 8–19) for the valuation and liquidation of property left behind, the intention being to compensate the owners of such property who had emigrated from one country by assigning to them property of corresponding value in the other. For the execution of the convention a Mixed Commission was to be set up 'consisting of four members representing each of the High Contracting Parties and of three members chosen by the Council of the League of Nations from among nationals of Powers which did not take part in the War of 1914–18' (Art. 11).

This convention was widely denounced at the time as inhumane, and Dr. Nansen himself was sharply criticized for his share in promoting it. Any one, however, who realized through first-hand experience the strength of the mutual antipathy which the progress of Nationalism had implanted by that time in the peoples of the Near and Middle East, must have agreed with Dr. Nansen that segregation (which in this case both parties instinctively desired) was a more tolerable alternative for the minorities themselves than to drag on a precarious existence among majorities from whom they had become irreparably alienated.[2] Moreover, since the great bulk of the minorities concerned had already emigrated between the 18th October, 1912, and the signature of the convention on the 30th January, 1923, the compulsory clause was more drastic in appearance than in reality. On the other hand, the provisions for the interchange of property, if effective, would greatly alleviate the hardships involved in the inter-migration. On a long view, therefore, the convention was probably the best policy in the unhappy circumstances; but, if it

[1] e. g. both the Muslim refugees from South-Eastern Europe during the Balkan War and the Christian refugees from Eastern Thrace and Anatolia since August 1922.

[2] This view would not be inconsistent with a belief in the efficacy of those arrangements for the protection of minorities which were introduced in Eastern Europe during the period under review (see *Survey for 1920–3*, Part IV, Section (i)). International guarantees for the protection of minorities may be of great constructive value in cases where the moral breach between the minority and majority communities is not yet irremediable, but they cannot be expected to provide a substitute for moral relations where these have broken down altogether.

did not aggravate the situation, it was still true that it did not solve the problem of what to do with the thousands of refugees who were thus uprooted from their homes. The problem was infinitely more serious for Greece than for Turkey—the number of individuals concerned was roughly 1,300,000 Greeks against 400,000 Turks—and the special measures taken for the settlement of refugees in Greece are dealt with separately below.[1]

The three neutral members of the Mixed Commission provided for in the convention were appointed by the League of Nations Council on the 17th September, 1923, and the Commission met for the first time at the beginning of October.[2] Broadly speaking, its functions were to determine the conditions for migration and to supervise and facilitate the procedure ; it had power to take any measures necessary to carry out the convention and to decide any questions to which its execution might give rise. The Governments concerned were responsible for the detailed transport arrangements (which were complicated by the amount of movable property, including some live-stock, which the migrants took with them) and for the disposal of the migrants on arrival. The actual work of supervision was entrusted to eleven sub-commissions—each consisting of one Turk, one Greek, and a neutral chairman—who were stationed in the principal ports. The Commission was also responsible for helping the migrants to fill in the declarations of their property valuations which were required under the terms of the convention.[3]

Since the majority of the Greeks concerned had already left Anatolia and there only remained about 150,000 subject to exchange, the Commission decided in the first place to arrange for the departure of Muslims from Macedonia and the Greek Islands. An influx of 20,000 Macedonian Turks to Salonica on the announcement of this decision was dealt with rapidly, with the help of various voluntary organizations, and by the middle of January 1924 some 40,000 Turks had already been transported.[4] The Turkish Government provided them with land, and, in cases of need, with farming implements and seeds ; it also undertook to remit taxes for five years ; but it was unable to make adequate arrangements for the shelter and fuel immediately required, with the result that there was a good deal of suffering and discontent among the new arrivals.[5]

The arrangements for exchange proceeded, on the whole smoothly, throughout the spring and summer of 1924, and by the end of October 370,000 Muslims had left Greek territory for Anatolia, while

[1] Section (iii). [2] *Le Temps*, 17th January, 1924. [3] *Le Temps, loc cit.*
[4] *Le Temps, loc. cit.* [5] *The Manchester Guardian*, 25th March, 1924.

nearly all the Anatolian Greeks—except for a few thousands still awaiting embarkation—had also been evacuated.[1] There remained the Greeks in Constantinople who did not come within the terms of Article 2 of the convention of the 30th January, 1923; and it was here that the Mixed Commission met its most serious obstacles.[2]

In the first place, while the Turks were as ready to rid themselves of this as of all other alien communities,[3] the Greeks concerned wished to stay in Constantinople,[4] while the Greek Government, for its part, had already on its hands a larger proportion of urban refugees than it could provide for.[5] This divergence of interest between the Greeks and Turks led to widely different interpretations of the word 'established' in Article 2 of the Lausanne Convention. This article defined the Greeks who were not exchangeable as those 'who were already established before the 30th October, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the Law of 1912'. Briefly, the Turkish thesis was that the status 'established' depended on the fulfilment of certain legal formalities (and could therefore only be determined by Turkish law and not by the Mixed Commission); while the Greeks maintained that any person was 'established' who had resided in Constantinople before the 30th October, 1918, and had given definite proof (for example by establishing a business) of his intention to remain there permanently. If the Turkish contention were accepted, the number of exchangeable Greeks would be greatly increased.[6]

This difference of opinion gave rise to several stormy meetings of the Mixed Commission in September 1924, the neutral members inclining on the whole to the Greek view.[7] The Turkish delegation temporarily withdrew, and on its return proposed that an earlier date be substituted for the 30th October, 1918, in Article 2 of the

[1] *Le Temps*, 27th October, 1924.

[2] For the question of Muslims of Albanian origin in Greece, see Section (iv) below.

[3] See the *Corriere della Sera*, 6th April, 1924, and the *Deutsche Allgemeine Zeitung*, 9th April, for reports that the Turkish Government had ordained that non-Ottoman minorities in any town (except Constantinople) must not exceed 10 per cent. of the total population.

[4] For the case of the Greeks who had fled in 1922 and who wished to return, see below, p. 264.

[5] See below, p. 278.

[6] *Le Temps* (27th October and 1st November, 1924) estimated that 180,000 would have to leave according to the Turkish interpretation, and only 20,000 on the Greek interpretation. Over 36,000 appear, however, to have left by the end of December 1924, when the interpretation of 'established' was still unsettled (*Le Temps*, 30th January, 1925); while the Greek Refugees Settlement Commission in a report dated the 1st September, 1926, put the total number of refugees from Constantinople at 70,000.

[7] *The Times*, 8th, 9th, and 16th September, 1924; *Le Temps*, 20th September.

convention[1]; while the Turkish member of the Legal Sub-Committee, to which, by a decision of the 15th September, the Commission referred the question in dispute, appears to have resigned at the beginning of October as the result of a two to one vote against him.[2] At this stage, the situation was aggravated by the action of the Turkish authorities with regard to Greek inhabitants of Constantinople who were definitely exchangeable.

On the 9th May, 1924, the Mixed Commission had decided that certain categories of Greeks were to leave Constantinople on the 10th October, and passports were distributed.[3] On the 10th October, the Constantinople Sub-Commission seems to have issued a warning in the press that if those persons who possessed passports did not leave within seven days they would be compelled to do so by the police.[4] A number of the individuals concerned, however, neglected to prepare for departure ; and on the morning of the 18th October, the Turkish police began to arrest Greeks and conduct them to a concentration camp in the fortress-prison of the Seven Towers. By the evening, 2,000 persons had been collected,[5] and the process continued during the next four or five days.[6] By the 24th, when the arrests were suspended, as the result of an agreement reached under the auspices of the Mixed Commission, some 3,500 Greeks had been rounded up, not all of whom were exchangeable,[7] but, owing to the intervention of the principal Greek delegate on the Mixed Commission, M. Exindaris, steps had been taken to release, at any rate temporarily, those whose cases were doubtful, and to give facilities to the others to arrange their affairs.[8]

In the meantime, however, the Greek Government had, on the 21st October, addressed an appeal to the League of Nations, invoking Article 11 of the Covenant and protesting that the Turkish Govern-

[1] See the Greek note of protest to the League, printed in *The Times*, 23rd October, 1924.

[2] *Le Temps*, 5th October, 1924.

[3] *Ibid.*, 2nd November, 1924.

[4] *The Times*, 20th October, 1924 ; Minutes of the 31st Session of the League of Nations Council (*Official Journal*, November 1924, Part I).

[5] *The Times, loc. cit.*

[6] See *The Times*, 23rd October, and *Le Temps*, 27th October, 1924, for rumours that the action of the Turkish police was partly attributable to the growing discontent of the exchanged Muslims from Greece (who possibly had visions of compensating themselves for their losses at the expense of the Constantinople Greeks) and to the fact that public opinion was further inflamed by reports from Western Thrace of the seizure of Muslim property for Greek refugees (see below, p. 277).

[7] According to M. Exindaris, 15 per cent. of those arrested were definitely not liable to exchange, while the fate of another 25 per cent. depended on the interpretation of ' established ' (*The Times*, 27th October, 1924).

[8] *Ibid.*, 23rd October, 1924.

ment had violated the Lausanne Convention by substituting their own authority for that of the Mixed Commission ; that they had not awaited the expected decision of the Commission on the interpretation of ' established ' but had acted on their own interpretation ; and further that Greeks had been arrested who were not liable to exchange even under the Turkish interpretation.[1]

The question came before the League of Nations Council on the 31st October, during the special session which was held at Brussels to consider the dispute over the Turco-'Irāqī boundary in the Mosul vilāyet.[2] The Turkish delegate, Fethī Bey, declared that the Constantinople police had merely acted in execution of the decisions of the Mixed Commission ; that his Government had no intention of arrogating to themselves the functions of the Commission ; and that they would accept the Commission's interpretation of the word ' established '. General de Lara, the Chairman of the Mixed Commission, stated that though on this occasion certain mistakes had been made by the police, these had been put right as a result of the Commission's intervention. The Council therefore decided that the Commission should be left to settle the dispute regarding the word ' established '—since under the Lausanne Convention it was certainly competent to do so—and recommended it, in case of doubt on any legal point, to apply to the Permanent Court of International Justice for an advisory opinion. The Mixed Commission on the 16th November decided to act on this recommendation, the senior Turkish delegate, Rushdī Bey, giving an undertaking that no action should be taken against the Constantinople Greeks pending the Court's decision ;[3] and on the 13th December, the League Council, at the Commission's request, asked the Permanent Court for its opinion on (1) the meaning and scope of the word ' established ' in Article 2 of the Lausanne Convention and (2) the conditions to be fulfilled by the persons described in that article as ' Greek inhabitants of Constantinople ' in order that they might be considered as ' established ' and exempt from compulsory exchange.[4]

The Court delivered its opinion on the 21st February, 1925. It held—

(1) That the purpose of the word ' established ' is to indicate the conditions in point of time and place on which depends the question of liability to exchange ; that this word refers to a situation of fact, con-

[1] Text in *The Times, loc. cit.*

[2] See the *Survey for 1925*, vol. i, Part III, Section (xi) (*d*).

[3] *The Times* and *The Manchester Guardian*, 18th November, 1924.

[4] Minutes of the 32nd Session of the Council (*Official Journal*, February 1925).

stituted in the case of the persons in question by residence of a lasting nature ;

(2) that the persons referred to in the second question, in order to be exempt from exchange, must reside within the boundaries of the Prefecture of the City of Constantinople as defined by the Law of 1912 ; must have arrived there, no matter whence they came, at some date previous to October 30th, 1918, and must have had, prior to that date, the intention of residing there for an extended period.

Thus, the Court, in effect, upheld the Greek interpretation of the word ' established ' ; and it further took the view that the Commission was alone competent to decide whether a given person was or was not exchangeable. It declined to give an opinion on a question raised by the Greek representative regarding the Oecumenical Patriarch, who had been expelled from Constantinople as exchangeable by the Turkish authorities on the 30th January, 1925—an action which gave rise to a further acute controversy between the Greek and Turkish Governments.[1]

The Permanent Court's interpretation of ' established ' was ratified by the Mixed Commission[2] but the application of the decision was delayed pending the result of negotiations, which had already been proceeding for many months,[3] between the Greek and Turkish Governments[4] for a general settlement of questions arising out of the Lausanne Convention. Apart from the interpretation of Article 2, there were difficulties in the application of Article 16, which provided, *inter alia*, that ' no obstacle shall be placed in the way of the inhabitants of the districts excepted from the exchange under Article 2 exercising freely their right to remain in or return to those districts and to enjoy to the full their liberties and rights of property in Turkey and in Greece '. In Western Thrace, however, which had been invaded by large numbers of Greek refugees from Eastern Thrace, the property of Muslims who were allowed to remain under Article 2 of the Lausanne Convention had been freely requisitioned for the use of the refugees, and villages had been built on land belonging to Turks. On the other hand, the Turkish authorities, who, as has been seen, showed a disposition to rid themselves of as large a proportion as possible of the Greek inhabitants of Constantinople, were

[1] This dispute is dealt with separately in Section (ii) below. For the proceedings before the Permanent Court see the Court's publications, Series B (*Collection of Advisory Opinions*), No. 10 ; and Series C (*Acts and Documents*), No. 7.

[2] *Le Temps*, 20th May, 1926.

[3] For a report that an agreement had been reached in August 1924 see *Le Temps*, 19th and 21st August.

[4] The negotiations were conducted on behalf of their respective Governments by the principal Greek and Turkish delegates on the Mixed Commission.

naturally unwilling to permit the return of the thousands[1] of Greeks who, though they fulfilled the conditions of Article 2 of the convention, had fled as a result of the events of 1922, but who now wished to return, and who had been pressing the Mixed Commission, ever since its establishment, to secure the restitution of their abandoned property, which had been seized by the Turkish authorities.[2] Thus, in effect, both parties had violated the terms of Article 16 of the convention, and the object of their negotiations was to come to some arrangement more in keeping with the actual situation.

When the League of Nations Council, on the 31st October, 1924, had under consideration the Greek protest against the arrest of exchangeable persons in Constantinople, the Greek representative, M. Politis, referred to the case of those Greeks who, he said, were unable to return to Constantinople owing to the ill-will of the Turkish authorities, and also to the question of the maintenance of Greek banks in Constantinople, observing that the Greeks who had the right to reside in Constantinople constituted a national minority entitled to the protection of the League of Nations. Fethī Bey retorted by pointing out that more than 50,000 Turks in Western Thrace were without means of subsistence owing to the confiscation of their property by the Greek Government.[3] Both parties, however, agreed to an investigation by the League, and eventually, on the 13th March, 1925, the Council asked the neutral members of the Mixed Commission to inquire into the position of the Turkish minority in Western Thrace and the Greek minority in Constantinople, with special reference to the application of Article 16 of the Lausanne Convention of the 30th January, 1923. The neutral members of the Commission left for Western Thrace early in April, and had completed their inquiries by the beginning of June, but the presentation of their report was delayed.

By this time, however, the negotiations between the Greek and Turkish delegates had reached an advanced stage, and an agreement[4]

[1] Between sixteen and twenty thousand, according to *The Manchester Guardian*, 25th March, 1924.

[2] See *The Manchester Guardian, loc. cit.* The Greeks in question contended that their property was not technically 'abandoned'.

[3] Minutes of the 32nd Session of the League of Nations Council (*Official Journal*, February 1925)

[4] According to *Le Temps*, 25th June, 1925, six documents were signed, regarding (1) conditions for purchase by either Government of the property of their nationals situated in the territory of the other Government and the method of restitution to the owners of property not so purchased; (2) and (3) the method of executing Article 16 of the convention of the 30th January 1923; (4) the scope of the expression 'personnalité morale'; (5) the legal position

was signed at Angora on the 21st June.[1] The Turkish Government accepted the Greek interpretation of 'established' and agreed to regard as not liable to exchange Greeks resident in Constantinople before the 30th October, 1918, who had shown a manifest intention of remaining there permanently. 'Established' Greeks who had left Constantinople would be permitted to return. The Greek Government undertook to purchase Turkish properties in Greece which had been expropriated for the use of the refugees or abandoned by their owners before October 1912. Similar action was to be taken by the Turkish Government in the case of Greek property in Turkey.[2]

The signature of this agreement, which had been preceded by a solution of the vexed question of the Oecumenical Patriarch,[3] was hailed by the Constantinople press as a symptom of a better understanding between the two countries.[4] It was followed by the resumption of normal diplomatic relations. Jevād Bey, the first Turkish Minister accredited to the Greek Government since the War, presented his credentials on the 28th July, 1925.[5]

The Angora Agreement, however, never came into effect.[6] One reason for the postponement of its application appears to have been the attitude of the neutral members of the Mixed Commission, who declared themselves unable to carry out certain of the provisions agreed on at Angora, which, in their eyes, contravened the terms of the Lausanne Convention.[7] The Graeco-Turkish negotiations therefore continued, and at the beginning of 1926 the Turkish Government proposed the abrogation of the Angora Agreement,[8] and its replacement by a fresh convention. In the meantime, on the 11th December, 1925, the League of Nations Council had taken note of communications in which the Greek and Turkish representatives stated that the questions regarding their respective minorities on which they had appealed to the League were the subject of direct negotiations and asked the League to suspend proceedings.[9]

By the end of June 1926 it was reported that the Greek Govern-

of Turkish subjects who left Greek territory before or after the 18th October, 1912; (6) *procès-verbal* containing supplementary declarations.

[1] *The Times*, 15th and 23rd June, 1925; *Le Temps*, 23rd and 25th June.

[2] Summary in *The Times*, 23rd June, 1925. [3] See Section (ii) below.

[4] *The Times*, 25th June, 1925. [5] *Le Temps*, 31st July, 1925.

[6] Provisional measures, such as the issue of identity certificates, were taken to meet the case of those Greeks whose status remained to be determined until the agreement came into force (*Ibid.*, 20th May, 1926).

[7] *Ibid.*, 4th March, 1926. [8] *The Times*, 23rd January, 1926.

[9] Minutes of the 37th Session of the League of Nations Council (*Official Journal*, February 1926).

ment had already paid to Turkey the sum of 15,000,000 drachmae on account of Muslim property in Greece occupied since 1922,[1] and that the Turkish Government had decided to suspend the application of its laws relating to property ' abandoned ' by Greeks.[2] The negotiations were therefore expected to result before long in the conclusion of a new convention. Draft terms were in fact initialed by the delegates on the 7th September,[3] and an agreement was signed at Athens on the 1st December, 1926.[4]

The agreement provided for the purchase by the Greek Government from their former Turkish owners of rural properties in Greece and such urban properties as were not occupied by refugees, the price being fixed where necessary by a mixed commission. Property in Turkey belonging to Greeks who had left the country before 1912 and to Greek subjects generally (including those in Constantinople) was to be restored to the owners ; but it was provided that the Turkish Government should buy any property situated in Asia Minor and Thrace which was not occupied by its owner, unless the Greek Government demanded exemption from the rule and deposited the value of the property. A committee was to be formed to verify the nationality of claimants and the dates of their departure. All provisions of the Treaty of Lausanne and its protocols not specifically modified by the new agreement were to remain in force.[5]

This agreement was approved by the Turkish Cabinet before the end of the year,[6] and ratified by the Great National Assembly at Angora on the 5th March, 1927.[7] It passed its first reading in the Greek Chamber on the 16th February, 1927.[8]

(ii) The Expulsion of the Oecumenical Patriarch from Constantinople.

The venerable institutions of the Greek and Armenian Patriarchates and the Grand Rabbinate of Turkey were rooted in the days before the birth of modern conditions and modern conceptions of law.[9] The holders of these offices were at once heads of religious communities and civil officials. Besides their religious functions, they organized education, they dealt with such legal matters as marriage, wardship, inheritance, registration of births and deaths, and they had courts of

[1] The total due on this account was estimated at between 30 and 40,000,000 drachmae (*Le Temps*, 3rd July, 1926).

[2] *Ibid.*, 19th June, and 3rd July, 1926.

[3] *Ibid.*, 9th September, 1926.

[4] *The Times*, 3rd December, 1926.

[5] *The Times*, *loc. cit.*

[6] *Ibid.*, 22nd December, 1926.

[7] *Ibid.*, 7th March, 1927.

[8] *Ibid.*, 18th February, 1927.

[9] See an article by A. J. Toynbee in *The Manchester Guardian*, 14th March, 1924.

justice covering substantially the field of civil law. The system was a convenient one for the Ottoman Empire in the days when its sway extended over a score of heterogeneous nations; but when the Christian nations of that Empire one by one attained their independence, it gradually became an anachronism, and during and after the World War its existence, particularly as touching the Greek Patriarchate, grew ever less palatable to the Turks. Mustafā Kemāl's new national Turkish State had no place in it for such an institution as the Patriarchate, particularly as the holder of the office was generally believed to be the chief centre of the political agitation which hampered the Turks in their national struggle with Greece. At the Conference of Lausanne the Turkish delegation put forward a demand, upheld with the greatest stubbornness, for the removal of the Oecumenical Patriarchate from Constantinople, on which, indeed, they made the conclusion of the convention for the exchange of populations conditional.[1]

This demand was opposed with equal decision, not only by Greece, but by the whole of the Orthodox world, as well as by the circles of the Anglican Church whose sympathy for the Orthodox Church was well known. Nearly 150,000,000 Orthodox believers would have deplored the change on sentimental and religious grounds, while it is hardly unfair to say that the Greek nation would have seen in it as well a grave political reverse. At the same time, the delegates to the Conference generally recognized that the retention by the Patriarch of any civil powers in Turkey would constitute an anachronism. Lord Curzon accordingly put forward the suggestion that 'the institution of the Patriarchate should in future lose its political and administrative character, and that while continuing to remain at Constantinople it should become a purely religious institution'.[2] The other delegates, including those of Greece, concurring, the Turkish delegate 'took note before the Commission of the solemn declarations and assurances which had just been delivered by the Allied and Greek delegations, whereby the Patriarchate was no longer to take any part whatever in affairs of a political or administrative character, and was to confine itself within the limits of purely religious matters', and withdrew the Turkish demand for its removal.[3]

It would, however, be erroneous to suppose that this arrangement set the Cross and Crescent in Constantinople on an entirely harmon-

[1] *Lausanne Conference on Near Eastern Affairs, 1922–3: Records of Proceedings and draft Terms of Peace* (*Cmd.* 1814 of 1923), pp. 316–17. For the convention for the exchange of populations, see Section (i) above.

[2] *Cmd.* 1814 of 1923, p. 319. [3] *Op. cit.*, pp. 326–7.

ious basis. On the contrary, Mgr. Meletios IV Metaxakis, the then Patriarch, who was frankly carrying on an active political propaganda, was soon afterwards the object of a demonstration by a riotous mob which forced its way into the Phanar. Mgr. Meletios withdrew from Constantinople on the 10th July, 1923, proceeding to Salonica, and a suggestion was put forward at the time that the Patriarchate might be transferred for good and all to that city. Such an idea, however, did not commend itself either to the Greeks or to the other Orthodox Churches. An acrimonious controversy was closed by the abdication of Mgr. Meletios, which was communicated to the Holy Synod on the 10th November, 1923, the prelate himself retiring to a monastery on Mount Athos.

His successor, Gregorios VII Zerboudakis, was enthroned on the 13th December, 1923. The election had been a turbulent one, a violent opposition to the new Patriarch being led by Papa Eftim, who was nominally head of the so-called Turkish Orthodox Church of Anatolia (a community which maintained that the alleged Greeks of Asia Minor were in reality only Christianized Turks), but who was in fact merely an adventurer, whose exploits were undertaken with an eye to his own advantage. A lively and somewhat undignified contest with Papa Eftim filled the first months of Gregorios' term of office; hostilities being opened immediately after the election by Eftim, who forcibly occupied the Phanar, drove out five Archbishops of the Synod and called upon Gregorios to resign.[1] On orders from the Turkish Government, which maintained a correct attitude, Eftim was forced to leave the building; and the subsequent incidents, which included his solemn defrocking by the Synod on the one hand,[2] and on the other his successful prosecution of the Patriarch in a libel action,[3] were, properly speaking, domestic rather than international in character.[4] It was natural that at the moment when Turkey was engaged in abolishing her own Caliphate (the motion to this effect was carried on the 3rd March, 1924, and the Caliph was expelled within forty-eight hours)[5] there should be a strong popular demand for meting out similar treatment to the heads of the foreign religious communities; but although Mustafā Kemāl stated to a newspaper correspondent that 'now that the Caliphate had been suppressed, it would be necessary also to suppress the Oecumenical Patriarchate, the Armenian Patriarchate and the Grand Rabbinate. Public opinion could not tolerate the existence under a Republican Govern-

[1] *The Manchester Guardian*, 10th December, 1923.
[2] *The Times*, 20th February, 1924. [3] *Ibid.*, 8th April, 1924.
[4] For a summary of them see *Le Temps*, 28th March, 1924.
[5] See *Survey for 1925*, vol. i, pp. 60 *seqq.*

ment of such institutions, which had acquired temporal privileges entirely foreign to their religious character,'[1] yet the Turkish Government remained loyal to the pledges given at Lausanne, and Gregorios achieved the feat, equalled by few of his predecessors in his holy office, of dying in harness.[2] He died on the 16th November, 1924, and on the 17th December, Mgr. Constantine VI Arapoghlu was elected to succeed him.

By this time the Graeco-Turkish exchange of populations was in progress,[3] but the dispute regarding the interpretation of the word ' established ' as applied to Constantinople Greeks had not yet been decided. On the 16th December, Mgr. Constantine and two other candidates for the Patriarchate were warned by the Turkish police that they were exchangeable subjects under the convention for the exchange of populations, and taken before the local sub-commission of the Mixed Commission, which was requested to furnish them with passports to enable them to leave Constantinople.[4] The Turkish police argued that Mgr. Constantine, who at the time of his election had been Metropolitan of Derkos, was born in Sigmi, Anatolia, was resident on the 30th October, 1918, at Cyzicus, on the Asiatic shore of Marmora, and did not come to reside in Constantinople until 1924. The Greek case was that the question of birth was irrelevant, that Mgr. Constantine had actually been established in Constantinople since 1902, his residence in Cyzicus being merely temporary ; and further, that he was an official of the Patriarchate and as such ' established ' in its building at Constantinople.

The crux of the matter lay, however, in the fact that similar objections could be raised against all except three of the Greek Metropolitans ; whereas Canonical law demanded that the Patriarch be elected by the Holy Synod of twelve Metropolitans. If, therefore, Turkey proposed to expel all Metropolitans who were exchangeable subjects, this would be tantamount in fact, if not in theory, to abolishing the Patriarchate.

The Constantinople Sub-Commission, on the 16th December, declined to give a decision on this delicate case. It referred the matter to the Mixed Commission, meanwhile requesting the Vali of Constantinople to leave the Patriarch at liberty.[5] The Mixed

[1] *The Times*, 6th May, 1924.

[2] In 472 years, 105 Patriarchs had been deposed by the Porte, twenty-seven forced to abdicate, and others imprisoned, beheaded, strangled, or hanged. Only about ten had died natural deaths in the Phanar.

[3] See above, Section (i).

[4] *The Times*, 17th, 18th, and 19th December, 1924.

[5] *Le Temps*, 9th February, 1925.

Commission delivered its decision on the 28th January, 1925. It was signed by the neutral and Turkish members of the Commission and ran as follows :

> The Mixed Commission, while noting the report of the Sub-Commission, No. 2,360, of the 17th December, 1924, on the subject of the exchangeability of Mgr. Constantine Arapoghlu, according to which Mgr. Arapoghlu, being born in Asia Minor and having arrived in Constantinople subsequently to the 30th October, 1918, would combine as an individual the requisite conditions for being subjected to the exchange, decides that it is out of its competence to give a ruling on the case of this prelate, in view of his capacity of Metropolitan.[1]

In the early hours of the 30th January the Turkish police expelled the Patriarch in abrupt fashion. He arrived in Salonica on the 1st February.

The consternation in Athens was very deep, and was shared by the religious communities of the other Orthodox countries, as well as by the Anglican Church. The Greek member of the Mixed Commission resigned. The Archbishop of Athens telegraphed to the heads of all the religious communities in Europe and America requesting their intercession. There was considerable talk even of war, but with little foundation, although either party to the conflict accused the other of military preparations. An acrimonious exchange of notes began, accompanied by numerous communiqués issued by the Embassies and Legations of Greece and Turkey in foreign countries.[2]

The Turkish case was simply that the Patriarch was exchangeable and therefore, under the terms of the convention, not only could, but must be exchanged ; the expulsion was merely a putting into effect of the decision of the Mixed Commission. The Greek argument was that the Commission had recognized that the Patriarch, by reason of his office, was more than an individual citizen—in virtue of which decision they had refused to issue him a passport ; that the Turkish Government had undertaken not to expel the Patriarchate ; and that the term Patriarchate assumed the existence of a Patriarch.

To the Turkish answer that all that was necessary was to elect a non-exchangeable Patriarch, Greece replied that this was (as Turkey very well knew) impossible, nearly all the Metropolitans being exchangeable ; and further, that Mgr. Constantine had not abdicated, having on the contrary appointed a *locum tenens* on leaving Constantinople. Greece having announced her intention of appealing to the Permanent Court of International Justice, the Turkish

[1] *Le Temps*, 9th February, 1925.
[2] See *The Times*, 2nd, 3rd, and 4th February, 1925.

Ambassador in Paris announced that Turkey would not accept the jurisdiction of the court, and the Turkish Prime Minister, Fethī Bey, speaking in Angora on the 5th February, declared that the question was a purely internal Turkish one, and that the Greek protests or attempts at intervention must be regarded as unfriendly.[1] The Turkish answer to the Greek note, which was made known two days later, affirmed that the question of exchange of populations must not be confounded with that of treatment of minorities, on which alone Turkey could entertain an appeal to the Permanent Court.[2]

Nevertheless, attempts at mediation by France and Great Britain having failed, the Greek Government telegraphed on the 11th February to the Secretary-General of the League describing Turkey's action as a 'serious infringement of the Lausanne Agreement regarding the constitution of the Patriarchate and its activities', of the convention for exchange of populations, of the decision of the Mixed Commission and of Turkey's undertaking to obey the decisions of that commission, and appealing to the Council of the League in virtue of Article 11 of the Covenant.[3]

The Turkish Foreign Minister thereupon declared that Turkey would not appear before the League,[4] and it was hinted in Turkish circles, not only that the eight remaining exchangeable Metropolitans might presently find themselves expelled, but that the whole question of the Greek population in Constantinople might be reopened should the present dispute not be settled to Turkey's satisfaction.[5]

On the other hand, it seemed probable that Turkey would not raise these additional complications if the immediate question of the Patriarchate were solved by the abdication of Mgr. Constantine. Such a solution was indeed unofficially put forward by the Turkish member of the Mixed Commission,[6] but only on condition that Greece withdrew her appeal to the League. On Greece's refusing to do so, the offer was retracted ;[7] but the Metropolitans were not insensible to their situation, and early in March volunteered to elect a new Patriarch,[8] evoking a strong protest from Mgr. Constantine.[9]

The question came before the League of Nations on the 14th March. The Turkish Government refused to send a representative, and in a written memorandum dated the 1st March[10] contended that the

[1] *The Times*, 6th February, 1925.
[2] *Le Temps*, 7th February, 1925.
[3] *League of Nations Official Journal*, April 1925, p. 579.
[4] *The Times*, 21st February, 1925.
[5] *Ibid.*, 23rd February, 1925.
[6] *Ibid.*, 27th February, 1925.
[7] *Ibid.*, 2nd March, 1925.
[8] *Le Temps*, 10th March, 1925.
[9] *The Times*, 16th March, 1925.
[10] *League of Nations Official Journal*, April 1925, pp. 579–81. The Greek counter-memorandum dated the 14th March is printed in *op. cit.*, May 1925, pp. 637–9.

matter did not fall within the competence of the League, and urged it not to consider the appeal of the Greek Government. The Council, by a resolution of the 14th March, determined to ask the Permanent Court of International Justice whether the objections raised by the Turkish Government precluded the League from being competent to deal with the Greek appeal.[1]

During the succeeding weeks, however, the desire for a satisfactory settlement with Turkey gained the upper hand in Greece, although a minority, led by the ex-Patriarch Meletios IV, urged the Patriarch to hold out at any price. Nevertheless, Mgr. Constantine announced on the 19th May his resolution of abdicating. The Turkish Government in return withdrew the *dossiers* of the eight exchangeable Metropolitans. On the 1st June the Greek Government withdrew their appeal to the League,[2] and on the 8th June the League in turn withdrew its request to the Permanent Court for an advisory opinion.[3] On the 2nd June the Holy Synod decided to hold a new election. In spite of certain activities on the part of Papa Eftim, the election was carried through on the 13th July, Mgr. Basil Georgiades, Metropolitan of Nicaea, being elevated to the Patriarchate. The new Patriarch, a man of venerable years, was more of a scholar than a politician.

(iii) The Settlement of Refugees in Greece (1923–6).

At the time of the signature of the Lausanne Convention of the 30th January, 1923, for the exchange of Greek and Turkish populations,[4] the Greek Government was already faced with an unprecedented crisis. The refugees who had been pouring into the country from Anatolia since the previous August had by the beginning of 1923 reached a total of about a million—or approximately 20 per cent. of the previous population of the country—and a large proportion of them had arrived unaccompanied by the able-bodied members of their families and in a destitute condition. Provisional relief was being given by foreign private organizations, but it was evident that their funds must soon be exhausted. The only permanent solution would be the resettlement of the refugees in productive work on the under-populated but potentially rich territories of Western Thrace and Macedonia, and Dr. Nansen, who had been assisting the transport of the refugees on behalf of the League of Nations ever since the Anatolian *débâcle*, had already demonstrated the financial soundness of this policy by an experimental plantation of refugees on vacant land in Western Thrace. His resources, however, had

[1] *Op. cit.*, p. 488.
[2] *Op. cit.*, July 1925, p. 895.
[3] *Op. cit.*, pp. 854–5.
[4] See Section (i) above.

permitted him to provide only for some 15,000 persons, and any general scheme would have to be undertaken by the Greek Government. The Government had, indeed, on the arrival of the first refugees, taken steps both for the erection of urban quarters and for the settlement of colonists in the country districts by means of a state organization created to deal with the migrations which had taken place, though on a much smaller scale, in the past.[1] The resources of the Greek Government, however, at the end of more than three years of war in Anatolia, were quite unequal to providing for any scheme on the scale required, and their credit in foreign money markets was low ; on Dr. Nansen's suggestion, therefore, the Government asked the Council of the League of Nations for its support in an attempt to raise a resettlement loan.

On the 2nd February, 1923, the Council referred this request to the Financial Committee of the League, and M. Parmentier, a member of this committee, went to Athens to inquire into possible securities for a loan and methods of control over its expenditure, while simultaneously Colonel Procter, a representative of Dr. Nansen's, investigated the needs of the refugees and the economic and social conditions for a settlement scheme. On the 31st March, 1923, the United States Government informed the British, French, and Italian Governments that the American Red Cross had decided to terminate its emergency relief work (on which more than 500,000 refugees were entirely dependent) on the 30th June, and that the American Near East Relief Organization also desired to discontinue its emergency work as soon as possible. The note, added, however, that, if a constructive plan could be worked out, American relief agencies would be willing to co-operate even after the termination of their emergency work on the date mentioned ; and, after considering the situation thus created, the Council appointed a special Greek sub-committee, consisting of the British, French, and Italian members of the Council, together with a representative of the Greek Government. As a result of the investigations of M. Parmentier and Colonel Procter, the Financial Committee was able to submit a report to the Council on the possibilities of a loan, and on the 9th July, 1923, after considering this report, the Sub-Committee of the Council approved the main lines of a scheme for the settlement of refugees through an independent Settlement Commission.

The immediate raising of a loan by the Greek Government on the

[1] e. g., 40,000 Greeks had emigrated in 1913 from the part of Macedonia annexed to Bulgaria and in May 1914, 300,000 refugees had arrived from East Thrace and the coasts of Asia Minor (*Greek Refugee Settlement*, p. 16).

scale required was found to be impracticable, even with the support of the Council; but in August the Bank of England offered the Greek Government a provisional advance of £1,000,000 on condition that an independent Settlement Commission should be established on lines approved by the League, and the scheme was completed at Geneva on the 29th September, 1923, when three instruments [1] were approved by the Council and signed on the same date—two on behalf of the Greek Government and one on behalf of the British, French, and Italian Governments. The Greek Government signed a protocol formulating the general conditions of the loan and establishing the Settlement Commission, and a body of statutes determining the Commission's composition and procedure. A loan of from £3,000,000 to £6,000,000 was contemplated for the final settlement of the refugees in productive employment, and the expenditure was to be controlled by an independent Refugees Settlement Commission, consisting of a chairman of American nationality, to be appointed by a method to be determined by the Council of the League; [2] another foreign member, and two Greek members (to be appointed by the Greek Government with the approval of the Council). This commission was to receive from the bankers issuing the Greek Government bonds the proceeds of the loan and of any provisional advances. From the Greek Government it was to receive the full property in not less than 500,000 hectares of land suitable for settlement, the rents, and from time to time the amount of land taxes levied upon the refugees. From the refugees themselves it was eventually to collect the amount of advances made and the value of property delivered to them. A first charge upon the property and income of the Commission was to be a supplementary guarantee for the service of the resettlement loan, which was to be guaranteed in the first instance by certain Greek public revenues to be agreed upon between the prospective lenders and the Greek Government. The proceeds of these assigned revenues were to be handed to the International Financial Commission, already in existence at Athens,[3] for the ser-

[1] The text of the protocol (as amended by an additional act signed by the Greek representative at Geneva on the 19th September, 1924, and ratified by the Greek Chamber on the 24th October following), of the statutes, and of the declaration signed by the British, French, and Italian Governments will be found in a special supplement to the *League of Nations Monthly Summary* for November 1924, which also contains other relevant documents and an analysis of the settlement scheme as a whole.

[2] In practice the Council itself appointed the chairman.

[3] Since 1898 this commission had controlled the receipts of the monopolies and of several customs offices in the old kingdom of Greece for the service of the Greek external debt.

vice of the loan, and the British, French, and Italian Governments, of whose representatives this commission was composed, undertook in the document which was signed on their behalf on the 29th September at Geneva, to give the necessary instructions for this purpose.

It was not found possible to raise the loan for more than a year after the signature of these instruments; but the Bank of England supplemented its original advance by a further sum of £1,000,000 in May 1924; a similar amount was advanced by the Greek Government through the National Bank of Greece in the following July, and £700,000 more in later instalments, the total of these provisional advances thus reaching £3,700,000. Arrangements were finally completed at the beginning of December 1924 for the flotation of a 7 per cent. loan to a total nominal amount of £12,300,000 (to produce a net sum of £10,000,000)—£7,500,000 to be issued in London, £2,500,000 in Athens, and the remainder in New York, in dollars. The loan was offered for subscription in London at 88, on the 8th December, 1924, and proved unexpectedly successful. The amount required was covered nearly twenty times in London and five-and-half times in Athens.[1]

In the meantime, the Settlement Commission had been enabled by the first advance from the Bank of England to start work at Salonica on the 11th November, 1923; and shortly afterwards it established its head-quarters at Athens. Its first chairman, Mr. Henry Morgenthau, resigned in August 1924; he was succeeded on the 7th February, 1925, by Mr. Charles P. Howland, who was in turn succeeded on the 15th October, 1926, by Mr. Charles B. Eddy. The Commission ultimately employed a staff of about 1,800 persons, of whom the great majority were Greek Government officials.[2]

[1] See *The Times*, 1st, 3rd, 4th, 8th, 9th, and 13th December, 1924; *Greek Refugee Settlement*, p. 199. The net proceeds of the loan amounted to £9,970,016 6*s*. 9*d*. By the 30th June, 1926, the Settlement Commission had spent £7,807,039 13*s*. 5*d*. Up to the same date the Greek Government had spent on the refugees approximately £3,170,000, exclusive of the value of expropriated land the owners of which had not been compensated (*Greek Refugee Settlement*, p. 200).

[2] The arrest of three of these officials in the summer of 1925 under a special legislative decree providing for the trial by court martial of persons accused of peculation or waste of state funds, with new and severe penalties to be retroactively applied, gave rise to temporary difficulties in Macedonia at the end of July and to a difference of opinion between the Pangalos régime and the Commission. The Commission objected to the attempts of the Pangalos régime to question its autonomy and powers by prosecuting its officials, who were carrying out contracts which it had itself approved; it also protested against the validity of the procedure and penalties established by the special decree and its applicability to the functionaries and employees of the Commission. Greek and foreign members alike joined in the attitude taken by

The nature of the task which the Commission had to undertake [1] can be judged from the numbers of refugees who arrived in Greece during the years 1922–4. The first flood of migration from Anatolia in the latter part of 1922 accounted, as has been mentioned, for about a million individuals, but at the close of 1923, there remained 150,000 exchangeable Greeks in Asiatic Turkey, who were transported to Greece during the following year; while the Greeks who left Eastern Thrace in consequence of its cession to Turkey numbered 190,000. The torrent was also swollen by 70,000 refugees from the Caucasus (who were inspired to return to Greece by the conditions under the Soviet régime), and 20,000 from Bulgaria (who left their homes in virtue of the Neuilly convention for the exchange of minorities).[2] Altogether, during these years, some 1,400,000 refugees reached Greece. About 50,000 remained in the country only for a short time—a considerable proportion of the Armenians, for instance, (who accounted for 60,000 out of the total of 1,400,000) [3] were evacuated to Erivan.[4] Between 175,000 and 200,000 of the refugees had resources of their own; but there remained, in round numbers, 1,200,000 (or 300,000 families, taking an average of four to a family) who were in need of assistance. The majority of the Anatolian refugees were town-dwellers, or 'town-dwellers who did some farming', and though peasants predominated among the refugees from Bulgaria and the Caucasus more than half of the whole number appear to have been originally engaged in urban occupations.[5]

the Commission. Decisions of the Council of the League of Nations resolved the issues satisfactorily; thereafter the existing régime quashed the pending cases, abolished the court martial and agreed that prosecutions of employees of the Commission should be conducted only for acts of ordinary criminal character, only in the regular criminal courts, and only on the prosecution of the Commission itself or of the Minister of Justice. (See *The Times*, 30th and 31st July, 3rd, 5th, and 8th August, and 3rd and 8th September, 1925.)

[1] For the work of the Commission, see its quarterly reports (published in the *League of Nations Official Journal*) and the special report, dated the 1st September, 1926, and published by the League under the title *Greek Refugee Settlement* (II Economic and Financial, 1926, ii, 32), which gives a most interesting review of the Commission's activities down to the 30th June, 1926. For the general effect of the settlement scheme on the country as a whole see also articles in *The Times* of the 21st August, 1924, and the 20th and 31st March, 1925; and in *The Manchester Guardian* of the 24th April and 3rd July, 1925.

[2] See Section (vi) below.

[3] *The Times*, 23rd April, 1924.

[4] The scheme for the settlement of Armenian refugees in the Caucasus will be dealt with in a later volume of the *Survey*.

[5] At the beginning of 1924 the Commission estimated that agriculturists formed 60 per cent. of the whole (*League of Nations Official Journal*, April 1924); but the report of the 1st September, 1926, stated that 522,000 persons had been settled on the land (pp. 81 and 125) and 40,000 more awaited settlement

The primary task of the Commission, however, was the settlement of refugees on the land. By the 30th June, 1926, 552,000 persons had been established in rural colonies, of whom over 430,000 were in 1,378 different settlements in Macedonia. To house these refugees, there were available about 65,000 houses taken over from exchangeable Turks or Bulgarians, but these were often in very bad repair, and the Commission had been obliged to build 31,000 houses of various types ; 3,000 houses had also been built or repaired by the Government. In addition to a house and land each refugee family settled in the country was supplied with stock, farming implements, seed for their first crop, and in many cases a subsistence loan or supply of forage for their animals until the first harvest.

The technical difficulties of the undertaking were enormous. The lack of a cadastral survey of the land available[1] (the greater part of which had been left by exchangeable Turks) led to difficulties in the allocation of land ; disputes also occasionally arose over the distribution between natives and refugees of land expropriated under the Agrarian Laws ;[2] and in Western Thrace there were troubles concerning Muslim property which had been requisitioned for the refugees and had subsequently to be returned to the owner.[3] The difficulties of transporting all supplies for a distance sometimes amounting to 200 or 300 kilometres from the base seemed almost insuperable ; while perhaps the most urgent problem of all was created by the need of the refugees for medical assistance. During the last months of 1923 the mortality was at the annual rate of 45 per cent.,[4] and both the state health authorities and foreign philanthropic associations were obliged to concentrate on the towns and could not follow the refugees as they moved inland.

(p. 17). Taking the total number needing assistance at 1,200,000 (p. 15) this left a balance of 608,000 urban refugees. Moreover, a certain proportion of the refugees settled on the land were not originally farmers.

[1] The supply of land suitable for settlement was limited owing to the large areas—over 4,000,000 stremmas (10 stremmas = 1 hectare = 2¼ acres)—which were covered with stagnant water, particularly in Macedonia. The refugee settlement scheme stimulated a movement for reclaiming the marsh land ; and in April 1925 the Government was reported to be on the point of signing a convention with an Anglo-American group for works estimated to produce 300,000 acres of cultivable land in Macedonia (*The Times*, 23rd April, 1925).

[2] The principle of expropriation of large estates and their division among tenant-farmers had been approved by the National Assembly in 1911. The application of the Agrarian Laws was entrusted to the Government personnel attached to the Commission.

[3] See above, pp. 264–6.

[4] Seventy per cent. of the deaths were due to malaria. The Commission's medical service was successful in reducing the mortality rate. See the statistics on pp. 96–7 of *Greek Refugee Settlement*.

On the whole, however, these difficulties were successfully surmounted, and by the middle of 1926, although some 40,000 refugees still awaited settlement on the land, the Commission had accomplished the major part of its original task. One of the most satisfactory features of the rural settlement scheme was that, by introducing modern apparatus and agricultural methods into Macedonia and Thrace, it greatly raised the level of production. Seventy per cent. more corn was grown in Macedonia in 1925 than in 1924; cotton-growing developed rapidly; while the breeding of silk-worms increased to such an extent that, by 1926, large spinning and weaving establishments were being set up to deal with the local output of silk. The production of tobacco—one of the staple crops of Greece—was over-stimulated by the arrival of the refugees, with the result that buyers withheld the usual bidding in order to take advantage of the local needs and force a reduction of prices, which fell temporarily below the level of profit.

The problem of providing for the urban refugees was in many ways even more difficult than that of settling agricultural and pastoral families. The bulk of the refugees who remained in the towns made their own arrangements for shelter. In the towns, some houses abandoned by exchangeable Turks were available but not to the same proportionate extent as in the country. From the first the Government undertook the erection of additional houses and by the time the Commission started work large urban quarters, each providing for 20,000 or 30,000 inhabitants, were rising in the suburbs of Athens, the Piraeus, and other centres. Altogether, the Government erected or began over 22,000 town dwellings of every kind. The Commission, by degrees, took over the houses constructed or under construction[1] and subsequently arranged for the erection of an additional 16,700 town dwellings. Neither the Government nor the Commission, however, was in a position to give direct assistance to, or find employment for, the refugees who settled in the towns. The great majority of them belonged to the class of artisans, small industrialists and retail traders, whose numbers were out of all proportion to the demand for their services—though that demand increased with the total increase in the population. The National Bank of Greece, by a system of vocational loans, was able to set some of these unhappy people on their feet again, but the best hope for them seemed to be in general industrial development, which, by increasing the demand for factory labour, would in turn create a

[1] See its first two quarterly reports, in the *League of Nations Official Journal* for April and August 1924.

demand for the services of the artisan and small tradesman. The transfer—whether voluntary or compulsory—of merchants and industrialists from Turkey to Greece had, in fact, by the middle of 1926, led to an unexpected increase in industrial activity in the large towns,[1] notably in carpet-making, which was also being developed as a peasant industry throughout the country.[2]

The agricultural and industrial development which has been noted was not the only indication that the advent of the refugees, which had at first seemed to presage disaster, might in the end prove of incalculable benefit to the country. The crisis of 1922 called for the united efforts of the nation, and, in the words of the Settlement Commission, 'the work of settlement has been of great moral effect. It has restored confidence in the country, it has re-established faith in the heart of a people where dismay and demoralization once reigned. The economic restoration has quite naturally brought about the moral regeneration of the whole country.'[3] The character of the refugees themselves, who nearly all proved hard-working and self-reliant, made them a valuable national asset; their numbers gave them considerable political influence, and their freedom from the political prejudices of the country made this influence a healthy one.[4] Moreover, the establishment of the refugees and the corresponding exodus of Turks and Bulgarians radically altered the ethnical composition of the whole country and reduced the alien element in Macedonia and Western Thrace to 12 per cent. and 38 per cent. respectively compared with 57 per cent. and 64 per cent. before the Balkan Wars—a change which must necessarily mean increased stability and security. At the same time the growth of the population and productivity of Macedonia and Thrace would probably tend to shift the centre of economic activity northwards, and this was likely to have important results on the relations of Greece with her neighbours and on the general situation in south-eastern Europe.[5] These factors combined to make the success of the settlement scheme a matter of international, and not merely of national, interest.

[1] For statistical illustrations of the impetus given to trade and industry generally by the refugees, see *Greek Refugee Settlement*, pp. 185–6.

[2] The carpet manufacturers imported from Anatolia the raw wool which they had formerly used in the carpet industry there. Another industrial art introduced by the refugees was the production of pottery and enamel ware known as Kiutahia. A small factory, manned by Armenian potters under a Greek manager, was established at Phaleron.

[3] *Greek Refugee Settlement*, p. 206.

[4] On this point, see *The Manchester Guardian*, 3rd July, 1925.

[5] Cf. *Survey for 1920–3*, pp. 336–7.

(iv) The Status of the Muslim Albanian Minority in Greece.

During the Lausanne Conference, the Greek representative made a declaration to the effect that the Greek Government did not intend to include Greek Muslim subjects of Albanian origin among the Muslims who were to be exchanged under the Graeco-Turkish Convention signed on the 30th January, 1923.[1] On the 3rd October, 1923, when the Mixed Commission set up under the convention was about to begin operations, the Greek Government repeated this promise in a note to the Albanian Government.[2]

The Albanian Government, however, was not satisfied that this pledge would be respected; and on the 17th December, 1923, the Albanian representative asked the League of Nations Council to take steps to ensure the carrying out of the Lausanne declaration, the undertaking contained in which was again repeated on this occasion by the Greek representative.[3] The Council thereupon brought the Albanian Government's appeal and the Greek declaration to the notice of the Mixed Commission for the Interchange of Populations.

The Mixed Commission decided on the 14th March, 1924, that Muslims of Albanian origin in Greece should not be liable to exchange, and that a special delegation should conduct an inquiry in Epirus and Western Macedonia with a view to determining the factors by which Albanian origin might be established. In the meantime, the sub-commissions concerned were instructed to postpone the departure of any persons who appeared justified in claiming Albanian origin. The special delegation, which had completed its investigation by July 1924, reported that only small minorities in certain localities wished to be exempt from exchange on the ground that they were of Albanian race, and that every case would have to be examined individually.

The measures taken by the Mixed Commission, however, did not satisfy the Albanian Government; and on the 29th September, 1924, the Albanian representative, in a statement to the League of Nations Council, asserted that the execution of the convention of the 30th January, 1923, was producing results contrary to the Greek Government's undertaking. The Greek representative, while declaring that his Government's pledge to Albania would be loyally carried out, denied that it constituted a juridical obligation, and put forward

[1] See Section (i) above.

[2] See the Minutes of the 27th Session of the League of Nations Council (*Official Journal*, February 1924).

[3] *League of Nations Official Journal, loc. cit.*

the view that the treatment of Albanians in Greece came within the terms of the Minorities Treaty signed by Greece and the Principal Allied Powers at Sèvres, on the 10th August, 1920, which had come into force, with the treaties signed at Lausanne on the 24th July, 1923, on the 6th August, 1924. The Council on the 30th September reached the conclusion that the Minorities Treaty did in fact apply to the question of Muslims of Albanian origin;[1] and on the 11th December following it decided, with the consent of the Greek and Turkish Governments, to ask the neutral members of the Mixed Commission for the Interchange of Populations to act as its mandatories for the protection of the Albanian minority in Greece. The Greek Government was at the same time requested to restore any sequestrated property to Albanians who had already been recognized by the Mixed Commission as not liable to exchange.[2]

In November 1925 the Albanian Government, in a series of telegrams, again asked that the question of Albanians in Greece should be placed on the agenda of the Council, alleging that the Greek and Turkish delegations on the Mixed Commission had agreed to exchange 5,000 Albanians from Chamuria against 5,000 Greeks from Constantinople. The alleged agreement was denied by the President of the Mixed Commission, General de Lara. The question came before the Council on the 10th December, 1925. The Albanian representative described the various disabilities under which he declared the Albanians in Greece to be suffering, and mentioned in particular the case of 800 Albanians of the Chamuria district who had received papers obliging them to depart.[3]

By the Council's decision, a record of the proceedings before the Council was transmitted to the neutral members of the Mixed Commission, as mandatories for the protection of Albanians in Greece. In two reports, dated the 23rd January and the 9th March, 1926, the mandatories informed the Secretary-General of the League that, in their view, their mandate only entitled them to intervene to prevent Muslims of Albanian origin being sent to Turkey, and that while the question of Muslims of Chamuria had not yet been finally settled, they believed the population of the district to be mainly Albanian and therefore not exchangeable. The Council on the 16th March took note of these reports, and of the decision of the Greek Government not to demand the expulsion of the 800 persons mentioned by the Albanian representative in December.[4]

[1] Minutes of the 30th Session of the Council (*Official Journal*, October 1924).
[2] Minutes of the 32nd Session of the Council (*Official Journal*, February 1925).
[3] Minutes of the 37th Session of the Council (*Official Journal*, February 1926).
[4] Minutes of the 39th Session of the Council (*Official Journal*, April 1926).

(v) The Situation of Albania (1924–5).

In the *Survey for 1920–3*[1] an account was given of the difficulties which arose in 1921 in connexion with the delimitation of the frontiers of Albania; of the decision of the Conference of Ambassadors on the 9th November, 1921, by which the frontiers were fixed and a Mixed Commission was set up to trace them on the spot; and of the appointment by the League of Nations of a Commission of Inquiry and subsequently of a Financial Adviser to the Albanian Government.

At the beginning of 1924, though the Delimitation Commission had not yet completed its work and the frontiers of Albania were not definitively determined, the country had been restored to order by the efforts of the Government, which since March 1922 had been under the control of Ahmed Bey Zogu, younger brother of the head of an important Sunnī Muslim tribe of Central Albania and leader of the party of the Beys—the land-owning class which had retained many of its feudal privileges. The Government, however, had succeeded in ruling only by arbitrary methods, and Ahmed Bey Zogu had neither reformed the administration and the finances himself nor given sufficient authority to his foreign advisers to enable them to effect much improvement.[2] On the 1st March, 1924, indeed, the Financial Adviser, M. Hunger, received a letter cancelling his contract with the Albanian Government; but this action seems to have been prompted by the feeling that a Financial Adviser was a luxury beyond Albania's means,[3] and it did not prevent the Government from appealing almost simultaneously to the League of Nations for help in dealing with famine in Northern Albania, where, as the result of the War and two bad harvests, followed by floods and a plague of locusts, 200,000 people were threatened with starvation. In answer to this appeal, the League of Nations Council decided on the 13th March to ask States Members for contributions; and, at the Council's request, the Joint Committee of the International Red Cross and the League of Red Cross Societies appointed a representative to administer the funds collected, which by the middle of April amounted to about £16,000.[4] Of this sum, nearly £5,000 was contributed by the Italian Government, at whose suggestion, also,

[1] pp. 343–8.

[2] In addition to the League of Nations' Financial Adviser there were at this time a British Adviser on Home Affairs (Lieut.-Col. Stirling) and German and Italian Advisers on Public Works and Law respectively (see *The Times*, 29th February, 1924).

[3] See *Le Temps*, 23rd May, 1924.

[4] *The Manchester Guardian*, 14th March; *The Times*, 17th April and 13th May, 1924.

the Council had on the 13th March decided to make a grant of 50,000 Swiss francs for immediate relief.

Friendly relations between Italy and Albania had recently been strengthened by the signature on the 20th January, 1924, of a treaty of commerce and navigation, which provided for reciprocal most-favoured-nation treatment and granted Italy cabotage and fishing rights in Albanian waters.[1] With her other neighbours, Greece and Jugoslavia, Albania's relations at this time were less satisfactory. One cause of dispute with Greece was the position of the Muslims of Albanian origin domiciled on Greek territory, whom the Greek Government had undertaken not to include among the Muslims who were to leave the country in accordance with the Lausanne Convention of the 30th January, 1923, for the exchange of Greek and Turkish minorities.[2] Moreover, the question of the Graeco-Albanian frontier was not finally settled until the autumn of 1924. The difficulty here arose in connexion with fourteen villages in the Koritza district, which had been under Greek occupation since 1913, but which the Conference of Ambassadors, by their decision of the 9th November, 1921, had assigned to Albania. The Delimitation Commission headed by the Italian General Tellini, however, found themselves unable to complete their task in this district owing to the unwillingness of the Greeks to evacuate the villages in question. The settlement was further delayed by the murder of General Tellini and four of his staff at Janina on the 27th August, 1923;[3] and when the reconstituted Delimitation Commission visited the Koritza district in the early summer of 1924 they encountered the same difficulties as their predecessors.[4] The fourteen villages were, however, finally evacuated by the Greeks and occupied by the Albanians on the 31st October, 1924.

[1] *Corriere della Sera*, 21st January and 27th February, 1924. An establishment and consular convention was also signed on the 29th February (*ibid.*, 1st March, 1924). The ratifications of both conventions were exchanged on the 21st January, 1926.

[2] See Section (i) above; and, for the position of the Albanian Muslims, Section (iv).

[3] For the Janiña murders and their sequel see the *Survey for 1920–3*, pp. 348–56. For the Albanian view that the murders were a deliberate attempt on the part of Greece to reopen the frontier question, and the effect of the Corfù incident in strengthening Italo-Albanian friendship, see *The Times*, 29th February, 1924; and for a Graeco-Albanian dispute over a pamphlet published by the Albanian Press Bureau attributing blame to Greece see *The Times* 14th December, 1923, and *The Manchester Guardian*, 14th and 18th December.

[4] See *The Times*, 25th May; *Le Temps*, 30th April, 25th May, 10th June, and 21st July, 1924.

The frontier question was also a cause of strained relations between Albania and Jugoslavia. The territory in dispute in this sector was the Monastery of Sveti Naum, situated on the south-eastern shore of Lake Okhrida, on the possession of which Jugoslavia set great store, and the district of Vermosha, about thirty miles north-north-east of Skutari, in the territory acquired by Montenegro after the Balkan Wars. The Delimitation Commission recommended the assignment to Albania of both these districts, and the Conference of Ambassadors, by a decision of the 6th December, 1922, approved this recommendation; but the Jugoslav Government protested, on the ground that Sveti Naum had been attributed to Serbia by the London Conference of Ambassadors in 1913 and Jugoslavia had therefore a vested right in it.[1] After lengthy and fruitless negotiations, the Conference of Ambassadors, on the 4th June, 1924, asked the Council of the League of Nations to decide whether their decision of the 6th December, 1922, had closed the question or not; and if it had not, to recommend a solution. The Council, on the 17th June, decided to ask the Permanent Court of International Justice for an advisory opinion; and the Court, on the 4th September, advised that the Ambassadors' decision of December 1922 was definitive.[2]

In the meantime, while the ownership of Sveti Naum had been thus under discussion, the Jugoslav-Albanian frontier had been the scene of disturbances which were reported to be on a serious scale.[3] A further incident occurred at the end of September,[4] and on the 3rd October the Council of the League of Nations (which had been advised by the then Albanian Prime Minister, Mgr. Fan Noli, of the unsatisfactory position on the frontier), asked the Conference of Ambassadors to do all in its power to hasten the final delimitation of the frontier, since incidents were likely to continue as long as the exact boundary line remained undetermined.[5] Before a decision could be reached, however, the relations between Albania and Jugoslavia entered on a new phase, when the Albanian Government accused the Jugoslav Government of complicity in a revolutionary movement which broke out early in December 1924.

The party of the Beys, of which Ahmed Bey Zogu was the leader

[1] *The Times*, 18th March, 1924.

[2] Minutes of the 29th Session of the League of Nations Council (*Official Journal*, July 1924); *The Times*, 6th September, 1924.

[3] See the *Corriere della Sera*, 18th July and 28th August, 1924; the *Deutsche Allgemeine Zeitung*, 19th July and 29th August.

[4] *Deutsche Allgemeine Zeitung*, 30th September, 1924; *Le Temps*, 2nd October.

[5] Minutes of the 30th Session of the League of Nations Council (*Official Journal*, October 1924).

had been overthrown by force of arms in the previous June ;[1] Tirana had been occupied by Nationalist forces on the 11th June ;[2] Ahmed Bey Zogu and his supporters had fled the country ; and a new administration had been formed by Mgr. Fan Noli, the Orthodox Bishop of Durazzo,[3] with a programme of disarmament and agrarian and financial reforms. At the beginning of the revolt, Greek and Jugoslav forces were concentrated near the frontier ; but the Italian Government apparently intimated in both Athens and Belgrade that interference in Albanian internal affairs would be considered an unfriendly act,[4] and after an exchange of views between the two Governments, a joint Italo-Jugoslav declaration of non-intervention was published on the 8th June.[5]

Ahmed Bey Zogu, however, on leaving Albania in June, seems to have gone to Belgrade and to have made preparations on Jugoslav territory for a counter-revolution. In October, M. Ninčić, the Jugoslav Foreign Minister, and Signor Mussolini appear to have agreed to maintain permanently their declaration of non-intervention in Albanian affairs ;[6] and in the second week of December, when reports of fighting in Albania were causing uneasiness in the minds of European statesmen, M. Ninčić assured Mr. Austen Chamberlain that his Government intended to abide by its policy of non-intervention and the maintenance of Albanian independence.[7] The direct complicity of the Jugoslav Government in the revolutionary movement was not proved to extend to more than negligence, but the Rome correspondent of the London *Times* declared that 'unimpeachable neutral advices ' from Albania made it certain that the insurgents were ' equipped with material and supported by irregulars of Jugoslav origin ',[8] and it was not denied that Zogu received assistance of this nature. In any case, Mgr. Fan Noli's Government was not slow in accusing the Jugoslav Government of supporting the revolt.[9] Belgrade retorted that the disturbances in Albania were due

[1] Ahmed Bey Zogu had resigned the Premiership in March, but had remained the controlling influence in the Cabinet which succeeded him. For the causes of the revolt which broke out at the end of May see *The Times*, 7th June ; the *Corriere della Sera*, 11th June ; and *Le Temps*, 18th June, 1924

[2] *The Times*, 13th June, 1924.

[3] Mgr. Fan Noli had spent many years in the United States and was a graduate of Harvard University (*The Times*, 4th September, 1924).

[4] *The Times*, 7th June, 1924.

[5] *Le Temps* and *Corriere della Sera*, 10th June, 1924.

[6] For the relations between Italy and Jugoslavia at this time see the *Survey for 1924*, Part II B, Sections (iii) and (vi).

[7] *Le Temps*, 14th December, 1924. [8] *The Times*, 27th December, 1924.

[9] See for instance a communication from the Albanian Minister in London, published in *The Times* of the 16th December, stating that the Albanian

to the forthcoming elections for the Constituent Assembly (fixed for the 20th December) and were being fomented by Bolshevik propaganda.[1] Weight was lent to this allegation by the arrival in Albania, on the 16th December, of a Soviet delegate, M. Krakovetsky (in spite, it was reported, of protests by the British Minister at Tirana), but M. Krakovetsky and his staff seem to have departed again on the 20th December, at the request of the Albanian Government.[2]

The fighting had assumed a sufficiently serious aspect by the 17th December for the Italian Government to decide to send two naval units to Albanian waters, and three Italian destroyers reached Durazzo and San Giovanni di Medua on the 18th.[3] On the same day Mgr. Fan Noli telegraphed a request for intervention with the Jugoslav Government to the League of Nations Secretariat;[4] and he followed this up on the 20th by asking that the question of Jugoslav participation should be brought before the League Council as soon as possible.[5] On the 21st a note from the Albanian Government repeating their accusations was refused by the Jugoslav Government as unacceptable both in wording and contents;[6] but on the following day it was officially announced at Belgrade that the Albanian frontier had been closed and that orders had been issued for the internment of combatants of either side who crossed into Jugoslav territory.[7] By this time, however, the success of the insurgents was practically assured. Ahmed Bey Zogu entered Tirana on the 24th December;[8] the members of the Fan Noli Government, in their turn, fled the country; and by the close of the year practically the whole country

frontier had been attacked on the 13th by bands organized in Jugoslav territory, and consisting of Jugoslav soldiers, Russian and Bulgarian refugees, and Albanians recruited in Jugoslavia. (It was reported at the beginning of 1927 that Russian refugees, who had assisted Zogu in this revolt, still formed part of his bodyguard.)

[1] *Le Temps*, 17th December, 1924.

[2] *Corriere della Sera*, 21st December; *Deutsche Allgemeine Zeitung*, 25th December, 1924. It is noteworthy that an important part in the revolution of June 1924 and in the opposition to the counter-revolution of December was played by Bayrām Tsur, a leader of the 'Kossovo Committee' in Northern Albania, a militant organization believed to be in touch with both the 'Awakening Magyars' and the Third International (*Le Temps*, 25th February, 1924; *The Times*, 3rd February, 1925). Bayrām Tsur, who held out against Ahmed Bey Zogu after all the rest of the country had capitulated, was reported to have been killed at the beginning of March 1925 (*The Times*, 4th March).

[3] *The Times*, 19th December, 1924.

[4] *Ibid.*, 20th December, 1924.

[5] *Corriere della Sera*, 21st December, 1924.

[6] *The Times* and *Le Temps*, 22nd December, 1924.

[7] *The Times*, 24th December, 1924. The closing of the frontier was reported to be due to joint representations by Italy and Great Britain at Belgrade (*ibid.*, 27th December).

[8] *Ibid.*, 27th December; *Corriere della Sera*, 25th December, 1924.

was under Ahmed Bey's control.[1] The sequel to this success was the adoption by the Albanian Constituent Assembly, towards the end of January 1925, of a republican form of government, with a constitution based on that of the United States, and the election of Ahmed Bey Zogu as President of the Republic, for a period of seven years.[2]

The turn of events reduced, at any rate for the moment, the practical importance of the question of Jugoslav participation—which was categorically denied by the Jugoslav Government in a note of the 24th December to the League of Nations—and the incident was closed, so far as the League of Nations was concerned, by an intimation from the new Albanian Government on the 12th February, 1925, that they did not support their predecessor's accusations. It was perhaps significant that Ahmed Bey Zogu, after his return to power, proved himself more accommodating than of old on the subject of Sveti Naum. At the beginning of March it was reported that the Albanian Government was prepared to waive its claim to the monastery in return for concessions elsewhere,[3] and a solution was ultimately reached on these lines, although the final decision had to be taken by the Conference of Ambassadors, since negotiations between the two Governments failed to bring about a direct agreement. By their decision of the 6th August, 1925, the Ambassadors awarded Sveti Naum and Vermosha to Jugoslavia and Piškopeja, a village to the south of Sveti Naum, to Albania. The decision was accepted by the Albanian Government on the 13th August and by the Jugoslav Government on the 15th October; the new frontier line was formally approved by the Ambassadors on the 6th November and was occupied on the 10th December, 1925.[4] The final act concerning the delimitation of the frontiers of Albania was signed in Paris, on behalf of the Principal Allied Powers, Albania, Greece, and Jugoslavia, on the 30th July, 1926.[5]

The settlement of the long-standing dispute over the Jugoslav-Albanian frontier was accompanied by a marked improvement in the relations between the two countries. A frontier incident at the end of October 1925 was promptly settled,[6] and it was reported that negotiations were shortly to begin for a convention for joint action in suppressing brigands, a commercial treaty and other agreements.[7]

[1] *Deutsche Allgemeine Zeitung*, and *Corriere della Sera*, 31st December, 1924.
[2] *Le Temps*, 23rd and 25th January; *The Times*, 2nd February, 1925.
[3] *Ibid.*, 4th March, 1925.
[4] *Le Temps*, 13th December, 1925.
[5] *Ibid.*, 2nd August; *The Times*, 3rd August, 1926.
[6] *Ibid.*, 27th October and 6th November, 1925.
[7] *Ibid.*, 23rd October, and 6th November, 1925. A treaty of commerce and

In internal affairs also the establishment of the new régime and the suppression of effective opposition seem to have resulted in increased stability; and the comparative tranquillity of the year 1925[1] made it possible for some progress to be made in the long-awaited economic development of the country. At the beginning of August an agreement was reported to have been reached between the Anglo-Persian Oil Company, which held the largest single oil concession in Southern Albania,[2] and the Italian State Railways for the exploitation of petroleum fields.[3] On the 2nd September a National Bank of Albania was founded in Rome, on the initiative of a group of Italian financiers, and in pursuance of a suggestion which had been made by the League of Nations Financial Adviser in the autumn of 1923.[4]

(vi) Graeco-Bulgarian relations over the Minorities Question.

The territorial settlement at the close of the War of 1914–18 had left about 150,000 Slavs whose language was Bulgar and who belonged to the Bulgarian Exarchist Church subject to Greek rule in Macedonia and Thrace. On the other hand a considerable number of Greeks (variously estimated at between 70,000 and 75,000[5] and rather over 37,000[6]), were settled in Southern Bulgaria and in the Bulgarian Black Sea ports. The Treaty of Peace signed at Neuilly on the 27th November, 1919 (Arts. 49–57) provided for the protection of minorities in Bulgaria on the lines laid down in the

navigation and customs, extradition, consular and frontier traffic conventions were initialed on the 22nd June, 1926. (*Le Temps*, 24th June, 1926).

[1] At the end of May, Mgr. Fan Noli was reported to be organizing an insurrection, but if any revolutionary movement existed (which was denied by the Government) it was suppressed without trouble (see the *Corriere della Sera*, 29th May; *The Times*, and the *Deutsche Allgemeine Zeitung*, 30th May and 5th June, 1925).

[2] See *The Manchester Guardian* and *The Times*, 16th February, 1925, for an Anglo-Italian misunderstanding regarding this concession, which was of some years' standing but had recently been confirmed by the Albanian Government. Italian interests appear to have feared that the Anglo-Persian Oil Company was obtaining a monopoly. The United States Government was also reported in February 1925 to be about to protest to the Albanian Government against the granting of a monopoly to a British Company, which was contrary to the principle of 'the open door'—the acceptance of which principle was one of the conditions of the recognition of Albania by the United States (see *Le Temps*, 20th February, 1925).

[3] *Corriere della Sera*, 6th August, 1925.

[4] *Corriere della Sera, loc. cit.*, and 3rd September, 1925.

[5] Greek figures quoted in *Le Temps*, 17th March, 1925.

[6] Bulgarian figures, said to have been taken from the official census of 1920, quoted in *Le Temps*, 20th March, 1925.

Minorities Treaties forming part of the general Peace Settlement ;[1] and the protection of minorities in Greece formed the subject of a separate treaty between Greece and the Principal Allied Powers, signed at Sèvres on the 10th August, 1920. Owing to the non-ratification of the Sèvres Peace Treaty, however, the Greek Minorities Treaty only came into force on the 6th August, 1924, with the Peace Treaty and the other instruments signed at Lausanne on the 24th July, 1923. Thus, while the protection of minorities in Bulgaria was governed by treaty as from the 9th August, 1920 (when the Treaty of Neuilly came into force), no similar obligations were binding upon Greece until August 1924.

The settlement at Neuilly, in addition to providing for the protection of minorities, had included arrangements for the reciprocal voluntary emigration of Greeks from Bulgaria and Bulgars from Greece. A separate convention[2] to this effect was signed on behalf of Greece and Bulgaria on the 27th November, 1919, and this also came into force on the 9th August, 1920. By Article 8 of this convention a Mixed Commission was set up to supervise and facilitate the emigration and the liquidation of the emigrants' real property. This Commission was to consist of two neutral members—to be nominated by the League of Nations—one of whom was to act as President, and one Greek and one Bulgarian. The neutral members were appointed by the Council of the League in accordance with a resolution of the 20th September, 1920, and the Commission began work in February 1921.[3] It was subsequently assisted by a number of sub-commissions.

In a report reviewing the activities of the Commission during the past four years which was submitted to the League of Nations and to the Greek and Bulgarian Governments on the 2nd March, 1925,[4] the neutral members of the Mixed Commission—Lieut.-Col. A. C. Corfe (British) and Major M. de Roover (Belgian)—pointed out that in 1921 and 1922, while the Greeks in Bulgaria showed considerable anxiety to emigrate (owing in part to the attraction for the peasants of the

[1] See *H. P. C.*, vol. v, Ch. II, and *Survey for 1920–3*, Part III, Section (i).

[2] Text in *Cmd.* 589 of 1920. Cf. the Lausanne Convention of the 30th January, 1923, for the exchange of Greek and Turkish minorities, which in this case, however, was compulsory (see Section (i) above). It will be noted that, so far as Greece was concerned, provisions for the voluntary emigration of a minority were in force for four years before the provisions for the protection of that minority came into effect. On the implications of this, see an article in *Le Temps*, 17th December, 1924.

[3] *Le Temps, loc. cit.*

[4] See *ibid.*, 20th and 24th March, 1925, for Bulgarian and Greek comments on this report.

rich lands of Western Thrace, and, in the case of landowners, to the threatened expropriation of land in Bulgaria under M. Stamboliski's agrarian legislation), it was the exception to find Bulgarians in Greece who wished to leave their homes.

During the Graeco-Turkish War in Anatolia, however, the Greek Government, as a precautionary measure, deported a number of Bulgarian inhabitants from Western Thrace—a territory which had been under Greek occupation and administration since June 1920, though it still remained under the jurisdiction of the Principal Allied Powers in virtue of the Treaty of Neuilly[1]—and, after the Greek *débâcle*, Greek refugees from Anatolia and Eastern Thrace were lodged in these Bulgarian deportees' vacant houses. On the 31st March, 1923, the Bulgarian Government appealed to the Council of the League under Article 11 of the Covenant against this treatment of Bulgarians in Western Thrace, on the ground that the action of the Greek Government in the matter threatened a disturbance of good relations between Bulgaria and Greece ; and on the 19th April, 1923, the Council heard representatives of the two Governments. The Greek representative having declared that the deportees would be allowed to return home ' as soon as the causes which gave rise to this exceptional measure had disappeared—a state of affairs which, it was hoped, would shortly prevail '—the Council referred the question to Dr. Nansen (who was supervising, on behalf of the League, the transport of refugees from Anatolia to Greece)[2] and at the same time communicated the *dossier* of the case to the three Principal European Allied Powers, with the suggestion that it would be desirable to decide juridically the status of Western Thrace and its inhabitants, especially the minorities, at the earliest possible date. During the Fourth Session of the Assembly of the League in September 1923, Dr. Nansen was able to report that the Bulgarian deportees were now in receipt of rations and allowances from the Greek Government, that their repatriation had already begun, and that the Greek Government had given him an assurance that the process would gradually be accomplished in proportion as the Bulgarian villages in Western Thrace were evacuated by the Greek refugees who had been lodged in them temporarily. On the 13th December, 1923, a Royal Decree opened a credit of 5,000,000 drachmae to provide compensation to the deportees.[3]

As time went on, however, and the number of Greek refugees from

[1] For the settlement regarding Western Thrace see *Survey for 1920–3*, Part III, Section (iii) (8).

[2] See p. 272 above.

[3] *Le Temps*, 24th March, 1925.

Asia Minor who had to be settled in Greece increased, the position of the Bulgarians in Thrace and East Macedonia seems to have grown steadily worse,[1] and the Mixed Commission received a growing number of demands for emigration facilities. In many cases these Bulgarians could not or would not wait for the liquidation of their property and, their departure being often in the nature of flight, they frequently arrived in Bulgaria in a destitute condition which prevented them from venturing any great distance from the frontier. Thus it came about that these Bulgarian refugees[2] not only created serious difficulties for the Bulgarian Government by accentuating the economic crisis of the country and by offering a field for communist propaganda,[3] but were also congregated most thickly in those districts of Southern Bulgaria where a considerable element of the population was of Greek origin.

This state of affairs was bound to lead to unfortunate incidents,

[1] Colonel Corfe and Major de Roover, in the report cited above, stated that the installation of refugees was everywhere a source of misfortune for the non-Greek elements of the population and that, in the conflicts of interests which arose, the sympathies of the subordinate local authorities (whatever the official sentiments of their superiors) were naturally with the Greek refugees. According to these witnesses the settlement of refugees in districts with Bulgarian populations inevitably resulted in the flight of the latter. Moreover, the League of Nations Commission which investigated the Graeco-Bulgarian frontier incident of the 19th October, 1925 (see the following section), formed the opinion that the Greek authorities, in their anxiety to settle the refugees, had ' hastened the departure of Bulgarians from Macedonia and Thrace. Some left under a system of voluntary exchange, others apparently as the result of harsher measures, which are still the cause of deep resentment ' (Report, printed as Annex No. 815 to the Minutes of the 37th Session of the League of Nations Council, in the *Official Journal* for February 1926, p. 205). See, however, a letter from Colonel Procter (a representative of the League of Nations who assisted in the settlement of refugees in Greece before the establishment of the Refugees Settlement Commission) printed in *The Manchester Guardian* of the 13th April, 1923, and quoted in *Le Temps* of 24th March, 1925, in which the assertion that Bulgarians had been forced to leave Western Thrace to make room for Greek refugees was categorically denied.

[2] *The Manchester Guardian* (18th March, 1925) gives the number of Bulgarian refugees between 1919 and 1924 as 220,000 and mentions that about 400,000 refugees had already arrived in Bulgaria between 1903 and 1919. The Mixed Emigration Commission, however, put the number of Bulgarians who emigrated from Macedonia and Thrace under their auspices at 50,000, of whom the majority left in 1924 (*Le Temps*, 20th March, 1925). On the plight of the refugees and the problems which they created for the Bulgarian Government see *Le Temps*, 17th December, 1924 ; *The Manchester Guardian* and *The Times*, 13th March, 1925 ; *The Manchester Guardian*, 18th March, 1925. See also the report of the League of Nations Commission of Inquiry cited in the previous footnote, pp. 205–7. The measures taken for the relief and settlement of Bulgarian refugees will be described in a later volume.

[3] See the *Survey for 1924*, Part I B, Section (ii) (2) for the communist danger in south-east Europe generally and Bulgaria in particular.

and early in June 1924 the Greek Government protested against the alleged ill-treatment of Greeks in the Bulgarian village of Vodena, near Stanimaka.[1] An inquiry undertaken by the Mixed Emigration Commission at the request of the Bulgarian Government established (according to the Bulgarian version)[2] that the two minor incidents which had occurred at Vodena were the result of spontaneous demonstrations by refugees and that no blame attached to the Bulgarian authorities. On the 27th July, however, the Greek mayor of Vodena was assassinated ;[3] and this was followed by a Greek note of protest to the Bulgarian Government against the alleged persecution of Greeks in Bulgaria.[4]

In the meantime similar allegations of the ill-treatment of Bulgars in Western Thrace and Eastern Macedonia had been made by the Bulgarian Government ;[5] and these accusations received tragic corroboration from an incident which occurred on the 27th July, 1924.[6] According to the Mixed Emigration Commission[7] (which, at the request of the Bulgarian Government, conducted an inquiry on the spot during the first fortnight of August),[8] sixty or seventy Bulgarian inhabitants of the village of Tarlis, on the Graeco-Bulgarian frontier south-east of Petrič, were arrested on the evening of the 26th July by the commandant of Greek troops stationed in the village, on the ground of complicity in a supposed attack by Bulgarian komitadjis in the neighbourhood ;[9] and on the following day twenty-seven Bulgarians were tied together and dispatched to a neighbouring village, under the charge of a certain Lieutenant Doxakis (himself formerly the leader of a komitadji band). On the way Lieutenant Doxakis opened fire on the Bulgarians, alleging on his return to Tarlis that the convoy had been attacked by komitadjis and that the prisoners had tried to escape. Thirteen appear to have been killed on the spot, and others wounded,

[1] *The Times*, 9th June, 1924. [2] *Le Temps*, 4th July, 1924.
[3] *Ibid.*, 1st August, 1924. [4] See *Corriere della Sera*, 2nd August, 1924.
[5] See *ibid.*, 11th February ; *Le Temps*, 1st August, 1924.
[6] From the Macedonian press and other local sources a story of minor persecutions and injustices—and even murders of unimportant persons—can be gathered, which, though its details may be exaggerated, indicates the existence of a state of tension only occasionally manifested to the outside world by incidents such as that at Tarlis.
[7] The Commission appears to have been assisted by a British and a Belgian member of a sub-commission (*The Manchester Guardian*, 20th August, *Le Temps*, 21st August, 1924).
[8] Summary of their findings in *The Times* and *The Manchester Guardian*, 20th August, 1924.
[9] The Commission found no proof that the shots and bombs heard at Tarlis on the 26th (which apparently did no damage, though they may have sounded alarming at the time) were the work either of Bulgarians or komitadjis or, on the other hand, of Greek *agents provocateurs*.

one, at least, mortally.[1] The Commission considered it established that the convoy was not attacked in any way, and that the fire opened on the prisoners constituted 'massacre without justification or provocation'. They exonerated the Greek Government from responsibility but censured the local authorities, apart from the question of the massacre itself, for grave negligence in not attending to the wounded, in not informing relatives, in not identifying or burying the dead, and in not making any serious inquiry; and for subjecting another group of the arrested Bulgarians to unnecessarily cruel treatment. As a result of the events on the 26th and 27th July the Commission found the local Bulgarian population in a condition of terror which they were unable entirely to calm, and which had produced a desire for immediate emigration *en masse*.[2]

The Tarlis affair was followed by a further exchange of notes between the Bulgarian and Greek Governments, the former demanding the punishment of those found guilty of the massacre,[3] compensation for the victims' families, and measures to ensure that such incidents should not occur in future, the latter citing new instances of ill-treatment of Greeks in Bulgaria—such as the explosion of a hand grenade in the house of a Greek citizen of Burgas on the night of the 15th August.[4] A Greek and a Bulgarian note seem to have been returned as unacceptable by Sofia and Athens respectively,[5] and in the middle of September the Greek Foreign Minister admitted that relations with Bulgaria were distinctly strained, though he expressed the opinion that there would be no diplomatic rupture.[6]

When this statement was made, however, the Assembly of the League of Nations was in session, and in the calm atmosphere of Geneva, and thanks to the good offices of one of the British delegates, Professor Gilbert Murray, the Greek and Bulgarian representatives (M. Politis and M. Kalfov) managed to agree on a procedure which it was hoped would render the measures for the protection of their respective minorities more effective than they had been hitherto.[7]

[1] Seventeen appear to have been left for dead. (See *The Times* and *The Manchester Guardian, loc. cit.*) Other versions (e. g. *Le Temps*, 1st August, *Deutsche Allgemeine Zeitung*, 2nd August) reported 19 killed.

[2] *The Times*, 20th August, 1924. For comments by Colonel Corfe and M. de Roover on the state of mind of the Greek authorities as revealed by the Tarlis incident, see *Le Temps*, 20th March, 1925 (quotation from their report of 2nd March, received from a Bulgarian source).

[3] Lieutenant Doxakis was ultimately sentenced to seventeen years' penal servitude (*Le Temps*, 24th March, 1925).

[4] *Ibid.*, 21st, 25th, and 26th August, 1924.

[5] *The Times*, 15th September, 1924. [6] *The Times, loc. cit.*

[7] The Greek Government appears to have agreed verbally as far back as August 1923 to a suggestion that the services of the neutral members of the

By two separate protocols,[1] both signed on the 29th September, 1924, by the President of the League Council (M. Hymans) and the Secretary-General of the League, and one signed by M. Politis (for Greece) and the other by M. Kalfov (for Bulgaria), the two neutral members of the Mixed Emigration Commission—Colonel Corfe and M. de Roover—were appointed as special representatives of the League of Nations to assist the Greek and Bulgarian Governments in the execution of the Minorities Treaties. The delegates were to inquire into the needs (especially the religious and educational needs) of the minorities and recommend measures for adoption by the Government concerned; they might also receive petitions from minorities (on condition that these were not directed against the sovereignty of the states, came from a clearly-established source and were not couched in violent language); and they were to be assisted in every possible way by the Greek and Bulgarian representatives on the Mixed Commission. Detailed reports were to be submitted to the League of Nations every six months.

Great hopes were built on these protocols, which were welcomed both as a sign of improved relations between south-east European states and as an experiment in the practical application of the Minorities Treaties which might have important results for minorities everywhere. These hopes, however, were destined to disappointment. Colonel Corfe and M. de Roover began their investigations forthwith and drew up certain recommendations assuring to the minorities liberty of religion, education, and language, and these were submitted to and accepted in principle by the Bulgarian Government,[2] which, on the 30th December, 1924, secured the ratification by the Sobranje of the protocol of the 29th September.[3] On arriving at Athens to present their recommendations in turn to the Greek Government, Colonel Corfe and M. de Roover found

Mixed Commission might be utilized for the protection of minorities. M. Politis seems to have feared that the Tarlis incident would discredit Greece in the eyes of the League of Nations and prejudice the arrangements for the settlement of Greek refugees under League auspices (the Refugee Settlement loan had not then been issued); and to have urged on his Government the wisdom of signing an act formally charging the Mixed Commission with the supervision of minority interests (see *The Times*, 12th March, 1925).

[1] Texts in *League of Nations Treaty Series*, vol. xxix.

[2] *Le Temps*, 17th December, 1924, and 11th March, 1925.

[3] *The Times*, 31st December, 1924. Since the protocols provided that they should come into force immediately on signature, ratification would not appear to have been indispensable, and in the event, the Bulgarian Government's action was used by the Greeks as an argument in proof of the right of the Greek National Assembly to reject the protocol (see *Le Temps*, 28th February, and 12th March, 1925).

that a campaign against the protocol had been started in the Greek Press and in Parliament.[1] The rejoicings in which the Bulgarian Press indulged on the signature of the protocols seem to have given the impression that the Sofia Government intended to maintain the 'ethnic' claims of Bulgaria to part of Greek and most of Jugoslav Macedonia,[2] and the attitude of Jugoslavia turned the scale. The Jugoslav Government, which had consistently denied that the Slavs in Jugoslav Macedonia were Bulgars, saw the thin end of the wedge in the Greek admission, in the protocol, of the existence of a Bulgarian minority in Greece, and the Belgrade Government brought pressure to bear on Athens to abandon its undertakings.[3] The Graeco-Serbian treaty of alliance of the 19th May, 1913, was formally denounced by the Jugoslav Government on the 15th November, 1924,[4] and the Jugoslav Minister at Athens was reported, while disclaiming any intention on the part of his Government to descend on Salonica,[5] to have made it clear that Jugoslavia would not take steps to prevent any Bulgarian attempt to obtain an outlet on the Aegean, even by force, so long as the obnoxious protocol remained in effect.[6] It was perhaps natural that the Greek Government should yield to pressure of this kind—since the Corfù incident[7] had shaken Greece's faith in external support in case of aggression against her territory—and on the 15th January, 1925, the Greek Government announced in the Press that they had decided not to put the protocol of the 29th September, 1924, into operation.[8] On

[1] *Ibid.*, 11th March, 1925.

[2] See *The Times*, 12th March, 1925; *Le Temps*, 17th March, 1925. The implication that the Bulgarian Government intended to reopen the territorial question was strenuously denied at Sofia (see *Le Temps*, 20th March, 1925).

[3] On the Jugoslav attitude, see *The Times*, 12th March, 1925; *The Manchester Guardian*, 18th March (article by Mr. Percy Alden) and 13th March (letter from Mr. C. R. Buxton); the *Deutsche Allgemeine Zeitung*, 30th January, 1925.

[4] *The Times*, 20th November, 1925. Negotiations for the renewal of the alliance began in February 1925, but broke down at the beginning of June. They were renewed in 1926 and resulted in the signature of a defensive treaty of friendship and conciliation and other conventions on the 17th August. These had, however, not been ratified at the time of writing. The Graeco-Jugoslav negotiations will be dealt with in a subsequent volume.

[5] For the question of Jugoslav claims to economic facilities at Salonica see *Survey for 1920–3*, Part III, Section (iii) (9). On the Greek fears of Jugoslav intentions of expansion in the direction of Salonica see an article by Mr. Percy Alden in *The Manchester Guardian*, 18th March, 1925.

[6] *The Times*, 12th March, 1925. For the earlier negotiations regarding Bulgarian access to the Aegean see the *Survey for 1920–3*, pp. 338–40. The question seems to have been under discussion again, between Greece and Bulgaria, in 1924 (see *The Times*, 4th June, 1924; *Le Temps*, 30th August).

[7] See the *Survey for 1920–3*, pp. 348–56.

[8] *The Manchester Guardian*, 16th January, 1925.

the 3rd February, the National Assembly, after a long debate (in the course of which the Greek Prime Minister promised legislation granting religious and educational liberties to Bulgarians), unanimously rejected the protocol, on the grounds that it was contrary to the general provisions of the Minorities Treaties and that its application might lead to intervention in the internal affairs of the country and would in any case be the cause of perpetual friction. The resolution of rejection, however, contained assurances that Greece was firmly resolved to fulfil her obligations under the Minorities Treaty.[1]

In notifying the League of Nations of this resolution, the Greek Government asked that the question should be placed on the agenda for the next session of the Council ;[2] and on the 14th March, the Council, having considered the situation created by the Greek Government's refusal to implement its undertakings, decided to address a questionnaire to the Government bearing on the following points :

1. What had been done by the Greek Government since the 29th September, 1924, up to date, in order to execute in practice the stipulations of the Minorities Treaty ?
2. What is the programme for the future action of the Greek Government if it has not been possible up to now completely to execute in practice the stipulations of the Treaty ?
3. What, in the opinion of the Greek Government, are the needs of the Slav-speaking minority in the matter of education and public worship, and what special measures has Greece taken, or does she propose to take, in order to satisfy these needs ?

The Greek replies to these questions came before the Council on the 10th June. The Greek Government explained that no new legislative measures had yet been taken to give effect to the Minorities Treaty, because it had only come into force on the 6th August, 1924, and the time limit for reciprocal emigration under the Neuilly Convention had only expired on the 31st December ; but they maintained that the rights of minorities were adequately protected by existing legislation. They would be prepared to give friendly consideration to any requests for the teaching of Bulgar in schools and the use of Bulgar in religious services ; and provisions for assisting Slav-speaking communities who wished to establish schools was to be made in the budget for 1925–6. These assurances, supplemented by the verbal statements of the Greek representative, M. Caclamanos, were declared by the Council to be satisfactory, and to show that the Greek Government realized its obligations.[3]

[1] *The Times*, 4th February ; *Le Temps*, 5th February, 1925.
[2] *Le Temps*, 13th February, 1925.
[3] Minutes of the 34th Session of the Council (*League of Nations Official Journal*, July 1925).

In the meantime, the exchange of accusations, between the Greek and Bulgarian Governments, of ill-treatment of minorities in order to force them to emigrate, had been continuing with undiminished vigour. The Tarlis massacre had apparently led to a marked increase in the number of Bulgarian emigrants from Eastern Macedonia and Thrace during the last half of 1924;[1] though the estimates of the number of emigrants from either side of the frontier varied considerably according to their source.[2]

On the Greek side, accusations of ill-treatment were borne out by an affray between Bulgars and Greeks at Stanimaka in November 1924, in which three Greeks were killed and a fourth wounded;[3] and at the beginning of January 1925 the Bulgarian Government suggested that the Mixed Emigration Commission should undertake an inquiry into the position of Greeks in Bulgaria and Bulgarians in Greece;[4] but the Greek Government apparently refused to allow their delegate to take part in the proceedings, on the ground that the Mixed Commission was not qualified to deal with such matters.[5] The delegates of the League of Nations on the Commission, however, decided to accede to the Bulgarian Government's request,[6] and the result of their investigations was the report of the 2nd March to which reference has been made above.[7] At the end of January reports were current in Sofia of the arrest of Bulgarians in Greece as the sequel to a murder supposed to have been committed by Greek refugees;[8] but no other serious incident seems to have occurred until the 25th July, when a Greek, M. Nicolaides, was murdered at Stanimaka. The Bulgarian Government attributed the crime to assassins who had a few days previously murdered the Deputy Mayor of Stanimaka (a Bulgar) and declared, in answer to Greek protests, that they were taking energetic steps to trace the criminals, who were believed to belong to a secret terrorist organization.[9] The Greek

[1] *Le Temps*, 17th December, 1924, mentions 30,000 emigrants since the 30th July, 1924; the Sofia correspondent of the *Deutsche Allgemeine Zeitung* (issue of 18th December, 1924) declared that between the 20th August and the 1st September, 1924, 5,015 Bulgarian refugees crossed the frontier. The same journal (30th January, 1925) remarked that the number of refugees increased on the signature of the Geneva Protocols, and deduced therefrom conclusions unfavourable to the Greek authorities.

[2] For the Greek figures, see *Le Temps*, 17th March, 1925; for the Mixed Commission's figures (as cited by a Bulgarian source) *ibid.*, 20th March, 1925.

[3] *Ibid.*, 14th November and 17th December, 1924, and 24th March, 1925.

[4] *Ibid.*, 18th and 24th January, 1925.

[5] *Ibid.*, 23rd January, 1925; *The Times*, 24th January.

[6] *Le Temps*, 4th January, 1926.

[7] See p. 289.

[8] *Le Temps*, 29th January, 1925.

[9] *The Times*, *Le Temps*, *Deutsche Allgemeine Zeitung*, and *Corriere della Sera*, 6th August, 1925.

Government, however, promptly strengthened their frontier posts, apparently on the ground that it was necessary to protect a number of Greeks who were due to leave Bulgaria shortly, and who were being terrorized into departing before the liquidation of their property was completed;[1] but by the 6th August the Greek Government had decided to accept as satisfactory the Bulgarian assurances that adequate measures were being taken for the arrest of the criminals and the protection of Greeks.[2] Therewith the incident was closed.

Two months later, however, an incident occurred on the Graeco-Bulgarian frontier which constituted a serious threat to the peace of south-eastern Europe. The events of the 19th October and the following days form the subject of the next section; but it may be noted here that the Commission of Inquiry which made investigations in November on behalf of the League of Nations remarked that the work of liquidating the property left behind by those who emigrated under the Neuilly Convention was only proceeding slowly, and that very few of those concerned had received compensation. The Commission considered that it would be in the interests of both countries to hasten the procedure; and they also recommended that the time limit for voluntary emigration under the Neuilly Convention, which had expired on the 31st December, 1924, should be extended, or alternatively that a special convention should be concluded to provide for the case of those Bulgarian refugees who had not taken advantage of the provisions of the Neuilly Convention but who were entitled under Articles 3 and 4 [3] of the Greek Minorities Treaty to claim Greek nationality (even though they had been absent from Greece for some years) and who, as things stood, would receive no compensation for the property which they had left behind, which had in many cases been utilized to meet the needs of the Greek refugees.[4] At the thirty-seventh session of the League of Nations Council (at which the report of the Commission of Inquiry was considered), the delegates of both Governments announced their desire to hasten the liquidation of property under the Neuilly Convention, and the Greek Government, who had already informed the Council that they were willing to extend the time-limit for declara-

[1] *Le Temps*, 4th August; *Deutsche Allgemeine Zeitung*, 5th August, 1925.

[2] *Corriere della Sera*, 7th August; *The Times*, 8th August, 1925.

[3] These articles provided that persons of Bulgarian (and Turkish and Albanian) origin could claim Greek nationality if they were habitually resident, at the time of the coming into force of the treaty, in territories transferred to Greece since 1912 or if their parents had been habitually resident there.

[4] Report of the Commission of Inquiry (*League of Nations Official Journal*, February 1926, pp. 208–9).

tion of emigration under the convention, agreed to take all possible steps to satisfy the refugees in Bulgaria who were entitled to Greek nationality under the Minorities Treaty. The Bulgarian Government, for their part, undertook to use their influence to induce refugees in this position to accept compensation in return for the surrender of their rights.

(vii) The Graeco-Bulgarian Frontier Incident (1925).

During the years immediately following the termination of the Graeco-Turkish war of 1919–22, there were several factors which made it probable that the frontier between Greece and Bulgaria in Macedonia and Thrace would be the scene of disturbances of a more or less serious nature.[1] Frontier incidents and incursions of marauding bands were indeed traditional features of the relations between south-east European states ; but in this case the danger was increased by the fact that the districts on either side of the frontier were inhabited largely by refugees, who possessed the mentality of people who had suffered the hardships of migration, and many of whom, on the Bulgarian side at any rate, nourished active resentment against their neighbours across the frontier as the cause of their misfortune.[2] On the Greek side, there was apparently a genuine and widespread fear among the refugees of the activities of Bulgarian komitadji bands,[3] and this fear was shared to some extent by the Greek Government,[4] owing in part to the danger that invading bands might cut the railway communications between Macedonia and Thrace (the line Salonica–Seres–Dedeagach running parallel to the frontier, often at a distance of less than ten kilometres). The Greek authorities were also naturally suspicious of the activities of the Macedonian Revolutionary Organization,[5] which was known to put forward claims for the inclusion in an independent or autonomous Macedonia of territory belonging to Greece and Jugoslavia as well as to Bulgaria. The situation was rendered still more inflammable by the fact that civilians on both sides of the frontier were armed by the authorities (though in the case of Bulgaria this was

[1] See the analysis of the causes of the incident of October 1925 given in the Report of the League of Nations Commission of Inquiry (*Official Journal*, February 1926, pp. 199–200 and 205–7).

[2] See above, p. 291.

[3] See the Report of the Commission of Inquiry, p. 206. Only two specific cases of ill-treatment were, however, brought forward. The Commission experienced great difficulty in obtaining a definition of a ' komitadji '.

[4] See *Survey for 1920–3*, pp. 324–5, for the representations made to Bulgaria in June 1922 by the neighbouring states regarding incursions of Bulgarian bands.

[5] See *Survey for 1924*, Part I C, Section (ii) (c).

contrary to the disarmament provisions of the Treaty of Neuilly), and by the somewhat defective organization of the frontier guards[1]—who consisted mostly of young and imperfectly trained soldiers, stationed in small groups in outposts where the sentinels on either side were within hailing distance of each other, and with their commanding officers and reserves some hours' distance to the rear.

Thus the authorities, particularly in Greece, had good reasons for apprehension lest an explosion on the frontier should be the signal for a serious conflagration, and this fact goes far to explain the action taken by Greece in October 1925. Nevertheless, at that time the activities of komitadjis and frontier incidents generally were on the decrease—a fact attributed in Greece to the settlement of Greek refugees in the frontier districts in place of Bulgarians, who were suspected of giving support to the komitadjis—and though cases had occurred during 1924 and 1925[2] of armed civilians crossing the frontier from either side to commit acts of brigandage and taking part with the troops in occasional fights, disputes had been settled without difficulty by the Greek and Bulgarian officers on the spot, and no serious incident had taken place since 1923.[3] On the 19th October, 1925, however, events occurred on the frontier which would almost certainly have developed into open war but for the forbearance of Bulgaria and the prompt action taken by the Council of the League of Nations.

At about midday on the 19th October,[4] shots were exchanged between the Greek and Bulgarian sentinels at Demir-Kapu, an isolated frontier post in a mountain pass about twelve kilometres south-west

[1] See the Report of the Commission of Inquiry, pp. 199–200.

[2] For reports of frontier incidents see *The Times*, 26th July, the *Corriere della Sera*, 2nd August, and *Le Temps*, 1st and 3rd August, 1924; *Le Temps*, 30th and 31st August, 1924; *Corriere della Sera*, 13th August, 1925.

[3] Statement by the Greek Prime Minister to the Commission of Inquiry. He added that the Greek refugees settled near the frontier included some from the Black Sea and Caucasus, who possessed 'sound military qualities' (Report, p. 206).

[4] The account here given of the events of this and the following days is taken from the Report of the League of Nations Commission of Inquiry. For the Greek and Bulgarian versions (which differed widely) see the statements of M. Carapanos and M. Marfov on the 27th October to the League of Nations Council (*Official Journal*, November 1925, Part II); and, for the Greek version, *The Times*, 22nd, 23rd, and 29th October; *Le Temps*, 24th, 25th, 27th, 28th, and 30th October, and 1st November, 1925; for the Bulgarian version, *The Times*, 22nd, 23rd, 24th, and 31st October; *Le Temps*, 23rd, 24th, 25th, 27th October, and 1st November, 1925. For accounts by eyewitnesses of the situation in Bulgaria after the Greek invasion, see *The Times*, 24th, 26th, 27th, 28th October; *Le Temps*, 28th and 29th October; the *Deutsche Allgemeine Zeitung*, 27th October.

of the Bulgarian town of Petrič. There were no witnesses, and the question of who fired the first shot was never determined, but the Greek soldier was killed, after he had fired ; and his body remained in Bulgarian territory.[1] On hearing the shots the two posts (which were manned by eight Greeks and six Bulgarians) turned out, and firing began. The Greeks withdrew after a while to a position about 150 metres to the rear of their post and it seems probable that at some stage the Bulgarians occupied the Greek post.[2] The Greek officer in command of the post, Captain Vassiliades, arrived on the scene a few hours after the fighting began, and, having ordered firing to cease, advanced, apparently with a view to mediation, under cover of a small white flag. He had only gone a few paces when he was killed by a bullet.[3] Meanwhile, the Bulgarian forces had been supplemented by some armed civilians (about fifteen according to the Bulgarian account), and during the night of the 19th and the following day reinforcements arrived for both sides. By the 20th the Greek force numbered about 200 and the Bulgarian 160, both sides including some civilians. The Bulgarians had also some machine guns. Fighting continued intermittently throughout the 20th and the 21st, but the casualties were slight (on the Greek side, four killed—including the sentry and Captain Vassiliades—and two wounded ; on the Bulgarian side only one wounded) ; and the local conflagration was dying down when, in the early morning of the 22nd, Greek troops entered Bulgarian territory through the Struma Valley—some twenty kilometres to the east of Demir-Kapu.

The first report of the incident which reached Athens during the night of the 19th appears to have stated that the Bulgarian attack was premeditated and that Captain Vassiliades had been shot down under a white flag while attempting to mediate. On the morning of the 20th further news was received that the Bulgarians had attacked with a battalion and were occupying the hill top.[4] The

[1] The Bulgarians declared that he fell on Bulgarian soil ; the Greeks that his body was dragged across the frontier by the Bulgarians. The Commission of Inquiry attached little importance to the point, since the posts had previously been on friendly terms.

[2] The Commission of Inquiry considered that the Bulgarians, if they entered Greek territory, did not for technical reasons advance more than about 20 metres. They held that this did not constitute a violation of the territorial integrity of Greece.

[3] The Greeks stated that they ceased firing on receiving the order ; the Bulgarians, that they saw neither the officer nor the flag, that the Greeks had not ceased firing, and that the bullet was not aimed at Captain Vassiliades.

[4] The message as dispatched from Demir-Kapu was apparently that the Bulgarian forces were believed to amount to one battalion (which was not in fact the case), but this was magnified in transit.

Greek Ministry of War therefore had grounds for the belief that a serious attack was in progress,[1] and at 11 a.m. on the 20th orders were sent to the Third Army Corps at Salonica to prepare for the invasion of Bulgarian territory; these were supplemented during the afternoon by definite instructions to march on Petrič[2] and the heights north of Kula (a village on the Bulgarian side in the Struma Valley). The officer commanding the Third Army Corps, who had received reports on the evening of the 19th of Bulgarian attacks in force, had already, on the morning of the 20th, ordered certain movements of troops on Greek territory with the object of guarding the mountain passes, and these operations were carried out during the 20th and the following night. During the 21st, troops were concentrated on Greek territory in three columns, preparatory to invasion, and at 6 a.m. on the 22nd the Greek offensive began,[3] although aeroplane reconnaissances on the previous day had revealed no movements of Bulgarian troops. The Greek forces occupied the heights north of Kula and south of Petrič, but they appear to have been stopped south of Petrič by Bulgarian resistance.[4] Altogether, on this and the following days, about seventy square miles of Bulgarian territory were subjected to Greek occupation.[5] During the 22nd and 23rd small detachments of Bulgarian troops were brought up, but the Bulgarian Ministry of War ordered that only slight resistance should be made, and throughout the operations the Bulgarian artillery did not fire a shot. The Greek troops were also reinforced during the 23rd, and operations against Petrič, which would have been bound to lead to considerable loss of life, were arranged for the 24th. Early on the morning of the 24th, however, orders for the suspension of hostilities were received from Athens, as the result of an appeal from the acting President of the League of Nations Council which had reached the Greek Government on the previous evening.

[1] It is noteworthy that the Greek Prime Minister subsequently informed the Commission of Inquiry that personally he had never attributed to the Bulgarian Government any intention of attacking Greece, but thought the incident was due to the action of komitadjis, with the (unauthorized) support of local Bulgarian troops. The spot where the initial incident occurred happened to be the nearest point (only six or seven kilometres distant) from the Salonica–Demirhissar railway line (statement by M. Carapanos to the League Council).

[2] The orders were subsequently modified, with a view to avoiding civilian casualties, and the troops were instructed to 'invest' Petrič.

[3] The Commission of Inquiry noted that the officer commanding the Greek troops, not being in direct contact with the forces at Demir-Kapu, which were not under his command, was unaware that at the time the invasion began the situation at Demir-Kapu had become stabilized.

[4] Report of the Commission of Inquiry, p. 202.

[5] *The Times*, 7th November, 1925.

On receiving news of the initial incident, the Bulgarian Government had promptly instructed their representative at Athens to propose the appointment of a Mixed Commission of Inquiry, and this offer was subsequently repeated through the Greek Legation at Sofia.[1] The Greek Government, however, ignored these proposals —apparently on the ground that they were ' put forward after acts which no Government careful of its national dignity and the security of its frontier could accept without previous compensation '[2]—and on the 21st a note was dispatched from Athens demanding from the Bulgarian Government full satisfaction, the punishment of those found guilty, and an indemnity.[3] On the 22nd, after the Greek invasion had begun, the Bulgarian Government telegraphed to the Secretary-General of the League of Nations, invoking Articles 10 and 11 of the Covenant and asking that the Council be convened without delay to take the necessary steps in view of the ' flagrant invasion ' of Bulgarian territory.[4] The Secretary-General received this telegram at 6 a.m. on the 23rd[5] and immediately got into touch by telephone with the Acting President of the Council, M. Briand. By 11 a.m. it had been decided to convene a meeting of the Council for the following Monday, the 26th ; and M. Briand, in informing the Greek and Bulgarian Governments of the forthcoming meeting, reminded them of their solemn obligations under Article 12 of the Covenant not to resort to war, and exhorted them to give immediate instructions that, pending the consideration of the dispute by the Council, no further military operations should be undertaken, and that the troops should at once retire behind their respective frontiers. It was the receipt of this telegram on the evening of the 23rd that caused the Greek Government to give the orders which suspended the operations against Petrič arranged for the 24th. From that time onwards, hostilities were virtually at an end, though skirmishing continued until the Greek troops withdrew.

The Council of the League of Nations met in Paris on the evening

[1] Local attempts at mediation were also made by officers on both sides of the frontier during the 20th and 21st, but these failed because either party lacked confidence in the other's good intentions. On the Greek side there was a genuine conviction that an emissary (Captain Vassiliades) had been deliberately shot down under a white flag.

[2] Statement by M. Carapanos to the League of Nations Council on the 27th October.

[3] For reports (afterwards contradicted) that this note was an ultimatum with a time-limit of forty-eight hours, see *The Times*, 22nd October, and the *Deutsche Allgemeine Zeitung*, 23rd October, 1925.

[4] Text of this telegram and of subsequent communications in the Minutes of the 36th Session of the Council (*Official Journal*, November 1925, Part II).

[5] *The Times*, 24th October, 1925.

of the 26th October, and decided, before ascertaining the facts and responsibilities, to ensure the cessation of hostilities. The Greek and Bulgarian delegates (M. Carapanos and M. Marfov) were therefore asked what steps had been taken to comply with M. Briand's request of the 23rd. Their answers[1] did not satisfy the Council that military operations had ceased and that the troops had been withdrawn ; and a resolution was adopted asking the representatives of the two states to inform the Council

> within twenty-four hours that the Bulgarian and Greek Governments have given unconditional orders to their troops to withdraw behind their respective national frontiers and within sixty hours that all troops have been withdrawn within the national frontiers ; that all hostilities have ceased, and that all troops have been warned that the resumption of firing will be visited with severe punishments.

The periods indicated would begin to run from that evening ; the first would therefore terminate on the evening of the 27th, the second on the morning of the 29th. The Council further requested the Governments of France, Great Britain, and Italy

> to direct officers who are within reach to repair immediately to the region where the conflict has broken out and to report direct to the Council as soon as the troops of both states have withdrawn behind their respective frontiers, and as soon as all hostilities have ceased, and in any case at the expiration of the time-limit.

On the following day (the 27th) the Council invited the Greek and Bulgarian representatives to state their cases, which had already been outlined in communications received on the 24th in reply to M. Briand's telegram of the 23rd. Either side accused the other of premeditation, and demanded compensation ; and either side expressed the desire that the inquiry to be undertaken by the League should reveal the underlying causes of frontier disputes. M. Marfov continued to maintain that no Bulgarians had ever entered Greek territory, and M. Carapanos that the Bulgarian withdrawal must precede the Greek and that his Government had acted in legitimate self-defence.[2]

M. Carapanos, however, also declared that his Government, before

[1] M. Marfov said that his Government would be quite prepared to comply with the request to withdraw their troops, but that they had never crossed the frontier. M. Carapanos said that the Greek Government would evacuate Bulgaria as soon as the Bulgarians had quitted Greek territory.

[2] M. Briand, at a later meeting, pointed out that it was essential that the idea of acting in self-defence 'should not take root in the minds of nations which were members of the League and become a kind of jurisprudence' (*Official Journal*, November 1925, Part II, p. 1709).

they received the Council's telegram of the 26th, had agreed to a suggestion made by the Rumanian Minister in Athens[1] that a Greek and a Bulgarian officer should meet at Demir-Kapu to arrange for the reoccupation of the Greek frontier posts and the subsequent withdrawal of the Greek troops. This meeting actually took place at 4 p.m. on the 27th, but, according to the Bulgarian version, the Bulgarian officer merely stated that his Government could not negotiate direct with the Greek Government now that the matter lay before the League of Nations. The Greeks, however, asserted that the occupation of Greek territory by Bulgarians was established on the spot in the presence of witnesses, that Greek detachments were promptly re-established in the frontier posts, and that arrangements were thereupon made for withdrawal from Bulgarian territory.[2] In any case, on the 28th, the League Council declared itself satisfied that orders had been given for withdrawal within the first period mentioned in its telegram of the 26th.

On the afternoon of the 28th, the French, British, and Italian military attachés at Belgrade (who had been instructed by their Governments to proceed to the frontier, in accordance with the Council's request of the 26th) arrived on the spot, to find the Greek withdrawal actually in progress. The Greek commander undertook to complete the evacuation by 8 a.m. on the 29th, and the military attachés arranged that, in order to avoid possibilities of conflict, the Bulgarian troops should not reoccupy their former position until 1 p.m. on the 30th. When the Council met on the afternoon of the 29th, M. Briand was able to declare, from information received through the French Minister at Athens, that the evacuation of the Greek troops had been completed within the Council's time-limit, and a telegram from the military attachés subsequently confirmed the fact that all Greek troops had withdrawn behind the frontier by midnight of the 28–29th. Thus the Council could congratulate themselves on having, by their prompt action, successfully averted the danger of war.[3] As M. Briand pointed out—

> It had been shown that the criticisms which had been brought against the League of Nations to the effect that its machinery was cumbersome

[1] The Bulgarian Government, before approaching the League of Nations, had asked Rumania and other Powers for their friendly intervention (statement by M. Marfov to the Council).

[2] Telegram from the Greek Government, quoted by M. Carapanos to the Council on the 28th.

[3] Their success was largely due to the fortunate chance that M. Briand, the Acting President of the Council, was in Paris, within reach by telephone from Geneva, and to his prompt initiative in approaching the two Governments in

and that it found it difficult to take action in circumstances which required an urgent solution, were unjustified. It had been proved that a nation which appealed to the League, when it felt that its existence was threatened, could be sure that the Council would be at its post ready to undertake its work of conciliation.[1]

This statement was later supplemented by Mr. Austen Chamberlain (who acted as Rapporteur to the Council) at the closing meeting of the session, when he declared—

We have here an example of the conduct which may be expected of nations Members of the League between whom some unfortunate dispute arises which threatens the peace of the world, and we have an example of the manner in which the Council of the League will use the authority of the powers entrusted to it by the Covenant of the League for conciliation, for restoring friendly relations between nations between whom a dispute has arisen, for removing, if possible, those causes of dispute in the future, and above all for preserving the peace of the world.

Having thus satisfactorily disposed of the first and most urgent part of its task, the Council was able to procced with the steps required for a final solution of the dispute. On the 29th October, a resolution was adopted appointing a commission to inquire into the incidents on the frontier ; to ascertain their origin, and in particular any facts enabling the responsibility to be fixed ; to supply material for the determination of indemnities ; and to suggest measures which might minimize the general causes of frontier incidents and prevent their recurrence. A report was to be submitted by the end of November, for examination by the Council during the December Session.

The Commission of Inquiry, which consisted of Sir Horace Rumbold (British Ambassador at Madrid), President, General Serrigny (French), General Ferrario (Italian), M. de Adlercreutz (Swedish Minister at The Hague), and M. Droogleever Fortuyn (Member of the Netherlands Parliament), met for the first time at Geneva on the 6th November and between that date and the 26th visited Belgrade, the frontier districts concerned, Athens, and Sofia. The Allied Military attachés, who at the request of the Council had remained on the spot to conduct preliminary inquiries, and who had

his capacity as President of the Council without waiting for the members to assemble. His telegram of the 23rd only reached the Greek Government just in time for them to stop the attack on Petrič. The morning of the 24th was in fact, as the Commission of Inquiry noted, the crucial moment at which the operations threatened to assume a scale which would have rendered mediation unavailing. For the Commission's remarks on the necessity of ensuring prompt communication with Geneva to meet similar cases, see their Report, p. 208.

[1] *League of Nations Official Journal*, November 1925, p. 1709.

made minute investigations at Demir-Kapu on the 1st November (when they were present at the removal from Bulgarian territory of the body of the Greek soldier who had been killed on the 19th October), communicated their findings to the Commission of Inquiry; and on the 28th November the Commission submitted their report to the League of Nations and to the Greek and Bulgarian Governments.

The Commission were of opinion that there was no question of premeditation on either side. They considered that the Greek Government—in view of the fact that no order for general mobilization was given—merely intended to cover their communications with Thrace and carry out a policing operation on a limited scale. The movements of troops on Greek territory ordered by the officer commanding the Third Army Corps on the 20th October were held to be perfectly legitimate, but even in view of the extenuating circumstances—the presence of armed Bulgarian civilians very shortly after the initial incident, the killing of a Greek officer who went out to parley,[1] and the exaggerated reports which reached Athens (which, though not confirmed, were not denied)—the occupation of Bulgarian territory by Greek forces was not technically justified and constituted a violation of the Covenant of the League of Nations. The Greek claim for compensation (except in respect of Captain Vassiliades) was therefore dismissed. With regard to the Bulgarian claim for compensation, the Commission found that the Bulgarian casualties (exclusive of the armed civilians, whom they omitted on the ground that their arming was in contravention of the Treaty of Neuilly) amounted to 12 killed (including 7 civilians) and 19 wounded (including 11 civilians); that some 3,500 inhabitants of the invaded districts had fled and had suffered both morally and materially; and that while the occupied territory had not apparently been systematically pillaged, a considerable amount of property had been destroyed or removed. The Commission therefore recommended that the Greek Government should pay the Bulgarian Government, as reparation for moral and material damage, the sum of 10,000,000 levas (which sum took into account the death of Captain Vassiliades), in addition to 20,000,000 levas as an indemnity for the loss of property, making a total of 30,000,000 levas (about £45,000).

In accordance with their terms of reference the Commission

[1] The Commission noted that the death of Captain Vassiliades made a deep impression throughout the country. This is borne out by the frequent mention of his death made by M. Carapanos in his statement to the Council and in the Greek version of events as published in the foreign Press.

investigated the underlying causes[1] of this and other disputes and recommended certain measures for the prevention of incidents in future.[2] They advised that the organization of the frontier guards on both sides should be improved and the instructions given to them modified; and they suggested that the proposed reorganization should be carried out under the supervision of two neutral officers, nationals of the same state, one of whom should be attached, for a period of two years, to the head-quarters of the frontier guards on either side of the frontier. These officers, being impartial, would probably be able in most cases to avert or settle incidents without trouble, but should disputes take place nevertheless which could not be settled immediately by agreement, they should be referred to a conciliation commission, consisting of the two neutral officers and an officer from either side with an impartial chairman.

On the 14th December the League of Nations Council adopted the Commission's conclusions and recommendations (with certain modifications of the military recommendations agreed to by the Governments concerned), and in doing so laid down the general principle 'that where territory is violated without sufficient cause reparation is due, even if at the time of the occurrence it was believed by the party committing the act of violation that circumstances justified the action'. It was decided that the Swedish Government should be asked to lend two officers to supervise the reorganization of the frontier services, and that the chairman of the proposed conciliation commission should be appointed by the Council.[3] The Greek delegate (M. Rentis) had, during previous meetings of this session of the Council, objected to certain of the conclusions of the Commission of Inquiry, but on the 15th December he received instructions from Athens that the Greek Government accepted the Council's decision in principle,[4] though they questioned the equity of the sum fixed for compensation.[5] The sum was, however, eventually paid in full,[6] in two instalments, the first in the middle

[1] See above, pp. 299–300.

[2] For their recommendations for improving the general relations between the two countries by settling outstanding questions regarding minorities and refugees, see above, p. 298.

[3] Minutes of the 37th Session of the Council (*Official Journal*, February 1926).

[4] The Greek Government in its original telegram of the 24th October (replying to M. Briand's telegram of the 23rd) had accepted the Council's competence to deal with the dispute, and had further agreed, through the mouth of M. Carapanos, to accept in advance the Council's decision.

[5] *The Times*, 16th December, 1925.

[6] The members of the Union of Reserve Officers in Greece offered to subscribe 100 drs. each every month from their pay to defray the cost of the com-

of February 1926, and the second on the 1st March.[1] The two Swedish officers who were to supervise the frontier were appointed in February, under an agreement signed at Stockholm on the 6th between the Swedish, Greek, and Bulgarian Governments ;[2] and the new machinery was tested by a frontier incident at the end of May, which was settled satisfactorily without any disturbance of the good relations between the two states.[3]

pensation (*The Times*, 23rd December, the *Deutsche Allgemeine Zeitung*, 24th December, 1925).

[1] *The Times*, 15th and 18th February, and 2nd March, 1926.

[2] *Ibid.*, and *Le Temps*, 8th February, 1926.

[3] *The Times*, 28th May, *Le Temps*, 29th May, and 4th June, 1926.

PART III

THE FAR EAST

Introduction.

In the Note by the Writer prefaced to the *Survey of International Affairs, 1920–3*, it is pointed out that, in the case of China, the status or internal condition of the country is itself an international affair.

The impossibility of excluding an examination of the internal situation of China from any review of her international relations became more and more evident with every year that passed after the Washington Conference of 1921–2 ; on the one hand, the growing weakness and lack of authority of the Central Government made the settlement of any incident or the conclusion of any arrangement increasingly difficult ; on the other hand, the general slackening of authority and the consequent frequent existence in the provinces of a state approaching anarchy led to the occurrence of numerous incidents that assumed international significance. It will therefore be convenient to give a brief outline of the internal history of China during the five years ending with the year 1925.

The breach between the north and the south, that took definite shape in 1917 owing to the opposition between the militarist Cabinet and the Parliament, ostensibly over the question of China's declaration of war against the Central Powers, was given a more concrete form in April 1921 with the election, by the remnant of the Parliament that had established the 'Constitutional Government' in Canton, of Sun Yat-sen as President of the Chinese Republic. This proceeding set the seal on the parallel existence in China of two rival Governments.

Neither of these Governments was, however, on a stable basis. The Northern Government, with two former officials of the Manchu régime, Hsu Shih-ch'ang and Liang Shih-yi, occupying the posts of President and Premier respectively, had been set up in the previous year by a combination of Chang Tso-lin, the Mukden war lord, with Ts'ao K'un and Wu P'ei-fu, the military leaders of the Chihli faction, but the combination was already showing unmistakable signs of disruption. In Canton President Sun had as his right-hand man the veteran statesman Wu T'ing-fang and for military support depended on General Ch'en Ch'iung-ming.

Civil war broke out in North China in the spring of 1922 and resulted in the defeat of Chang Tso-lin by the Chihli militarists, Ts'ao K'un and Wu P'ei-fu, and the overthrow of President Hsu Shih-ch'ang, whereupon the former President, Li Yüan-hung, was recalled from retirement and reinstated as Chief Executive. These operations found Chang Tso-lin in alliance with Sun Yat-sen—an unnatural alliance which would have been impossible almost anywhere else but was by no means unprecedented or unique in the annals of China's internal wars. The support rendered to Chang by Sun Yat-sen, which consisted of a ' Northern Expedition ' that wasted its strength on the air, scarcely affected the victorious campaign of the Chihli leaders, but it proved to be the cause of Sun Yat-sen's temporary undoing, for during his absence Ch'en Ch'iung-ming, who had opposed and refused to participate in the Northern Expedition, occupied Canton with his troops. Sun Yat-sen attempted to expel him by force, but was himself defeated and forced to flee to Shanghai, his last act being an impotent bombardment of Canton by the warships that remained loyal to him.

One of the immediate results of Li Yüan-hung's return to the Presidential chair was the reconvening in Peking of the Parliament, the arbitrary dissolution of which in 1917 had been the immediate cause of the split between the north and the south. This fact paved the way for an attempt to realize President Li's policy of a reunification of China by a reconciliation, and he took an early opportunity to approach Dr. Sun Yat-sen, who, in the spring of 1923, had returned to Canton, the forces of Ch'en Ch'iung-ming having been expelled by invading troops from Yunnan and Kwangsi. (It may be remarked that it was on this occasion that Michael Borodin, the Bolshevik adviser to the Canton Government, accompanied Sun Yat-sen.) President Li's policy of reconciliation did not find favour, however, with his military supporters, headed by Wu P'ei-fu, who advocated a programme of reunification by force, and it was not long before the President was again at issue with the militarists. President Li appeared, in spite of having been the hero of the revolution of 1911, to possess none of the qualities of greatness, and to combine the best of intentions with an utter lack of resolution. At the first conflict of opinion he gave way, and shortly afterwards was frightened, by well-staged demonstrations in the capital and threats from the generals in the vicinity, particularly the Christian General Feng Yü-hsiang, into vacating his post and taking refuge in Tientsin.

There now followed an interregnum of three or four months when China, as represented by the Peking Government, was without a

president. The Chihli militarist, Ts'ao K'un, was the recognized claimant to the succession, but, in order to give his assumption of office a constitutional appearance, it was necessary to secure his election by Parliament, which involved considerable expenditure of time and money—the bribes issued to secure this result were said to have amounted to $15,000,000. At the same time, in order that there might be no challenge to the legality of Ts'ao K'un's position, the permanent constitution of the Republic was hurriedly pressed through Parliament and was promulgated on the 10th October, 1923.

In spite of various minor vicissitudes, Dr. Sun Yat-sen and his party remained in power in Canton throughout the year, though at times their power barely extended beyond the confines of the city. Towards the close of 1923, Dr. Sun was brought into conflict with the Powers by his threat to seize the custom house at Canton in order to secure the payment to him of a share of the custom surplus. In 1919 an arrangement had been come to with the Peking Government in virtue of which the surplus of custom revenue, after all charges had been met, was divided in the ratio of 86·3 per cent. to the Northern Government and 13·7 per cent. to the Southern, in approximate proportion to the revenues collected in their respective areas. In the spring of 1920 the Southern Government was driven out of Canton by Kwangsi invaders, and the Northern Government thereupon revoked this arrangement, and pledged these revenues as security for domestic loans, which, directly or indirectly, furnished the sinews of war for the civil strife.

It was, perhaps, hardly to be anticipated that the Southern Government would acquiesce in this arrangement when once they found themselves more or less in power again, particularly as they suffered badly from the insufficiency of revenue which was the common lot of every Government in China. Their sources of income were practically confined to the city of Canton, where every possible expedient was resorted to in order to raise funds, and taxes were levied on an unprecedented scale. Even so, the treasury was in constant difficulties to find the means for paying the army of mercenaries that was maintained to meet the constant threats of Ch'en Ch'iung-ming, and in September 1923 the Canton Government addressed to the Diplomatic Body at Peking a request that the proportion fixed in 1919 should be released to them. This request does not appear to have been taken seriously in the first instance, but after a lapse of several weeks the Diplomatic Body pointed out that they had no power to allocate the surplus of the customs revenues remaining over after all charges under the Protocol of 1901 and international loan agreements had

been met, and that such a measure as Dr. Sun desired could be achieved only by arrangement with the Central Government. Dr. Sun's reply to this was a threat to seize the custom house at Canton in order to secure payment of the share which he claimed together with arrears since the spring of 1920. This threat was met by the massing of a small international fleet, consisting of British, French, American, Japanese, Portuguese, and Italian units, off Canton, and in the light of this demonstration Dr. Sun took no steps to put his threat into effect.

In order to clarify developments during the succeeding years, it may be useful to sum up the internal condition of China at the end of 1923. The Chihli Party, headed by President Ts'ao K'un, controlled the Central Government at Peking, and numbered among its adherents the provinces of Chihli, Shantung, Honan, Shensi, Kansu, Kiangsu (except for the Shanghai area), Anhwei, Kiangsi, Hupei, and Fukien ; the Fengtien (or Mukden) Party, headed by Chang Tso-lin, controlled the three Manchurian provinces (Fengtien, Kirin, and Heilungkiang) and was in alliance with the Anfu party (which it had assisted in overthrowing in 1920), whose representative was Lu Yung-hsiang, the military governor of Chekiang, who also controlled the Shanghai area.[1] In the south, the Kuomintang[2] held Canton and an indefinite area around the city ; the remaining provinces (Szechuan, Yunnan, Kweichow, Kwangsi. Hunan, and Shansi) were either neutral or were so torn by intestine strife as to render their allegiance doubtful.

Wu P'ei-fu's scheme of unification by force had therefore much ground to cover before it could approach completion, the more so as the Kuomintang were prepared to harass him in the rear whenever he might threaten to be a danger to his northern opponents.

The forcible reunification of the country was attempted by Marshal Wu in the autumn of 1924, but, so far from achieving his end, by the close of the year he saw his own party disrupted and over-

[1] The Chihli, Fengtien, and Anfu (Anhui) Parties amounted to little more than groupings of rival militarists. These parties were all the offspring of the old Peiyang, or Northern Militarist Party, which broke up on the death of Yuan Shih-k'ai. It is useless to try to discover any political principles forming the basis of these parties ; their politics were purely opportunist, and designed to serve the ends of their dominant General. The Fengtien Party claimed to be an uncompromising foe to Bolshevism and Soviet influence ; it was itself reputed to be under Japanese influence ; but the extent of this cannot be determined. It was, however, clearly to Japan's interest to ensure the friendliness of the satrap ruling over her ' region of special interest ', as well as to maintain a stable buffer between herself and Soviet territory.

[2] For the history and organization of the Kuomintang see below, pp. 322–3.

thrown and himself eliminated. The first stage of his programme called for the recovery of the Shanghai area and the defeat of the Anfu Governor of Chekiang, Lu Yung-hsiang, after which he was to take action against the Manchurian war-lord, Marshal Chang Tso-lin. In the first part of the programme he was successful: Lu Yung-hsiang was driven out of Chekiang by Sun Ch'uan-fang, advancing from Fukien, and was eventually forced out of Shanghai also. These operations, however, were unduly prolonged; the Anfu Party in the Yangtze delta were able to hold out long enough to give Chang Tso-lin time to mobilize, so that when Marshal Wu came to deliver his attack on the Fengtien forces, he found them in a strong position.

The operations on the northern front were on a large scale, but no significant success had been achieved by either side when, on the 23rd October, Wu P'ei-fu's subordinate, General Feng Yü-hsiang, carried out a *coup d'état*; he withdrew all his forces to Peking, took charge of the capital, and declared for peace. As a result of this defection the Chihli forces collapsed, Wu P'ei-fu was overwhelmed by the Fengtien army, and fled by sea with a few scanty remnants, and finally withdrew to Yochow, in the north of Hunan Province.

As soon as he had acquired military control of the capital, Feng Yü-hsiang set about the reorganization of the Government. On the 31st October mandates were issued dismissing the Chihli members of the Cabinet, and two days later the President, Ts'ao K'un, was forced to resign, but was imprisoned on account of his alleged crimes against the state. (His confinement, it may be mentioned, lasted until April 1926, when there was a further *coup d'état* on the expulsion of Feng Yü-hsiang's forces, remodelled as the Kuominchün, or Nationalist Army, from the capital.) Marshal Feng's next act was directed against the Manchu ex-Emperor, Hsüan-t'ung, who had been living in retirement in Peking since his abdication in 1912. The palace was surrounded, the Abdication Treaty was cancelled, and there was some fear that the ex-Emperor's life was in danger. Finally, he was permitted to retire to the palace of his father, Prince Ch'un (the former Regent) where he was closely guarded until, on the arrival in the capital of Tuan Ch'i-jui and Chang Tso-lin, the guards were withdrawn. Towards the end of the year he again became nervous as to his position and withdrew to the safety of the Japanese Legation and ultimately to the Japanese Concession in Tientsin.

The Provisional Government, which represented a compromise between the radical politics of Feng Yü-hsiang and the conservative views of Chang Tso-lin, was set up on the 22nd November, when Tuan Ch'i-jui, the head of the Anfu Party, was installed as Chief

Executive. Lu Yung-hsiang, the Anfu General, who had been expelled from Shanghai by the Chihli forces, headed by Ch'i Hsieh-yüan, a couple of months before, was appointed to undertake the subjugation of Kiangsu ; he occupied Nanking ; Ch'i Hsieh-yüan, in alliance with Sun Ch'uan-fang, the governor of Chekiang, endeavoured to drive him out, but was overwhelmed by an invasion of Fengtien forces commanded by Chang Tsung-ch'ang. The final outcome was that the Fengtien group gained control of the provinces of Kiangsu and Shantung, to which latter province Chang Tsung-ch'ang was appointed, while Sun Ch'uan-fang was allowed to remain in control of Chekiang.

During this period Dr. Sun Yat-sen remained in control at Canton ; his contribution to the autumn campaign against the Chihli Party was negligible. The principal event in the south was the attempted assassination at Canton of Monsieur Merlin, the Governor-General of French Indo-China, which, with its aftermath of strikes, will be dealt with later.[1]

Canton was also distracted by an attempted semi-Fascist movement against the oppressive rule of the extreme section of the Kuomintang and against the onerous taxation necessary for the support of the Yunnanese mercenaries on whose aid Dr. Sun was dependent. A body of merchant volunteers, commanded by the compradore of the Hongkong and Shanghai Bank, was organized, and a plot was devised to smuggle into Canton a large quantity of arms from Antwerp. These arms were brought to Canton in August 1924 in a Norwegian steamer, the *Hav*, but the Canton Government, having learnt of the presence of the munitions on board, seized the ship and confiscated the arms. A struggle then took place between the merchants and the authorities for their possession, and ultimately the former, by means of a succession of strikes, compelled the Government to hand over to them a portion of the consignment. While taking over these arms on the 10th October, the merchant volunteers came into conflict with and fired on a body of labour volunteers and students, whereupon the Government, five days later, took forcible action against them and crushed them mercilessly, part of the business quarter of Canton being burnt down.

After this, the power of the extremist section of the Kuomintang, under Soviet influence, increased, but was restrained for a time by the presence of the Yunnanese troops ; at the same time the presence of these mercenaries was becoming a thorn in the side of the Cantonese, and the position was critical when, on the 13th November, Dr. Sun

[1] See p. 321 below.

departed for the north to take part in a national conference at Peking. His illness on arrival prevented this conference from becoming effectual, and on the 12th March, 1925, he died of cancer on the liver.

The internal political situation underwent comparatively little change until the last months of 1925, when the growing power of Chang Tso-lin, the Fengtien leader, received a check. The principal events in China were the Shanghai incident of the 30th May and the succeeding events at Hankow, Canton, and elsewhere; the ensuing anti-British agitation; and the convening of the Tariff Conference and the Extraterritoriality Commission, all of which will be dealt with later. The essential feature of the year was the great growth in power and influence of the Kuomintang which, so far from being weakened by the death of its great leader, seems to have found in that very fact a means of consolidating and strengthening itself.

This is perhaps not the place for an examination of Dr. Sun's character and life work, nor of the part that he played in developing and stimulating Chinese Nationalism, which, from the early days in which almost its sole champions were the students and it was itself half contemptuously designated the 'Student Movement', grew, during the years under review, into a potent force permeating all classes throughout the whole country, until it was generally believed to be bringing about a spiritual revolution that would necessitate a complete readjustment of the attitude of the Treaty Powers towards China. Dr. Sun's death in no way weakened the Kuomintang (Nationalist Party) which, from the early days when it constituted the Parliamentary opposition to Yüan Shih-k'ai, had become the embodiment of the Nationalist aspirations of the country.

After his death, Dr. Sun's influence appears even to have increased. Without going so far as to say that he was deified by the Nationalist Party, it is no exaggeration to say that he was elevated to a position approximating to that formerly held by Confucius, and that Sunyat-senism became to the new China what Confucianism had been to the old. His writings[1] were invested with an almost scriptural authority, which it was impious to doubt; his tomb was to be a place of pilgrimage; all public functions opened with a ceremony consisting of bowing three times to his portrait and reading aloud his last will.[2]

[1] An excellent analysis of Dr. Sun's political lectures, the 'Three People's Principles', by Ivan D. Ross, was published in the *Nineteenth Century Review* for February 1927.

The North China Herald of the 22nd January, 1927, gives a translation of a summary of Dr. Sun's teachings: 'Main outline for the Reconstruction of the National Government', by Dr. Sun Yat-sen, dated the 12th April, 1924.

[2] *Dr. Sun Yat-sen's Will:*

'For forty years I have devoted my energies to the cause of the National

His doctrines, which were adopted as the creed of the Nationalists, became known as the *San Min Chu I*, or Three People's Principles : he defined these principles as Nationalism, Democracy, and Socialism, or the People's Nation, the People's Power, and the People's Livelihood : of these the first, which represented China as what he styled a ' sub-colony ', lying at the mercy of a number of foreign Powers, involved as a corollary the movement for the cancellation of the unequal treaties that had been extorted from China by the Western nations in the nineteenth century.

This summary of China's internal history during recent years may demonstrate the difficulties that confronted the Powers, and particularly, in view of her greater stake, Great Britain, in the task of remodelling their policy in the light of the aspirations of a nationality-conscious China and of the commitments entered into at Washington. On the one hand, the Chinese demand for the abolition of the privileged position of aliens was growing year by year more clamant ; on the other hand, every year saw greater and greater disruption in China and the fading away of any central authority with which negotiations might be undertaken. The former of these factors found concrete expression in the new treaties[1] concluded by China and in the Trade Mark Law ;[2] the effects of the latter were demonstrated in the *fiasco* of the Tariff Conference[3] and in the obstacles that prevented the rendition of Weihaiwei.[4]

These conflicting forces were bound to give rise, sooner or later, to a crisis ; this crisis took the form of the Shanghai riots of the 30th May, 1925,[5] and brought to a focus the whole of the tendencies and movements that were operating in the Chinese body politic. The shooting at Shanghai on the 30th May and the subsequent events were inevitably fated to have a vital and permanent effect on China's international relations, and particularly on Sino-British relations.

Revolution. The object of the latter is to seek a position of independent equality for China. The experience of forty years has caused me to realize that, if it is desired to achieve this object, the people must be aroused, and we must strive in unison with all these nations of the world who deal with us on a basis of equality. The revolution has not yet achieved its object. All those who are of the same purpose as myself must therefore act in accordance with the precepts of my three books : *A Method of Establishing a Nation*, *A General Plan for the Reconstruction of the National Government*, and *The Three People's Principles*, and also the announcement made on the occasion of the First National Representatives' Conference, and must continue to use every effort to attain the first two ideals of holding a people's conference and of abolishing all unequal treaties. It is essential that this should be brought about within the shortest possible time. My last will and testament.'

[1] See below, Sect. (i).
[2] See below, Sect. (vi).
[3] See below, Sect. (viii).
[4] See below, Sect. (ix).
[5] See below, Sect. (xi) (*a*).

To put these events in their proper perspective, it is necessary to examine the whole of the circumstances, political and economic, that led up to them ; these circumstances included the rise of China's Nationalism, the growth of the Kuomintang and its reaction to Russian influence, and the industrial revolution and the development of trades unionism. It is, however, impossible to separate these factors into watertight compartments, they dovetail into each other, making it impossible, for example, to state with precision how far the strike epidemic that spread so rapidly in China was due to economic and how far to political causes. On the whole, it is clear that economic causes provided a basis of genuine grievances which, added to the general feeling of restlessness provoked by the anarchic conditions prevailing in the country, furnished ample material for the political agitator whose *métier* it was to fish in troubled waters ; in particular, whenever there was a strike of Chinese workmen in foreign employ, it was usually possible to find evidence of a political motive closely interwoven with the industrial demands.

From time immemorial passive resistance, in the form of the boycott, had been a recognized political weapon of the Chinese masses ; prior to 1925 the outstanding example of this was the protracted, if not wholly effective, boycott of Japanese goods consequent on the 'Twenty-one Demands' of 1915 and the failure to annul them at Versailles in 1919. The general strike required, to make it effective, more elaborate organization and had small hope of success until trades unions were firmly established. In 1919 an effort was made to organize labourers' associations on a political basis with a view to calling a general sympathetic strike if the Chinese delegates at Versailles signed the Peace Treaty, but as they did not sign, the effectiveness of the organization was not put to the test.

The succeeding years saw an increasing tendency of the Chinese to form associations for the protection of their interests and to replace or supplement the historic guilds—the associations of employers and employees that were typical of the age of handicrafts—by trades unions adapted to modern industrial conditions. This movement found a particularly favourable atmosphere in Canton, under Kuomintang rule, and it was in South China that the first struggle on a big scale took place. In January 1922 a strike of Chinese seamen broke out in Hongkong ; this lasted for two months, during which time the trade of the colony was paralysed, and eventually spread to the mainland, the ports of Swatow and Canton being seriously affected. In its initial stages, the strike appeared to be of a purely economic nature, the men having demanded large

increases in their scale of wages on account of the increased cost of living[1] and having refused, in spite of the conciliatory attitude of the shipowners, to come to terms or have their demands submitted to an impartial arbitration board. As the strike progressed, however, it became evident that professional agitators, acting from political motives, were at the back of it. The strikers were supplied with funds by the Kuomintang in Canton, and a scheme was proposed by which, in return for the support of the Canton Government, the men were to pay 50 per cent. of their increased wages into the fund for financing Sun Yat-sen's campaign against the north.[2] In the early days of the strike the main body of seamen migrated to Canton, where they established their head-quarters under the aegis of the Kuomintang and with the tacit approval of the Canton Government. The Chinese Seamen's Union (a labour organization backed by the Kuomintang) made strenuous efforts to force on a general strike in Hongkong by intimidating willing workers and attempting to interfere with the food supplies and essential services of the colony.

The strike was ultimately settled at a conference between the shipping companies and the representatives of the seamen held at Hongkong; from the terms of settlement ultimately accepted (which included an advance of wages far short of the men's original demands) it seemed clear that the dispute could have been settled in the beginning by direct negotiations between the employers and the men had there been no outside interference.

The immediate outcome of the strike was a great growth of trades unionism; the unions of Canton emerged from the struggle stronger than ever before, with the knowledge that it lay in their power to cripple the trade of Hongkong whenever they should wish to resort to extreme measures for either economic or political ends. The successful strike at Canton was followed at once by the opening in Shanghai of a branch of the Seamen's Union which lost no time in signalizing its existence by organizing a strike at that port. In this case, however, the trouble was confined to purely Chinese shipping companies which had not followed the advance in wages in Hongkong as the foreign companies in Shanghai had done. Strong efforts were made to resist the strikers' demands, but without success, and after three weeks the strike ended in a complete victory for the men. It was significant that the terms of settlement included the recogni-

[1] According to a report compiled by the Chinese Government Bureau of Economic Information, the cost of living rose approximately 50 per cent. from 1912 to 1922.

[2] See above, p. 311.

tion of the Shanghai branch of the Chinese Seamen's Union as the official organ of the whole body of local seamen.

By the end of 1922 unions had been organized in Shanghai by the workers of practically every trade and calling. There were in that year seventy strikes in Shanghai (as compared with thirty-six in the previous year), involving in all some 80,000 men and women; the greater proportion of these strikes involved questions of wages or working hours, though cases were not wanting in which these factors were altogether absent, and the strike was clearly the work of professional agitators. From other parts of the country also there were frequent reports of labour troubles, the most serious being strikes on the Peking–Hankow and Tientsin–Pukow railways: in both these cases the disputes were undoubtedly due in large measure to the instigation of political agents.

The year 1923 saw fifty-one labour disputes in Shanghai, but none of them were of a serious nature and most were settled within a few days. The acting Commercial Counsellor of the British Legation said, in his annual report:

> In the opinion of the municipal authorities the decline in the number of labour disputes last year is mainly due to the fact that the activities of Bolshevik and other agitators have been less vigorous during the past twelve months. In other parts of China labour conditions last year appear to have been fairly normal, except in Canton, where the constant unrest and disorder have resulted in an enormous increase in the cost of living and, as a natural consequence, much discontent among the working classes.

The returns of the Shanghai Municipal Council showed strikes in Shanghai in 1924 resulting in a loss of 289,730 days. The strikes were for the most part due to economic or minor grievances. One serious dispute, at a Chinese tobacco factory, resulted from the activities of a band of agitators who had managed to get control of the employers' union. Inquiries by the Shanghai Municipal Police showed that the prolongation of the strike was due to intimidation by the leaders, eighteen of whom were tried and sentenced to punishment up to three months' imprisonment. As an illustration of the readiness of the Chinese to use the strike weapon for ends other than economic or industrial, mention may be made of a strike which took place in Chapei, a Chinese administered district just over the boundary of the international settlement. In consequence of a fire, which proved disastrous principally through a shortage of water, traders closed their shops on the 14th March, 1924, to further a demand for the conversion of the officially controlled Chapei Water-

works and Electricity Companies into private concerns. They gained their point after they had been on strike for two days.

There was also a very significant strike and boycott at Canton, the grounds of which were clearly political. On the 19th June, 1924, a bomb attempt was made, in the British Concession at Canton (Shameen) against Monsieur Merlin, Governor-General of French Indo-China, and there were numerous European casualties. The Shameen Municipal Council thereupon instituted various regulations for the control of Chinese in the Concession, particularly with regard to having passes to enter the island by night. These were resented by the Chinese, and a general strike, lasting from the 15th July to the 19th August, ensued. The strike involved all Chinese workers—clerks, police, and labourers—on Shameen, and included a boycott of all British and French steamers; consequently during the period of the strike no freight was handled by the usual lines of steamers to Hongkong save foodstuffs for the foreign residents of Shameen.

Negotiations for the termination of the strike went on daily, but members of the Canton Government deliberately obstructed a settlement until the struggle with the merchant volunteers[1] and the impending general strike in the city of Canton led to a sudden withdrawal of their support from the strikers, whereupon the strike suddenly collapsed and the men involved were unable to secure favourable terms: the matter of payment of wages to strikers during the time of absence from work was left to the discretion of individual employers and the disloyal police were not reinstated. The terms of settlement appeared on the whole to represent a victory for the Municipal Council, but in the light of after events it would seem that this first essay demonstrated to the Kuomintang how powerful a weapon a properly directed general strike might prove.

The labour position in China at the end of 1924 is dealt with fully in a British Government Blue Book: *Papers respecting Labour Conditions in China*.[2] This shows that, although in 1923 Provisional Factory Regulations had been issued by the Peking Government, they were everywhere a dead letter, that in Shanghai child and female labour was in extensive use, children commencing work sometimes at the age of five years, and that hours of labour were excessively long. The reports also contained evidence of the growth of trades unionism: in Shanghai there were shown to be seventy-nine trades union associations; statistics of membership were given in respect of less than half of them, but these showed a total of 84,000. In Canton there were shown to be a large number of similar organiza-

[1] See above, p. 315.

[2] *China No. 1* (1925) [Cmd. 2442].

tions which were in every case affiliated to the extreme wing of the Kuomintang, and among which Bolshevik and anti-foreign propaganda were widely disseminated, some of the associations being members of the Communist Party of China.

The whole course of events during the years under review showed that an intimate connexion existed between the labour movement on the one hand and the Kuomintang and the Cantonese Nationalist Government on the other, and that the exploitation of labour unrest was destined to be a potent instrument in the hands of the Kuomintang.

The Kuomintang[1] itself had a history dating back to the early days of the Chinese Republic. The party was the lineal descendant of the T'ungmenghui, or Confederate Association, formed by Dr. Sun Yat-sen in Japan in 1907 by the amalgamation of various anti-dynastic societies. The T'ungmenghui was the motive force behind the Revolution of 1911 ; it was reorganized as the Kuomintang after the consummation of the Revolution, and then included reforming elements which had remained outside it prior to the overthrow of the Manchu Empire. It almost immediately, through its majority in the National Assembly, came into conflict with Yüan Shih-k'ai ; it fomented the abortive ' Second Revolution ' of 1913, after which it was proscribed and the National Assembly was dissolved. It again enjoyed a brief space of power under the first presidency of Li Yüan-hung (1916-17), but in June 1917 it again came into conflict with the militarist Cabinet, and the Parliament was again dissolved, and then led a peripatetic existence until the establishment of the Southern Government in Canton in 1921. The Southern, or Nationalist, Government was from the first a purely Kuomintang body.

The Kuomintang, as is inevitable with every progressive party, embraced various shades of opinion, and the vicissitudes through which it passed tended to harden the lines of division : the party was united on the principles of Nationalism (the abolition of the extraterritorial system, the recovery of the Concessions, tariff autonomy and the overthrow of the military régime), but otherwise there was a wide breach between the moderates of the right wing and the extremists of the left. The principal cause of division was the Soviet influence which, from the day in 1923 when Dr. Sun Yat-sen brought Mr. Michael Borodin to Canton as an adviser, became more

[1] The exact translation of the Chinese characters romanized as Kuomintang would be Nationalist Democratic Party, which is conveniently summarized as ' Nationalists '.

and more potent every year, and inculcated the left wing with extreme views which, in their most pronounced manifestations, were definitely Communist. At the same time, with growth of Russian influence and the ascendancy of the left wing, hostility to the so-called 'Imperialistic Powers', and particularly to Great Britain, became increasingly marked.

The relations between the Nationalist Government and the Kuomintang crystallized in June 1925, when a definite system was adopted. The Kuomintang Nationalist Congress, which met at fairly frequent intervals, selected from among its prominent party members in all parts of China a Central Executive Committee. This Committee was the supreme authority in all purely party matters, and co-ordinated the activities of the organization throughout the world. (A very large proportion of the Kuomintang's funds was, from the beginning, derived from its overseas branches.) The Central Executive Committee was not directly concerned in the administration, but it selected the Political Council, which was the controlling Cabinet of the Nationalist Government. Although the Political Council was selected by the Central Executive Committee of the Kuomintang, and was in fact the political instrument of the Party, the Government professed to be entirely separate from the Party, and would acknowledge no responsibility for its actions and propaganda.

The Soviet pattern was obvious in this system, and the resemblance extended through all the machinery of the Government. The offices of civil and military governor were replaced by committees, and the committee system was applied in all branches of the administration: this system was designed to overcome the fissiparous tendency which had so often led to the break-up and overthrow of Governments and authorities in China.

Although, up to the end of 1925, the Nationalist Government controlled only a varying area in Kwangtung and Kwangsi, the Kuomintang permeated the whole of China: its influence was naturally strongest in the southern provinces, but its ramifications extended over the whole country, particularly in the large industrial towns and in the educational centres. The events of 1925[1] came to it as a heaven-sent opportunity for consolidating its influence and for testing its power, and resulted in the establishment of the supremacy of the Soviet-inspired left wing over the moderates of the right.

[1] See below, Section (xi).

Biographical Notes on Principal Chinese Leaders

Chang Tso-lin.

A native of Manchuria, born in 1874. He received no education, and started life as a *hunghutze*, or brigand. He was an irregular ally of Japan during the Russo-Japanese War, after which he and his *hunghutze* were taken into the Chinese Government service, when he received quick promotion. In 1913 he was appointed Military Governor of Fengtien, and continued to hold that post from that time onwards. He served Yüan Shih-k'ai faithfully until the collapse of the latter's monarchical movement in 1916. In 1918 he was appointed Inspector-General of the Three Eastern Provinces (Manchuria). Jointly with Ts'ao K'un he led an expeditionary force for the overthrow of the Anfu Government in the summer of 1920. In May 1922 he was defeated by the Chihli Party, after which he was dismissed from his posts, but in spite of dismissal he remained in power in Manchuria, which he ruled as an autonomous territory.

Chiang Kai-shek.

Otherwise Chiang Chung-cheng. A native of Chekiang, born in 1886. He joined the Kuomintang early in life, but did not rise into prominence until 1924, when he was appointed principal of the Whampoa Cadet School at Canton. He recruited a number of students for this institution in Shanghai at the end of that year from the broken troops of Lu Yung-hsiang, and at one time had under him as many as 800 cadets and 2,500 non-commissioned officers under special training. These he sent out to the different armies in Canton to reorganize and consolidate them with the aid of Soviet funds and munitions. He then took the field against Sun Yat-sen's rivals, defeated them, destroyed the Yunnan and Kwangsi mercenaries (1925), and speedily established himself as the outstanding military leader of the Nationalists. It was, however, uncertain how much of his success he owed to his own undoubted energy and ability, and how much to his Russian advisers, of whose control he was reported to be impatient.

Feng Yü-hsiang.

Commonly known as ' the Christian General '. A native of Anhui. He first saw service in the Tibetan campaigns of 1908–10. In 1917 he took part, under Tuan Ch'i-jui, in the suppression of the monarchist *coup d'état* of Chang Hsün, but he was said to have conceived hostility against Tuan on account of his failure to receive promotion. When ordered to Hunan to oppose the Cantonese, he asked for and obtained a large sum of money, and then, instead of proceeding to Hunan, settled down at Wusüeh, in Hupeh, where he maintained himself in independence. In 1920, he took part, with Wu P'ei-fu, in the anti-Anfu campaign, after which he was given the command of the Eleventh Division, which he brought to a high pitch of efficiency and discipline. In 1921 he was appointed tuchün (military governor) of Shensi, and in 1922 his troops played a decisive part in Wu P'ei-fu's defeat of Chang Tso-lin. In 1923, by a stage-managed mutiny, he brought about the resignation of President Li Yüan-hung ; he executed another *coup d'état* in 1924, when he suddenly deserted Wu P'ei-fu in his war with Chang Tso-lin, seized Peking, imprisoned President Ts'ao K'un,

ejected the ex-Emperor Hsüan-t'ung and set up a provisional Government. The end of 1925 saw him at war with Chang Tso-lin, but in the course of this campaign he suddenly resigned all his posts and retired to Moscow with the avowed object of studying Bolshevism. He was a strong Nationalist, and was reported to be particularly anti-Japanese but not essentially anti-foreign.

Sun Ch'uan-fang.

Born in Shantung in March 1885. He graduated at the Peiyang Military College in 1906 and continued his military education until 1909, when he passed the military examination and was gazetted as an officer. In 1921 he was appointed to the command of the Twenty-eighth Division, and later in the same year he was given the post of Commander-in-Chief of the Upper Yangtze. In 1923 he invaded Fukien and became Military Governor of that province ; in the war of 1924 he seized the opportunity to repeat the process in Chekiang ; and in October 1925 he invaded Kiangsu and drove out the Mukden army of occupation, becoming overlord of the five provinces of Fukien, Anhui, Kiangsi, Kiangsu, and Chekiang. His campaigns showed him to be a skilful strategist with a genius for swift action. He also appeared to be an efficient ruler.

Sun Yat-sen.

Also known officially as Sun Wen, and generally designated Sun Chung-shan by Chinese. A native of Kwangtung, born in 1866. He learnt English at an early age, studied medicine at Hongkong, and graduated as ' Licentiate of Medicine and Surgery, Hongkong ' in 1892. From his early days he was a pronounced revolutionary. He practised medicine in Macao, where he founded the ' Young China Party '. He subsequently settled in Canton, but, after the failure of a conspiracy in 1895, he became an exile and fled first to Macao and thence to Hongkong, Japan, Honolulu, and the United States, in all which places he won adherents to his cause. In 1896 he was kidnapped in London by the orders of the Chinese Minister and was confined in the Chinese Legation ; news of his plight was conveyed to the Foreign Office through the instrumentality of his old friend Dr. Cantlie, and he was released on the representations of Lord Salisbury after twelve days' confinement. He subsequently carried on his campaign of revolutionary propaganda in Europe, America, the Straits Settlements, and Japan, where he founded the *T'ungmenghui*, which was the driving power of the revolution of 1911. Dr. Sun was in England when the Revolution broke out, but he arrived in China by the end of 1911, when he was elected Provisional President of the Republic. He resigned from the Presidency in favour of Yüan Shih-k'ai on the abdication of the Manchus in 1912. In September 1912 he was appointed by the President ' to consider draft plans for a national system of railways ' and produced a very extensive programme. His appointment was cancelled on the outbreak of the rebellion of 1913, and he took up his residence in Japan. In 1921 he was elected ' President of China ' by the Parliament assembled at Canton ; his subsequent career up to his death on the 12th March, 1925, has already been narrated.[1]

[1] See above, pp. 310 *seqq.*

Wu P'ei-fu.

Born in Shantung in 1873. He obtained the degree of *hsiu-ts'ai* (B.A.) under the old examination system in 1894, after which he graduated with honours from the Tientsin Military Academy in 1898. After the completion of his military education, he joined the regular army, and commanded a battalion in the Third Division, under the command of Ts'ao K'un. After the establishment of the Republic he took part in campaigns in Shansi, Honan, and Szechuan, and was promoted in 1916 to the command of the Sixth Brigade, and in 1917 to that of the Third Division. In 1920 he participated in the campaign for the overthrow of the Anfu régime and was then appointed Vice-Inspector-General of Chihli, Shantung, and Honan. In 1921 he was appointed Inspector-General of Hupeh and Hunan and in 1922 he defeated Chang Tso-lin in the struggle for the control of Peking. He then, on Ts'ao K'un's 'election' to the Presidency, became Inspector-General of Chihli, Shantung, and Honan, and reached the zenith of his power. His attempted reunification of China by force in 1924 led to the break-up of his power, after which his fortunes underwent many fluctuations. He had the reputation of being a sound Chinese classical scholar and a good soldier, but a poor judge of men and an inefficient statesman.

(i) China's New Treaties.

(*a*) The Treaties with Switzerland, Bolivia, and Persia

China's desire for the remodelling of her treaty relations with foreign powers on a basis of equality and reciprocity found concrete expression in the new treaties concluded by her. The last treaty in which she conceded extraterritorial rights was that concluded with Switzerland on the 13th June, 1918.[1] Article 2 of this treaty provided that Swiss diplomatic and consular officers in China and Chinese officers in Switzerland should enjoy the same rights, privileges, favours, immunities, and exemptions as were accorded to the diplomatic or consular officers of the most favoured nation. A joint declaration signed at the same time stated explicitly that Swiss consular officers in China should have the right of exercising extraterritorial jurisdiction by virtue of this most-favoured-nation provision.

China's next treaty, that with Bolivia, which was signed at Tokyo on the 3rd December, 1919, was *mutatis mutandis* identical with that concluded with Switzerland. In this case, however, an exchange of notes between the two plenipotentiaries expressly excluded extraterritoriality from the most-favoured-nation provision.

The treaty with Persia, signed at Rome on the 1st June, 1920, carried the process a step further towards reciprocity and equality. This treaty was in seven articles. It provided for perpetual friend-

[1] MacMurray, *Treaties and Agreements with and concerning China*, p. 1429.

ship between the two contracting Powers (Art. 1); for the reciprocal appointment of diplomatic agents enjoying most-favoured-nation privileges, 'sauf de droits relatifs à la juridiction consulaire' (Art. 2); for reciprocal respect and protection for nationals of either Power travelling or residing within the territories of the other (Art. 3); for reciprocal submission to Chinese or Persian jurisdiction, in civil or criminal matters, by Persians in China or Chinese in Persia respectively (Art. 4); and for reciprocal appointment of consular officers enjoying most-favoured-nation privileges, for the obtaining of *exequatur* by such consular officers, and for the non-appointment of trading consuls except in an honorary capacity (Art. 5). This was the first treaty concluded by China expressly vesting her with full jurisdiction over aliens residing within her borders.

(*b*) The Sino-German Treaty

The treaty with Germany[1] signed at Peking on the 20th May, 1921, by Drs. W. W. Yen and H. von Borch, was the first treaty between China and a European Power in accordance with principles of equality and reciprocity, and it marked a further stage in that it explicitly applied these principles to questions of taxation and tariff. China's new position was clearly defined in the words of the preamble 'recognizing that the application of the principles of respect for territorial sovereignty, equality and reciprocity is the only means to maintain a good understanding between the two nations'.

The treaty was a simple document, resembling in its form that with Persia, but with some significant modifications, the most striking of which was the careful avoidance of the formula 'most-favoured-nation'. The first article, dealing with the status of diplomatic agents, provided that they should enjoy the privileges and immunities 'accorded to them by international law'. Article 2 in the same way prescribed that consular officers of either country 'shall be treated with the consideration and regard that are accorded to the agents of the same rank of other nations'. Article 3 gave citizens of either country the right to travel or settle in all places within the territories of the other where the citizens of another nation were allowed to do so; it placed them under the local laws and subjected them to the jurisdiction of the local courts, with the proviso that they should not pay taxes at a higher rate than the nationals of the country. Article 4 recognized the right of either republic to fix its own tariff, but it provided that neither party should discriminate in favour of its own nationals against those of the other party.

[1] Text in *China Year Book*, 1925, p. 783.

This somewhat rudimentary form of treaty was expanded in greater detail in a declaration made by the German representative and in an exchange of notes : in the declaration Germany recited her desire for a re-establishment of friendly relations, and her acceptance of the principles of perfect equality and absolute reciprocity as the basis of treaty engagements : she undertook to fulfil the obligations arising out of Articles 128–34 of the Treaty of Versailles, and stated her inability, in view of the provisions of that treaty, to restore to China her rights in Shantung ;[1] she consented to the abrogation of German consular jurisdiction in China, renounced in favour of China all rights in the glacis[2] of the German Legation at Peking, and undertook to refund to China the cost of internment of German military persons in China.

By the exchange of notes, Germany confirmed to China the provisions of Article 264 of the Versailles Treaty, guaranteeing most-favoured-nation treatment to Chinese goods imported into Germany ; provided for the payment of an indemnity consisting of $4,000,000 in cash and the balance in railway bonds ; undertook to return the property of Chinese resident in Germany, and agreed to facilitate the admission of Chinese students to schools in Germany.

China on her part promised to give full protection to Germans in China and to abstain from any unlawful sequestration of their property, provided that Germany accorded the same treatment to Chinese within her territories. The most important undertaking of the Chinese Government was that with regard to the exercise of jurisdiction over Germans :

> Law suits of Germans in China shall be tried in the modern courts,[3] according to the modern codes, with the right to appeal, and in accordance with the regular legal procedure. During the period of litigation, the assistance of German lawyers and interpreters, who have been duly recognized by the court, is permitted.

This undertaking, which assured to Germans immunity from the jurisdiction of the unreformed Chinese courts, constituted a great safeguard against abuses in judicial proceedings. The Chinese undertaking further promised an effort to deal with the question of Germans tried in the Mixed Court (presumably that at Shanghai). It also provided for the termination of China's Trading with the Enemy Act, for the revalidification of registered German trade-

[1] See Articles 156–8 of the Treaty of Versailles.

[2] Cf. the Protocol (of the 13th June, 1904) regarding the Legation Quarter at Peking (MacMurray, p. 315).

[3] i.e. *Shen-p'an T'ing*, see p. 51 of the British Government Blue Book *China No. 3* (1926) *Report of the Commission on Extra-territoriality in China* [*Cmd.* 2774].

marks, and for the application of the conventional tariff to German goods pending the general application of China's national tariff. Provision was also made for the liquidation of Sino-German indebtedness: this was linked with the indemnity payment promised by Germany, and the matter was not finally wound up until three years later.

There had in the meantime been numerous attempts to adjust the matter, but these all failed owing to inability to agree on the amount of the indemnity, left open in the 1921 agreement, to be paid by Germany. There appears to be reason to believe that the settlement that was reached in June 1924 was facilitated by the Peking Government's pressing need for funds in view of the approaching civil war. After some internal friction occasioned by the Senate's demand that the agreement should be submitted to Parliament before signature, a claim which the Cabinet rejected, the outstanding issues relative to the Deutsch-Asiatische Bank and to the indemnity payment were settled by an exchange of notes on the 6th and 7th June, 1924.[1]

By this settlement the Chinese Government agreed to reinstate the Deutsch-Asiatische Bank as an issuing bank under the loan agreements and to return its buildings at Peking and Hankow. Compensation to the extent of $1,950,000 in Tientsin–Pukow and Hukuang Railway Bonds was to be made by China for the bank's immovable properties in other parts of China which had been liquidated, and the Chinese Government agreed to validate all bonds of German issue of the Tientsin–Pukow Railway, Hukuang Railway and Reorganization Loans.

As regards the indemnity, China agreed to release the balance of German private property held by her, the value of which, with that released since 1921, was agreed as being between $69,000,000 and $70,000,000. Germany undertook to hand over forthwith to China Tientsin–Pukow and Hukuang Railway Bonds and drawn coupons to a total value of $34,839,977·35, making, with the $4,000,000 paid in cash in 1921, half the value of the released property. Germany also undertook to settle all outstanding claims of German nationals against the Chinese Government, except claims in connexion with the service of Chinese Bonds, and to deliver to China for cancellation coupons of the Reorganization Loan Bonds to the value of $9,160,094·60 (£1,087,768).

France made a formal protest against this reparation settlement as not being in accordance with Article 260 of the Versailles

[1] Text in *China Year Book*, 1925, pp. 786–8.

Treaty, to which China replied that her relations with Germany were governed solely by the 1921 agreement and that she was not bound by the Treaty of Versailles, which she had not signed.

Next in chronological order to the treaty with Germany was the treaty between China and the Union of Soviet Socialist Republics, signed at Peking on the 31st May, 1924, but it will be more convenient to consider Sino-Soviet relations as a connected whole.[1]

(c) The Sino-Austrian Treaty

The treaty of commerce between China and Austria, signed at Vienna on the 19th October, 1925,[2] was by far the fullest and most artistic of the treaties contracted by China under modern conditions, and in view of the inclusion in it of various provisions (e. g., Articles 5, 13, and 14) which were hardly likely to be applicable to Austria, it would seem that it was designed by China to serve as a model of the bilateral treaties which she hoped eventually to substitute for the ' unequal treaties '. It therefore merits an extended examination.

The preamble recited the basis of the treaty as being the principles of a perfect equality and absolute reciprocity. Article 1 provided for the enjoyment by the citizens of either country residing in the territories of the other of the protection of the laws of the country of their residence ; it gave them liberty to travel, carry on business, &c., in compliance with the laws or regulations of the country in all places where nationals of other countries might do so ; it applied these provisions to commercial travellers and to companies, ' which are always subject to the laws and regulations in force.'

Article 2 provided for the appointment of diplomatic agents and consular officers enjoying reciprocally the privileges accorded by the law of nations, or by international law and usages. Provision was made for the obtaining of *exequatur* by consuls, and for the non-appointment of trading consuls except in an honorary capacity. Article 3 required the carrying of passports by citizens of either country visiting the other.

Article 4 made citizens of either country amenable in criminal or civil cases to the jurisdiction of the country of residence. There was a reciprocal undertaking not to sequestrate the property of nationals of the other country except in accordance with the law of nations and the law of the country of residence. Austrian citizens in China were

[1] See Section (ii) below.

[2] Text in *Bundesgesetzblatt für die Republik Oesterreich*, 13th July, 1926. Ratifications were exchanged on the 15th June, 1926, and the treaty entered into force on the 15th September, 1926.

to be justiciable only in the modern Chinese tribunals and in accordance with the new laws, the assistance of recognized lawyers and interpreters, of Austrian or other nationality, being permitted.

Article 5 provided for reciprocal most-favoured-nation treatment of workmen, and the granting to them of the same protection as to national workmen. In view of the scant amount of Chinese labour employed in Austria (or of Austrian labour in China) it would seem that the principal object of this article was to furnish a precedent when China should come to negotiate new treaties with countries where labour immigration was a more vital issue.

Article 6 required citizens of either country to observe the laws of the country of residence, and provided that they should not pay taxes higher than those paid by nationals, while Article 7 provided for reciprocal exemption from military service or its equivalent.

Article 8 provided for reciprocal tariff autonomy and laid down that citizens of either state were not to be charged higher import or export duties than those collected from nationals, and that produce or manufactures of either country imported into the other should be treated reciprocally on an equal footing.

Article 9 provided for mutual observance of custom house regulations; Article 10 dealt with deceased estates and succession, and provided that taxes and fees were to be limited to the amount collected from nationals, and that succession questions were to be governed by the law of the deceased's country; and Article 11 subjected citizens of either country resident in the other to the police regulations and local taxation, rates, or licence fees of the country of residence.

Article 12 protected business premises from perquisition except in accordance with the express provisions of the laws in force in the country and applicable to nationals; it also safeguarded commercial books and correspondence from illegal inspection.

Article 13 conferred mutual shipping rights and immunity of ships and cargo from seizure except on legal grounds; and Article 14 provided for reciprocal assistance in case of shipwreck. Both these articles again would appear to be designed rather as a precedent for further treaties than to meet the needs of the immediate case.

Article 15 provided for mutual protection of registered trade-marks or designs and for the revalidification of Austrian trade-marks formerly registered; Article 16 provided for prohibition of import or export of particular goods and for punishment of infringements; import or export prohibitions were to be without regard to the place of origin

or destination, except in case of prohibitions for reasons of public safety or of sanitation.

Article 17 provided that for matters not dealt with in the treaty the principles of equality and reciprocity should be applied ; Article 18 consisted of a saving clause for the Treaty of St. Germain ; and Articles 19–21 contained provisions regarding the duration, interpretation, and ratification of the treaty.

(ii) Treaties between China and the U.S.S.R.

In all the cases dealt with in the preceding section China was able to negotiate treaties with her hands unfettered by existing commitments. Switzerland, Bolivia, and Persia were entering into treaty relations with China for the first time, and in the case of Germany and Austria the former treaties had been terminated by the declaration of war and the only document binding on China in relation to either of them was the Treaty of St. Germain. There had, however, been no such clear cut in China's relations with Russia, but a situation had gradually evolved in which she had ceased to recognize the former Tsarist régime without entering into formal relations with the Soviet. There were, moreover, two live issues pending between the two states —Russian encroachment in Outer Mongolia [1] and the status of the Chinese Eastern Railway.

During the first years after the Revolution in Russia, Chinese relations remained theoretically unaltered : the Russian Minister, Prince Koudacheff, remained in Peking as the representative of the Russian Empire, and the Russian consuls continued to exercise their functions undisturbed. The first move towards the remodelling of the position between the two countries took place on the advance of the Soviet armies into Siberia. On the 25th July, 1919,[2] the Soviet Deputy Commissar for Foreign Affairs addressed ' to the Chinese people and to the Governments of North and South China ' proposals for entering into official relations. (The close coincidence of this appeal with the date of signature of the Treaty of Versailles is noteworthy ; the dispatch of this message was evidently prompted by the idea that it would probably be favourably received by China while she was smarting under the disappointments which she had encountered at the Peace Conference.) These proposals took the form of a declaration setting forth the professions of the Soviet régime and denouncing the Allied intervention in Siberia. The following concrete offers were made to China as an inducement to her

[1] See *Survey for 1920–3*, Part VI, Section (i).

[2] It does not appear to have been received in Peking until early in 1920.

to enter into formal relations: (1) abandonment of all conquests made by the Tsarist régime; (2) free restoration of the Chinese Eastern Railway and the various rights connected with it; (3) total renunciation of the Boxer Indemnity (this term was coupled with a demand for the expulsion from China of the Russian Minister or Consuls of the former régime); (4) abolition of all special privileges including extraterritoriality; (5) negotiation of all other questions and liquidation of all acts of violence and oppression committed towards Chinese by former Russian Governments.[1]

This declaration, which further intimated to China that her only ally and brother in the fight for freedom were the Russian workman and peasant and their Red Army, appears to have been regarded by the Anfu Government, then in power in Peking, as little more than a piece of propaganda and not to have been taken seriously: the status of the Russian representatives in China remained unchanged, although China seized the opportunity to cancel, in November 1919, the tripartite Kiachta Agreement of 1915, and, in January 1920, the Russo-Chinese Agreement of 1915 relating to Houlounbouir (Hailar).

As it became clear that the new régime in Russia was firmly establishing itself and was rapidly extending its power further and further eastward, while the Allied intervention in Siberia was proving fruitless, China's attitude towards the old régime changed, and from March 1920 the intention of the Government to adopt a new policy in Sino-Russian relations became more evident. In the summer of 1920 the Chinese Minister for Foreign Affairs, Dr. W. W. Yen, obtained permission for M. Dzevaltovsky (alias Yurin), a member of the Central Siberian Soviet, to proceed to Peking from Kiachta. M. Yurin established himself in Peking with a numerous staff, professedly with the object of negotiating a treaty between the Far Eastern Republic and China. On the 1st August, 1920, the Chinese Government suspended the payment of the share payable of the Russian portion of the Boxer Indemnity, and on the 23rd September of the same year a mandate was issued suspending the recognition of the Russian Minister and Consuls in China. As regards the Russian civil war, the mandate said that China would observe neutrality and direct herself by the attitude of the Powers of the Entente.

This measure, by suspending the functions of Russian representatives in China, brought to an end the consular jurisdiction and abrogated the extraterritorial rights of Russians. As a *modus vivendi*, the Chinese Government created a special judicial district in

[1] *China Year Book*, 1924, p. 868.

the Chinese Eastern Railway Zone, in which special District Courts and a special High Court were established for the trial of cases to which Russians were parties. Russian jurists were attached to these courts in the capacity of counsellors and Russian lawyers were allowed to plead in them.

On the accomplishment of China's severance of relations with the representatives of Tsarist Russia, the premises of the Russian Legation in Peking were taken into the custody of the remaining Protocol Powers, and were placed under the supervision first of Prince Koudacheff, the ex-Russian Minister, and, on his departure from China in January 1921, under that of the Netherlands Minister.

Immediately after this *démarche*, the Soviet Government renewed its proposals for entering into formal relations and concluding a treaty with China, and on the 2nd October, 1920, addressed a further note[1] to the Chinese Government, giving the outlines of the terms proposed to be embodied in the new treaty, following the general lines of the declaration of the 25th July, 1919. Although M. Yurin remained in Peking endeavouring to persuade the Chinese Government to open negotiations, no concrete steps were taken until after his supersession, in August 1922, by M. Joffe, formerly Soviet envoy to Berlin: the Sino-Soviet Conference was formally opened on the 2nd September, 1922. M. Joffe, however, was not able to bring his mission to a successful issue, and was replaced, in August 1923, by M. Karakhan, the author of the 1919 and 1920 declarations.

By the 14th March, 1924, the negotiations had progressed so far that a draft treaty was initialed, but various difficulties supervened before the treaty was finally concluded on the 31st May. Recognition by China did not now possess the same importance to the Soviet that it had at the opening of the negotiations, in view of her recent recognition by Great Britain (1st February, 1924) and Italy (7th February, 1924); she was therefore inclined to demand unconditional recognition by China prior to the signature of the treaty. Difficulties were also raised by China with regard to the clauses relative to the Chinese Eastern Railway and to Outer Mongolia, and the Chinese plenipotentiary was changed, Dr. K. Wellington Koo being replaced by Mr. C. T. Wang. The treaty as finally signed was, however, substantially the same as that initialed on the 14th March.

This treaty[2] (which, it may be remarked, was drawn up and signed in English) provided for the re-establishment of normal relations between the two parties and the transfer to the Soviet of the Legation

[1] *Op. cit.*, 1924, p. 870.
[2] Text in *China Year Book*, 1924, pp. 1192–1200.

and Consular buildings (Art. 1), and for the holding within one month of a conference to conclude detailed arrangements for carrying out the treaty, such arrangements to be completed within six months (Art. 2). This conference was to demarcate frontiers and regulate questions of navigation of frontier rivers, lakes, &c. (Arts. 7 and 8) and to discuss claims (Art. 14). All former treaties and agreements between China and Russia were cancelled and were to be replaced by new treaties on the basis of equality, reciprocity and justice, and of the Soviet declarations of 1919 and 1920 (Art. 3). The Soviet Government declared void any treaties affecting China concluded by Russia with third parties, and each party undertook not to enter into agreements prejudicial to the interests of the other (Art. 4). The U.S.S.R. recognized Outer Mongolia as an integral part of China and under Chinese sovereignty, the question of the withdrawal of Soviet troops being left for settlement at the conference provided for in Article 2 (Art. 5). Either party undertook not to permit within its borders the existence or activities of organizations subversive to the other party, and gave a mutual pledge to abstain from hostile propaganda (Art. 6). The U.S.S.R. renounced all Russian Concessions in China (Art. 10), the Russian share of the Boxer Indemnity (Art. 11), and extraterritorial rights (Art. 12). Both Governments undertook, simultaneously with the conclusion of a commercial treaty at the conference to be held under Article 2, to draw up a customs tariff on a basis of equality and reciprocity.[1]

There were appended to the treaty an agreement for the provisional management of the Chinese Eastern Railway, and seven declarations, dealing respectively with Russian Government property in China and Chinese Government property in Russia, the Russian Orthodox Mission, the non-recognition by China of any treaty affecting Chinese rights concluded between Russia and a third Power since the Tsarist régime, the non-transfer of the Russian Concessions to a third Power, the disposal of the Russian share of the Boxer Indemnity, the exercise of jurisdiction over Soviet nationals, and the employment of Russians and Chinese on the staff of the Chinese Eastern Railway. By an exchange of notes effected at the same time China undertook to discontinue the services of all subjects of the former Russian Empire employed in her army and police force.

[1] There was a slight degree of ambiguity in the English text of this article; in the Chinese translation the provision for tariff revision was clearly expressed to apply to the customs tariff of both countries. Unless this was to be a dead letter, it gave China a right to consultation with regard to the Soviet tariff, and thus represented a considerable advance towards the attainment of a position of equality in the family of nations.

The most immediately important matter dealt with in this treaty was the status of the Chinese Eastern Railway, which was provided for in Article 9, but the questions relating to this will be examined later.[1] There was, however, an immediate political repercussion: the Chinese Eastern Railway lay wholly within the territories controlled by Marshal Chang Tso-lin, who was at the time independent of Peking and who absolutely declined to recognize this agreement. The clauses relating to the railway therefore remained in abeyance, and no action was taken to render them operative until a special agreement (called the 'Agreement between the Autonomous Government of the Three Eastern Provinces of the Republic of China and the Government of the Union of Soviet Socialist Republics',[2] was signed on the 30th September, 1924. This agreement consisted of detailed provisions regarding the Chinese Eastern Railway, and six other articles reproducing respectively the provisions of Articles 6, 8, 2, 7, 13, and 15 of the treaty of the 31st May.

The terms regarding the railway, and the differences between those in the Peking and Mukden agreements, are examined below. Apart from these differences, the one significant fact about the Mukden agreement was that it recognized Marshal Chang's Government of the Three Eastern Provinces (i. e. Fengtien, Heilungkiang and Kirin, which together make up Manchuria) practically on the footing of a separate and independent state, and this at a time when he was in open rebellion against the Central Government; the effect of this act of the Soviet Government was not minimized by the fact that the Mukden agreement was signed on the very day of the outbreak of hostilities between Chang Tso-lin and Wu P'ei-fu. The action of the Soviet authorities raised a storm of indignation in the capital, and official protests were lodged by the Wai-chiao Pu, but with the collapse of Wu P'ei-fu in the autumn and the consequent change of Government the matter ceased to be of immediate importance.

In a speech made by M. Chicherin to the Central Executive Committee of the Soviet of the U.S.S.R. on the 18th October, 1924, the conclusion of these agreements was proclaimed as a triumph of Soviet diplomacy and as heralding a new era in Sino-Russian relations and in international politics.

> The principal force that has overcome the efforts of foreign diplomats and of Chinese ruling parties under their influence is the daily growing movement of national re-birth of the Chinese people, who see a faithful and sincere friend in our Union. Sino-Soviet friendship will henceforth be an important factor in international politics.

[1] See Section (iii) below.

[2] *China Year Book*, 1925, pp. 797–800.

A resolution of the Committee 'specially underlined the importance for the Union of the development and deepening of its friendship with the peoples of the Orient'.

Some difficulty was experienced in implementing certain of the terms of these agreements. China had undertaken to return to the U.S.S.R. the Russian Legation at Peking, but since the severance of China's relations with Russia in 1920, the Legation had been in the custody of the Diplomatic Body, with whom the arrangements for its rendition had to be made, and in view of the peculiar status of the Legation Quarter at Peking they required certain assurances from the Soviet representative before giving effect to this provision. M. Karakhan appears to have indicated that, although Article 3 of the Peking agreement contained an undertaking to cancel all former treaties, he regarded the Protocols of 1901 and 1904 as still being effective until they had been formally annulled at the conference. On this basis the Dean of the Diplomatic Body agreed, on the 18th August, 1924, to the return of the Legation, and on the 12th September it was formally handed over to M. Karakhan as Soviet Ambassador.

The conference provided for in Article 2 of the Peking agreement should have been opened on the 30th June, but it was postponed on various grounds—first the alleged undesirability of holding it during the hot Peking summer, though the real reason would appear to have been the desire to prevent its clashing with the Mukden negotiations, and then on account of the outbreak of civil war. No steps were taken to give effect to this provision until August 1925, when M. Karakhan publicly announced that he was returning to Moscow and requested that the conference be formally opened before his departure on the 27th of that month. To this request the Chinese Government acceded; the inaugural ceremony duly took place and various sub-committees were appointed, but up to the beginning of the year 1927 no concrete results had appeared.

(iii) Chinese Eastern Railway.[1]

In order to ascertain the effect of the provisions of the Peking and Mukden agreements, a brief review of the initial history of the Chinese Eastern Railway is necessary. Its construction, as a link in the connexion between European Russia and her Pacific seaport, Vladivostok, was a necessary result of topographical conditions, as it saved about 570 miles as compared with the route through Russian

[1] See *North Manchuria and the Chinese Eastern Railway*, published by the Administration of the Railway (Harbin, 1924).

territory along the left bank of the Amur River, quite apart from the political advantage it would yield to Russia as an agent of penetration.

The first step towards the realization of this scheme was the chartering by the Russian Government of the Russo-Chinese Bank (which subsequently became the Russo-Asiatic Bank) on the 22nd December, 1895.[1] Although the bank was nominally a Russian joint-stock company, the Crédit Lyonnais and many other French financial interests were among its founders, and it was stated that, in 1927, 60 per cent. of its shares were still in French hands. The capital, originally 6,000,000 gold roubles, was later increased to 11,250,000 gold roubles, in addition to Tls. 5,000,000 subsequently advanced on permanent deposit by the Chinese Government. While appearing to be a private corporation under Government protection, the political side of the bank's nature was clearly apparent.

The next step was the signature, on the 8th September, 1896, of the contract for the construction and operation of the Chinese Eastern Railway, made between China and the Russo-Chinese Bank.[2] Under this contract the Chinese Government agreed to pay the bank the sum of Tls. 5,000,000, and to participate in proportion to this payment in the profits or losses of the bank. The Chinese Government entrusted to the Russo-Chinese Bank the construction and operation of the railway connecting Chita and the South Ussuri Railway; the bank was for this purpose to organize a separate company, the Chinese Eastern Railway Company. This company was to have a seal given to it by the Chinese Government; its statutes were to be in conformity with Russian usages; its president was to be nominated by the Chinese Government.

Other important provisions of the contract were those giving the company the right to acquire not only land necessary for the 'construction, operation and protection of the line', but also 'lands in the vicinity of the line' for procuring sand, stone, lime, &c.; and also 'the absolute and exclusive right of administration of these lands', and the right to erect buildings of all sorts, and construct telegraph lines for the needs of the railway. Another important clause of the contract provided that after eighty years from its completion the railway should revert to China without payment; after thirty-six years from its completion China would have the right of buying back the line, upon repaying in full all the capital involved, plus accrued interest.

[1] *Manchuria: Treaties and Agreements* (Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 44), p. 17.
[2] *Op. cit.*, p. 13.

The statutes[1] of the Chinese Eastern Railway Company, which was founded as a Russian joint-stock company, were Imperially confirmed on the 4th–16th December, 1896. With the formation of the Railway Company all rights and obligations regarding construction and operation ceded by the Chinese Government to the bank were transferred to it. The sole control of the line was vested in the company, as were also the rights given by China, not merely in connexion with the railway, but also in the field of mineral, industrial, and commercial exploitation. The nominal capital of the company was 5,000,000 gold roubles, divided into one thousand shares. The statutes provided that shares might be held only by Chinese and Russian subjects; as a matter of fact, no shares appear to have found their way into Chinese hands. In addition, bonds were issued under the authorization and guarantee of the Russian Government; the total of these bonds was estimated at between 250,000,000 and 425,000,000 gold roubles.

On the acquisition by Russia of Port Arthur and Dairen[2] (in 1898) a branch of the Chinese Eastern Railway was constructed to these ports. The Treaty of Portsmouth (1905), following on the Russo-Japanese War, transferred to Japan the whole of this line from Changchun southwards, and this section, which was converted to standard gauge, became the South Manchurian Railway. The Chinese Eastern Railway, including the 148-mile branch from Harbin to Changchun, was five-foot gauge, corresponding with the Trans-Siberian line.

In 1916 an agreement was concluded between Russia and Japan whereby a further section of the railway, from Changchun to Laoshaokou on the Sungari River (about 75 miles), was transferred to the latter country, but this agreement does not appear to have been carried into effect: this section was still five-foot gauge in 1927.

The Russian Revolution of 1917 had no immediate effect on the status of the Chinese Eastern Railway, the administration remaining in the hands of anti-Soviet officials. The various measures of inter-Allied control of the railway for the purpose of evacuating the Czechoslovak troops in Siberia have been narrated in a previous volume;[3] these measures were brought to a conclusion on the dissolution of the Inter-Allied Railway Committee on the 25th October, 1922, and of the Technical Board on the 1st November, 1922.

In the meantime, China had taken steps to strengthen her position

[1] *Manchuria: Treaties and Agreements*, p. 34.

[2] Dairen is the Japanese rendering; the town has also borne the names of Dalny (Russian) and Talienwan (Chinese).

[3] *Survey for 1920–3*, Part VI, Section (ii).

with regard to the railway. On the 2nd October, 1920, a further agreement,[1] supplementary to that of 1896, was concluded between the Chinese Ministry of Communications and the Russo-Asiatic Bank, which claimed to be the sole shareholder of the Railway Company. In the preamble to this agreement the Chinese Government notified the bank that, in view of the debt of Tls. 5,000,000, with accrued interest, owing to them under the 1896 agreement, and of the complete disorganization into which Russia had fallen, they had decided to assume direction provisionally of the line, pending an arrangement with a Russian Government recognized by China. The Russian administration and police were abolished, and their work was taken over by the local Chinese authorities. A new Board of Directors was established with five Chinese and five Russian members, the President being, as before, Chinese, and the Vice-President Russian. Posts on the railway were to be shared equitably between Chinese and Russians, and it was stipulated that the railway was a purely commercial undertaking and must not indulge in political activities or claim political attributes. This agreement was deeply resented in Moscow, but the Soviet Government was not at the time in a position to take any effective action. The situation therefore, when the Washington Conference met, was that China was exercising the trusteeship provided for under this agreement.

Although the Chinese Eastern Railway problem was one of the specific items on the agenda of the Washington Conference, it proved impossible to reach any agreement among all the Powers represented, beyond the adoption of the following resolution, which was approved by all the Powers, including China, on the 4th February, 1922 :

> Resolved : That the preservation of the Chinese Eastern Railway for those in interest requires that better protection be given to the railway and the persons engaged in its operation and use, a more careful selection of personnel to secure efficiency of service, and a more economical use of funds to prevent waste of the property.
>
> That the subject should immediately be dealt with through the proper diplomatic channels.

At the same time the Powers other than China united in a further resolution (No. 13) as follows :

> The Powers other than China, in agreeing to the resolution regarding the Chinese Eastern Railway, reserve the right to insist hereafter upon the responsibility of China for performance or non-performance of the obligations towards the foreign stockholders, bondholders, and creditors of the Chinese Eastern Railway Company which the Powers deem to result from the contracts under which the railroad was built, and the

[1] *Manchuria : Treaties and Agreements*, p. 210.

action of China thereunder and the obligations which they deem to be in the nature of a trust resulting from the exercise of power by the Chinese Government over the possession and administration of the railroad.

Accordingly, when the Inter-Allied Committee at Vladivostok and the Technical Board at Harbin were wound up, and unfettered control of the line passed into the hands of the Sino-Russian Board of Directors, identic notes were presented, on the 31st October, 1922, to the Chinese Government by the American, British, French, and Japanese Ministers, confirming the Washington Conference Resolutions and reserving all rights with respect to advances in money and material made directly or indirectly to the railway. The notes also reaffirmed the concern of the foreign Governments in the preservation of the railway with a view to its ultimate return to those in interest without the impairing of existing rights.

At the same time the Soviet authorities, now represented in Peking, put forward claims to inherit the Tsarist Government's rights in the railway. The Soviet representatives repeatedly denied the title of the Russo-Asiatic Bank to represent Russian interests in regard to the railway, demanded the removal and trial, on a charge of misappropriation, of M. Boris G. Ostroumov, the Russian General Manager appointed with the consent of the Chinese in 1920, and required the reconstruction of the management of the railway in consultation with the Soviet Government.

On the 3rd May, 1924, in view of the fact that it was common knowledge that a Sino-Russian agreement was on the point of being concluded, the American Minister at Peking addressed to the Wai-chiao Pu a note quoting the Thirteenth Resolution of the Washington Conference and stating that

> the Government of the United States of America stands for the protection of all interests in the railway, including Russian, and would not approve a change in the *status quo*, by whomsoever initiated, unless the rights of all creditors and other parties in interest were adequately protected.

The French Minister addressed a note, almost identic in terms, on the 7th May. Previous Sino-French correspondence was reported to have taken place in March and April, France contending that the Russo-Asiatic Bank, the central administration of which had been transferred to Paris, was under French protection, and stating that protest would be made against any alteration in the existing management of the Chinese Eastern Railway. China refused to recognize the bank as being under French protection or as anything but Russian, and maintained that the Chinese Eastern Railway concerned only

Russians and Chinese. To the American and French representations based on the Thirteenth Resolution of the Washington Conference, the Wai-chiao Pu replied on the 16th June that China, not being a party to this resolution, was not bound by the reservation expressed in it, and that the Chinese trusteeship was based on the original contract of 1896, and the supplementary agreement of 1920, both of which agreements were entered into with the Russo-Asiatic (formerly Russo-Chinese) Bank, the holder of all the stock.

As stated above, the Sino-Soviet agreement was signed at Peking on the 31st May, 1924. Article 9 of this agreement dealt with the Chinese Eastern Railway and provided that the question of the railway should be decided at the Sino-Russian Conference on the following lines : (*a*) The Chinese Eastern Railway was to be a purely business enterprise. Except for business operations, which were under the direct control of the railway, all other matters of an administrative or governmental nature were to be administered by the Government of China. (*b*) China might redeem the line. (*c*) At the conference to be held under Article 2 of the agreement there should be settled the amount and conditions of redemption and procedure for transfer. (*d*) The Soviet Government was to be liable for all liabilities incurred prior to the 9th March, 1917. (*e*) The future of the line was to be determined by the two Governments to the exclusion of any third party. (*f*) An arrangement for provisional management, pending a settlement under clause (*c*) was to be drawn up. (*g*) The provisions of the contract of 1896 were to remain in force until a settlement was reached at the Sino-Soviet Conference. (This provision, it may be remarked, ignored the agreement of the 2nd October, 1920, between China and the Russo-Asiatic Bank, as, indeed, did the whole of the railway provisions of the Sino-Soviet agreement.)

Appended to, and forming part of, the Sino-Soviet agreement was an 'Agreement for the Provisional Management of the Chinese Eastern Railway'. This instrument provided for the establishment of a Board of Directors composed of ten members, five of whom (including the President) were to be appointed by the Chinese Government and five (including the Vice-President) by the Soviet Government. It was also provided that the manager of the railway should be a Russian, with one Russian and one Chinese assistant manager. The chiefs and assistant chiefs of departments were to be respectively Russian and Chinese, or *vice versa*. Chinese and Russians were to be employed on the railway in accordance with the principle of equal representation, but an attached declaration qualified this by a proviso that no present Russian employees were to be dismissed

solely to enforce this principle and that ' the posts shall be filled in accordance with the ability and technical as well as educational qualifications of the applicants '. The agreement further provided for the revision of the statutes of the Chinese Eastern Railway Company by the Board of Directors, within six months from the Board's constitution.

A protest was immediately made, on the 2nd June, to the Chinese Government by the representative of the Russo-Asiatic Bank on the ground that this agreement violated the rights of the shareholders and bondholders. On the 6th June a protest was also addressed by the Japanese Legation to the Wai-chiao Pu and to the Soviet representative, insisting that Japan's acquired privileges and interests in the Chinese Eastern Railway should not be affected by this agreement. The ' acquired privileges ' apparently related to the through traffic between the Chinese Eastern Railway and the South Manchurian Railway, while the ' interests ' included Yen 10,000,000 which the railway was said to owe for material supplied. China's reply appears to have taken the form of a refusal to admit Japan's reservation regarding her 'acquired privileges and interests'.

A further protest was entered in July by the United States, reiterating in strong terms the American position as set forth in the note of the 3rd May, while also stating the feeling of the United States Government that China had ignored the fact that the United States was a creditor of the railway to the extent of $5,000,000 (gold) in respect of advances made through the Inter-Allied Technical Board. A few days later (20th July), the Chinese Minister for Foreign Affairs made a statement to representatives of the press disclaiming any intention on the part of China to infringe any legitimate claims, notwithstanding the provisions in the Sino-Soviet agreement that all matters relating to the railway were the exclusive concern of Russia and China. He further stated that the Chinese view was that all claims like that of the United States Government would retain their original status, and said that supplementary explanations had been made to Washington and that the Chinese attitude was well understood.

The provisions of Article 9 of the Sino-Soviet agreement of the 31st May, 1924, and of the agreement for the provisional management of the Chinese Eastern Railway were reproduced almost verbatim in the Mukden-Soviet agreement of the 20th September, 1924. There were, however, certain important differences between the two documents.

(1) In regard to the redemption of the Chinese Eastern Railway, the Mukden agreement provided that

> The Union of Soviet Socialist Republics agrees, upon the signing of this agreement, to the redemption by China of the said railway with Chinese capital, the actual and fair cost of which to be fixed by the two contracting parties.

(2) The Mukden agreement reduced to sixty years the concession period of eighty years provided for in the contract of 1896, upon the expiration of which the line with all its appurtenances would pass free of charge to the Chinese Government. The question of further reducing this period of sixty years might be taken up for the approval of the two contracting parties. No such provision appeared in the Peking agreement.

(3) The Mukden agreement provided that the U.S.S.R.

> agrees to the settlement of the question of the indebtedness of the Chinese Eastern Railway Company by a commission to be appointed by the two contracting parties, in accordance with Item 4 of Article 9 of the Sino-Russian Agreement on General Principles signed at Peking on the 31st May, 1924.

(4) The Mukden agreement provided that

> all the net profits of the railway shall be held by the Board of Directors and shall not be used before the question as to how to divide these profits between the two contracting parties is settled by a Commission to be appointed by the two Governments.

The corresponding provision in the Peking agreement ran :

> All the net profits of the railway shall be held by the Board of Directors and shall not be used pending a final settlement of the question of the present railway.

(5) The Mukden agreement contained a specific provision for the revision of the contract of the 27th August–8th September, 1896, within four months of the signing of the agreement, by a commission to be appointed by the two contracting parties. No such explicit provision was contained in the Peking agreement, but only a provision for a conference to be opened within one month to settle various questions, including that of the Chinese Eastern Railway.

(6) The Mukden agreement provided for the revision of the statutes of the Chinese Eastern Railway within four months from the constitution of the Board of Directors ; the period fixed in the Peking agreement was six months.

Down to the beginning of 1927 nothing had been effected towards reconciling the various agreements and contracts entered into by China or settling the claims of the different parties claiming interest. A Sino-Soviet conference on railway matters was opened at

Harbin, and later transferred to Mukden, but it broke down on the 5th June, 1926, owing to the introduction of various political matters by the Russian representatives.

The new Board of Directors provided for under the agreements was constituted on the 3rd October, 1924, and it forthwith appointed M. Ivanov, a Soviet citizen, as General Manager of the railway. M. Boris Ostroumov, the former General Manager, was, on the 4th October, arrested without a warrant, with three of his colleagues, by the Chinese authorities, was refused bail and placed in solitary confinement. Six months elapsed before he was handed a copy of the charges against him ; he was not brought to trial until two months later ; he was ultimately discharged, after eleven months' imprisonment, under the terms of an amnesty proclamation issued eight and a half months earlier, which the Manchurian judicial authorities had at the time refused to follow in the face of conflicting orders by Marshal Chang Tso-lin.[1]

From the first, the policy of the Russian members of the new Board of Directors was to modify the theoretical Sino-Russian partnership and to manœuvre the control of the railway into the hands of the General Manager, M. Ivanov. This they effected by consistently absenting themselves from meetings of the Board, and thus preventing it from functioning on account of the absence of a quorum (fixed by the agreements at seven). Other of their acts for the establishing of Bolshevik influence over the railway were the closing of the Church Department, followed in December by the prohibition of the teaching of religion. In April and May 1920 M. Ivanov dismissed all employees who were not in possession of Soviet or Chinese passports. This measure was aimed chiefly at the ' White ' Russians, but aroused intense anger among the Chinese, and ultimately the effectiveness of the order was checked by their opposition. Nevertheless, the Soviet citizens used every opposition to oust 'White' Russians who had adopted Chinese nationality. The constant efforts of the Russians to exercise predominant control over the railway, to the exclusion of the Chinese, produced much resentment among the latter, resulting in continuous friction, culminating in an incident which threatened to strain relations to breaking-point.

Towards the end of 1925 M. Ivanov issued an order, which became effective in December, forbidding the transportation of Chinese military forces on credit. Up to that time transportation without payment had been practically the normal procedure and had been

[1] British Parliamentary Paper, China No. 3 (1926), *Report of the Commission on Extra-territoriality in China* (*Cmd.* 2774), p. 85.

going on for years, and the Mukden Government was deeply in debt to the railway—amounts from $11,000,000 to $14,000,000 were quoted. On the 16th January, 1926, the railway authorities refused transportation on the Harbin–Changchun section to some Mukden soldiery, whereupon the troops forcibly seized a train and compelled the staff to run it. The General Manager, M. Ivanov, promptly ordered the stoppage of all traffic on this branch line; this was followed by further seizures of rolling-stock by the military, and the trouble culminated in the arrest, on the 21st January, of M. Ivanov and three Russian directors of the line by Marshal Chang Tso-lin's forces. The arrest was followed, on the 23rd January, by a Soviet ultimatum sent both to the Peking Government and to Chang Tso-lin, allowing three days for the release of M. Ivanov and the restoration of normal traffic, failing which the Soviet would adopt its own means to secure its treaty rights. Within two days an agreement was signed whereby M. Ivanov was to be released immediately, normal traffic to be resumed, and military transport conducted in accordance with the regulations and regularly paid for. M. Ivanov was released on the 25th January and normal traffic was restored on the 29th January.

In order to place this incident in its true setting it should be mentioned that on the 27th November, 1925, one of Chang Tso-lin's most trusted generals, Kuo Sung-lin, revolted and declared war against him. The rebellion was quelled on the 23rd December; the coincidence between the dates of this revolt and of M. Ivanov's orders and his sudden demand for payment may well have appeared to Chang Tso-lin to be evidence of an intention of the Soviet railway authorities to embarrass him at a critical moment.

(iv) The Soviet-Japanese Treaty.

Following on his successful negotiation of the Peking and Mukden agreements with China, M. Karakhan next brought to a successful issue the negotiations for the re-establishment of Russian relations with Japan. The early phases of these chequered negotiations, terminating with the abortive Changchun Conference of the autumn of 1922, have been narrated elsewhere.[1] In January 1923 M. Joffe, the Soviet envoy to China, paid a visit to Tokyo at the invitation of Baron Goto, then Mayor of Tokyo (it may be mentioned that, on his way there, he held several conversations with Dr. Sun Yat-sen in Shanghai). He spent several months in Japan, and a number of conversations took place; the negotiations were subsequently transferred

[1] *Survey for 1920–3*, Part VI, Section (ii).

to Peking. On the 18th October, 1924, M. Chicherin was able to report to the Central Executive Committee that 'We hope that the conclusion of an agreement with Japan will shortly take place. The only point at issue between us is the question of the amount of oil and coal that Japan shall receive after her evacuation of North Sakhalin'. The treaty was ultimately signed at Peking on the 21st January, 1925, by M. Karakhan on behalf of the U.S.S.R. and by Mr. Yoshizawa on behalf of Japan.

The treaty[1] consisted of a convention, two protocols, and various notes and declarations. By the first three articles of the convention, there was to be mutual recognition *de jure* and the exchange of diplomatic and consular representatives; previous treaties between Russia and Japan, prior to 1917, were to be revised or cancelled at a future conference, except the Treaty of Portsmouth (of 1905); the Fishery Convention[2] of 1907 was to be revised, and in the meantime the temporary procedure in regard to fishery bases established in 1924 was to be maintained.

By Article 4 a commercial treaty was to be concluded on a most-favoured-nation basis. Meanwhile, certain general rules regarding individual liberty of residence and travel, protection of life and property, and free, unhampered, and unrestricted permission to trade were accepted as binding on both parties. By Article 5 persons in government service or organizations receiving official financial assistance were to be restrained from action prejudicial to the order and security of the other party; a further clause called for the suppression of alien organizations which might be found to be using the territory of one party as a base for conspiring against the other. By Article 6 the Soviet Government agreed to grant to Japanese subjects and corporations concessions for the exploitation of minerals, forests, and other natural resources in all the territories of the Union of Soviet Socialist Republics. Article 7 provided for the exchange of ratifications at Peking.

Protocol A consisted of five articles, of which the first related to the return of Embassies and Consulates. Article 2 left all debts due to the Government or subjects of Japan by the former Russian Government to be adjusted by subsequent negotiations, with a proviso that in this adjustment the Government and subjects of Japan should not, other things being equal, be placed in any position less favourable than that of the Governments and nationals of any other country. Article 3 provided for the withdrawal of all Japanese

[1] Text in *China Year Book*, 1925, pp. 788–796.
[2] Cf. *Survey for 1920–3*, p. 444, foot-note 3.

troops from North Sakhalin by the 15th May, 1925, and for the full restoration of the evacuated territories to the Soviet Government. In Article 4 both parties declared that there existed no treaty or agreement of military alliance or any other secret agreement constituting an infringement upon or menace to the sovereignty, territorial rights or national safety of either. Article 5 provided that the protocol should be considered as ratified on ratification of the convention.

Protocol B consisted of provisions regarding oil and coal concessions in North Sakhalin. Japan was given concessions of 50 per cent. of the area of each of the oil fields mentioned in a memorandum submitted by the Japanese representative on the 29th August, 1924. Concerns recommended by the Japanese Government were to be permitted to prospect oil fields, other than those mentioned in the memorandum, for a period of from five to ten years over an area of 1,000 square versts (450 square miles) to be selected within one year from the conclusion of the concession contracts. If the prospecting resulted in the establishment of oil fields, concession rights were to be accorded to Japanese over half the area. Recommended Japanese concerns could similarly obtain coal-mining concessions on the western coast and in the Doue district. Outside these areas, Japanese were to have equal opportunities with foreign firms. The period of oil and coal concessions was fixed at forty to fifty years. Royalties were to be payable to the Soviet Government at the rate of 5 to 8 per cent. on coal, and 5 to 15 per cent. on oil; in the case of a gusher the royalty might be raised to 45 per cent. Materials needed for working the enterprises might be imported, and the products of the enterprise exported, free of duty; the enterprises were not to be subjected to any taxation or restrictions that would make their remunerative working impossible.

Other documents consisted of a declaration by M. Karakhan that the recognition of the Treaty of Portsmouth did not imply that the Government of the Union shared with the former Tsarist Government the political responsibility for its conclusion; an exchange of notes making interim arrangements for the continued working of coal and oil fields by Japanese in North Sakhalin pending the conclusion of the concession contracts and reserving the question of Japanese wireless stations in North Sakhalin for future arrangement; and a note of apology by M. Karakhan for the Nikolaievsk incident of 1920.

The convention was ratified by the Central Executive Committee of the U.S.S.R. on the 20th February, and by the Emperor of Japan on the 25th February, and ratifications were exchanged at Peking on the 15th April, 1925.

Soviet publicists endeavoured to represent this treaty as a treaty of alliance, showing, according to M. Chicherin, Japan's desire to escape from the dominating policy of the Entente. The document was, however, no more a treaty of alliance than was, say, the British-Soviet trade agreement; it effected the arrangement of a *modus vivendi* in general terms, and also settled certain specific questions which both parties had long been desirous of settling, notably the position of North Sakhalin. Baron Shidehara was at pains to make clear the Japanese view of the treaty in his statement before the Diet on the 22nd January, 1925, when he explained that it was simply a clearing of the ground preparatory to the resumption of diplomatic relations between two states with many common interests.

> If [he said] all pending questions were not settled before the re-establishment of diplomatic relations, embarrassing friction would immediately result and would compromise the future relations of the two countries. Nothing has been further from our minds than the idea of bargaining for the recognition of the Soviet in exchange for coal and oil concessions. We have simply tried to foresee and eliminate sources of future differences.

Of special interest in this connexion was the comment of the *Japan Times*, in view of the selection for the post of first Japanese Ambassador to Moscow of Mr. Tokichi Tanaka, who was Vice-Minister for Foreign Affairs in 1922, but subsequently left the Foreign Office to become editor of this paper. The *Japan Times* said:

> Nothing had passed in the negotiations indicating Japan's desire to throw over its old Entente friends. We wish to be a good neighbour and a fast friend mutually helpful to Russia. At the same time we shall maintain good relations with other nations whose interests are so closely connected with our own. The whole history of the negotiations with Russia since 1921 gives not a shadow of evidence that Japan is prompted to shake hands with Russia because of any menace, actual or potential, from outside. Unless M. Chicherin has a game to play, he reveals a regrettable misconception of Japan's position and ideas.

In connexion with the signature of the treaty, a rumour arose that Japan had undertaken not to ratify the treaty of 1920,[1] giving Bessarabia to Rumania, until all other signatory Powers had ratified, and in February 1925 M. Rakovsky, the Soviet representative in London, published an article in the *Izvestia* warning Japan (and Italy) not to ratify the Bessarabia Treaty unless they wished to lose the friendship of the Soviet Union. The Japanese Government

[1] Between Rumania and France, Great Britain, Italy, and Japan. It had already been ratified by France and Great Britain. (See *Survey for 1920–3*, pp. 273–8.)

accordingly issued a semi-official statement denying that they had given any undertaking on this subject; a similar *démenti* was made by the Japanese Minister at Bucarest.

It may be added that on the 9th February, 1925, the Chinese Government protested against Article 2 of the Soviet-Japanese treaty which, by recognizing the Treaty of Portsmouth, endorsed several matters prejudicial to the territorial sovereignty, rights and interests of China (i. e. the provisions relating to Kwantung in South Manchuria), and which was also diametrically opposed to Article 4 of the Sino-Soviet treaty of the 31st May, 1924.[1]

Very little had been effected towards the implementing of the Soviet-Japanese treaty by the end of 1925. The transfer of North Sakhalin to the Soviet Government was duly completed on the 15th May, 1925, and at the end of June, Mr. Tanaka, the Japanese Ambassador to the Union, left for Moscow, accompanied by members of the Sakhalin Oil Company, for the purpose of negotiating the details of the concessions. In December agreements for the concession for forty-five years of coal and oil fields in North Sakhalin to certain firms recommended by the Japanese Government were signed. The royalties to be paid to the Russian Government on the oil fields averaged about 4 per cent.; the terms of the coal concessions were also favourable to Japan.

None the less, the solid results of the treaty did not prove very satisfactory to Japan; the anticipated expansion of trade failed to materialize, and it was pointed out that the growth of Japan's trade with the Soviet was much smaller than that of America, which had not recognized the Union.

(v) The Manchurian Railway Situation.

The dominating factor in Soviet-Japanese relations was the question of the economic penetration of Manchuria and the development of the rival railway systems. The issue was clear-cut, owing to the fact that the Chinese Eastern Railway was of five-foot gauge while the South Manchurian Railway was standard (4ft. 8½in.) gauge; the stakes involved were primarily the commercial predominance of either Vladivostok or Dairen, and ultimately the predominance of either Russia or Japan in Manchuria.

When railway construction in Manchuria was initiated by Russia in 1896, the predominant, if not the sole, factor in the situation was the political one; almost the whole of the territory, the total area

[1] See above, p. 335.

of which is estimated as about 350,000 square miles, was uncultivated[1] and was sparsely inhabitated by hunters and graziers, while a large tract of country was reserved as an Imperial hunting ground where neither settlement nor agriculture was permitted. This was not due to the sterility of the soil, vast tracts of which possessed great agricultural possibilities, but largely to the lack of means of communication which would enable the products to be marketed at a reasonable rate.

The construction of the first railways was immediately followed by the cultivation of the land within easy reach of them, and the process of colonizing Manchuria commenced in earnest. Every spring saw the arrival in Manchuria of some 250,000 labourers from Shantung and Chihli; the bulk of these returned to their own provinces after the harvest, but according to the estimate of Mr. Yamanobe, President of the Osaka Spinning Company, some 20,000 of them became permanent settlers.[2]

A further event which greatly contributed to the increase in the economic importance of Manchuria was the rapid rise of the soya bean to a crop of special importance in the world's commerce, which the United States Department of Agriculture describes as 'one of the most remarkable agricultural developments of recent times'.[3] The first shipment abroad of this commodity was made in 1908, when 100 tons were exported to England; in 1925 the total export from Manchuria amounted to 1,279,730 tons valued at £13,000,000.

Practically the whole of North Manchuria is also a natural wheat-field, comparable with those of the Canadian North-West, or the grain districts of Western Siberia: in 1909 the average harvest of wheat was estimated at 30,420,125 bushels; in 1920 the exportation through Dairen amounted to 444,000 tons. Of the agricultural possibilities of Manchuria the *Economic History of Manchuria*, published by the Bank of Chosen,[4] says:

> Manchuria is yet the most favoured spot for agriculture in the Far East, and its opportunities may well be termed 'immense'. That great mass of level land extending over the whole of Central Manchuria and comprising the basins of the Liao, Sungari, Nonni, and Hulan, the productiveness of which can compare favourably with any part of Japan or Korea, is by itself as large as the whole of the Chinese Peninsula (Chosen, or Korea) or of the mainland of Japan, and, to those who know how little of level land there is in these two countries that is really arable or

[1] 'It is estimated that in 1909 only 8,320,000 acres in Manchuria were under cultivation.' (Handbooks prepared under the direction of the Historical Section of the Foreign Office, No. 69, *Manchuria*.)

[2] *Op. cit.*, p. 43. [3] Quoted in *Manchuria: Land of Opportunities*, p. 15.

[4] Quoted in *op. cit.*, p. 12.

actually under cultivation, it will not be at all difficult to imagine the wonder in which the two peoples look upon this apparently boundless extension of rich field.

Manchuria thus presented an ideal field for exploitation by railway. Vast stretches of fertile land were crying out for cultivation ; hardy and industrious settlers were ready at hand, in the over-populated provinces of China, to bring these prospective wheatfields under the plough ; all that was required was a network of railways to bring the people to the land and to facilitate the disposal of the produce. Any railway constructed in these fertile plains had, therefore, a virtual certainty of building up remunerative traffic for itself and at the same time developing the resources of the territory and providing a potential source of food for the over-populated islands of Japan.

This development, moreover, was, by providing a new market for her manufactures, bound to react favourably on the economic life of Japan herself. The possibilities were thus summed up, in the early days of Japanese penetration, by Mr. Yamanobe, President of the Osaka Spinning Company.[1]

> In our eyes the purchasing power of the Manchurians is almost boundless. The inhabitants of Manchuria are much better off than the Koreans, and, in addition to this advantage, about 20,000 persons are yearly flowing into the country from Shantung and thereabouts. These new settlers add to the demand, and it is difficult to imagine how great will grow the consumption of cotton goods in Manchuria.
>
> Manchuria itself is one of the best markets in the world for cotton textiles. The art of weaving is yet in a very primitive state, and as it can by no means be improved in the near future, the inhabitants must look abroad for the supply of the cotton stuff for their clothing. The large majority of the population are peasants and labourers, and they are naturally inclined to prefer coarse and more durable Japanese cottons to finer calico.

Japan accordingly entered whole-heartedly into the struggle for the railway domination of Manchuria, if indeed it can be called a struggle where one party rests content with the ground previously won. During the first quarter of the twentieth century, the Chinese Eastern Railway threw out no new branches, and the one existing branch, from Harbin to Changchun (148 miles), had to meet, in so far as south-bound traffic was concerned, the competition of carts which carried produce to Changchun to be loaded direct on to the 4ft. 8½ in. system. The Chinese Eastern Railway could thus attract traffic only throughout its own straight and elongated zone ; while

[1] Quoted in *Manchuria* (Foreign Office Handbook No. 69), p. 66.

the railways under Japanese influence, which were spreading fanwise north of Mukden, could tap several portions of Manchuria simultaneously.

Not only was Japan systematically developing her own region of special interest, as she described South Manchuria and the eastern portion of Inner Mongolia in the correspondence prior to the formation of the Four-Power-Group Consortium,[1] but she was thrusting forward into the Russian zone.

In October 1913 an agreement[2] was concluded with the Chinese Government for the construction, with Japanese funds, of a line from Ssupingkai, on the South Manchurian Railway, to Taonanfu. In December 1915 a loan agreement was concluded with the Yokohama Specie Bank[3] for the section to Chengchiatun, a distance of 52 miles; this section was opened to traffic at the end of 1917. A further loan agreement[4] concluded on the 28th September, 1918, with the Industrial Bank of Japan (representing a Japanese group) provided for the financing of the remainder of this line, which was completed in October 1923, the total length being 194 miles. This railway, it will be recalled, was expressly excluded from the scope of the Consortium Agreement.

A further development, extending the line from Taonanfu to Angangki, on the Chinese Eastern Railway, subsequently brought this branch of the South Manchurian Railway right into the zone of the former system. The terms of the Consortium Agreement prevented the Japanese group from supplying the necessary funds, but a way of circumventing this difficulty was furnished by Article 2 of the agreement:

> This agreement relates to existing and future loan agreements which involve the issue for subscription by the public of loans to the Chinese Government.

There was accordingly no public issue; the funds were provided by the South Manchurian Railway under an agreement with the Government of the province of Fengtien (Shengking). It was reported that the Railway Company advanced a loan of Yen 18,800,000 for the project, bearing interest at the rate of 9½ per cent. with the provision that the principal materials should be purchased in Japan. This line, which was of standard gauge, was completed and opened to traffic in 1926, and its economic and military importance were alike enormous. It gave the South Manchurian

[1] See *Survey for 1920–3*, Part VI, Section (iii).
[2] *Manchuria: Treaties and Agreements*, p. 148.
[3] *Op. cit.*, p. 173. [4] *Op. cit.*, p. 208.

Railway an opportunity to draw from the Chinese Eastern Railway the freight traffic of a rich area for whose shipments the two lines were in competition. It greatly strengthened Japan's military position, and rendered it possible for her to put the Chinese Eastern Railway east of Tsitsihar out of action in the event of war with Russia. She would be able to transport troops over lines subject to her control, and capable of using her rolling stock directly to the main line of the Chinese Eastern Railway, thus cutting off Harbin and Vladivostok from communication with Russia except by the circuitous route of the Amur Railway. Russia, whose only branch line was that from Harbin to Changchun, had no such means of striking at a vital Japanese artery ; moreover, while Japan could adapt the Russian broad gauge system to her own standard gauge rolling stock by simply moving a rail, it would be impossible for Russia to reverse the process in the event of a Japanese line falling into her hands.

It is no exaggeration to regard the completion of this line as a potential threat to the Russian position in North Manchuria. This was pointed out in a special article in *The Times* :[1]

> What is necessary to realize is the significance of this new line thrust forward beyond the Japanese sphere, as defined in the Russo-Japanese secret treaty of 1907, and penetrating into the heart of the Russian sphere. Its construction is a challenge to the Russian position in North Manchuria, political as well as economic.[2]

At the same time Japan was in process of building up a railway system parallel to the Chinese Eastern Railway, at a distance of about 150 miles, running from Taonanfu, through Changchun and Kirin, to a Korean port. The agreements of October 1913 and of September 1918 provided for the construction of a line from Taonanfu to Changchun. This line was also excluded from the scope of the Consortium Agreement, but at the beginning of 1927 construction had not been started. From Changchun eastward the line was already in existence as far as Kirin, a distance of 79 miles. This line was officially a Chinese Government railway, but it was managed by the South Manchurian Railway Company by virtue of a loan agreement of the 12th October, 1917.[3] On the 18th June, 1918, a preliminary agreement[4] with the Japanese group was signed for the extension of this line eastward to Kwainei,[5] on the Korean border, where it would connect up with the Korean railway system. This

[1] 12th March, 1926. [2] And, it may be added, military.
[3] *Manchuria : Treaties and Agreements*, p. 193.
[4] *Op. cit.*, p. 198.
[5] Kwainei, or Kainei (Japanese); also known as Huining (Chinese), and as Hoiryong (Korean).

agreement (also excluded from the scope of the Consortium Agreement) remained barren, but in 1925 the Minister of Communications, Mr. Yeh Kung-cho, concluded a contract with the South Manchurian Railway Company for the construction of a railway from Kirin to Tunhwa (about 90 miles in a direct line) as the first instalment of an extension of the Kirin–Changchun line to Kwainei. The construction cost was said to be Yen 19,000,000, the funds being provided by the South Manchurian Railway Company. Construction was in progress, and it was expected that the line would be finished by the summer of 1927.

The construction of the Taonanfu–Angangki Railway did not complete the tale of Japanese penetration of the Russian sphere. Running north from Angangki to Tsitsihar was a short line 17 miles long. This line, which was purely Chinese owned, had been opened to traffic in 1909. Being only of metre gauge, no particular importance attached to it, but it was reported that it was to be broadened to standard gauge, which involved the corollary that it must, in the future, inevitably cross the Chinese Eastern Railway and be linked up with the Japanese controlled system. Moreover, this short line was an essential link in a projected system of railways running from Tsitsihar to Mergen and from Harbin through Mergen to a point on the Amur opposite Blagoveschensk. This system, known as the Pin-Hei Railway, was provided for in an agreement concluded between China and the Russo-Asiatic Bank on the 27th March, 1916.[1] This provided for a gold loan of 50,000,000 roubles, but owing to the Russian Revolution shortly after, the Russians were not able to avail themselves of this concession. The project was subsequently revived, nominally by a Chinese company, though it was difficult to avoid the belief that the funds were derived from Japanese sources. In any case, since the line was of standard gauge instead of five-foot as originally intended, the construction of the line could only tend to bring the province of Heilungkiang, right up to the Siberian frontier, within the network of the Japanese system, and to facilitate Japanese penetration of North Manchuria. By the beginning of 1927 the line had been completed from Hulan, on the north bank of the Sungari, opposite Harbin, to Suihwa, and it was expected that the second section, to Hailunfu, would be finished in the course of the year. The completion of this system would greatly accelerate the undermining of Russia's position ; when standard gauge railways were in operation from the Amur both to Tsitsihar and to Harbin, the branch of the Chinese Eastern

[1] MacMurray, p. 126.

Railway from Harbin to Changchun would almost inevitably be forced, by economic pressure, also to adapt itself to this gauge. There would then be two direct routes from Dairen to the Siberian frontier (via Ssupingkai, Taonanfu, Tsitsihar and Mergen and via Changchun, Harbin and Mergen), and Vladivostok would be completely outflanked commercially.

The Soviet Government did not watch the extension of Japanese influence without making some effort to safeguard its own interests. In May 1926 it essayed to come to an understanding with Japan, sending to Tokyo for this purpose M. Serebryakov, an ex-Minister of Communications. He left Tokyo, however, without having accomplished anything beyond securing from Japan an acceptance 'in principle' of proposals for through traffic over the Siberian, Chinese Eastern, and South Manchurian Railways. It was reported also that M. Serebryakov endeavoured to reach an understanding with Japan by which Manchuria should, for purposes of railway exploitation, be divided into two spheres of influence, as in the old secret treaties between Japan and the Russian Empire. In this he was totally unsuccessful, Japan quoting to him the Washington Treaties as an insuperable obstacle to her entering into any agreement which ignored China's sovereign rights.

(vi) The Chinese Trade-Mark Law.

The commercial treaties concluded with China by Great Britain (in 1902) and by Japan and the United States (in 1903) contained provisions for the protection of trade-marks by the Chinese Government and for the establishment of offices for the registration of trade-marks. The only step taken to fulfil the latter provision was the setting up of registers of trade-marks by the customs authorities at Tientsin and Shanghai; these offices, however, possessed none of the technical qualifications requisite for examining and registering trade-marks, and confined themselves to filing and recording applications for registration. This process furnished no degree of protection against infringement, and the most that could be hoped from it was that when an adequate system of registration should be inaugurated, it would furnish collateral evidence of priority of user.

For the effective protection of trade-marks a Trade-Mark Law was necessary, as the codes then in use contained no provision under which offences of this category could be punished or under which any remedy could be secured. China made various attempts, notably in 1904 and 1906, to produce such a law, but these came to nothing

owing to the refusal of the Diplomatic Body to accept the regulations. The matter was brought to the notice of the Chinese Government from time to time ; meanwhile, owing to the increasing sale in China of foreign proprietary articles, coupled with the growth in China of the manufacture of foreign style articles, the question became more and more urgent ; finally, on the 3rd May, 1923, the Peking Government promulgated a Trade-Mark Law[1] which had been duly passed by Parliament. This law was brought into existence by the unilateral action of the Chinese Government ; the Diplomatic Body were not consulted as to its provisions nor were any steps taken to ascertain that it would be acceptable to the Treaty Powers or that they would be prepared to make it binding on their nationals, and to enforce it in their courts.

While the law was generally admitted to represent a genuine effort to provide the machinery for the registration or protection of trade-marks, and was in its essentials unobjectionable, there were certain features to which strong exception was taken. It was, in particular, objected that the law constituted an infringement of extra-territorial rights in that it provided that all disputes in connexion with the registration of trade-marks should be heard or adjudicated upon by a Chinese tribunal of the Trade-Mark Bureau and not in the Court of a foreign defendant. Another objection was also raised on the ground that the time limit for registration was insufficient[2] and it was urged that it was essential that there should be facilities for registration in Shanghai or other commercial centres, that there should be an English version of the *Trade-Mark Gazette*, and that technical foreign assistance should be employed in the Trade-Mark Registry.

It would be fruitless to recount at length the various protests of the Diplomatic Body and of the foreign Chambers of Commerce and mercantile interests.[3] These protests or representations, which were based on the considerations outlined above, met with but little success, owing partly to a lack of unanimity among the Diplomatic Body. Almost the sole fruit of the lengthy diplomatic battle was, apart from periodical extensions of the time limit, the publication of a *Trade-Mark Gazette*, giving particulars of marks filed for registration and of notifications of the Bureau.

The resistance to the law was still further weakened by the fact

[1] Text in *China Year Book*, 1924, p. 892 *seqq.*

[2] It was subsequently extended from time to time, and was still open at the end of 1925.

[3] The more important are given in the *China Year Book* for 1924, pp. 904–9.

that, in spite of its non-recognition by the foreign Powers, foreign merchants at an early date commenced registration under it. In view of the fact that the Trade-Mark Bureau from the beginning took the stand that the former registration by the Customs (which was in fact nothing more than a filing of applications for record) was of no effect unless the mark was registered with the Bureau under the law of 1923, it was obvious that practical questions of protection would render registration highly desirable. Chinese, German, and Japanese merchants began registration almost immediately after the law was passed, and Americans and British were forced, in self-defence, to follow suit. All visible resistance to the law came to an end in March 1925, when the British Chamber of Commerce at Shanghai announced the abandonment of its policy of non-registration.

By the end of 1925 the Bureau of Trade-Marks in Peking established under this law had received 13,585 applications for registration from firms and individuals of 24 different nationalities, and had granted 5,529 certificates of registration, of which 1,016 had been granted to British, 1,191 to Chinese, 1,615 to Japanese and 1,093 to German applicants. Most of these applications were filed in 1925.[1]

By June 1926 several of the foreign Powers, including Great Britain, had signified their intention of recognizing the Chinese Trade-Mark Law of 1923, and the necessary steps were being taken to make the law applicable to British subjects by means of the introduction of legislation for its enforcement in British courts in China.

The episode is of interest as constituting China's first successful attempt to legislate for foreigners and a successful effort on her part to abrogate, by unilateral action, one item of the system of extra-territoriality, and to that extent to bring foreigners under Chinese jurisdiction.

(vii) The Boxer Indemnity.

By Article 6 of the Protocol of the 7th September, 1901, China was bound to pay to the various foreign Powers involved an indemnity of Tls. 450,000,000,[2] to cover their military expenses and the losses suffered by their nationals in the Boxer rising of 1900. Payment was to be made by instalments over a period of forty years, the outstanding principal to bear interest at the rate of 4 per cent.

[1] Department of Overseas Trade: *Report on the Commercial, Industrial and Economic Situation in China to 30th June, 1926*, p. 9.

[2] The total sum payable by China in respect of interest and amortization amounted to Tls. 982,238,150, or about £147,300,000.

per annum. The indemnity was divided among the Powers in the following proportion :

	Principal.	*Percentage.*
Russia	130,371,120	28·971
Germany .	90,070,515	20·016
France	70,878,240	15·751
Great Britain . . .	50,620,545	11·249
Japan	34,793,100	7·732
U.S.A. . . .	32,939,055	7·320
Italy . . .	26,617,005	5·915
Belgium	8,484,345	1·885
Austria-Hungary . .	4,003,920	·890
The Netherlands . . .	782,100	·174
International Claims	149.670	·033
Spain . .	135,315	·030
Portugal . .	92,250	·020
Sweden and Norway .	62,820	·014
	450,000,000	100·000

It may be remarked that these principal sums were assessed at the outset by each Power independently, but on no agreed principles. One Power at least (Russia) sanctioned gross overcharges, while others (notably Germany) included punitive indemnities. The amount fixed by Great Britain, on the other hand, was arrived at after every claim submitted by British subjects for losses sustained had been subjected to a scrutiny that was scrupulously exact and even severe, a fact that was on all sides acknowledged.

In 1907 the United States of America, having become doubtful concerning the amount demanded as their quota (which, it may be remarked, was never challenged by China) set up an official inquiry, and as a result decided that China, having been debited with the entire cost of the American Expeditionary Force, had been overcharged to the extent of the normal peace cost of the force. This overcharge, amounting to about three-sevenths of the whole American share, was therefore remitted by a joint resolution of Congress on the 25th May, 1908 ; no formal conditions were attached to the release but at the request of China the sums remitted were specifically allocated to educational purposes. The funds were used to establish Tsinghua College, near Peking, which became one of the best educational institutions in China, where Chinese boys were educated on Western lines and whence they were, after a course of six years sent to continue their education in the United States.

The next remission of indemnity took place in 1917, when (on the 14th August) China declared war on the Central Powers. The suspension, with a view to ultimate cancellation, of indemnity payments to Germany and Austria-Hungary followed as a matter of course. A

the same time the Allied and Associated Powers, with the exception of Russia, agreed to defer indemnity payments due to themselves for a period of five years, beginning on the 1st December, 1917 ; in the case of Russia, the deferment was agreed to in respect of a little more than one-third of the amount payable, and, on China's withdrawal of recognition from the Tsarist Government in 1920, payment of this portion was suspended.

The five years' period of deferment expired on the 30th November, 1922. As the time drew near for payments to be resumed it was evident that in the United States, Great Britain and other countries, there was a widespread disinclination to hold China to the letter of her obligations. The proposal which in 1922 received strong official and unofficial support was that the remaining payments should no longer be used by the creditor country for its own purposes, but should either be cancelled altogether, or made available for purposes beneficial to China. In view of the fate of the portions unpaid during the period of the moratorium, which were largely wasted owing to the incompetence and corruption of successive Governments in Peking, the idea of simple cancellation did not meet with general approval, as it was realized that if this were done the funds would inevitably be used for military purposes and would prolong and intensify the civil war. The alternative was to provide for the continued payment of the instalment by China, but on such conditions as would ensure that the money would be utilized for China's benefit. Each of the countries concerned dealt with the problem in its own way.

(*a*) The United States of America

In 1924 a joint resolution[1] authorizing the remission of all further payments of the United States share of the indemnity was passed by Congress and approved by the President (21st May). The resolution declared that the unpaid balance was to be used 'further to develop the educational and other cultural activities of China', while, as a safeguard against misuse, the President was authorized, in his discretion, to remit all further instalments 'at such times and in such manner as he shall deem just'. A copy of the resolution was transmitted to the Chinese Minister at Washington, and on the 17th September, 1924, a mandate was issued by the President of China, creating 'The Board of Trustees of the China Foundation for the Promotion of Education and Culture' for the custody and control

[1] *Text in American Journal of International Law*, July 1924, p. 546.

of the remitted funds. The mandate named nine Chinese [1] and five Americans (two resident in the United States and three in China) as members of the Board.

At a meeting of the Board held at Tientsin on the 3rd June, 1925, the following resolution was unanimously adopted :

> Resolved, that the funds from the remitted portion of the indemnity due to the United States to be entrusted to the China Foundation for the Promotion of Education and Culture be devoted to the development of scientific knowledge and to the application of such knowledge to the conditions in China through the promotion of technical training, of scientific research, experimentation, and demonstration, and training in science teaching, and to the advancement of cultural enterprises of a permanent character such as libraries and the like.

(*b*) Great Britain

The first announcement to the Chinese Government of the British intention to remit the outstanding balance of the indemnity was made in 1922 ; in view of the fact that, under the Finance Act, 1906, the instalments were paid into the sinking fund, British constitutional and parliamentary procedure necessitated an Act of Parliament to give effect to this intention. This Act,[2] owing to an unfortunate succession of hindrances, was not passed until the 30th June, 1925 ; the delay was not intentional or due to any opposition to the proposal, which met with general approval, but to the parliamentary situation and to the general elections and changes of Government in England in 1923 and 1924. The Act provided that the funds should be applied to ' educational or other purposes . . . beneficial to the mutual interests of His Majesty and of the Republic of China '. These purposes were to be advised upon by an advisory committee of eleven persons, two at least of whom were to be Chinese and one at least a woman.

Before the Advisory Committee could be satisfactorily constituted and begin its work there was further unavoidable delay caused largely by the difficulty, in China's disturbed state, of obtaining the services of suitable Chinese members on the committee. The committee did not become a statutory body under the terms of the Act until early in 1926, but in the meantime the British members already nominated held informal meetings from time to time. Nor did the delay in any way prejudice the financial position of the indemnity fund, as, from December 1922, the instalments were not paid, as was previously the case, into the British Treasury, but were transferred,

[1] Subsequently increased to ten.

[2] Text in Parliamentary Paper, *China No. 2* (1926) [*Cmd.* 2766], p. 46.

by order of the British Government, in anticipation of the passage of the requisite Act of Parliament, to a special suspense account, where they accumulated with interest until such time as a decision should be arrived at regarding their disposal.

The Advisory Committee, as finally constituted, contained three Chinese and eight British members with the Earl Buxton as Chairman. It at once decided that it was desirable that six of its members (three British and three Chinese) should meet in China in order to acquire first-hand knowledge of existing conditions and requirements. This delegation, headed by the Viscount Willingdon, spent nearly four months in China and travelled extensively in the country; its investigations were exhaustively reported in a Blue Book: *Report of the Advisory Committee together with other documents respecting the China Indemnity.*[1]

The delegation found that a strong body of opinion in China viewed with dissatisfaction, and even with suspicion, the fact that the funds would be administered by a committee established in England, and they recommended that this should be entirely replaced by a Board of Trustees in China. This proposal was at once endorsed by the Advisory Committee and accepted by the Foreign Secretary, who authorized the dispatch of a telegram to this effect, but pointed out that, to enable him to carry out this proposal, an amendment of the Act would be necessary, and that therefore his assent must be expressed as subject to the approval of Parliament, which he would do his best to secure. The proposed Board of Trustees in China was to consist of eleven members—six Chinese and five British—of whom at least one must be a woman. All the members were to be appointed in the first instance by the Chinese Government after consultation with and in agreement with the British Government. The proportion of British and Chinese was to be maintained until 1945, when Chinese members might be appointed in place of any or all of the British members.

The proposals for the utilization of the fund provided that an annual sum of £350,000 should be applied to the following objects:

(1) Agricultural education and improvement (including 5 per cent. for famine relief and rural credit)	30 per cent.[2]
(2) Scientific research	23 ,, ,,
(3) Medicine and public health	17 ,, ,,
(4) Other educational purposes	30 ,, ,,

[1] *China No. 2*, 1926 [*Cmd.* 2766].

[2] The Board of Trustees was to have discretion somewhat to vary these percentages.

The balance of the annual payments was to be used to build up a permanent endowment fund, amounting, by December 1945, to between £3,500,000 and £5,000,000. The Advisory Committee recommended that this fund should be invested in Chinese Government or other Government securities, giving, however, discretion to the Board of Trustees to invest it in connexion with railway or river conservancy undertakings if it seemed to them safe or advisable to do so.

(c) JAPAN

A law passed by the Japanese Parliament on the 30th March, 1923, entitled ' The Law of the Chinese Cultural Works Special Account ', provided that a special fund called the Chinese Cultural Fund should be established with the Japanese share of the Boxer Indemnity together with the purchase price of the Shantung Railway and mines and of Japanese Government property at Tsingtao ;[1] and that an annual sum not exceeding Yen 2,500,000 (subsequently increased to Yen 3,000,000) might be paid out of the said fund for (*a*) education, art, sanitation, charity, and other works calculated to promote culture in China, (*b*) similar works for Chinese residing in Japan, and (*c*) scientific researches concerning China conducted in Japan. The balance of the annual payments was to be used to build up a capital sum, the interest of which would be available when indemnity payments ceased ; the law left the execution of these purposes entirely to the Foreign Office.

On the promulgation of this law, a Bureau entitled ' The Bureau of Cultural Works ' was established in the Japanese Foreign Office to exercise control over the expenditure of the funds. It was reported that the chief works in contemplation or being carried on by the Bureau were (1) the establishment of an institute of science, culture, and civilization and of a library in Peking and the establishment of a science laboratory at Shanghai ; (2) the foundation of scholarships for Chinese students in Japan ; (3) the granting of subsidies to Japanese hospitals and educational institutions in China ; (4) the improvement of the preparatory educational institutions for Chinese students in Japan and China ; (5) the exchange of lectures between China and Japan, and the interchange of students.

There was also organized, for the direction of the expenditure of the funds, a Sino-Japanese General Committee consisting of prominent scholars of both countries. The first meeting of the Committee was held in Peking in October 1925, when it was decided that the

[1] Cf. *Survey for 1920–3*, p. 461.

Peking Institute should be established for the study of the Chinese classics, history, philosophy, literature, law and economics, art, theology, archaeology, and philosophy, and that the Shanghai Institute should be divided into departments of medicine and physics, the former to comprise the study of pathology, bacteriology, and Chinese pharmacy, and the latter to comprise courses in chemistry, biology, geology, and geo-physics.

(*d*) France

The arrangements for the remission of the balance of the French share of the indemnity were complicated by two extraneous circumstances—the failure, in June 1921, of the Banque Industrielle de la Chine, and the dispute with China over the gold franc question.[1]

In view of the fact that there were numerous Chinese depositors substantially interested in the Banque Industrielle, France decided that her remitted indemnity funds should be devoted in the first instance to the resuscitation of that institution. Accordingly, by an exchange of notes[2] between the Chinese and French Governments on the 9th and 27th July, 1922, and the 10th February, 1923, it was arranged that the unpaid portion of the Boxer Indemnity should be devoted: (1) to the service of the amortization and interest on new 5 per cent. gold dollar bonds to be handed, on behalf of the French Government, to the Far Eastern creditors of the Banque Industrielle, in exchange for the *bons de répartition* held by them under the liquidation scheme; and (2) to Sino-French works of 'public instruction and charity' under conditions to be determined annually, in Peking, by the Chinese and French Governments. These terms were embodied in a French law dated the 8th February, 1923.

After the conclusion of this agreement an agitation arose against payment of the French indemnity in gold francs,[3] it being maintained that France's decision, in July 1905, to receive payment of her share of the indemnity by telegraphic transfer entitled the Chinese Government to meet its outstanding obligations in depreciated paper francs. This controversy caused repeated Cabinet crises in Peking, was responsible for France's delay for over two years to ratify the Washington Nine Power Customs Treaty, and similarly prevented the arrangements for the disposal of the remitted indemnity payments from coming into force until the dispute was settled by an exchange of notes on the 12th April, 1925.

[1] See below, pp. 368–70.
[2] Text in *China Year Book*, 1924, p. 837 *seqq.*
[3] See below, p. 368.

(e) Belgium

The gold franc question also complicated the remission of the Belgian share of the indemnity, so that no arrangement for the remission of the Belgian share was effected until the French negotiations had been concluded. Belgium's gold franc question was settled by an exchange of notes between the Wai-chiao Pu and the Belgian Legation on the 5th September, 1925, by which the Belgian Government agreed that the indemnity service should be renewed as from the 1st September, 1925, instead of the 1st December, 1922, thus placing at the disposal of the Chinese Government the thirty-three monthly instalments accrued, amounting to some $4,000,000. The outstanding portion of the indemnity was converted into gold dollars; this balance, amounting to 29,000,000 paper francs, was to be paid to Belgium immediately, by means of a loan from the Banque Belge pour l'Étranger, the monthly instalments, as from the 1st September, 1925, to be made in gold dollars and applied in the first instance to repay the loan from the bank. The remaining balance, representing the difference between gold and paper francs, was to be handed over to a Sino-Belgian Commission to be used for Sino-Belgian works of education and philanthropy, as well as for works of public utility, the material for which would be bought in Belgium. The reconstruction of the Yellow River Bridge was one of the actual undertakings that were selected for this purpose.

(f) Italy

Italian arrangements with regard to the indemnity also involved a settlement of the dispute as to China's right to effect payment in depreciated currency; the question was settled on the 1st October, 1925, by an exchange of notes[1] between the Italian Minister at Peking and the Wai-chiao Pu. The agreement followed the general lines of the Belgian arrangement, and provided that the Banca Italiana per la Cina (Sino-Italian Bank) should pay at once to the Italian Government the balance of the indemnity calculated at the telegraphic transfer rate for French francs, viz. 91,146,704 fr. The balance was then to be converted into gold dollars and paid monthly by the customs to the bank, who were first to recoup themselves for the advance made to the Government with interest at 9 per cent. After the repayment of this advance, the remaining balance (estimated at about 24,500,000 gold dollars) was to be devoted to Sino-Italian industrial and philanthropic works, and also to works of

[1] Text in *China Year Book*, 1926, pp. 502–5.

public utility. The thirty-seven monthly payments accrued as at the 31st December, 1925 (estimated at about $6,000,000) were to be handed over to the Chinese Government as free money.

A further exchange of notes on the same day recorded an understanding between the Italian Minister and the Wai-chiao Pu, whereby one-half of the balance was to be applied to works of public utility, viz., in the first place to the construction of a steel bridge over the Tsao-ngo River (between Ningpo and Hangchow, on the Shanghai–Hangchow–Ningpo Railway) and to other bridges for Chinese State Railways, and in the second place to the conservancy of the Hwai River, the construction of the port of Haichow, and improvements in the city of Peking. It was stipulated that the material for these works was to be purchased in Italy and that Chinese and Italian engineers were to be employed in connexion with them in equal proportions.

A bill for carrying out this agreement was laid before the Italian Cabinet by Signor Mussolini in March 1926.

(*g*) Netherlands

The arrangement proposed by the Netherlands Government to China with regard to the Dutch share of the indemnity was as follows:

The whole of the amount still due to the Netherlands Government, estimated at about £116,000, would be spent on a scientific survey and a definite plan of regularization of the whole course of the Hoang Ho (Yellow River). For this purpose the Netherlands Government would select one of the best hydraulic engineers in the country to take charge of the work. A Sino-Netherlands Commission would be formed in Peking to administer the funds and act as a Supervisory Board. This proposal was accepted by the Chinese Government but no actual agreement had been concluded up to the beginning of 1927.

(*h*) Russia

As the 1917 moratorium extended only to a little over one-third of the Russian share of the indemnity, the balance being paid to the Tsarist Russian Minister in Peking, the U.S.S.R. had strong reasons for taking early steps to make new arrangements regarding it. Accordingly, in his declaration of 1919 M. Karakhan said :

> The Soviet Government give up the indemnities payable by China for the insurrection of Boxers in 1900. The Soviet Government are obliged to repeat this for the third time, for we are told that, in spite of our willingness to forgo and give it up, this indemnity money is still held in the hands of the Allies for the payment of the salary and imaginary expenses

of the former Imperial minister at Peking and the former Imperial consuls in China. . . . The Chinese people should know this and kick these liars and thieves out of their country.

This statement was repeated, in more diplomatic language, in M. Karakhan's 1920 declaration :

> The Government of the Russian Socialist Federated Soviet Republic renounces any compensation paid out by China as indemnity for the Boxer rising, provided that under no circumstances shall the Government of the Chinese Republic pay any money to the former Russian consuls or to any other persons or Russian organizations putting up illegal claims thereto.

These declarations gave rise to a controversy in the course of the Sino-Soviet negotiations. On the 13th November, 1923, a letter was sent to M. Karakhan by the heads of eight of the principal Chinese educational institutions urging that the indemnity be used for their maintenance and to form a foundation fund. With this backing, M. Karakhan sent a note to the Wai-chiao Pu two days later, referring to the reports that the Chinese Government intended to use the indemnity funds for the payment of its diplomatic and consular representatives abroad, and endorsing the request of the educationalists that the funds be devoted exclusively to education. The Government were greatly embarrassed by the intervention of the professors, and there was considerable criticism of the latters' indiscretion, particularly when they followed up their letter to M. Karakhan with a petition to the Government. The Wai-chiao Pu replied to the Russian mission that it had taken cognizance of the 1919 declaration and had assigned the funds to a purpose of its own choosing. M. Karakhan thereupon protested vigorously against the assumption of the right to dispose independently of the funds and, while admitting that the indemnity had been renounced in the 1919 declaration, emphasized that the Chinese Government had not only ignored this communication, but had continued to participate in the military intervention.

The arrangement ultimately concluded was embodied in Article 11 of the Sino-Soviet Agreement of the 31st May, 1924:[1] 'The Government of the Union of Soviet Socialist Republics agree to renounce the Russian portion of the Boxer Indemnity.' The manner in which this renunciation was to be made effectual was set forth in the fifth declaration annexed to the treaty. Clause 1 of this declaration stated that the Russian share of the indemnity would, after the satisfaction of all prior obligations settled thereon, be devoted

[1] See above, p. 335.

entirely to Chinese education. This fund was to be administered, in accordance with clause 2, by a special commission consisting of two nominees of the Chinese Government and one nominee of the Soviet. All decisions of the Commission were to be unanimous. Clause 3 provided that the fund should be deposited as it accrued in a bank designated by the Commission.

(*i*) The Gold Franc Disputes

The controversy aroused by China's claim to pay the French share of the Boxer indemnity in paper francs has been briefly indicated above, but in view of the political consequences it entailed it may be well to give a further explanation of the disputes as to the interpretation of Article 6 of the protocol of 1901, as modified by the later agreement of July 1905.

The protocol declared the indemnity to be represented by the sum of Tls. 450,000,000, and described the liability as a gold debt; it further laid down the rate of exchange at which the tael was convertible into the currencies of the various interested Powers (in the case of francs the rate fixed was 3·75). During the first years of the twentieth century, silver steadily declined in value, and in view of this fact and of the consequent loss by exchange to the creditor Powers, in July 1905 an arrangement was come to whereby the Chinese Government paid the sum of Tls. 8,000,000 as exchange compensation for the previous years and it was settled that future payments should be made by telegraphic transfer. From these documents the Chinese Government argued that the statement that the liability was a gold debt meant simply that China should pay her debt of Tls. 450,000,000 in the gold standard currencies of the various Powers, and that the later arrangement, in 1905, was imposed simply because her creditors were alarmed at the fall in silver, and that the adoption of telegraphic transfers as a means of payment showed that there was no intention on the part of the Powers to introduce safeguards against the depreciation of their own currencies.

The Latin Powers interested failed to modify the Chinese attitude, and accordingly the question was raised by the Protocol Powers in a note, dated the 24th February, 1923,[1] stating that the question had been submitted for the consideration of the Governments concerned, who had come to the unanimous conclusion that the indemnity was incontestably a gold debt payable in gold francs.

No reply was received; on the 3rd November, 1923, the Protocol Powers again addressed the Wai-chiao Pu on the subject;[2] and on

[1] Text in *China Year Book*, 1924, p. 841.

[2] *Op. cit.*, p. 842.

the 27th December the Wai-chiao Pu returned an elaborate answer,[1] setting forth with much argument the considerations outlined above and stating that in view of these considerations—

> the Chinese Government are of the opinion that the word 'gold' as used in Article 6 of the Protocol of 1901 and in the arrangement of 1905 cannot be reasonably construed to mean anything other than the currencies of the Signatory Powers issued on the basis of their respective gold standards and that, whatever exchange rates prevail at present or are likely to prevail for some time in future, favourable or unfavourable to China as compared with Protocol rates, they cannot be considered as a valid ground either for placing a new interpretation on the said Article 6 or for proposing a radical departure from the mode of payment selected by the Signatory Powers in accordance with the said arrangement.

To this the Ministers replied on the 11th February, 1924,[2] exposing the fallacies of the Chinese argument in detail, and pointing out that the Protocol definitely stated that 'these 450,000,000 taels constitute a gold debt calculated at the rate of the Haikuan tael to the gold currency of each country', and also that the coupons attached to the indemnity bonds stated specifically that, e. g., 'The Government of the French Republic certifies having received from the Imperial Government of China gold francs. . .' The note further indicated the Ministers' comprehension of the reality of the Chinese argument by a reference to the fact that China must pay her share of the expenses of the League of Nations in gold francs, and also had accepted gold francs as a currency of the Universal Postal Union and of its postal conventions with several countries.

The dispute was finally brought to a conclusion by an exchange of notes between the French Minister and the Wai-chiao Pu on the 12th April, 1925,[3] embodying the settlement which had been arrived at, which was in brief that the French share of the indemnity, converted into gold dollars, should form the security for a gold loan out of which would be issued the new gold dollar bonds to be handed to Far Eastern creditors of the Banque Industrielle in exchange for their *bons de répartition*, which were to be turned over to the Chinese Government and redeemed out of the assets and profits of the bank. Any balance remaining of the indemnity funds after repayment of this loan was to be devoted to Sino-French works of 'public instruction and benevolence'. In order to indicate the participation of the Chinese Government in the bank, its name was changed, at their request, to the Banque franco-chinoise pour le Commerce et l'Industrie.

[1] *Op. cit., loc. cit.* [2] *Op. cit.*, p. 845.
[3] Text in *China Year Book*, 1925, p. 1296 *seqq.*

From the Chinese point of view perhaps the most important part of the settlement was the provision that the service of the indemnity should be renewed as from the 1st December, 1924, instead of the 1st December, 1922, thus placing at the disposal of the Chinese Government a sum of 'free' money estimated at $10,000,000. The French, for their part, secured the funds required for the rehabilitation of their Banque; while the face of both sides was saved by quietly dropping the gold franc and adopting the United States gold dollar as the medium of exchange.

(viii) The Tariff Conference.

Article 2 of the Washington Treaty of the 6th February, 1922, relating to the Chinese Customs Tariff[1] provided that a special conference to fulfil the purposes of the treaty should meet within three months of the date of its coming into force. It was at the time anticipated that this conference would meet within a few months, but an unforeseen difficulty supervened in the shape of the French gold franc controversy and France's consequent refusal to ratify the treaty pending the settlement of this dispute, which, as stated above, took place on the 12th April, 1925. The Chinese Customs Tariff Treaty was thereupon ratified by the Chamber of Deputies on the 7th July, and by the Senate on the 10th July, and ratification was officially promulgated by an order of the President of France on the 18th July, 1925.

On the 10th August the American Minister at Peking was able to inform the Chinese Government that the ratifications of the Nine-Power Treaty were deposited at noon on the 5th August in the prescribed manner, and on the 18th August the Chinese Government issued invitations to the other eight Powers (the United States of America, Belgium, Great Britain, France, Italy, Japan, the Netherlands, and Portugal) to participate in a special conference which was to meet at Peking on the 26th October, 1925. The official English translation of the invitation contained the following intimation of Chinese intentions:

> In connexion with the said treaty it may be recalled that on the 5th January, 1922, at the seventeenth meeting of the Committee on Pacific and Far Eastern questions of the Washington Conference, the Chinese delegation, in giving their assent thereto, declared that it was their intention to bring up again the question of the restoration to China of her tariff autonomy for consideration on all appropriate occasions in the future. In pursuance of the above declaration the Chinese Government proposes that the said question be also brought up at the forth-

[1] *Survey for 1920–3*, p. 478 *seqq.*

coming Conference and expects that some arrangement will be made to remove the tariff restrictions hitherto imposed on China.

Later on, the Governments of Sweden, Denmark, Norway, and Spain duly notified their adhesion to the treaty in conformity with the provisions of Article 8, and similar invitations were accordingly issued to these countries. There were therefore thirteen states represented at the conference, which duly opened on the 26th October, 1925, in one of the buildings of the Winter Palace at Peking.

The political state of the country and the position of the Peking Government was already becoming precarious; signs were not wanting that the holding of the conference under the aegis of Marshal Chang Tso-lin, the Manchurian War Lord, was deeply resented by his rivals, who regarded the promised raising of the tariff rates to be levied by the Maritime Customs as simply placing new financial resources at the disposal of the dominant faction. Early in October war was declared against Chang Tso-lin by a combination of militarists in which Wu P'ei-fu and Sun Ch'uan-fang were the most prominent; on the 19th October Marshal Chang was compelled to withdraw from Shanghai, and by the end of the month he had lost the whole of the province of Kiangsu.

At the opening ceremony of the conference, Mr. C. T. Wang, on behalf of the Chinese delegation, plunged straight *in medias res* and announced China's determination to be content with nothing less than ultimate tariff autonomy. He outlined the Chinese proposals as follows:

(1) The participating Powers formally declare to the Government of China their respect for its tariff autonomy and agree to the removal of the tariff restrictions contained in existing treaties.

(2) The Government of the Republic of China agrees to the abolition of *likin* simultaneously with the enforcement of the Chinese National Tariff Law, which shall take effect not later than the 1st day of January in the eighteenth year of the Republic of China (1929).

(3) Previous to the enforcement of the Chinese National Tariff Law, an interim surtax of 5 per cent. on ordinary goods, 30 per cent. on A grade luxuries (namely, wine and tobacco), and 20 per cent. on B grade luxuries shall be levied in addition to the present customs tariff of 5 per cent. *ad valorem*.

(4) The collection of the above-mentioned interim surtaxes shall begin three months from the date of signature of the agreement.

(5) The decisions relative to the above four articles shall be carried into effect from the date of signature of the agreement.

To this the delegates all replied with expressions of sympathy and goodwill. Mr. MacMurray, the American delegate, laid stress on his Government's willingness to consider any reasonable proposals.

Sir R. Macleay announced that the British delegation was prepared to discuss the question of tariff autonomy, either at the present or at some later conference. He further pointed out that the abolition of *likin* and other internal taxes would necessitate some readjustment of the fiscal relations between the Central Government and the provinces.

Mr. Hioki, the Japanese delegate, was even more concrete in his comments. After a review of the steps by which Japan had attained fiscal autonomy and the efforts at reform that she herself had made before achieving this result, he said that Japan favoured the gradual attainment of tariff independence by China. He advanced two plans as intermediate steps towards meeting China's aspirations. The first provided for a reasonable statutory tariff subject to conventional tariffs on certain articles to be declared by separate treaties with the Powers. The second plan was more explicit, providing for a graduated tariff at an average rate of 12½ per cent. In going beyond the province of the Washington Treaty, Mr. Hioki declared, it would be requisite to effect at least a partial abolition of *likin*.

The conference then proceeded to deal with the agenda proposed by the Chinese delegation by means of four committees : Committee A—tariff autonomy, including the question of a Chinese general customs tariff and the abolition of *likin* ; Committee B—provisional measures to be taken during the interim period ; Committee C—related matters (e.g., the custody of Customs revenues) ; Committee D—Drafting.

The first two meetings of Committee A were held on the 30th October and the 3rd November. The Chinese delegation presented a memorandum on the means proposed for the gradual abolition of *likin* and compensation of the provinces for the loss of revenue involved. They further announced China's determination to carry this into effect simultaneously with the achievement of tariff autonomy. The American delegation put forward constructive proposals which may be summarized as follows :

(*a*) The 2½ per cent. surtax authorized by the Washington Treaty to be levied from the 1st February, 1926, and the 5 per cent. surtax on luxuries from the 1st July, 1926 ; the proceeds to be held by the Customs Administration pending agreement by the conference as to their disposal.

(*b*) A treaty to be concluded authorizing further surtaxes pending the grant of tariff autonomy. China was to be at liberty to draw up a new schedule of duties at rates from 5 per cent. to 12½ per cent. in

the case of imports and 5 per cent. to 7½ per cent. on exports. This arrangement was to come into force three months after the conclusion of the treaty authorizing it and was to remain in force as an interim measure until tariff autonomy should become effective. The proceeds were to be accumulated by the Customs Administration and applied to (i) compensation to provinces in lieu of *likin*; (ii) compensation to merchants for unlawful exaction of *likin*; (iii) refunding of the unsecured debts; (iv) administrative expenses of the Central Government. During this period *likin* and other related internal taxes were to be abolished.

(*c*) Tariff Autonomy. The Chinese Tariff Law was to come into force on the 1st January, 1929, subject, if a majority of the contracting Powers so desired, to a certificate by a new conference meeting on the 1st May, 1928, that *likin* had been abolished.

Eventually, on the 19th November, the committee passed the following resolution:

> The delegates of the Powers assembled at this Conference resolve to adopt the following proposed Article relating to tariff autonomy with a view to incorporating it, together with other matters, to be hereafter agreed upon, in a treaty which is to be signed at this Conference:
>
> The Contracting Powers other than China hereby recognize China's right to enjoy tariff autonomy; agree to remove the tariff restrictions which are contained in existing treaties between themselves respectively and China; and consent to the going into effect of the Chinese National Tariff Law on 1st January, 1929.
>
> The Government of the Republic of China declares that *likin* shall be abolished simultaneously with the enforcement of the Chinese National Tariff Law; and further declares that the abolition of *likin* shall be effectively carried out by the First Day of the First Month of the Eighteenth Year of the Republic of China (1st January, 1929).

Three further sub-committees were set up to deal with (*a*) the abolition of *likin*, (*b*) the consolidation of the unsecured debt, and (*c*) customs surtaxes for the period prior to the 1st January, 1929, when the Tariff Law would come into force. At a meeting of the Committee of Provisional Measures on the 10th December the Chinese delegation announced China's intention to take as from the 1st January, 1929, two further measures towards the regaining of full fiscal authority—the valuation of commodities for customs purposes to be effected unilaterally by the Chinese Government, and foreigners in China to become liable to all internal and municipal taxes.

This practically exhausted the achievements of this conference from which so much had been hoped. With the progressive deterioration of the political situation and instability of the Chinese

Government, its proceedings became more and more unreal. Discussion continued, however, for some time, particularly with regard to the control of the Washington surtaxes, the consolidation of China's unsecured debt, and the schedule of luxuries.

Article 3 of the Washington Treaty of the 6th February, 1922, provided that the surtax of 2½ per cent. should be levied 'for such purposes and subject to such conditions' as the special conference might determine. In view of this provision, many of the foreign delegations intimated that they would be prepared to grant this surtax only on conditions which would ensure that its proceeds would be placed under foreign control, and applied, in great part, to the liquidation of the unsecured debt. In normal circumstances, the rehabilitation of a country's credit by the funding of its floating liabilities would be a sound piece of constructive finance; this might have been the case with China had there been a Government in effective control of the whole country, but things being as they were, any measure of this nature would only enable the faction momentarily in power in Peking to engage in a fresh orgy of ruinous borrowing for unproductive purposes. Moreover, the very nature of a large portion of the unsecured debt was such that any measures taken by the conference to secure it on the customs revenue would inevitably have aroused bitter hostility through large areas of the country. A very considerable portion of these liabilities consisted of advances made by Japanese, mostly in 1918; these loans, commonly known as the 'Nishihara Loans', which were estimated to amount to between Yen 225,000,000 and 380,000,000, had been made to northern leaders and spent either on their own enrichment or on the purchase of arms for carrying on the conflict with the south. To secure this money, the Peking Government mortgaged assets over which it had no control, whilst some of the loans were made on no better security than Treasury Bonds which had depreciated to an absurd value.

In a memorandum communicated to the United States Embassy in London on the 28th May, 1926,[1] the British Government made clear its opposition to any scheme which would involve the placing of the 2½ per cent. surtax provided for in Article 3 ('the Washington surtaxes') under foreign control for the purpose of consolidating the unsecured debt and urged the desirability of authorizing forthwith the levy of the surtaxes.

> His Majesty's Government, after full consideration and prolonged consultation with their delegation in Peking, have come to the con-

[1] Text in *The Times*, 28th December, 1926.

clusion that, while they are ready to agree to any reasonable scheme for dealing with the unsecured debt put forward by the Chinese and agreed to by the other Powers, it would not be right to associate themselves with any attempt to force upon the Chinese a greater degree of foreign control over the revenues required for that purpose than they are prepared voluntarily to concede. A policy involving increase of foreign control, and capable of being regarded as an encroachment on that sovereignty and independence of China which the Powers agreed at Washington to respect, is so fundamentally opposed to the traditional policy of the United States towards China that His Majesty's Government are disposed to believe that the State Department will share their anxiety on this subject. . . . Any failure to implement the Washington Treaty might create a very dangerous situation, and His Majesty's Government now therefore hold the view that if any reasonably satisfactory assurances are given by the Chinese Government as to the use which it proposes to make of the new revenues, the Powers should accept such assurances, abstain from any attempt to impose control or exact guarantees, and forthwith authorize the levy of the surtaxes.

The Chinese proposal to levy special surtaxes (' interim surtaxes '), pending the coming into force of the National Tariff, at the rate of 5 per cent. on ordinary goods, 20 per cent. on Grade B luxuries, and 30 per cent. on Grade A luxuries (wines and tobacco) were outlined by Dr. C. T. Wang at the inaugural meeting on the 26th October, and on the 6th November the Chinese delegation communicated to the Committee on Provisional Measures its draft lists of luxuries A and B. The latter list gave rise to considerable criticism, and met with great opposition, particularly in Japanese circles ; meetings of powerful Chambers of Commerce were held, and the Japanese delegation was exhorted to remain firm and agree only to the $2\frac{1}{2}$ per cent. surtax provided for in the Washington Treaty. The Japanese opposition sprang from the fact that Japan's exports to China consisted principally of goods of comparatively cheap quality, the sale of which would be proportionately more affected by a sudden increase in the tariff than would the goods of superior quality exported to China from Europe and America. Japan also had, on the same grounds, far greater reason than Western countries to fear the competition of Chinese manufactures.

At a meeting on the 9th April, 1926, the Chinese delegation submitted a revised list of luxuries, but the doom of the conference had already been sounded. Civil war had broken out in January and the forces of Wu P'ei-fu, Chang Tso-lin, and Chang Tsung-ch'ang (the military governor of Shantung) were advancing on Peking, which was held by the Kuominchün (National Army) of Feng Yü-hsiang. On the 10th April the Kuominchün effected a fruitless *coup d'état* and

deposed the Chief Executive, and all semblance of a Government vanished. By the 19th April the Kuominchün had completed their evacuation of Peking, which was then occupied by the Manchurian forces. The Chinese delegation, owing to the resignation or flight of its members, practically ceased to exist.

During May and June the foreign delegates continued to hold informal meetings, and on the 3rd July the closing scenes took place. A statement explaining the attitude of the British Government was made by Sir R. Macleay, the head of the British delegation :

> His Majesty's Government instruct me to state that it is their earnest desire and intention to implement the Washington Treaty with the least possible delay, and to grant the surtaxes provided therein, if this should be the wish of the Chinese Government, and they are prepared to discuss any reasonable proposition put forward by the Chinese delegates to this end, in harmony with the spirit and letter of the Washington Treaty.
>
> His Majesty's Government also wish it to be clearly understood that in the event of the Chinese delegation, on the resumption of the conference, tabling a proposal for the immediate enforcement of the Washington surtaxes, they have no intention, after agreement on such a proposal has been reached, to suspend the proceedings of the conference or to break off the negotiations for the conclusion of a Tariff Treaty which were interrupted by the recent political developments in China.

A communiqué issued after this meeting expressed the unanimous desire of the delegates to procced with the work of the conference at the earliest possible moment when the delegates of the Chinese Government should be in a position to resume discussions, but there appeared to be no reason to believe that this was anything more than a pious hope or that the special conference provided for in the Washington Treaty would ever be resuscitated. Towards the end of July 1926 an attempt was made by the newly formed Government in Peking to galvanize the conference into vitality, but the Kuominchün and the Nationalist Government of Canton had both previously declared, in uncompromising terms, that they would regard as an unfriendly act the re-opening of the conference, as its only result could be the provision of the sinews of war to their enemies ; the foreign delegations accordingly turned a deaf ear to the overtures of the unrecognized Peking Government, and the Tariff Conference passed into a state of suspended animation which was soon indistinguishable from death.

(ix) The Rendition of Weihaiwei.

The efforts made to give effect to the undertakings given at Washington with regard to the rendition of the British leased territory of Weihaiwei [1] met with the same unhappy fate as the Tariff Conference.

In fulfilment of the terms of Lord (then Mr.) Balfour's letter of the 3rd February, 1922, to Mr. Alfred Sze, an Anglo-Chinese Commission was appointed in September 1922 to make recommendations as to the conditions under which Weihaiwei should be handed back to China. The commission held its first formal meeting at Weihaiwei on the 2nd October, 1922, and considerable progress had been made when, in December of that year, a hitch occurred necessitating reference to London. The negotiations were re-opened in March 1923 at Peking and finally on the 31st May a provisional agreement was reached. By this agreement [2] Great Britain restored the territory to China, and China agreed that the territory should be maintained as a separate administrative area, and that within it an area should be demarcated for foreign trade and residence. For the municipal administration of this area, the Chinese Administrator was to be assisted by a committee including not less than two foreign elected members and not more than five Chinese. Special provisions were made for the use of the territory as a sanatorium by the British navy; the customs revenues of the port were, for a period of ten years from rendition, to be entirely devoted to the administration of the territory.

This agreement was accepted by the British Government and the British Minister was authorized to sign it, formal notice to this effect being communicated to the Chinese Government. Another hitch now occurred, necessitating renewed reference to London, owing to the Chinese Government proposing further modifications. Negotiations were resumed in 1924; agreement was reached on all points; and a date was fixed in October for the signature of the convention whereby rendition would have been effected on the 31st December, 1924. The new convention was substantially the same as that which had been accepted in the previous year. Unfortunately while the documents were being prepared for signature, Feng Yü-hsiang's *coup d'état* of the 23rd October [3] took place; the Government with whom the negotiations had been carried on disappeared and was replaced by the provisional administration under Tuan

[1] See *Survey for 1920–3*, p. 463.
[2] Text in *China Year Book*, 1924, p. 831 seqq.
[3] See above, p. 314.

Ch'i-jui. As this administration had not received *de jure* recognition, the conclusion of a treaty with it was impossible, and the continued existence of this state of affairs made it impossible for Great Britain to implement the undertaking given at Washington in the absence of a recognized Government to whom to hand over the territory.

(x) The Lincheng Bandit Outrage.

Banditry was apparently endemic in China, and latterly the kidnapping of foreigners and holding them for ransom had become almost an established custom. This was the inevitable result of the anarchical state of the country, of the distress caused by frequent civil wars, and of the presence of hordes of unemployed, undisciplined and unpaid soldiers. An incident that took place in Shantung in 1923 made the question for a time a major international issue.

On the early morning of the 6th May of that year the main-line express from Pukou to Tientsin was derailed and raided by a band of brigands numbering some thousands, at Lincheng, near the Shantung-Kiangsu border. The train was rifled, one foreigner (a British subject) was killed, and twenty-six, including several women, were captured. Most of the women were released within a day of two of the outrage, but the men, who had been carried off into the neighbouring hills, were held in captivity for several weeks, the last batch being released on the 12th June.

The ostensible cause of this unprecedented attack was that a noted brigand leader, Sun Mei-yao, was hard-pressed by the provincial troops, and had adopted this expedient to secure foreign hostages in order to ensure his own immunity and to enable him to make terms with the authorities. It was, however, widely suspected that political motives of a deeper nature underlay the *coup*, and that it might have been engineered by the opponents of the Government, which was already in a precarious condition. Be that as it may, the release of the captives was secured, *more sinico*, by an agreement between the authorities and Sun Mei-yao, whereby his followers, to the equivalent of a brigade, were enrolled in the Chinese army and he himself was given the rank of Brigadier-General. (It may be remarked that, six months later, he was summarily executed for alleged insubordination.)

As a direct consequence of this outrage, there arose the following questions for settlement between the Central Government of China and the Treaty Powers: (*a*) compensation for the victims of the outrage; (*b*) guarantees for the future, including measures for the protection of the railways; (*c*) sanctions, including the punishment

of those officers found responsible for neglect of duty or complicity with the brigands.

A note,[1] setting forth the demands of the Diplomatic Body and signed by the representatives of sixteen governments, was addressed to the Wai-chiao Pu on the 10th August, 1923. The note demanded substantial pecuniary compensation for the victims, and also called upon China to organize forthwith, employing the best of her troops for the purpose, a vigorous campaign against the brigands in Shantung, Chihli, Kiangsu, Honan, and Anhui (all these provinces being subject to the Chihli party then in control of the Central Government); it was required that the military attachés of the Legations should watch the prosecution of these measures. A formal warning was given that the penalties laid down by the 1901 Protocol against Provincial Governors who failed to afford adequate protection to foreigners—loss of post and permanent disqualification for office—would be invoked in cases of brigandage, and a strong hint was conveyed that the right of asylum in foreign concessions might be denied to such offenders. To ensure peaceful travel on the railways used by foreigners it was held necessary to institute a special police force officered by foreigners, and the Diplomatic Body informed the Wai-chiao Pu that they were considering a plan for this purpose. The immediate punishment of the Military Governor of Shantung, two Generals, and the officer in charge of the train was also demanded.

On the 24th September, the Wai-chiao Pu sent a reply[2] which was anything but favourable. The liability to pay damages was denied on the ground that the incident was not of the nature of an anti-foreign demonstration, but equitable compensation for injuries was conceded; an equivocal reply was given regarding the punishment of the Governor of Shantung; all the rest of the Powers' demands—railway police under foreign control, guarantees for the future—were refused. As regards the policing of the railways, the Chinese Government stated that they would themselves organize a special body as a matter of internal administration.

In the rejoinder of the Diplomatic Body, dated the 4th October,[3] attention was drawn to the special character of the Lincheng outrage, in which the design of the bandits was clearly to bring pressure on their own Government by holding foreigners as hostages. The method had been employed before, particularly by the Honan brigands in 1922, and must be stopped. The Diplomatic Body refused to accept as effective the measures proposed in the Chinese

[1] Text in *China Year Book*, 1924, p. 819.
[2] *Op. cit.*, p. 823.
[3] *Op. cit.*, p. 827.

reply, and again called upon the Government to comply with the demands of the collective note of the 10th August.

In view of the forthcoming election of Ts'ao K'un to the Presidency,[1] the Chinese Government now evinced a desire to placate the Powers as far as possible, and just before the new President's first reception, the Legations received a note[2] which was a virtual acquiescence in their conditions. Responsibility was accepted for the prevalence of brigandage and its deplorable results; the right to pecuniary reparation was admitted, and the punishment of officials, including the Military Governor of Shantung—the crux of the Chinese difficulty—was conceded. As for the protection of travellers on the railways, though the Chinese Government appreciated the interest of the Diplomatic Body in the question, they maintained that this was a matter of internal administration and would not undertake to accept any scheme which the Powers might put forward.

Unfortunately, the morning after the delivery of this note, a mandate dealing with the case of the Governor of Shantung was issued. From this it appeared that he had not been dismissed but had been permitted to retire at his own request, and that so far from being 'cashiered never to be re-employed' he had been promoted to the rank of Marshal. This was afterwards explained to be due to an error of the printing office, which had issued the mandates in the wrong order—the one promoting the Governor should have preceded that accepting his resignation—and a special mandate was issued reversing the order of publication.

It appears clear that the obstruction and equivocation of the Chinese Government was largely occasioned by the fact that it was known that there was no whole-hearted unanimity among the Powers. Japan in particular gave clear evidence of divergence of opinion; no Japanese nationals had been involved in the outrage, and although the Japanese Minister's signature was affixed to the Diplomatic Body's collective notes, the Japanese Press seized the opportunity to represent Japan as the defender of China against Western aggression, and with singular unanimity voiced the cry of 'Hands off China'. The remarks of M. Karakhan, the Soviet envoy, who arrived in Peking on the 2nd September, 1923, may also be noted. Referring to the note of the 10th August, he said: 'I greet the unanimous resistance which was offered by all China, without distinction of groups or parties, to totally unheard of demands'; and again, 'Russia will never . . . put her signature under such a document as the last Lincheng Note'.

[1] See above, p. 312. [2] Text in *China Year Book*, 1924, p. 828.

All hope of securing a system of railway guards under foreign officers had to be abandoned, and the only other matter left to be dealt with was the question of compensation. In their note of the 10th August, 1923, the Diplomatic Body stated that this would be classified in three categories: (*a*) compensation for effects lost or stolen and for medical attention; (*b*) compensation for loss of life and for loss of liberty and sufferings undergone during the period of captivity, the latter claim being at a fixed daily rate on a sliding scale; (*c*) compensation to cover reimbursement of the amounts expended in supplying relief to the captives.

Claims under (*a*) and (*b*) totalling respectively $229,501·42 and $133,800·00, making a grand total of $363,301·42, were presented to the Wai-chiao Pu in April 1924. The respective national shares of this amount were as follows: United States of America, $143,639·20;[1] Denmark, $6,799·85; France, $25,797·20; Great Britain, $60,052·50;[2] Italy, $109,269·17[3]; Mexico, $11,743·50. Certain supplementary claims were also understood to have been submitted

The claims under (*a*) and (*b*) were paid on the 16th February, 1925, when the Wai-chiao Pu sent the Diplomatic Body a cheque for $351,657·92; the Mexican claims were not paid, on the ground that China had claims of a similar nature against Mexico. The supplementary claims were deferred for later discussion, and up to the beginning of 1927 nothing had materialized with regard to them.

(xi) The Shanghai Incident of the 30th May, 1925, and its Aftermath.

(*a*) The Incident of the 30th May, 1925, and the General Strike at Shanghai

The root causes of the Shanghai incident of the 30th May, 1925,[4] and the consequent general strike and anti-British boycott, were to be found in the development of the labour movement and the growth of industrial unrest, coupled with the rising power of nationalism; the immediate origin of the trouble was the dismissal on the 2nd February, 1925, of forty employees at a Japanese mill. The subsequent prosecution and imprisonment of six of these led to a dispute which gradually extended until 31,300 workers employed in Japanese mills were idle. The strike was accompanied by intense agitation and intimidation; the machinery of mills was wrecked,

[1] The Americans had the largest number of victims.
[2] There were five British captives. [3] There were two Italian captives.
[4] See above, p. 317 *seqq.*

and on the 15th February, in an attack by the strikers on the premises of a Japanese mill, the factory manager was killed and another Japanese employer seriously wounded.

The strike was settled on the 26th February, but the settlement was little more than an armistice ; agitation was carried on unremittingly and the ground prepared for the next clash, which took place on the 14th May. Two Chinese foremen in a Japanese spinning mill were dismissed, which led to a strike of the operatives. An attempt on their part to force their way into the mill and destroy the machinery was resisted by the Japanese employees, who fired in self-defence and wounded several of the rioters, one of whom succumbed to his injuries. Thereupon followed a memorial service in honour of the deceased workman, meetings and anti-foreign propaganda of every description, leading up to a procession through the International Settlement on the 30th May.

On the afternoon of that day bodies of Chinese students paraded the main streets of the Settlement distributing pamphlets urging united action against the ' capitalist ' states of France, America, Great Britain, and Japan. A few of the ringleaders were arrested, but their companions accompanied them to the police-station and refused to leave. Other groups of students continued making speeches, which collected large crowds, and a foreign constable who endeavoured to disperse them was knocked down. The crowd then forced their way to the police-station, and were only ejected with great difficulty. The police found themselves unable to control the mob, and there was a fear that the rioters might rush the police-station and loot the arms which it contained (this particular station —the Louza police-station—had been so looted and destroyed in 1905). The inspector in charge therefore gave orders to open fire : as a result twelve of the rioters were killed and seventeen wounded.

The immediate result of this incident was the declaration of a general strike in Shanghai, and by the 4th June, 74,000 workers had left their employment. Coupled with the strike was a boycott of British goods. There was further rioting on the 1st and 2nd June, and sporadic outbreaks and attacks on foreigners continued for some weeks, while agitation, intimidation, and sabotage were incessant. A commission, consisting of representatives of the interested Legations, with two representatives of the Chinese Government, was sent from Peking to investigate the affair and to endeavour to find an immediate solution of the difficulties that had arisen. A series of demands, thirteen in number, was drawn up by the Chinese Chamber

of Commerce as the basis of settlement, and was accepted as such by the Chinese delegates; the list included certain demands of a political nature not directly connected with the strike (e. g. the municipal franchise and the rendition of the Mixed Court). The Chinese delegates maintained that these matters were the primary and fundamental causes of the trouble and were essential to any settlement; the foreign representatives considered that such matters were outside the scope of their commission, and the negotiations broke down on the 18th June.

There was a widespread impression that the report of the diplomatic commission was burked, because it censured the police and administration of the International Settlement and recommended the dismissal of the head of the police and the police officer responsible for the shootings, and also censured the American Chairman of the Municipal Council. This was not the case. There were no such recommendations in the commission's report, which was subsequently published.[1] Publication was merely suspended until after the international judicial inquiry had been held, in order that the inquiry might not be prejudiced, and that all the relevant documents might be published simultaneously.

The strike continued for several months; by the 31st July a considerable number of strikers had returned to work, but 96,000 were still idle in the International Settlement. Some check was put on the campaign of intimidation on the arrival in the surrounding districts of strong forces of Fengtien (Manchurian) troops towards the end of June. On the 23rd July the Fengtien military authorities sealed up the head-quarters of three labour unions, and this action considerably aided the breaking of the strike. During August some 30,000 men either returned to work or entered into agreements to do so when the mills were able to obtain electrical power (owing to the strike of its Chinese employees the Electricity Department had been compelled to discontinue the supply of current for industrial purposes), and by the end of September the strike came to an end in all concerns of importance, with the exception of one British and three Japanese mills, whose employees returned in October.

As regards the boycott of British goods the following analysis[2] of the Board of Trade figures of exports of cotton piece-goods from

[1] Text in *China Year Book*, 1926, p. 938.

[2] Department of Overseas Trade: *Report on the Commercial, Industrial, and Economic Situation in China to 30th June, 1926*, p. 28.

Great Britain to China (including Hongkong) gives a good index of the degree to which business was curtailed :

		Square yards.
1923	Total	235,329,400
1924	Total	292,577,600
1925	January	27,774,000
	February	26,436,300
	March	17,745,100
	April	13,778,400
	May	13,204,500
	June	15,582,500
	July	10,785,200
	August	8,578,900
	September	8,513,300
	October	8,430,200
	November	9,290,900
	December	13,267,500
	Total	173,386,800

The total deliveries of all cotton piece-goods *ex* Shanghai for 1925 show that, while the local mills suffered considerably from labour agitation and were not able to do more than maintain their former trade, the Japanese derived considerable benefit from the unfortunate position in which British manufacturers were placed. This is demonstrated in the following table : [1]

	TOTAL DELIVERIES.					
	1923		1924		1925	
	Pieces.	*per cent.*	*Pieces.*	*per cent.*	*Pieces.*	*per cent.*
All goods	13,439,816	—	14,197,219	—	14,175,135	—
European goods	7,486,831	55	6,936,237	49	5,227,065	37
Japanese goods	1,581,684	12	2,221,506	16	3,913,580	28
Shanghai goods	4,291,741	32	5,002,146	35	4,924,706	35
American goods	79,560	½	37,360	¼	109,784	¾

(*b*) THE JUDICIAL INQUIRY INTO THE INCIDENT OF THE 30TH MAY

In order to assess the responsibility for the shooting of the 30th May, the interested Governments decided that a judicial inquiry should be held, and three judges, American, British and Japanese, were appointed for the purpose. Chinese participation was invited, but the Chinese Government declined to appoint a member of the Judicial Commission, and the Chinese Chamber of Commerce headed a campaign for the boycotting of the Commission, as a result of which only one Chinese witness appeared before it. The Commission held thirteen sittings, from the 7th–27th October, and its findings,

[1] Department of Overseas Trade: *Report on the Commercial, Industrial, and Economic Situation in China to 30th June, 1926*, p. 28.

which unfortunately were not unanimous, were issued at the end of December. Briefly the findings were as follows : [1]

(1) The American judge, while convinced that, with a larger force of police on duty before the crucial hour on the 30th May, the necessity for firing might have been avoided, was equally persuaded that in the absence of such larger numbers of police it was inevitable. He was fully persuaded that the police had reasons for anticipating disorder, and that little or nothing was done to prevent it. He found the Commissioner of Police, Mr. K. J. McEuen, remiss in leaving the city that day without giving his deputy notice of the fact. He found that the officer in charge of the Louza police-station, Inspector E. W. Everson, had acted in accordance with ' mobilization instructions '.

(2) The Japanese judge gave the opinion that Mr. McEuen and the other municipal authorities were not responsible for failing to anticipate the disturbance ; that Inspector Everson was not subject to censure for declining the Commissioner's offer to send reinforcements about twenty minutes previous to the firing ; that Inspector Everson's order to fire was justifiable ; and that the question of the responsibility of Mr. Fessenden, the Chairman of the Council, did not arise.

(3) The British judge similarly found that there was no reason for anticipating disorder and exonerated the officers concerned.

Mr. McEuen, the Commissioner of Police, had been suspended from duty, without prejudice, from the beginning of the inquiry. He was reinstated on the 21st December, but resigned with effect from the 22nd December ; Inspector Everson likewise resigned with effect from the 28th December.

In the hope of effecting a final settlement and of creating a better atmosphere, the Municipal Council determined to make a compassionate grant to those who were wounded on the 30th May and to the relatives of those who were killed. They therefore sent to the Chinese authorities through the Senior Consul, a cheque for Mexican $75,000 ' as a mark of sympathy with the wounded and with the relatives of those killed '. At the same time they informed the Chinese authorities of their acceptance of the resignations of Mr. McEuen and Inspector Everson as ' action likely to promote a settlement of the questions at issue ', and renewed their expression of regret for the loss of life which occurred on the 30th May. The olive branch, however, was not accepted ; the Commissioner for Foreign Affairs informed the Senior Consul that he had been instructed by the Wai-chiao Pu not to accept the grant, and returned the cheque.

[1] A full summary of the findings is given in the *China Year Book*, 1926, pp. 946–55.

(c) Repercussions throughout China

The repercussions of the shooting on the 30th May were almost immediately felt through the whole of China, except in the northern area controlled by Chang Tso-lin. The demonstrations took a particularly anti-British form. At Chinkiang, on the 5th June, the British Consul was assaulted and three houses in the British concession were wrecked before the Chinese troops succeeded in restoring order. On the 12th June a riot at Hankow, in the course of which one Japanese was beaten to death, culminated in an attack on the British concession, where the mob endeavoured to seize the police-station and the arms stored in it. As the fire-brigade failed to disperse them by the use of the hose, they were eventually fired on, with the result that four were killed and twelve wounded. The streets were eventually cleared, with the assistance of the Chinese authorities, who were largely responsible for the outbreak owing to their failure to prohibit anti-foreign demonstrations or to take steps to prevent the attack on the British concession.

Similar disturbances took place at Kiukiang, where the British and Japanese Consulates were attacked and the Bank of Taiwan (Japanese) completely gutted; at Ningpo, where two customs assistants, respectively Russian and Japanese, succeeded in escaping with their lives only by hiding in large water jars; at Peking, where a strike of the British Legation servants was brought about on the 5th August; at Chungking, Nanking and elsewhere. The most virulent and intensive manifestations appeared, however, in the south.

(d) The Shameen Shooting of the 23rd June, 1925

There is no reason to suppose that it was on account of hesitancy or reluctance that Canton, the home of radicalism, where the embers of anti-foreign feeling were always ready to be fanned into a flame, was behind the Yangtze ports in its anti-British demonstrations. The end of May found the city a prey to internal dissensions which led to fighting between the local Government and its mercenaries from Yunnan and Kwangsi. This ended on the 12th June in the defeat of the latter, numbers of whom were brutally massacred. This set the Cantonese free for anti-British agitation: on the 20th June a three days' strike was proclaimed as a protest against the incidents at Shanghai and Hankow. There appears to be reasonable evidence to support the view that the actual intention was to confine the demonstration to the three days' strike, but that the extremists seized the opportunity to create an incident for the double

purpose of attacking Great Britain and of increasing their own power as against the more moderate elements.

In connexion with the strike, a monster procession was arranged for the 23rd June, which was to march past the British and French concessions on the island of Shameen, which was separated from the city by a creek. The day before this was to take place the British Consul-General addressed a letter[1] to the Chinese authorities informing them that he had learned that in the course of this demonstration the student agitators intended making martyrs of themselves by attacking the bridges leading to Shameen, and that, should any unfortunate incident occur, ' the blood of those who call upon mob psychology to commit deeds of violence will be upon their own heads. I write in this serious strain so that it may not be said hereafter that brutal Imperialist rifles massacred unoffending Chinese youth '.

On the 23rd June the anxiously awaited monster demonstration took place. Precautionary measures in anticipation of an expected attack on Shameen had been taken, and the naval and civilian defence units of the British and French concessions had taken up their posts with strict instructions to keep out of sight. The British Consul-General, the British senior naval officer, and one or two other naval officers and the Superintendent of the Shameen police were watching from the British bridge over the Shameen creek, and the procession had practically all gone by when suddenly a single shot rang out from the direction of the Whampoa Cadet[2] contingent, who formed the rear of the procession. Half a minute elapsed, and this shot was followed by a volley aimed at the island, which killed one French citizen and wounded the Commissioner of Customs (a British subject) and several other Europeans and Japanese. This fire was returned from Shameen by the French and British forces and resulted in thirty-seven Chinese being killed and many more wounded.

(*e*) The Hongkong Boycott

Then followed a long and rigid anti-British boycott and strike, involving a practical blockade of Hongkong on the landward side. The efficiency of the boycott was maintained by the terrorism of the army of pickets working under the Strike Committee, which the Nationalist Government of Canton was unwilling or unable to control and which almost constituted a state within a state. The

[1] See British White Paper: *Papers respecting the First Firing in the Shameen Affair of 23rd June, 1925.* (*China No. 1*, 1926) [*Cmd.* 2636].

[2] The Whampoa Cadet College was a military academy at Canton where young Chinese were trained to be officers in the army. These cadets were trained by Russian officers.

Strike Committee arrogated to itself powers of police, arrest, and imprisonment, and enriched itself by the sale of permits to leave Canton for Hongkong, and by fining ships for calling at Hongkong or persons found in the possession of British goods. The boycott was finally declared terminated on the 10th October, 1926. The effect of this prolonged struggle was to demonstrate the power of labour, to show the Kuomintang the efficacy of the strike and boycott weapon, and to secure a great access of strength to the extremist section under its Bolshevik advisers : the methods of agitation and intimidation that had been perfected by the Strike Committee and its picket army became an essential part of the machinery of the Kuomintang.

The strike and boycott were general throughout the area controlled by the Nationalist Government, which then comprised the province of Kwangtung and a part of Kwangsi. It took a particularly intensive form at the treaty port of Swatow, where the British community was deprived of all servants and forced to perform the most menial duties for itself and where British property was seized and looted. The movement, at first directed against the British, gradually developed a general anti-foreign and anti-Christian complexion. At Wuchow, in Kwangsi, an American missionary hospital was compelled to close down, the staff only escaping from the town with considerable difficulty, thanks to the presence of an American gunboat. An American hospital in Canton was similarly compelled to close owing to the intimidation of the staff by the strikers and the refusal of the local authorities to provide adequate protection. Outrages were reported from Hainan, Pakhoi, Nanking, and other southern centres, numerous instances being on record in which churches and missions were attacked and their premises occupied by strikers or troops, while at Pakhoi the foreign cemetery was desecrated.

Before concluding the vexed history of Sino-foreign relations in 1925, a brief note may be added on three questions which attracted considerable interest in this connexion—the Shanghai Mixed Court, Chinese representation on the Shanghai Municipal Council, and Child Labour.

(*f*) The Shanghai Mixed Court

The rendition of the Mixed Court was the sixth of the demands presented by the Chinese Chamber of Commerce after the shooting at Shanghai on the 30th May. The Chamber demanded the complete restoration of the court to the state in accordance with the treaties, and that, when any Chinese was prosecuted under the criminal

code of the republic of China or under the municipal bye-laws, the prosecution should be in the name of the republic and not in that of the Shanghai Municipal Council. The Shanghai Mixed Court was originally set up for the trial of Chinese committing offences within the International Settlement, and of cases in which a Chinese was sued or prosecuted by a foreigner; the anomalous state of affairs that had gradually developed in connexion with it was summarized in the Report of the Commission on Extra-territorality in China:[1]

> The constitution of the Mixed Court of the International Settlement was originally based upon the Mixed Court Rules of 1869, although the Court was actually functioning some years prior to that date. Since 1869, however, various local practices and customs have arisen which have rendered these rules substantially obsolete. At the time of the revolution in 1911, when the question arose as to whether the Mixed Court could continue to function, its position became anomalous in that the Chinese magistrates had to be confirmed in their position by the Shanghai consular body as an emergency measure to prevent the disintegration of the court, and others have since been selected and appointed by that body without reference to the Chinese authorities until they are now six in number. After the constitution of the Republican Government in 1912, and its recognition by the Powers, negotiations were entered into, and have continued intermittently ever since, for the settlement of the question of the status of this court. Since the foreign and Chinese authorities are at the present time [September 1926] negotiating about this court, the Commission has not deemed it necessary to go into all the details of its present organization and procedure. Attention should, however, be drawn to its very extensive jurisdiction in that it extends to all Chinese and non-extra-territorial nationals residing in the International Settlement, and to the fact that under the present arrangement in all cases, even purely Chinese cases, foreign assessors adjudicate conjointly with Chinese magistrates. It will be seen therefore that this mixed court as at present constituted has been functioning without treaty sanction since 1911.

It may be mentioned that the negotiations referred to by the Commission were brought to a successful issue and the court was handed back to Chinese control on the 1st January, 1927.

(*g*) Shanghai Municipal Franchise

The ninth demand of the Chamber of Commerce was as follows:

> Municipal franchise—
> (*a*) The Chinese may participate in the Municipal Council and ratepayers' meetings. The ratepayers' representation in the Council shall be in proportion to the amount of the rate payable and paid to the municipal revenue, and the qualifications for franchise (of the Chinese) shall be similar to those of the foreigners.

[1] *China No. 3* (1926) [*Cmd.* 2774].

(*b*) For the purpose of the franchise, distinction shall be made as to the beneficial and trust (or legal) interests of property. With the beneficial interest the right of franchise shall accompany and in the case of the trust interest such right shall be exercised by the beneficial owner thereof.

The justice of the Chinese claim to participate in the municipal government of the settlement was generally recognized, in view of the fact that they constituted some 96 per cent. of its population and contributed the major part of its revenue.[1] There were, however, two difficulties, one legal and one practical. The Land Regulations of 1869, which formed the charter of the settlement, defined the qualifications of voters, providing that 'Every foreigner . . . shall be entitled to vote in the election of the said members of the Council, &c. . . .' Hence, Chinese could not be admitted to the franchise or to seats on the Municipal Council without an amendment of the Land Regulations, which could be effected only by agreement between the foreign representatives and the Chinese Government.

There was further the practical difficulty that Chinese representation in proportion to the amount of rates paid would give the Chinese a majority on the Council and place them in control of the settlement. The history of parliamentary institutions in China proved that representative government was still in its infancy, and the experiment of handing over to the control of Chinese inexperienced in municipal government one of the largest ports in the world, which had been largely built up by foreign capital invested on the faith of its honest and efficient administration, was not one to be undertaken lightly. A tentative step was, however, taken: at the annual meeting of ratepayers of the Shanghai International Settlement held on the 4th April, 1926, the following resolution was carried by an overwhelming majority:

That in the opinion of this meeting the participation of Chinese residents in the government of the Settlement is desirable; and that the Council be hereby authorized and instructed to make forthwith representations to the Powers concerned with a view to securing the addition of three Chinese members at an early date.

(*h*) The Child Labour Problem

The connexion between the Child Labour Question and the disturbances of 1925 was largely fortuitous, and arose principally from the fact that the attempts to deal with the evil were approximately simultaneous with the riots of May and June: the demands

[1] Statistics compiled by the Shanghai Municipal Council showed that 55 per cent. of the revenue from rates and taxes was paid by China, and 45 per cent. by foreigners—(*North China Herald*, 10th July, 1927, p. 108).

of the Chamber of Commerce made no mention of this question. In the absence of special legislation, the growth of this evil was the natural corollary of the introduction of modern industrialism in a country which was, in many respects, not organized to absorb it. This was particularly the case in China, where the difficulties of supporting existence had always, throughout the country, made it the rule that children should as soon as possible contribute their modicum towards the earning power of the family. All the disadvantages which this system involved, both towards the individual and towards the body politic, in the case of agriculture and handicrafts, were, when child labour was brought into modern factory life, so multiplied and enhanced as to become a potential menace to the community.

In June 1923 the Shanghai Municipal Council appointed a representative international commission 'to inquire into the conditions of child labour in Shanghai and the vicinity, and to make recommendations to the Council as to what regulations, if any, should be applied to child labour in the foreign settlement of Shanghai, having regard to practical considerations and to local considerations generally'.

The report of the Commission,[1] presented on the 14th July, 1924, showed that, in the industries regarding which statistics were obtainable, 3 per cent. of the workers were boys under twelve and 11·5 per cent. girls under twelve; that these children were frequently employed on twelve-hour shifts; that night work was not unusual; that the general and the hygienic conditions under which they were employed were in many cases deplorable.

The Commission also indicated the difficulty of legislating against this evil in one section only of an industrial area. It pointed out that only a small proportion of the factories in Shanghai were within the International Settlement and subject to the control of the Municipal Council, and the probability that prohibition or regulation within the settlement, unless very carefully conceived, would merely result in the driving of the children and their parents into the employment of entirely uncontrolled industries outside, and might thus operate as a subsidization outside the settlement of the very evils which were being attacked within. It also indicated that any measure of this nature, which would involve an interference with Chinese family life, would be in the nature of a revolution and would seriously impoverish many homes.

Accordingly, its recommendations were of a very tentative, and even

[1] Appendix to British Blue Book: *Papers respecting Labour Conditions in China.* (*China No. 1*, 1925) [*Cmd.* 2442].

timid, nature. The Commission advised that the Council should seek power to

(i) Make and enforce regulations prohibiting the employment in factories and industrial undertakings of children under ten years of age, rising to twelve years within four years from the date of the regulations ;

(ii) Prohibit the employment of children under fourteen years of age for a longer period than twelve hours in any period of twenty-four hours, such period of twelve hours to include a compulsory rest of one hour ;

(iii) Make and enforce regulations under which every child under fourteen years of age should be given twenty-four hours continuous rest from work in at least every fourteen days ;

(iv) Prohibit the employment of children under fourteen years of age in any dangerous place. It also recommended that the Council should provide an adequate staff of trained men and women for carrying out the duties of inspection under the regulations.

These recommendations furnish in themselves an illuminating revelation of the way in which the worst features of the industrial revolution had been reproduced in China. In order to give effect to these recommendations a new bye-law was necessary, and under the archaic provisions of the Land Regulations under which Shanghai was governed, such new bye-law had to be passed by a special meeting of ratepayers at which at least one-third of the ratepayers were present in person or by proxy. The Council gave notice of a bye-law, based on the Commission's recommendations, to be submitted to a special meeting of the ratepayers to be held on the 15th April, 1925. Unfortunately, only 399 ratepayers, representing 622 votes, attended the meeting, and as this fell short by 302 votes of the number required to form a quorum, it was not possible to put the proposed new bye-law to the vote.

Efforts were immediately made to call another special meeting ; on the 24th April a letter was addressed to the Council, signed by 76 ratepayers (British, American, Japanese, German, Italian, Dutch, and Norwegian) requesting that a further special meeting should be called, the signatories pledging themselves to attend and to use their utmost efforts to induce others to do so. The meeting was convened for the 2nd June ; in the meantime the riots of the 30th May, and subsequent disturbances on the 1st June, took place, and the generally disturbed conditions prevented the mustering of a quorum.

(xii) The Institute of Pacific Relations.

The Institute of Pacific Relations, which held its first conference at Honolulu in July 1925, had its roots many years earlier. As far back as 1916, Mr. Alexander Hume Ford, the Director of the Pan-

Pacific Union at Honolulu, had suggested to the Secretary of the Young Men's Christian Association the plan of a Pan-Pacific Y.M.C.A. Conference which should bring together representative leaders of that organization from the Pacific countries for the purpose of considering the problems of that area. The proposal met with a favourable reception, particularly in the United States, and as the arrangements for the proposed conference took concrete shape, the great significance of the issues involved and the inevitable inclusion of political and economic subjects became increasingly apparent, and it was realized that a narrow interpretation of the scope or spirit of the plan would be inadequate. Accordingly, in the final stages, the plans contemplated the Institute of Pacific Relations as a self-governing body concerned with promoting the best relations between the Pacific countries, avoiding misunderstandings and conflicts, and promoting friendship and co-operation.

The conference was an entirely unofficial gathering, and every effort was made to banish from its proceedings the formalities usual to such assemblies. It had no set policy or programme, but decided its proceedings from day to day ; it passed no resolutions (with the exception of a vote of thanks to the local committee) and arrived at no formal conclusions ; it aimed at promoting among the representatives of the various countries who took part a frank heart-to-heart interchange of opinions which should assist each nation in appreciating the point of view of the others and so bring into their mutual relations that spirit of intelligent sympathy which is the antidote to international distrust and racial prejudice. In pursuit of this lofty ideal, every effort was made to ensure that the delegation from each country should be as widely representative as possible ; and that it should include not only representatives of various activities and social spheres, but men and women with widely contrasted points of view, convictions and experiences. Thus, the nationalist Filipinos found among the American delegation a prominent opponent of Filipino independence ; the Japanese delegation had to meet a Korean exiled for many years from his native land.

The conference, which lasted from the 30th June to the 15th July, was composed of 26 members from the United States, 13 from China, 19 from Japan, 10 from New Zealand, 6 from Australia, 6 from Canada, 5 from Korea, 3 from the Philippines, 13 from Hawaii, and 3 members ' at large '. There were also 35 associate members.

The work of the Institute was divided under three heads : (1) general forum, at which certain well-defined topics were brought up for discussion by any one interested ; (2) round table discussions by

small groups, each of which took up a section of a particular problem, the results being subsequently pooled for the information of the general forum ; (3) public lectures on subjects of general interest in connexion with the Pacific.

The forums and round tables were closed to the public, but a summary of the day's proceedings was communicated to the press. The object of this was to stimulate frank discussion and at the same time avoid possible misconceptions on the part of the public, and the course was undoubtedly a wise one.

As regards the matters for discussion, there were no restrictions, except those due to limits of time, upon any member, and he or she might bring up any subject relating to the Pacific and discuss it from any point of view. The questions dealt with included race, culture, religion, national policies, health, movements of population, armament, mixing of races, industrialization, labour conditions and scientific co-operation, as well as such specific matters as the United States Immigration Act of 1924, Japanese labour laws, the ' White Australia ' policy and extra-territoriality in China. In the course of the discussions two major problems arose, and became the foci of the work of the Institute—the immigration problem, and extra-territoriality as applied to China.

The discussion of immigration problems inevitably centred round the operation of the United States Immigration Act of 1924, which not only affected closely immigration from China and Japan, two of the countries represented at the conference, but also had a bearing on the immigration policies of other Pacific countries, such as Canada and Australia, and hence proved of general interest. A valuable paper was read in this connexion by Mr. Yusuki Tsurumi, one of the Japanese delegates. After acknowledging the debt owed by Japan to America for the latter's help and advice in various spheres, such as education, prison reform, diplomacy and the like, the speaker passed on to a history of America's restrictive enactments against the entry of Japanese. He maintained that the inevitable result of the recent legislation was the conviction in Japanese minds that America had no confidence in the people of Japan and cared nothing for their friendship and co-operation, and he concluded with a strong appeal to America's sense of fair play and justice. His arguments were reinforced by his colleague, Mr. M. Zumoto, formerly editor of the *Japan Times*, and more recently of the Tokyo *Herald of Asia*, who devoted his attention principally to the treatment of Japanese when legally resident in the United States.

The disturbances in China which culminated in the Shanghai

shooting of the 30th May, 1925, were at their height during June and made it a matter of open conjecture whether the Chinese members would be present at Honolulu. The fact that the Chinese did come in spite of these handicaps, together with the daily reports of the unrest in their country, lent special significance to their participation.

The Chinese delegation vigorously expressed their view of the injustice of early treaty provisions and the special rights enjoyed by foreigners under extra-territoriality, and emphasized China's desire for tariff autonomy. Their picture of the distresses and aspirations of their country met with a sympathetic reception by the Institute. Unfortunately, the Chinese members were, with one or two exceptions, drawn from the academic class, without technical experience in official or international relationships. They were not technically versed in the diplomatic and treaty background of the international situation of their country nor in the history of her contact with Western Powers. This put them in a position of disadvantage in discussion with a few experts of the United States group, who had special knowledge and experience of those very matters. The Chinese realized this, and it temporarily disconcerted them, but they soon gained a new perspective, frankly admitted that the difficulty lay with them, and stated that at the next conference they also would have a group of experts present.

Korea also had her share of attention, and a representative of that country set forth the Koreans' detestation of the policies of assimilation and of alleged discrimination against the people of the peninsula adopted by the Japanese rulers. For the Philippine Islands, a Filipino delegate made a vigorous appeal for the fulfilment of the United States' promise regarding the grant of independence.

An interesting discussion, open to the public, took place on the subject of the opium traffic. The debate was opened by Professor Willoughby, counsellor to the Chinese delegation at the Geneva Opium Conference in 1924–5, and was particularly remarkable for an address by Mr. Charles G. Batcheldor, formerly United States Trade Commissioner in India, who gave a very just and lucid exposition of Great Britain's position in the matter.

Those who took part in the 1925 conference were sufficiently satisfied with the work accomplished by the Institute to feel justified in establishing it on a permanent basis with biennial meetings, the next of which would thus take place in 1927. The cost of the organization for a two years' period was estimated at 90,000 gold dollars, of which the United States was asked to raise 60,000 and the other national groups 30,000.

PART IV

THE AMERICAN CONTINENT

(i) Relations between the United States of America, the Latin-American Republics, and the League of Nations.

On the 6th April, 1917, by President Wilson's declaration of war upon Germany, the United States seemed to have abandoned her cherished and traditional policy in favour of active intervention in European affairs. The great majority of the sovereign states of the Americas followed the lead of the United States, wholly or in a modified form; of the more important among them, only Mexico, Chile, and the Argentine maintained complete neutrality towards Germany. But the lapse was short. The citizens of the United States were too deeply convinced of the wisdom of Jefferson's warning against 'entangling alliances' and of the fundamental advantages of a nice interpretation of the Monroe Doctrine, to be converted from this prudent policy by the Europe of 1919. The Treaty of Versailles, embodying the Covenant of the League of Nations, seemed to them the expression, not of the ideals of a new humanity, but of the warring passions and intrigues of a Europe at her worst. It was in vain that, under pressure from a group in the United States, the saving phrase was inserted in the Covenant (Art. 21) that 'nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace'. An overwhelming reaction swept over the people of the United States, and with all haste they freed themselves from further 'entanglements'.

Yet it was not possible to return altogether to the situation as it had been in 1917. Some currents of development had been arrested; others had been accelerated; and the League of Nations, even across the ocean, presented a factor which it was not possible to leave out of account.

The reference in the Covenant to the Monroe Doctrine had not merely been insufficient; it had been perturbing. For a certain confusion existed as to what the doctrine really meant. As proclaimed by its author in 1823, it appeared to consist of three essential points: that there should be no future colonization in America by European Powers; that there should be no extension of the monarchical system to republican America; and that the United States

would defend the independence of the American countries against European aggression.[1] These principles were acceptable enough to the small and struggling states of Latin America[2] when they were formulated, and in their strict interpretation they had lost none of their acceptability since ; but it is difficult to confine to its precise original implications a doctrine which is more often made the subject of general reference than of accurate verbal citation. The United States grew from a young and comparatively minor body politic to be one of the most populous and powerful, and quite the richest state in the world. The Latin republics developed in their turn ; but the early hopes entertained by Bolivar of a great South American State were never realized. The tendency was to divide rather than to unite. Latin America at the opening of the twentieth century consisted : (*a*) of a number of states, all, except Mexico, extremely small, situated around the Caribbean Sea, in such proximity to the United States and affecting, and affected by, her interests so vitally, that the ordinary international relationship of mutual non-interference was hardly possible ; and (*b*) of a group of larger states, some of them of immense size and potential importance, situated in South America, who no longer needed protection against Europe, and were inclined to resent the paternal attitude towards them which the United States held to be the logical expression of the Monroe Doctrine. President Wilson himself, in his address to the Mexican editors on the 7th June, 1918, said :

> The famous Monroe Doctrine was adopted without your consent, without the consent of any of the Central or South American States. If I may express it in the terms that we so often use in this country, we said : 'We are going to be your big brother, whether you want us to be or not.' We did not ask whether it was agreeable to you that we should be your big brother. We said we were going to be. Now that was all very well so far as protecting you from aggression from the other side of the water was concerned, but there was nothing in it that protected you from aggression from us.[3]

[1] It may be stated here that all the authoritative pronouncements on this question have laid stress on the fact that the Monroe Doctrine, the Pan-American movement, &c., are confined to the sovereign states of America. Canada and other dependencies of European Powers are expressly exempted from their application. In this sense the words 'America', &c., are used here.

[2] Ethnographical and political objections can be raised against the term 'Latin America' when used to cover a number of states with a mass of Indian or negro population, a greater or less number of half-breeds, and a white class of Spanish, Portuguese or (to an increasing extent) Italian origin. Nevertheless, in default of a convenient alternative term, the expression has been retained.

[3] Quoted by S. G. Inman ; *Problems in Pan-Americanism* (2nd ed., New York, 1925), pp. 173–4.

In fact, although it was so true that none would have denied it, that the United States had in the past rendered great service to the Latin-American republics in safeguarding their independence; and equally true that the influence of the United States contributed some measure of civilization, both material and moral, to parts of an undeveloped continent; yet the effect of this on Latin-American opinion was largely counteracted by the 'surprising fact' that, since 1898, the United States had 'extended its influence and control more rapidly . . . than any other Great Power, even imperialist Russia',[1] and this expansion had taken place, not only in the Pacific, but in Central America and the West Indies. It had not been the fruit of deliberate aggression, but the almost inevitable result of the juxtaposition of communities so unequal in population, efficiency, and power; yet such facts 'impressed the Latin-American countries more powerfully than expressions of goodwill and devotion to democratic ideals'.[2]

The resultant political friction was fostered by a certain cultural antipathy between the 'Anglo-Saxon' ideals and methods current in the United States and the Iberian mentality of Central and Southern America. To the growth of the great states of South America must be added, as a further factor, the improvement of communications between their ports and the ports of Europe; and also the fact that adherence to the Monroe Doctrine (in its development that no non-American Government might occupy any portion of an American republic, even temporarily, for the satisfaction of any kind of claim against these republics) placed the United States, not infrequently, in the invidious position of collectors of European debts in Latin America states.[3]

Prior to 1914, there were two distinct currents of American policy. The first concerned the attitude of the United States towards the Caribbean states, which was frankly and inevitably expansionist; the second, the relations between the United States and the large South American states. Here the situation was rather different. If European intervention had been eliminated from South America by common consent of the American peoples, the growing nationalist feeling of the South American states would brook no undue interference on the part of the United States. Nevertheless, a certain need for unity, or at least agreement, was felt; and this found expression

[1] The words in inverted commas are quoted from I. Bowman: *The New World*, 2nd ed. (London, 1924), p. 561, where the facts are strikingly presented in tabular form.

[2] *Op. cit., loc. cit.*

[3] See an article by Professor H. Bingham: 'The Monroe Doctrine, an Obsolete Shibboleth', in the *Atlantic Monthly*, 1914.

in the series of loosely organized Pan-American Conferences, which took place under the aegis of the United States, but implied no hegemony of that state over the other participants.

The determination of the United States to acquire a dominant position in Central America dates from the middle of the nineteenth century, and was founded on the perception of the vital importance of the interoceanic route ; as early as 1880 President Hayes declared the organic connexion between the Atlantic and Pacific Oceans to be ' part of the coast-line of the United States '. Direct European influence was eliminated from the mainland with the failure of Maximilian's adventure in Mexico in 1867. The Spanish-American War of 1898 brought an extension of United States influence in the islands of the Caribbean. Puerto Rico, under the Foraker Act of 1900, came under a system of government which combined some initiative in local affairs for the natives with United States supervision and supreme authority. Cuba gained her independence from Spain, but under the ' Platt Amendment ' of 1901 the United States acquired a control over Cuba's foreign and financial policy, a far-reaching right of intervention and also the right to lease naval stations at Bahia Honda and Guantanamo. When Colombia refused to ratify the Hay-Herran treaty respecting the Panama Canal, in 1903, Panama seceded from her, and immediately afterwards signed a treaty granting to the United States the use, occupation, and control of a strip of land ten miles wide for the purposes of the canal, which was opened to traffic in 1914. In Santo Domingo the public debt and customs were put under United States control in 1907. In 1909 United States armed forces expelled from his country the President of Nicaragua (through which country runs the alternative canal route to Panama) : they returned in 1912, when an attempt was made to overthrow the existing régime, and remained in the country to maintain order.

In the early years of the War the principle of United States intervention was extended, and indeed reached a point from which it appeared afterwards to recede, as opinion in the United States itself began to realize that a different procedure was more in accordance with international comity and the principles of democracy. In July 1915, as a result of prolonged disorders, United States marines landed in Haiti. In the following year a treaty was concluded, which contained arrangements similar to those current between the United States and Santo Domingo, to last for twenty years. The treaty only provided, indeed, for United States intervention when this was necessary for the maintenance of the independence of Haiti

and of a stable and effective Government in it; but it appears that the necessity, at least as regards the latter clause, was not unjustly assumed to exist permanently. In 1916, following violations by Santo Domingo of the agreements of 1907, the United States occupied the island, proclaimed martial law, and suspended the sessions of the local Congress. In 1917, the process was completed by the Jones Act, which provided that citizens of Puerto Rico should be deemed and held to be citizens of the United States. In the same year the United States purchased the Virgin Islands from Denmark, while at a later date the purchase of Jamaica from the British Government, and of Guadaloupe and Martinique from the French, was contemplated, in connexion with a scheme for the settlement of war debts. On the mainland, the so-called Bryan-Chamorro Treaty was signed in 1914 between the United States and the (Conservative) Government of Nicaragua.

As originally drafted the treaty had contained the following provisions:

(1) Supervision of Nicaraguan affairs by the United States.

(2) The United States to be granted rights to construct a canal through any part of Nicaragua that it should determine. In return, three million dollars were to be paid to Nicaragua, to be spent under the direction of the United States.

(3) The lease to the United States of the Little Corn Islands and Fonseca Bay for fortifications and as a naval base.

The first clause was dropped, owing to great opposition in Nicaragua; but the treaty containing the last two provisions was ratified in 1916. Costa Rica and Salvador appealed against the treaty to the Central American Court of Justice on the ground that it infringed their sovereignty and the Court upheld their appeal, but both Nicaragua and the United States ignored the decision of the Court, thus bringing about its dissolution.

To all this must be added the fact that both the import and export trade of all the Central American Republics was almost entirely with the United States, who had also acquired commercial and financial interests of immense importance in those countries.

At the close of the War there were, therefore, few states in Central America which still enjoyed more than a nominal independence; and that although the tendency of the United States was at that time rather to withdraw the visible signs of supremacy. The one important exception (although little Salvador maintained a spirited attitude) was Mexico; and the only problem which still awaited the United States in this zone was the liquidation of a few outstanding

difficulties raised by her swift advance, and the frustration of the attempts made by opposition parties in certain of the states (notably Nicaragua) to reverse the order of things—attempts which were often encouraged by Mexico.

No policy of this sort was possible to the United States in South America. The Pan-American Congresses, which met under the leadership of the United States in 1889, 1901, 1906, and 1910, did good work in easing international intercourse and creating a feeling of common interest, but they went little further. The most important question discussed at these meetings was that of compulsory arbitration—a principle which the delegates almost invariably commended without adopting it. An attempt made at the fourth Congress to pass a resolution defining the attitude of the states represented towards the Monroe Doctrine broke down owing to the impossibility of agreement on its wording. The Pan-American movement, as it was developed at these conferences, and as the Pan-American Union set itself to interpret it, was hardly susceptible of a single definition. The jealousy felt towards the United States by the smaller republics might have brought the whole movement to early ruin but for the memorable speech made by Mr. Elihu Root, then Secretary of State of the United States, to the third Pan-American Congress of 1906:

> We wish for no victories [he said] but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guarantee of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic.[1]

Thus it was that President Wilson, in his message to Congress on the 7th December, 1915, was able to say:

> The states of America are not hostile rivals, but co-operating friends, and . . . their growing sense of community of interest, alike in matters political and in matters economic, is likely to give them a new significance as factors in international affairs and in the political history of the world. It presents them as in a very deep and true sense a unit in world affairs, spiritual partners, standing together because thinking together, quick with common sympathies and common ideals. Separated they are subject to all the cross-currents of the confused politics of a world of hostile rivalries, united in spirit and purpose, they cannot be disappointed of their peaceful destiny. This is Pan-Americanism. It has none of the spirit of empire in it. It is the embodiment, the effectual

[1] Quoted by D. Y. Thomas: *One Hundred Years of the Monroe Doctrine* New York, 1923, Macmillan), p. 370.

embodiment, of the spirit of law and independence and liberty and mutual service.[1]

The War brought about a considerable change in the situation, primarily in the economic field. In 1915 the Panama Canal had begun to take traffic ; by 1917 the United States had almost completed its advance in the Caribbean countries. The condition and sentiments of Mexico at the time were unfavourable to an expansion of United States financial and commercial interests in that republic ; on the other hand, the way lay open to them, as never before, in South America.

Up to this date the chief business relations of most of the South American countries had been, not with the United States, but with Great Britain, and after her with Germany. The principal steamship lines serving these countries were British and German ; the railways were largely in British hands ; British banks had advanced most of the loans necessary for South American financial policy ; many of the chief products of South America—Bolivian tin, Argentine cattle, Chilean nitrates—found their chief market in Great Britain. The economic yoke, such as it was, was easily borne, and the chief manifestations of South American solidarity—the somewhat platonic A.B.C. alliance between the Argentine, Brazil, and Chile—was directed against Great Britain. But the World War brought all the chief countries of South America, except the Argentine and Chile, into a state of war with Germany, and even the neutrals were entirely cut off from intercourse with Germany. Great Britain was forced to restrict, rather than expand, her investments and interests abroad. There was a gap which the United States were quick to fill, and that at the request of the Latin-American states themselves. In May 1915, in answer to an appeal for help, the United States Government called the first Pan-American Financial Conference, which established an international High Commission to provide for the development and regulation of inter-American commercial, financial, and labour relations. In Brazil, the United States gained control of the coffee market, and hence of the economic life of the country. The mineral wealth of Peru, Chile, and Bolivia was carried increasingly to the United States. Even in Chile and the Argentine, where British interests were most firmly ensconced, the current of trade changed its course, at least for a time. More important still, United States finance began to compete with British for its leading place. By the

[1] Quoted on p. 409 of vol. i of *The New Democracy* (*The Public Papers of Woodrow Wilson*, edited by Ray Stannard Baker and William E. Dodd, New York, 1926, Harper).

end of 1918 the United States were far advanced towards economic supremacy in South America. This process made considerable advances during the years of post-war depression in Europe, when the United States still offered a ready market for the superabundant natural products of South America and the coincidence of a temporary financial depression in London with a financial shortage in the South American states forced the latter to apply for fresh loans and capital in New York.

The end of the War was followed by that sudden revulsion in the United States from things European of which we have spoken. Latin America had to take stock of the new situation. The Caribbean countries were completely dominated by the United States; only Mexico had preserved a *farouche* spirit of political independence, which she was finding hard to reconcile with her economic situation. In South America the political relations of the republics with the United States still rested on the fine pronouncements of Root and Wilson; but economically, they had drawn much closer to the United States than even when the later of the two pronouncements had been made. The War had shattered the A.B.C. alliance, and all states concerned were sufficiently convinced of the rightness of the Monroe Doctrine at least to repudiate the thought of a political alliance with any extra-American Power. If support was needed, the choice lay only between the United States and the League of Nations; but the alternative was not a clear one, since the Covenant of the League contained that saving exception in favour of the Monroe Doctrine.

In the circumstances, Salvador, one of the smallest but one of the most progressive of all the Latin-American Republics, directed a note to the United States on the 14th December, 1919, remarking that Article 21 of the Covenant had 'awakened warm discussions throughout the whole American Continent, due no doubt to its brevity and lack of clearness', pointing out that the Monroe Doctrine, since its inception, had 'undergone different applications depending upon the diverse political tendencies prevailing at that particular time in the United States', recognizing the great services rendered to Latin America by that doctrine, but requesting 'the authentic interpretation of the Monroe Doctrine as it is understood in the present historical moment and in its future application by the Government of the United States'.

The United States replied by quoting President Wilson's address before the Second Pan-American Scientific Congress on the 6th January 1916,[1] when the President had spoken as follows:

[1] See *The New Democracy*, vol. i, pp. 439–45.

> The states of America have not been certain what the United States would do with her power. That doubt must be removed . . . If America is to come into her own . . . she must establish the foundations of amity, so that no one will hereafter doubt them. I hope and I believe that this can be accomplished . . . in the first place, by the States of America uniting in guaranteeing to each other absolute political independence and territorial integrity, in the second place, and as a necessary corollary to that, guaranteeing the agreement to settle all pending boundary disputes as soon as possible and by amicable process; by agreeing that all disputes among themselves, should they unhappily arise, will be handled by patient, impartial investigation, and settled by arbitration; and the agreement necessary to the peace of the Americas, that no state of either continent will permit revolutionary expeditions against another state to be fitted out on its territory, and that they will prohibit the exportation of the munitions of war for the purpose of supplying revolutionists against neighbouring Governments.

Salvador expressed diplomatic appreciation of this reply, but Latin America as a whole was not able to see in it the complete and authoritative statement which seemed desirable. In fact, the relations of the Latin-American states with the League of Nations were to be governed by uncertainty, due largely to the obscurity of Article 21. The great majority of them adhered to the League, either on its foundation or shortly afterwards. The only exceptions were the Dominican Republic, which was admitted to membership in September 1924, and Mexico and Ecuador, which did not seek admission. Honduras, indeed, on the 15th November, 1922, notified her decision to withdraw from the League on account of the onerous annual subscription. She was induced to reconsider her decision; but on the 24th December, 1924, Costa Rica notified her decision to withdraw, as from the 1st January, 1927, on the same grounds.

The chief opposition to the League in Latin America was due, not to any feeling that membership of it might be inconsistent with the principles of the Monroe Doctrine, but rather to the contrary reasoning: that the League, as constituted, did not form a sufficient counterweight in America to the excessive influence of the United States. The Argentine Republic was one of the first non-belligerents to adhere to the League, and at the First Assembly, in 1920, the Argentine delegation presented an interesting formula for the reconstruction of the League on the basis of the inclusion of Germany and of all sovereign states on a footing of absolute equality with compulsory arbitration of differences. On the decision of the Assembly that it was not called upon to deal with questions of organization, the Argentinian delegation withdrew, and, while

remaining a member of the League, Argentina was not represented at subsequent sessions of the Assembly. Her action appeared in part to be due to resentment against the prominent part allotted to Brazil on the Council of the League.

The League of Nations was in a somewhat delicate position as a result of the attitude adopted towards it by the American countries. To treat them as in any way of secondary importance or uninterested in the affairs which were occupying the attention of the League, would be not merely to do grave injustice to countries of such importance, but also to run counter to the most essential principles of the League itself. On the other hand, to carry the political activities of the League into the affairs of Latin America would involve the risk at least of a misunderstanding with the United States which must be of the gravest consequence for the peace of the world. In fact the League did ample honour to its Latin American representatives. Brazil was granted a non-permanent seat on the Council from the first, and Uruguay from 1922. The Chilean representative, Señor Agustin Edwards, was elected President of the Third Assembly in 1922, and Dr. Cosme de la Torriente Peraza, of Cuba, presided over the Fourth Assembly in 1923. In addition, after the Latin-American delegates at the First Assembly and at the Barcelona Conference, as well as the committee appointed to inquire into the organization of the Secretariat in pursuance of the First Assembly's decision of the 17th December, 1920, had pointed out that the geographical remoteness of Latin America from Geneva made some special arrangement desirable, the Assembly, on the 1st October, 1921, approved the establishment of an information office of the League in Latin America; and a special permanent Latin-American Office of the League was constituted and entered upon its functions at Geneva on the 1st January, 1923. Brazil further, by a decree of the 13th March, 1924, appointed a permanent representative at Geneva with a status equivalent to that of an ambassador. The Latin-American representatives also did their full share of useful service on the committees and organizations of the League (in some of them with the collaboration of delegates from the United States). It was not until 1926 that Germany's demand for sole election to a permanent seat on the Council caused general dissatisfaction with the League in Latin America, as in Spain.[1]

On the other hand, the Latin-American countries were chary of appealing to the League for intervention in American disputes. After the early attempt by Bolivia to secure in her favour the League's

[1] This question will be dealt with in the *Survey for 1926*.

intervention in the Tacna-Arica dispute,[1] and a similar attempt by Panama in 1921 in the case of her dispute with Costa Rica,[2] no instance of any such appeal was found until 1926, when Chamorro, the *de facto* President of Nicaragua, asked for the good offices of the League in his dispute with Mexico.[3] If Swiss arbitrators settled the frontier dispute between Colombia and Venezuela,[4] they were but acting in this duty as successors to the King of Spain, to whom appeal had first been made, more than half a century previously. In every other case, where a dispute could not be settled by the litigating parties themselves, it was the President of the United States to whom the parties turned naturally for his arbitration and decision. Such was the procedure adopted by Ecuador and Peru,[5] by Brazil, Colombia and Peru,[6] and, in the most notable and difficult case of all, by Chile and Peru in the Tacna-Arica boundary dispute.[7] The last-named case indicated the disadvantages attendant on the position which the President of the United States now enjoyed ; for human faith in the impartiality of an arbitrator is seldom robust, and in fact, one result of the United States' arbitration in this dispute was to awake in Chile, and still more in Peru, a profound mistrust of the purity of her motives.

For the time then, the Latin-American states, while giving the League their warm support, preferred to solve the problems of their own continent without calling for extra-American intervention. Thus the United States continued to play in their controversies the part, as President Wilson had phrased it, of ' big brother '. Yet there was not wanting a sentiment among them that the United States set the ideal of fraternity somewhat higher than that of equality or even (in certain cases) of liberty. The old cultural antagonism between Latin and Anglo-Saxon America was accentuated by the difficult immigration questions, which were treated in detail in an earlier volume of this *Survey*.[8] The movement in the United States which found expression in the Immigration Restriction Acts of 1921 and 1924 reacted in its turn upon the fortunes of the Latin-American countries, for the streams of immigration diverted from the United States were partly directed to their shores. The still vaster question of Oriental immigration was a less immediate, but potentially an even more important, cause of disharmony. The rigid determination of the United States to exclude from her own shores the members of the yellow races was not shared by all the

[1] See below, p. 426.
[2] See below, p. 430.
[3] This subject will be treated in a future volume.
[4] See below, p. 432.
[5] See below, p. 434.
[6] See below, p. 433.
[7] See below, pp. 428–9.
[8] See *Survey for 1924*, Part I B.

Latin-American countries. Neither Peru, Brazil, nor (most notably) Mexico saw any objection to recruiting cheap labour from Japan and China; but the United States feared the effect of adding such an ingredient to a population already compounded of Latins, half-breeds, and Indians—among whom, moreover, the last named, so long ignored and repressed, were slowly awakening to national consciousness. The United States saw, too, that her own policy must lose half of its effectiveness if it was not generally applied throughout America.

The United States, in her American policy, was primarily occupied with the settlement of affairs in the Caribbean countries. The vexed problem of Mexico could not be solved, although in 1924, under the Presidency of General Calles, a notable if temporary improvement was reached.[1] In 1921, the frontier between Costa Rica and Panama was finally accepted;[2] the outstanding disputes arising out of the secession of Panama from Colombia were regulated: the recognition of Panama by Colombia was assured; and at the same time the indemnity required by Colombia was granted.[3] The relations between the five republics of the Central American Union (Salvador, Honduras, Nicaragua, Guatemala, and Costa Rica) which had been shattered by the action of Nicaragua and of the United States itself, were revised.[4] The arrangements concluded on the 7th February, 1923, if they brought the five republics only a step nearer union, and if they omitted the ambitious and ill-fated provisions of compulsory arbitration which had signalized the treaty of 1907, at least took practical steps towards forestalling war and revolution by guarantees of mutual assistance.

These minor settlements were followed by the more ambitious undertaking of the Fifth Pan-American Conference, which was held at Santiago, Chile, from the 25th March to the 3rd May, 1923, attended by delegates from all the American states except Bolivia, Mexico, and Peru.[5]

Great importance was generally attached to this, the first full Pan-American Conference to meet since 1910. In view of the manifold and deep changes, indicated above, which had taken place in the situation since the earlier date, it was clear that large issues would come up for discussion. In fact, the agenda, which had been

[1] See below, p. 423.
[2] See below, p. 430.
[3] See below, pp. 431–2.
[4] See below, Sect. (ii).
[5] For an account of the Conference see *Bulletin of the Pan-American Union*, August 1923. For the texts of the conventions and resolutions, see *Report of the Delegates of the United States of America to the Fifth International Conference of American States* (Washington, Government Printing Office, 1924).

adopted by the Governing Board of the Pan-American Union at Washington on the 6th December, 1922, included for the first time questions of far-reaching political import. Topic 2 was the organization of the Union on the basis of a convention ; topic 9, ' consideration of measures tending toward closer association of the Republics of the American Continent with a view to promoting common interests ' ; topic 10, ' consideration of the best means to give wider application to the principle of the judicial or arbitral settlement of disputes between the Republics of the American Continent ' ; topic 12, ' consideration of the reduction and limitation of military and naval expenditures on some just and practicable basis ', and topic 16, ' consideration of the questions arising out of an encroachment by a non-American Power on the rights of an American nation '. The remaining topics dealt with less controversial questions, and were referred to Committees of Commerce, Communications, Hygiene, Agriculture, and Education, and these five committees elaborated a number of conventions and resolutions on which the Conference was able justly to congratulate itself. With the major political questions it was otherwise.

The Committee on Limitation of Armaments was called upon, in practice, to deal with the single question of the naval competition between the A.B.C. States. In this difficult problem, the United States delegates markedly abstained from exercising their influence, and it remained really to be seen whether the three states concerned could come to an agreement among themselves. Unfortunately, they failed to do so, and the only result of the question being raised was rather to embitter than to improve relations between them. On the announcement of the agenda for the Conference, the Brazilian Government had invited the Governments of Argentina and Chile to join in a separate preliminary discussion of the problem ; but as both refused, Brazil announced that she would only send her delegates to the Conference as an act of courtesy. The discussions in committee proceeded with great difficulty, and by the 23rd April had reached a deadlock, owing to the inability of the Argentine and Brazil to agree in principle or in practice. The Argentine, which at the time possessed the largest naval tonnage of the A.B.C. Powers, proposed a maximum figure only slightly lower than her actual figure of the moment, whereas Brazil, who claimed the right to a larger navy than the other two Powers in proportion to her longer coastline, but whose navy was actually the smallest of the three, demanded that the other two should at least reduce their navies to her level. Progress, in so far as disarmament was concerned, was

confined to the passing of a resolution for the adherence of American Governments other than that of the United States to various provisions of the Washington Treaties of the 6th February, 1922, such as those limiting the size of individual warships and guns, prohibiting the use of asphyxiating gases and poisons in warfare, and restricting the scope of aerial hostilities.

Some compensation for the disarmament failure was found in the adoption by the Conference of a proposal to apply to the whole American Continent a plan similar to that of the Bryan peace treaties. The convention in question provided that all controversies arising between the contracting parties, which it had been impossible to settle through diplomatic channels, should be submitted to a Commission of Inquiry for investigation and report. The Commission was to be composed of five members, all nationals of American states, and was to render its report within one year from the date of its first meeting. Until such report were rendered, or until the year had elapsed, each litigant party undertook not to mobilize or concentrate troops on the frontier of the other party, or to engage in hostile acts or preparations for hostilities. The findings of the Commission were, however, to be considered only as reports and not to have the force of arbitral awards.

In decreasing the likelihood of hostilities, while leaving the parties full ultimate freedom of action, this convention harmonized with the policy of the United States, rather than with that of some of the Latin-American countries. Indeed, throughout the Conference the latent issue at stake was that of freedom of action in political questions. Most of the Latin-American republics had approached the Conference in hopes directly opposite to those which inspired the United States. If the United States was not going to enter the League of Nations even at a future date—and its Government had repeatedly declared that it would not do so—the Latin-American states desired at least so to mould the Pan-American movement as to secure for themselves an alternative which, while conforming with the Monroe Doctrine, should give them some of the political benefits of international organization in their dealings with the United States. That they considered such an aim as supplementing, and not conflicting with the work of the League of Nations, was made clear by the declaration of the representative of Uruguay, at the instance of whose Government Topic 9 had been placed on the agenda, that that topic 'favoured the interests of the League of Nations and was likely to assist its efforts and facilitate its work' and that 'the Conference would pursue the same objects as the League was pursuing at that moment'.

The delegates of the United States, on the other hand, studiously avoided any discussion of large political issues. In June 1921 the disapproval of the United States had put an end to a proposal from Panama for the formation of an American League of Nations, and at the Conference of 1923 it was the United States again whose influence frustrated the reorganization of the Pan-American movement which the adoption of Uruguay's proposal would have involved, and secured the adoption at the Conference of the project for a Commission of Inquiry described above in lieu of the scheme for compulsory arbitration of differences desired by smaller countries. The struggle, if not outspoken, was stubborn. Costa Rica had brought forward a proposal for an American Court of International Justice, for the compulsory settlement of inter-American disputes including those which involved the vital interests of nations. The proposal was not adopted at the Conference, but it was referred to a commission of jurists to meet at Rio de Janeiro in 1925, and was to be brought forward again at the next Pan-American Conference. In return for postponing this question, the Latin-American delegates (again through the mouthpiece of the Costa Rican delegates) carried through a reorganization of the Pan-American Union under which, firstly, Governments not recognized by the United States might be represented in the Union, and secondly, the President of the Union should no longer be the United States delegate *ex officio* but should be elected by the Union. A consequence was that Mexico soon after joined the Union.

The Conference, in spite of the real progress made by the technical committees, left behind it a sense of disappointment and dissatisfaction. When the next Conference met, which was to be at Havana, Cuba, within the next five years, all the major political issues would have to be faced again. Their postponement to that later date had been a victory for the United States ; on the other hand the United States had been defeated on the alterations in the organization of the Union. Neither side could look back with great satisfaction on the latest developments of the Pan-American movement. Indeed, from this moment on, the rival ideas of a Pan-Hispanic or a Pan-Latin movement began definitely to gain ground in South America. But South America itself was divided. The rivalry between the A.B.C. Powers was undiminished. Indeed, the Argentine immediately set about improving her army and navy to equal the programme laid down by Brazil. The Tacna-Arica controversy, which had prevented Bolivia and Peru from sending delegates to the Conference, continued to keep these two countries and Chile in a state of mutual hostility.

The Santiago Conference was followed by a fresh animated discussion on the exact meaning of the Monroe Doctrine. On the one hand, Secretary of State Hughes, speaking at Minneapolis on the 30th August, 1923, declared :

> As the policy embodied in the Monroe Doctrine is distinctly the policy of the United States, the Government of the United States reserves to itself its definition, interpretation and application. . . . This implies neither suspicion nor estrangement. It simply means that the United States is asserting a separate national right of self-defence and that in the exercise of this right it must have an unhampered discretion. So far as the Caribbean Sea is concerned, it may be said that if we had no Monroe Doctrine we should have to create one.

This statement provoked many answers, among which may be quoted that of the Venezuelan publicist, Jesús Semprun, who wrote :

> The Monroe Doctrine is as abstruse as elastic. The proof of it is that to-day Secretary Hughes, instead of giving a precise and definite interpretation, desired by all Central and South America, has given it an elasticity and a mysterious character more amplified and threatening than ever. . . . That which Mr. Hughes declares so openly, in precise and significant language, without leaving the least doubt, is that the United States will intervene as sovereigns in the rest of America and especially in the Caribbean region whenever it so desires ; that whenever they like they will occupy by force American territories which they desire ; they will enforce on other peoples the necessary obedience to carry out their own designs, to foment their own interests and to impose their unquestionable economic and political sovereignty in the New World.

In the years 1924 and 1925, however, the tension appeared to a certain extent to relax. The foreign policy of the United States grew at once to be more conciliatory and less ' isolationist '. By the part which she played in the evolution of the Dawes Plan, the United States mingled once more, and mingled most effectually, in the affairs of Europe ; even if it might be said that such intervention was forced upon her by a position of creditor to most of the countries of Europe. More significant was the steadily growing movement in favour of adherence to the Permanent Court of International Justice ; but the story of this must be reserved for a later volume of the *Survey*.

In Central America, particularly, the United States seemed to be growing more conscious of the amenities of the velvet glove. Although in consequence of prolonged conflicts which took place in Honduras between the retiring President and three candidates for his post, the United States broke off diplomatic relations with Honduras in February 1924,[1] and on the 1st March landed a force of

[1] *The Times*, 14th February, 1924.

Marines at Puerto Ceiba ; yet this intervention was generally deemed necessary in view of the necessity of protecting United States interests and subjects, and therefore wore less of the air of a military occupation. The American Marines were withdrawn from Santo Domingo and from Nicaragua, and although a force of them was sent to Panama, at the request of the President of that state, on the 12th October, 1925, it remained there only for a short time. Relations with Mexico appeared to improve in a marked degree, while the ratification of the treaty with Cuba respecting the Isle of Pines [1] was greatly appreciated in Latin America.

It was only at the very end of 1925 that the commencement of a fresh controversy between the United States and Mexico, and the anticipated breakdown of the attempts at a settlement of the Tacna-Arica controversy, combined with the events which led to a change of attitude on the part of the South American states towards the League of Nations, presaged the return of less serene conditions.

(ii) The Attempted Federation of the Central American Republics in 1920–1, and the Conference on Central American Affairs held in Washington, D.C., from the 4th December, 1922, to the 7th February, 1923.

The disunion between the five Central American Republics, which had each gone their own way since the time when they had thrown off the sovereignty of Spain, had entailed serious economic and political disadvantages for all of them. The comparative minuteness of their respective areas, resources, and population would have made separate statehood an expensive luxury, even if they had lived at peace within themselves and with one another ; but the relatively heavy burden of their military expenditure was increased by the constant territorial disputes between their Governments and by the asylum which each republic was in the habit of giving to the political exiles and émigrés from the neighbouring republics, who often used the territory of the state which harboured them as a base of operations against the faction in power in their own country. Attempts were made at various dates [2] to remove these evils by a closer federation. The last of these before the War was made at a Central American Conference held in Washington in 1907 on the invitation of the United States and Mexico. On the 20th December, 1907, several conventions had been adopted, including an instrument

[1] See below, p. 435. [2] 1842, 1849, 1852, 1862, 1872, 1885, and 1895.

which set up a common Central American Court of Justice for compulsory arbitration of differences. By 1920, however, some of these conventions had expired, while the Court had fallen to pieces in 1918 after Nicaragua and the United States had rejected its decision in a question which had arisen regarding the provisions of the Bryan-Chamorro Treaty of the 5th August, 1914.[1]

In December 1920 a fresh conference of the five republics (Guatemala, Honduras, Salvador, Nicaragua, and Costa Rica) assembled at San José in Costa Rica with the object of drawing up a Treaty of Central American Union, or, in the event of such a treaty not being accepted, a series of conventions covering the whole field of possible common action. On the 19th January, 1921, the Treaty of Union[2] was actually signed by the representatives of Costa Rica, Guatemala, Honduras, and Salvador; on the 17th June a provisional Federal Council began to function at Tegucigalpa in Honduras; on the 20th July a Constituent Assembly met at the same place to work out the details of a Federal Constitution and to arrange for its signature; on the 9th September the Constitution was signed on behalf of Guatemala, Honduras, and Salvador; and on the 3rd October it was promulgated and came into effect.

In the meantime Honduras had ratified the Treaty of Union on the 11th April, 1921, Salvador on the 15th April and Guatemala on the 12th May, but this marked the limit of Central American capacity for co-operation without external aid. Costa Rica had signed the treaty, but the Costa Rican Congress had refused to approve it and the republic had not been represented on the Federal Council. Nicaragua had not even signed the treaty and had held aloof from the subsequent proceedings. On the 18th January, 1922, Guatemala withdrew from the Union and resumed her independent sovereignty, as the result of a revolution in which General Herrero, the leading champion of the union, was overthrown. During the same month the unfledged federal organization at Tegucigalpa expired; Salvador and Honduras resumed their independence on the 4th and the 11th February respectively; and therewith the latest attempt at a Central American Union came to an end.

At this point the United States Government intervened by inviting the five republics to send plenipotentiaries to Washington in order to discuss methods of making effective the conventions of the 20th December, 1907, and measures for a reduction of armaments in

[1] See above, p. 400.

[2] Text in *American Journal of International Law*, October 1921, and in *League of Nations Treaty Series*, vol. v.

Central America in the spirit of the Conference recently held at Washington by the Great Powers.[1] The invitations were accepted by all the parties concerned and the Conference sat in the offices of the Pan-American Union at Washington from the 4th December, 1922, to the 7th February, 1923—Mr. Charles Evans Hughes and another United States delegate assisting at the proceedings at the request of the five Central American Governments. The representatives of Honduras and Salvador advocated a fresh attempt at a federal union; but, in view of recent experiences, this programme was rejected in favour of the second alternative which had been envisaged at the San José Conference of December 1920, and on the 7th February the following treaties and conventions were signed by the plenipotentiaries of all five republics without any merger of their separate sovereignty:

1. General Treaty of Peace and Amity.
2. Convention for the Establishment of an International Central American Tribunal.
3. Convention for the establishment of International Commissions of Inquiry into questions of fact in Controversies regarding the Observance of International Treaties and Conventions.
4. Convention for the Establishment of Free Trade.
5. Convention for the Unification of Protective Laws for Workmen and Labourers.
6. Convention for the Practice of the Liberal Professions.
7. Convention Relative to the Preparation of Projects of Electoral Legislation.
8. Convention for the Establishment of Stations for Agricultural Experiments and Animal Industries.
9. Convention for Reciprocal Exchange of Central American Students.
10. Extradition Convention.
11. Convention for the Establishment of Permanent Central American Commissions on Finance and Means of Communication.
12. Convention for Limitation of Armaments.[2]

The most important of these instruments was the General Treaty of Peace and Amity, and the most interesting the Convention for

[1] For the Washington Conference of the 12th November, 1921—6th February, 1922, see *Survey for 1920–3*, Part VI, Section (iv), pp. 452–94. For the full text of the United States invitation to the five Central American Republics see *Bulletin of the Pan-American Union*, March 1923.

[2] See *International Conciliation*, No. 189 of August 1923, for the full texts of these twelve instruments and also of three supplementary protocols.

the Limitation of Armaments. In the former[1] the signatory Governments bound themselves to decide any differences between them not affecting their sovereign and independent existence, or their honour or vital interests,[2] in conformity with instruments Nos. 2 and 3 of even date (Art. 1), and guarded against the special causes of international conflict in Central America by agreeing severally ' not to recognize any other Government which might come into power in any of the five Republics through a *coup d'état* or a revolution against a recognized Government as long as the freely elected representatives of the people thereof had not constitutionally reorganized the country ' (Art. 2) ; not to intervene in case of civil war in another of the five states (Art. 4) ; not to intervene, directly or indirectly, in one another's internal affairs; and not to allow their respective territories to be made the bases of revolutionary activities or armed hostilities directed against the Government of any one of their number (Art. 14). The Convention for the Limitation of Armaments[3] laid down maximum strengths for the standing army and civil guard in each state, ' except in case of civil war or impending invasion ' (Art. 1) ; prohibited the export of arms and munitions from one Central American country to another (Art. 3) ; ruled out the employment of asphyxiating gases and poisons in warfare as being ' contrary to humanitarian principles and to international law ' (Art. 5) ; and bound each contracting party to furnish the others with a complete report of the measures adopted by it for the execution of this convention within six months of its coming into force (Art. 6).

By Article 16 of the General Treaty, all treaties negotiated between the five contracting states at the previous Central American Conferences were abrogated ; it was claimed that the instruments signed at Washington on the 7th February, 1923, embodied everything that had proved of value in the 1907 conventions.

[1] Which was to remain in force until the 1st January, 1934, and to continue in force thereafter as between all the parties or not less than three of them unless or until they denounced it, such denunciation not to take effect for one year.

[2] The Treaty of Peace and Amity excepted only disputes affecting ' the sovereign and independent existence of the signatories ', the Convention (instrument No. 2) added the phrase ' nor their honour or vital interests '. The 1907 Treaties had contained no such reservations ; which was, indeed, the reason why they broke down.

[3] Which was to remain in force until the 1st January, 1929, and to continue in force as between all the parties or not less than four of them unless or until they denounced it—such denunciation not to take effect for one year.

(iii) The Situation in Mexico.

The protracted dictatorship of Porfirio Diaz in Mexico, which came to an end in 1911, had brought about a very difficult situation. The material appliances of Western civilization had been introduced into that backward country with admirable speed, and it had become actually a source of great wealth, but this wealth, which flowed from the mines and oil-fields, benefited almost exclusively the small group of European and United States capitalists to whom Diaz had granted the concessions. The Mexicans engaged in mining were not capitalists, but labour, and worked under conditions too miserable for description. The railways were foreign-built and foreign-owned, and if they functioned admirably, it was to carry the wealth of Mexico out of the country with the greatest dispatch. More serious still was the agrarian question. Even when Diaz came into power in 1876, the *haciendas*, or large estates, occupied a disproportionate amount of Mexican soil; but under Diaz 834 *hacendados*, many of them foreigners, came almost to monopolize the cultivable areas of Mexico; their estates varied in size up to 6,000,000 acres. The native villages were in a deplorable state. A decree issued by Diaz in 1890 had deprived the villages of the inalienable communal lands on which they had depended for their existence; by 1910 90 per cent. of the Indian villages on the central plateau of Mexico had lost their land, and, moreover, their inhabitants had lost their freedom. Some two-thirds of the population of Mexico were listed as *peones de campo*, or agricultural labourers held in debt service—a polite euphemism for slavery. The foreign interests opposed the existence of peasant proprietors, as interfering with the supply of cheap labour for the mines. The spiritual life of the country was controlled by a Church which was enormously wealthy according to the standards of this world, but here too the owners of the wealth were foreign priests or religious corporations. The political power was controlled by a small close corporation of politicians, who shared between them the sweets of office and whose policy was intelligible and sympathetic to the foreign interests.[1]

The revolution which began in 1910 was a revolt of all the discontented elements in Mexico—comprising almost the entire population—against this intolerable situation. It was at once social and

[1] See H. Phipps: *Some Aspects of the Agrarian Question in Mexico* (University of Texas Bulletin, Studies in History, No. 2, 1925); G. M. McBride, *The Land Systems of Mexico* (New York, 1923); C. W. Hackett, *The Mexican Revolution and the United States, 1910–26* (World Peace Foundation Pamphlets, vol. ix, No. 5, Boston, 1926). For a fuller but less modern account, see Dr. E. J. Dillon, *Mexico on the Verge* (London, 1921).

national, and national, it should be noted, in a twofold aspect; the Mexican people were in reaction against the foreigner, and, in Mexico itself, the Indian element was revolting against the feudal domination of the Spanish moneyed class. The landless peasants, the exploited mine-workers, the small but radical intelligentzia alike revolted. If the course of the revolution was confused and contradictory, this was because few of the leaders who gained power could resist the temptation to stabilize the situation immediately.

In 1915 President Carranza established himself in a comparatively secure position, and was recognized by the United States as head of the *de facto* Mexican Government. In the following year he drew up a constitution consisting of 135 articles, of an advanced but not revolutionary character. The Constituent Congress which met in February 1917 added to this an additional article (No. 27) which was in part a re-statement of a provisional agrarian decree issued by Carranza himself on the 6th January, 1915, and in general, an embodiment of the ideals which had animated the Mexican revolutionaries in their struggles since 1910. The Constitution came into force on the 1st May, 1917.[1]

The text of Article 27 is printed in an Appendix to the present volume. Round the provisions of this article and the application of them the whole Mexican controversy was to centre. Its main provisions were broadly these: the ownership of lands and waters in Mexico was vested in the nation, which could and did transmit its title to private persons, but under what limitations it pleased. Direct ownership of all subsoil was vested in the nation. Only Mexican citizens might own land or obtain concessions to exploit the subsoil; or if foreigners received the same right, they must agree to be considered Mexicans in respect of such property, and not to invoke the protection of their Governments in respect of the same. Religious institutions had no power to acquire real property. All places of public worship were the property of the nation. The surface of the land was to be disposed of for the public good, expropriated owners receiving compensation. All measures passed since 1856 alienating communal lands were to be null and void. Contracts and concessions made since 1876 which resulted in the monopoly of lands, waters, and natural resources of the nation by individuals or corporations were to be subject to revision, and those which seriously prejudiced the public interests might be declared null and void.

[1] Text in *British and Foreign State Papers*; 1917–18, vol. cxi (London, 1924), pp. 778–883; *The Mexican Year Book*, 1920–1 and 1922–4 (Los Angeles, 1922 and 1925).

Two further points may be mentioned here : in 1916 the Mexican Government took over the entire control of the railway system, including those lines which were foreign property ; and payment on the foreign debt was stopped in 1914.

The execution of Article 27 at once brought the Mexican Government into conflict with the concessionaires and foreign land-owners. The problem first taken in hand by the Government was the redistribution of land. Indeed, this had already begun under the provisional agrarian decree of the 6th January, 1915, and the effect of the Constitution was merely to regularize the position of the Commissions already at work. The division of the large estates progressed steadily, the owners being paid in bonds at the rate of about 20 dollars an acre. Admittedly, the work was done hurriedly. A few villages got land which they did not need. More got less than their needs, or none at all. There was favour, corruption, injustice and illegality. The Mexican Government, however, while admitting the existence of abuses, claimed that a rapid distribution was the only way to avert further civil war and revolution and that ' this undoubted fact sufficiently justified the hasty action of the Federal Executive to restitute or grant community lands, ... even postponing the indemnity for expropriations.' [1]

The problem of the subsoil produced a more serious conflict. Under the laws of 1884, 1892 and 1909 owners of the surface in Mexico had unquestioned right to whatever subsoil deposits there might be beneath the surface owned by them, and by the same laws such owners, whether native or foreign, had the right to exploit such deposits without the necessity of obtaining a concession from the Mexican Government. The new Constitution altered all this ; and various presidential decrees, by means of which Carranza in 1917 and 1918 sought to put into operation the provisions of the Constitution, produced a crisis. The oil industry came to a standstill, and there was considerable agitation in the United States in favour of armed intervention in Mexico. This feeling was accentuated by Carranza's pro-German attitude in the War, but Carranza gave an assurance that the article would not be applied retroactively, and at the same time he modified to some extent his agrarian laws. In May 1920, however, Carranza was overthrown and assassinated : and the Radical General Obregon became President on the 5th September, 1920. Obregon's Government was recognized only by Spain and Germany. His efforts were directed to the twin purposes

[1] *Proceedings of the United States-Mexican Commission convened in Mexico City, 14th May, 1923* (Washington, 1925), p. 28.

of carrying through the revolutionary programme and obtaining recognition. While other states in general held aloof a long diplomatic struggle now commenced between Mexico and the United States, in which the latter endeavoured to obtain, in return for recognition, a firm guarantee that Article 27 of the Constitution would not be applied retroactively. A proposed treaty of amity and commerce, presented by the United States on the 27th May, 1921,[1] provided that the nationals of each country in the other should enjoy reciprocally equal rights with natives ; that assurances should be given against confiscation and expropriation, except ' on proper grounds of public purpose ' and after ' prompt payment of just compensation ' ; that Mexico should guarantee that neither the Constitution of 1917 nor the agrarian decree of January 1915 would be applied retroactively or in any way destroy or impair American rights previously legally acquired ; that American citizens should receive restitution and compensation in respect of losses incurred by them since 1910 ; and that freedom of worship and the right to own Church property be guaranteed reciprocally.

President Obregon refused these proposals and on the 19th November, 1921, made counter-suggestions for the formation of a special Claims Commission to adjudicate on claims of United States citizens against Mexico that had arisen during the revolution ; the implicit recognition of his Government by the United States ; and the signing of a general claims convention, to deal with claims of either country not covered by the special convention.

The contest of wills proved prolonged, neither party showing any readiness to move from its standpoint. In the meantime, however, President Obregon's Government showed unexpected stability and an equally unsuspected readiness to honour its international obligations. On the 13th July, 1921, Obregon had invited the European nations having claims against Mexico to send representatives to a permanent Mexican Claims Commission, an offer accepted in November by France, Great Britain, Italy, Spain, and the Netherlands. In September of the same year negotiations were opened with a group of international financiers for the funding of the foreign debt. On the 16th June, 1922, an agreement was concluded under which Mexico undertook to pay current interest and interest in arrears on the debt (which was fixed, including defaulted interest payments since 1914, at 1,400,000,000 pesos) and to return the national railway

[1] The United States Department of State published on the 10th May, 1926, the correspondence between the Governments of the United States and Mexico from the 27th May, 1921, to 31st March, 1923 ; this was reproduced in the *United States Daily*, 15th, 17th, 18th, 19th, and 20th May, 1926.

system to its owners, restoring them to the condition they were in when taken over by the Government. This agreement was ratified by the Mexican Federal Congress on the 29th September, 1922.[1] It was arranged that payments should begin on the 2nd January, 1923. Further, the National Agrarian Commission reversed many of the acts of the Agrarian Commissions of the various states, and the Mexican Supreme Court issued five injunctions (the most important one being in the case of the Texas Oil Company, delivered on the 30th August, 1921) to the effect that Article 27 of the Constitution of 1917 was not to be applied retroactively. Thus, Governments protecting foreign interests were led to feel that their best course was to support a strong and comparatively moderate Central Mexican Government against the excesses of the state authorities. On the 28th July, 1922, Secretary of State Hughes delivered an instruction to the effect that 'no adequate governmental action' had been taken 'to secure the valid titles acquired prior to May 1, 1917; that 'Art. 27 . . . is being applied retrospectively' and 'that except possibly in rare instances no relief had been extended . . . to the American interests concerned'. But on the 31st March, 1923, the Mexican Foreign Minister, Señor Pani, pointed out the progress which had been achieved, and argued that the financial and railway interests of the United States had been satisfied; that the interests of the owners of subsoil concessions were not really threatened; and that the losses incurred under the agrarian programme were unavoidable and relatively insignificant. On the 2nd May, 1923, the United States appointed two commissioners to confer with Mexican representatives on the restitution of or reparation for expropriated lands owned by American citizens prior to the 1st May, 1917; the obtaining of satisfactory assurances against retroactive action of Article 27 as regards subsoil deposits and the making of claims conventions.

The Conferences began on the 14th May, 1923, and ended on the 15th August.[2] Agreement was facilitated by two actions of the Mexican Government; the promulgation on the 26th April of a new petroleum law recognizing the validity of concessions made prior to the 1st May, 1917, although it required concessionaires to revalidate their claims within three years; and a modification of the agrarian laws raising the limit of exemptions for individual holdings and

[1] Summary and text published as a pamphlet: *The United States of Mexico, Readjustment of Debt*, 9th July, 1923. See also the Mexican official publication: *La Deuda Exterior de Mexico* (Mexico, 1926, Editorial Cultura).

[2] See *Proceedings of the United States-Mexican Commission Convened in Mexico City, 14th May, 1923.* (Washington, 1925, Government Printing Office.)

exempting from expropriation large irrigation companies with colonization contracts. Nevertheless, there were considerable difficulties. The United States commissioners did not object so much to expropriation of estates under the laws as to violations of those laws in the methods of expropriation adopted, and especially to the payment of compensation in the form of bonds. A compromise was finally reached whereby the United States commissioners agreed to recommend the acceptance of bonds by expropriated United States citizens, provided that satisfactory guarantees were given and that the Mexican Government admitted that such payment was an emergency measure, and did not constitute a precedent. With regard to the subsoil deposits, the Mexican commissioners agreed that grants made prior to 1917 were, indeed, donations to the owners of the surface, but contended that such donations could not become irrevocable unless the donee performed some ' positive act ' indicating his intention to take advantage of the donation. They agreed finally to recognize the right to the subsoil of all owners of the surface who had performed some ' positive act ' prior to 1917, and would give them drilling permits, subject only to the usual police and sanitary regulations. Owners who had performed no ' positive act ' would receive preferential rights to the subsoil against other persons. The United States refused to recognize the distinction made by Mexico, and, while each party upheld its point of view, in practice the adjudication of individual cases was left to the Claims Commissions later constituted.

On the 8th and 10th September, 1923, respectively, general and special conventions were signed between the United States and Mexico ; the latter for adjudication of claims against Mexico for losses incurred by citizens of the United States during the ' revolutionary period ' 20th November, 1910–31st May, 1920 ; the former for all other claims arising after the 4th July, 1868.[1]

On the basis of these agreements the United States extended formal recognition to Mexico on the 31st August, 1923. France soon followed her example, but Great Britain delayed. During the whole period since she had withdrawn recognition from the Mexican Government, Great Britain had kept as her representative in Mexico only Mr. Cummins, the *Chargé d'Archives*, whose personal relations with President Obregon were good, but whose exact diplomatic status was uncertain. So long as no direct conflict arose between Mexico and Great Britain, this was a matter of small moment ; but

[1] Texts in C. W. Hackett, *op. cit*, where a most able account of the whole controversy between Mexico and the United States is given.

while, throughout the negotiations described above, Great Britain preferred to stand aside and leave the conduct of negotiations to the United States, she was roused to action by the particular case of a British subject, Mrs. Evans, who owned an estate near Huejotzingo, Puebla, Mexico. From May 1923 onward, Mrs. Evans was in conflict with the Government and other authorities of Mexico respecting the expropriation of her estate, and the compensation to be paid to her for it.[1] A series of lawless acts were committed against the property of Mrs. Evans, but she refused to leave, even when besieged in her house by Mexican agrarians, and she was murdered by bandits on the 2nd August, 1924.[2] Mr. Cummins, in consequence of his protests to the Mexican Government in this matter, also came into conflict with the authorities, who expressed their intention of expelling him by force.[3] Mr. Cummins therefore shut himself into the British Legation and prepared to stand a siege. He left Mexico on the 20th June, the United States taking charge of the British archives; all relations between Great Britain and Mexico were broken off; and Sir Thomas Hohler, who was on the point of proceeding to Mexico to inquire into the possibilities of recognition, did not leave. Both these incidents aroused great excitement in Great Britain.

On the 6th July, 1924, the presidential elections took place, and General Obregon was succeeded in office by his friend and colleague, General Calles. Calles came into power pledged to support the policy of his predecessor, which included, not only the carrying through of the agrarian and social reforms of the Constitution, but also the recently ratified agreements with the United States. His period of office opened stormily, with a renewal of the revolutions and civil war which had disturbed various parts of Mexico in the spring of 1924; but the United States lent him, as they had lent his predecessor, very positive support against the revolutionaries, and he was able to establish himself firmly and to restore a certain amount of law and order. It was admitted that conditions in Mexico were still extremely difficult. Much lawlessness prevailed. The expropriation was attended with much injustice and corruption. Labour was in a chaotic state, in many respects still miserably situated, in others in possession of rights so excessive that unless evaded they would bring all business to a standstill; and intoxicated beyond belief with the idea of strikes everywhere and at every time. Still, Mexico was paying her obligations at considerable cost to herself,

[1] See *The Times*, 7th January and 20th May, 1924.
[2] *Ibid.*, 5th, 6th, and 9th August, 1924.
[3] *Ibid.*, 16th and 17th June, 1924.

and President Calles appeared to be making an effort to reform a number of abuses, his earliest measures including the retirement of 500 generals. Moreover, it began to appear that a reform of the conditions which left a population in misery for the benefit of a few was not altogether bad even from a business point of view. Señor Calles on his election visited France, Germany and the United States, and was everywhere well received. In New Orleans the chairman of a delegation from the Chamber of Commerce expressed the altered point of view in the following pregnant words :

> Mr. President-Elect, I want to say to you, Sir, that speech of yours in New York was the most inspiring address I've ever read. No nobler ideal was ever conceived by mortal man than to raise up ten million people to the point where they've gotten purchasing power.

A point of difference, other than those connected with the Mexican Constitution, did indeed arise between Mexico and the United States owing to the policy of the former state towards oriental immigration. The first stages of the negotiations in question have been recorded elsewhere ; [1] and on the 8th October, 1924, Mexico and Japan signed a treaty of commerce and navigation,[2] the first article of which contained the words :

> The subjects and citizens of each of the High Contracting Parties, together with their families, may freely enter and stay in any part of the other's territories.

This was, however, an indication of a policy which, though unwelcome to the United States, could not be made the subject of any official representations.

In other respects also Mexico's foreign relations improved during 1925. Mixed Claims Commissions were constituted between Mexico and France, Germany and Spain, and Great Britain granted the Calles Government recognition on the 28th August. General Calles was, however, in the difficult position that it was practically impossible for him to please both his patrons abroad and his supporters at home. His relations with Mexican labour were particularly difficult. He had come into power pledged to support labour and his Minister of Industry, Commerce and Labour, Señor Morones, had played an active part in organizing syndicates and labour unions, which in turn were united in federations.[3] The demands of those federations, which were strongly imbued with the

[1] See *Survey for 1924*, p. 157.

[2] Text in *League of Nations Treaty Series*, vol. xxxvi.

[3] See J. H. Retinger : *Morones of Mexico* (London, 1926, Labour Publishing Co.).

anarcho-syndicalist ideas whose spiritual home is Barcelona, were so extravagant, the situation of the Government under the perpetual menace of strikes so difficult, that General Calles was obliged to take strong action against them in the spring of 1925, especially where specifically Mexican interests were involved. On the other hand, he could not afford to lose their help altogether, particularly as other leaders were bidding for their support, and fresh revolutionary outbreaks were not impossible. In April the State Government of Vera Cruz seized the premises of the American-owned Light-Power Traction Company at Salapa, in order to settle a strike of the employees. The Federal Government, to which the Ambassador of the United States had appealed, upheld the action of the Vera Cruz Government. This evoked a very strongly-worded protest from Secretary of State Kellogg, who on the 12th June issued to the Press a summary of his country's relations with Mexico in which he pointed out that American interests were being damaged by the agrarian reform and the action of labour in industrial enterprises, and declared his intention to 'insist that adequate protection under the recognized rules of international law be afforded American citizens'. He went on to say that the Government of the United States would 'continue to support the Mexican Government only so long as it protects American lives and American rights and complies with its international engagements and obligations. The Government of Mexico is now on trial before the world'. General Calles replied in spirited fashion through the same medium. All Governments, he said, were on trial before their peoples and the world. He intimated fairly clearly that Mexico did not propose to tolerate interference in her internal affairs.

The storm blew over, but the first enthusiasm which had greeted General Calles in the United States was never quite recovered. In December relations grew definitely strained once more, not only between Mexico and the United States, but between Mexico and all the Powers whose nationals held the great vested interests in Mexico. For General Calles' Government now began to pass a series of organic laws giving practical application to the provisions of the Constitution. The history of these laws, relating to the agrarian question, the subsoil deposits and the status of the Church in Mexico, with the reactions which they evoked, will be related in a subsequent volume.

(iv) Boundary Disputes and Settlements between Latin-American Republics.

(*a*) The Dispute between Chile, Peru and Bolivia over Tacna and Arica

For many years after the disappearance of the Spanish power in South America, the arid and seemingly valueless coastal strip east of La Paz formed a natural no-man's land between Peru, Bolivia and Chile. Peru held the northernmost regions, the provinces of Tacna, Arica and Tarapaca ; Bolivia (who had previously held much of the coast, but had already lost large tracts of it to Chile) the province of Antofagasta, which secured her access to the sea ; and Chile the southernmost desert province of Atacama. None of the three countries was inclined to quarrel with the others for the possession of these uninviting regions until, in the middle of the nineteenth century, the discovery and exploitation of the unique nitrate deposits in Tarapaca and Antofagasta suddenly gave them a commercial value, which was most highly appreciated by the country which enjoyed the least benefit from it. This country, Chile, was also the most virile and enterprising of the three. When the so-called 'nitrate war' between Chile, Peru, and Bolivia broke out in 1879, Chile occupied Tarapaca, Tacna, and Arica, and in the treaty of Ancon, which she concluded with Peru on the 20th October, 1883, and which was ratified in the following year, she received sovereignty over Tarapaca outright. With regard to Tacna and Arica, the treaty stipulated that these provinces should remain in the possession of Chile for ten years after the ratification of the treaty. After that date, a plebiscite should decide which country should have definitive possession of the two provinces ; the country gaining it paying the other an indemnity of 10,000,000 pesos in Chilean silver currency, or its equivalent in Peruvian currency. A special protocol was to determine the conditions of the plebiscite and of the payment. On the 4th April, 1884, Bolivia signed a truce with Chile, under which she ceded the whole of her sea-coast to that country. In 1894 conditions in Peru were so disturbed as to make it impossible to hold the plebiscite. On the 18th May, 1895, Chile and Bolivia signed a treaty under which Chile promised, if she gained permanent possession of Tacna and Arica, to transfer them to Bolivia against an indemnity, and also to use every endeavour, separately or jointly with Bolivia, to obtain possession of Tacna and Arica. If she failed, she undertook to cede to Bolivia another outlet to the coast. This treaty, however, was not ratified by Chile, who repudiated it eight years later.

The negotiations with Peru for the plebiscite were later resumed, leading periodically to mobilization on both sides and to excesses against the Peruvian inhabitants of the disputed provinces, but Chile, whose prosperity was steadily increasing by comparison with that of Peru, was always able to postpone taking the vote, the pretext being a dispute as to who were entitled to vote—whether the whole population of Tacna and Arica, or only the Peruvian residents in it. Peru could do nothing more than record her protest, while Chile, by colonization and deportation, continued to consolidate her position in the disputed provinces. As a result of this displacement Chile became ever more inclined to grant a plebiscite, conducted by herself; Peru to refuse it, and to take her stand on historic rights. Chile was also able to strengthen her position against Bolivia, and that state, in a fresh treaty concluded on the 20th October, 1904, finally renounced her claim to the sea-board, in return for which Chile co-operated with her in constructing a new railway, much shorter than the one which had previously linked her with the coast, from La Paz to Arica.

The Chilean-Peruvian dispute was still unsettled at the opening, and at the close, of the World War. The territorial settlements which followed the War, and President Wilson's doctrine of the necessity of unobstructed access to the sea, revived the hopes of both Peru and Bolivia. Bolivia, Chile, and Peru were all members of the League of Nations. On the 1st November, 1920, Bolivia requested the Assembly of the League, invoking Article 19 of the Covenant, to obtain the revision of her treaty of 1904 with Chile on the grounds that it had been imposed on her by force, that Chile had failed to carry out essential portions of the treaty, that the existing situation involved a standing menace of war, and that the treaty deprived Bolivia of all access to the sea.[1] On the same date Peru appealed for a revision of her treaty of 1883 with Chile, alleging force and failure on the part of Chile to carry out the plebiscite.[2] While presenting similar cases, however, Bolivia and Peru, fortunately for Chile, did not see their way to supporting each other, since Peru was agitated by a rumour that Bolivia had secured from Chile a corridor through Arica in exchange for a formal and final renunciation of her rights over Antofagasta. Peru, under pressure from the United States, who did not like the idea of purely American disputes being adjudicated at Geneva, withdrew her application on the 2nd December, 1920, reserving to herself the right of submitting her differences with

[1] League of Nations: *Records of the First Assembly: Plenary Meetings* (Geneva, 1920), pp. 595–6.

[2] *Ibid.*, pp. 596–7.

Chile to the League at a later date. Bolivia maintained her application, Chile, by communications of the 17th, 19th and 28th December, 1920, notifying her opposition on the ground that the issue raised was not within the competence of the Assembly, and the question was debated in the Assembly of the League on the 7th September, 1921.[1] It was then submitted to a Committee of Jurists, which on the 22nd September gave judgement that Bolivia's application was out of order, the Assembly of the League being of itself unable to modify any existing treaty between two states, while its powers to advise consideration were limited to cases where circumstances had radically altered since the conclusion of the treaties concerned, or where danger to the peace of the world arose from the situation. The Chilean delegate accepted this interpretation, as did the Bolivian, who reserved the right to bring the matter forward again in accordance with the principles and form laid down by the Covenant; and Chile made a declaration of her willingness to initiate direct economic negotiations with Bolivia.[2] In December 1921, Chile invited Peru to hold a plebiscite in Tacna and Arica under the conditions proposed by the Peruvian Government in 1912, when suggesting the procedure for a plebiscite to be held in 1933. The Chilean Government urged that this date be advanced, on the ground that the maintenance of a cause of possible international conflicts obliged Peru, Chile, and perhaps other countries to keep up excessive armaments.[3] Peru replied on the 17th December, refusing the offer on the ground that a plebiscite under existing conditions would increase and not compose differences. Pointing out that at Geneva Chile had denied the jurisdiction of the League as between Chile and Bolivia, on the ground that the dispute between them constituted an American political problem, Peru suggested that the entire question of the South Pacific be submitted to arbitration arranged at the initiative of the Government of the United States. Chile, who had recently been engaged in various disputes with the United States, was unwilling to accept this offer, while she was equally prompt in rejecting the suggestion by Bolivia to call a general conference of states interested in the South Pacific. Peru expressed her desire to co-operate with Bolivia to settle the Bolivian-Chilean controversy, provided the dispute between Peru and Chile could be settled by arbitration. On the 26th December, Chile accepted the Peruvian pro-

[1] League of Nations: *Records of the Second Assembly · Plenary Meetings* (Geneva, 1921), pp. 45–53.

[2] *Ibid.*, pp. 466–8.

[3] For texts of this correspondence see *Tacna-Arica Arbitration: Appendix to the Case of the Republic of Chile submitted to the President of the United States as Arbitrator.*

posal. On the 18th January, 1922, the United States invited Peru and Chile to send representatives to Washington to discuss means of settling the dispute and if necessary arrange for arbitration.[1] An application by Bolivia for representation at this conference was rejected on the ground that the dispute was one solely between Chile and Peru. A prolonged conference resulted in the signature on the 20th July, 1922, by Chile and Peru, of a protocol of arbitration and a supplementary agreement.[2] The former recorded that the only outstanding questions between the two countries were those relating to the unfulfilled provisions of Article 3 of the Treaty of Ancon, which were to be submitted to the United States for arbitration without appeal. The latter provided that the arbitrator should decide whether or not a plebiscite should be held.[3] If it was held, the arbitrator should determine the conditions ; if it were not, the two countries should discuss the situation, and if they failed to agree, the United States should mediate to bring about a settlement. The pending claims regarding Tarata and Chilcaya should be included in the arbitration.

Ratifications of these instruments were exchanged on the 15th January, 1923. On the following day, Peru and Chile asked the President of the United States to accept the office of arbitrator, and he consented to do so on the 29th January. The litigants presented their cases on the 13th March, 1923, and the arbitrator gave his award on the 4th March, 1925. He decided that the plebiscite should be held ; that the parties had acted in good faith in not coming to an agreement regarding the special protocol laying down the terms of the plebiscite ; and that Chile's administration of the provinces had not been such as to make the holding of a fair plebiscite impossible. The arbitrator further laid down the composition of the Plebiscite Commission to take charge of the voting, the conditions governing the eligibility of voters, and the method under which the payment of the compensation provided for by the Treaty of Ancon was to be effected. He further found that only the territories of Tacna and Arica could be the subject of dis-

[1] Text in *op. cit*

[2] Records of the proceedings of the conference and text of the protocol and supplementary act in *op. cit.*

[3] This was the real point at issue ; for the thirty-eight years which had elapsed since the Treaty of Ancon had been drafted had naturally so altered the situation that Chile could confidently expect a verdict in her favour if a plebiscite were taken among the existing inhabitants of the disputed provinces. Peru contended that the expulsion of Peruvian, and influx of Chilean, nationals had so altered the situation that the spirit of the Treaty of Ancon demanded different procedure.

pute; and in accordance with this decision, Chile, on the 1st September, 1925, transferred the province of Tarata, which she had been occupying, back to Peru.

Peru received the award of the arbitrator with consternation. On the 2nd April she entered a formal protest against the plebiscite, and demanded that if it were held, all Chilean civil and military authorities should be withdrawn from the plebiscitary area and their places taken by Americans, not only during, but before the plebiscite; and that specified measures should be taken to ensure the fairness of the vote. The arbitrator, on the 9th April, upheld his decision, and refused the request to place citizens of the United States in charge of the provinces, but promised that the plebiscite should be carried out with every degree of fairness and protection for the voters.

General Pershing was appointed head of the Plebiscitary Commission, which met at Arica on the 5th August, 1925, and drew up its rules of procedure. There were a great number of points to be settled in preparing the lists of eligible voters, and meanwhile, while extravagant charges were made on both sides, it appeared clear at least that Peruvian voters were not only being ill-treated by the Chilean voters, but also left unprotected by the Chilean authorities. The rules of procedure drawn up by the Commission were accepted by Chile only after official protest; and throughout 1925 a series of incidents made the situation of the Commission in relation to Chile, in particular, increasingly difficult; but a detailed account of the difficulties which attended the path of the United States in her efforts to settle the dispute must be reserved for a later volume of the *Survey*.

(*b*) Brazil and Bolivia

Long-standing disputes between Brazil and Bolivia over the rich rubber-growing territory of Acré were settled by the Treaty of Petropolis, signed on the 17th November, 1903, under which a new frontier line was drawn and a portion of the Acré province ceded by Bolivia to Brazil in return for an indemnity in cash. As this treaty did not exactly define the new frontier, and various points were left open, four protocols for its execution were signed on the 3rd September, 1925, two in Rio de Janeiro and two in La Paz. The former settled the questions raised by the joint boundary commission regarding the line between the Rapirran River and Bahia Creek, and provided for the construction of a railroad from Santa Cruz de la Sierra, in Bolivia, to join the North-West Railway of Brazil at Porto Esperança. The La Paz protocols divided between Bolivia and Brazil the islands in the Madeira river along the frontier, and defined

the boundary in a place where an error had been made at the time of the signing of the Treaty of Petropolis, in which document the River Turvo had been confused with the River Verde.[1]

(c) Costa Rica and Panama

On the 21st February, 1921, a Costa Rican force entered and took possession of the territory of Coto in the Province of Chiriqui, which was at that time being administered by the Republic of Panama, although it had been awarded to Costa Rica on the 12th September, 1914, by the Honourable Edward D. White, the Chief Justice of the United States, to whose arbitration the disputed title to the territory had been submitted by the Panamanian and Costa Rican Governments.[2] Costa Rica contended that she had not committed a hostile act in occupying territory which was already hers by right, and Guatemala, Honduras, and Salvador proclaimed their solidarity with Costa Rica in this dispute, on the ground that the contested frontier constituted the southern boundary of the Central American Union at that time in process of formation.[3] Meanwhile, hostilities were conducted on a small scale without any formal declaration of war on either side until the United States Government suggested to both parties that they should cease military operations pending discussion as to the application of the White Award. Panama accepted this proposal; but on the 2nd March, 1921, she referred the case to the Council of the League of Nations, while informing it that she had accepted the United States' offer of mediation. Since arbitration was one of the means recognized in the Covenant for settling disputes, the Council before taking action awaited the results of the mediation proposed by the United States in regard to the White Arbitral Award; yet, in spite of this prudent reserve on the Council's part, the introduction of the League into the controversy proved an unfortunate step from the point of view of Panama, for the United States Government was stimulated into taking energetic action by its desire to avoid the intervention of the League in a field to which the 'regional understanding' of the Monroe Doctrine applied. On the 16th March, 1921, the State Department at Washington informed the Government of Panama that the arbitral awards of Chief Justice White regarding one sector and of President Loubet regarding another sector of the Panama-Costa Rica frontier must be respected; and when the National Assembly of Panama rejected this decision on

[1] See *Bulletin of the Pan-American Union*, January 1926.

[2] For a history of the events leading up to the White Award, see *The American Journal of International Law*, April 1921, pp. 236–40.

[3] See Section (ii) above.

the 7th April, the United States Government declared that, if Panama did not transfer the disputed territory to Costa Rica within a reasonable period, the United States would take steps to compel her to do so. A direct appeal which the Panama Government made to Secretary Hughes on the 27th June was rejected by him on the 30th, and on the 18th August he announced that Costa Rica need delay no longer in taking jurisdiction over the Coto district. On the 23rd August, Panama yielded to necessity and gave up the territory, though on the following day the President of the Republic put on record a formal protest against the action taken by the United States Government in the dispute.

(*d*) Colombia and Panama

At the close of the World War, Colombia had still refused to recognize the independence of Panama, although the latter state had been recognized after its secession by the United States on the 7th November, 1903. It was on account of the Panama difficulty that Colombia did not, like Panama, become an original member of the League of Nations, and although her Congress authorized her on the 3rd November, 1919, to adhere to the League, it declared at the same time that this resolution did not imply recognition of Panama's independence. The real differences, however, lay not between Colombia and Panama, but between Colombia and the United States, to whom the secession of Panama was due. On the 6th April, 1914, the United States had signed a treaty with Colombia, in which the former state expressed regrets for the differences which had arisen between the two countries on account of Panama, granted Colombia special privileges in the use of the Panama Canal, and undertook to pay Colombia 25,000,000 dollars as indemnity for the loss incurred by Panama's independence. The treaty was ratified by Colombia on the 9th June, 1914, but in the United States exception was taken to the apologetic phrases, and it was not ratified until April 1921, and then with modifications, which included complete elimination of the apology, and a reduction of the facilities accorded to Colombia in Panama, and especially their disappearance in case of war between Colombia and another state.

These modifications produced the fall of the Colombian Government, but Colombia eventually ratified the revised document on the 22nd December, 1921, and it was registered with the League of Nations on the 18th May, 1922.[1] In Article 3 of the (revised) treaty

[1] Both original and revised form are printed in *League of Nations Treaty Series*, vol. ix.

Colombia agreed to recognize Panama as an independent nation, and to accept as the southern boundary of Panama the line sketched in the Colombian Law of the 9th June, 1855. The United States in return undertook to arrange for the dispatch by the Government of Panama of a duly accredited agent to conclude with Colombia a Treaty of Peace and Friendship with a view to establishing regular diplomatic relations and settling financial problems. In May 1924, at the instance of the United States, Panama and Colombia signed an agreement providing for the resumption of normal diplomatic relations, and on the 20th August, 1924, the two republics signed an agreement recognizing the frontier line to be that laid down in the Colombian Law of the 9th June, 1855, and establishing a boundary commission for its demarcation.[1]

(e) Colombia and Venezuela

The precise frontier between Colombia and Venezuela, which ran through lands which were to a large extent unexplored, was not settled when these two states separated in 1830. On the 14th September, 1881, the two countries agreed to submit the question to the arbitration of the King of Spain, but he died before carrying out his task. On the 15th February, 1886, by a fresh agreement, the Spanish Crown was appointed arbitrator, and delivered judgement on the 16th March, 1891, dividing the territory into six zones in which the frontier was to be variously decided by agreement, by legal decision or according to the discretion of the arbiter. No such decisions were, in fact, taken, and on the 30th December, 1898, Colombia and Venezuela signed a pact to put the award into practical effect, and mixed commissions were appointed to fix the boundaries of the sections. Internal troubles prevented the commissions from finishing their work, and a further conflict arose; Colombia maintaining that each country should take possession of the territory assigned to it by the boundary lines as far as they had been drawn, while Venezuela contended that possession should not be taken until the boundary lines had been completed. By an agreement of the 3rd November, 1916, supplemented by a second convention of the 20th July, 1917, this question and others were submitted to the Swiss Federal Council for arbitration, in order that the award of the Spanish Crown might be carried into effect. The President of the Swiss Confederation was also asked to appoint experts of Swiss nationality to demarcate the frontier.

On the 24th March, 1922, the arbitrator gave his award, which was

[1] *Op. cit.*, vol. xxxiii.

to the effect that the two states might occupy territory already delimited without waiting for the final demarcation of the whole boundary. The portions not delimited at the time, and therefore to be exempted from occupation, were specified.[1]

The Swiss experts subsequently delimited the remaining portions of the frontier with the help of aeroplanes and cameras, by which means the first exact maps of the territory involved were made.

(*f*) Bolivia and the Argentine

A definitive treaty regulating the frontier between Bolivia and the Argentine, which had been laid down in the treaty concluded between those two countries on the 10th May, 1889, modified in 1891 and ratified in 1893, but never put into force, was concluded on the 9th July, 1925, a mixed commission being appointed for exact delimitation.[2]

(*g*) Brazil, Colombia and Peru

After years of fruitless direct negotiations, Colombia and Peru signed a treaty on the 24th March, 1922, under which Peru, in return for recognition by Colombia of Peru's title to certain disputed territory north of the Putumayo River, agreed to admit Colombia's right of ownership to a strip of territory adjacent to the line which had been fixed in 1851 as the frontier between Peru and Brazil. The territory lying to the east of this strip had long been disputed between Brazil and Colombia, the former state basing its case on *de facto* possession and recognition by Peru, the latter on rights derived from a Spanish-Portuguese Treaty of 1777. Colombia and Brazil accordingly communicated their views to Mr. Hughes, then Secretary of State of the United States, and requested the United States Government to use its good offices in composing the difference between them. Peru concurred in this request.

At a meeting at the Department of State, held on the 4th March, 1925, between Mr. Hughes and representatives of the three litigant states, Mr. Hughes suggested the following solution: (1) Brazil should withdraw certain observations which she had made regarding the boundary treaty between Colombia and Peru of March 1922; (2) Colombia and Peru should ratify that treaty; (3) Brazil and

[1] *Sentence arbitrale du Conseil Fédéral Suisse sur diverses questions de limites pendantes entre la Colombie et la Vénézuéla, Berne, 24 mars 1922* (Neuchâtel, 1922). See also *The American Journal of International Law*, July 1922, pp. 428–31.

[2] Text in *Circular Informativa Mensual*, issued by the Ministry of Foreign Affairs of the Argentine, July 1925.

Colombia should sign a convention agreeing that their common frontier should be that claimed by Brazil, in return for which Brazil should establish in perpetuity in favour of Colombia freedom of navigation on the Amazon and other rivers common to both countries.

The representatives of Peru, Colombia, and Brazil accepted these suggestions in the names of their respective Governments and signed the *procès-verbal* in which the arrangement was recorded.[1]

(*h*) Ecuador and Peru

The frontier between these two states had been in dispute since 1830, but on the 21st June, 1924, their representatives signed an agreement undertaking to send delegates to Washington immediately on the conclusion of the dispute between Chile and Peru regarding Tacna and Arica, to negotiate for a final settlement of the frontier. Should the delegates fail to reach an agreement, the matter was to be submitted to the President of the United States for arbitration.[2]

Some criticism, which later events appeared to justify, was directed in Ecuador against the plan of making the settlement of this dispute dependent on the liquidation of the Tacna-Arica controversy.

(v) The Ratification of the Treaty concerning the Isle of Pines between the United States and Cuba.

The Treaty of Peace signed between the United States and Spain on the 10th December, 1898, contained the following clauses :

> Article I. Spain relinquishes all claim of sovereignty over and title to Cuba.
>
> Article II. Spain cedes to the United States the island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies.

Out of the looseness of this wording a long-drawn-out controversy arose respecting the Isle of Pines, a large island lying some thirty-five miles south of Cuba. On the one hand, it was urged that the treaty implied the cession of this island to the United States ; on the other hand, that the Isle of Pines, historically and geographically, was a part of Cuba, having been recognized as such by Spain ; that therefore when the United States had recognized the independence of Cuba, eight months earlier, she had implicitly included the

[1] See *Bulletin of the Pan-American Union*, May 1925.

[2] Although Ecuador was not a member of the League of Nations, she nevertheless forwarded the protocol to the Secretariat of the League for registration. The text is printed in the *League of Nations Treaty Series*, vol. xxvii.

Isle of Pines within Cuban sovereign territory, and it was no longer Spain's to cede at the time of the treaty.

The United States occupied Cuba until the 20th May, 1902, when it was handed over to its inhabitants. During this period, the Isle of Pines was combined with Cuba for the purposes of administration. Meanwhile, American investors had acquired important interests in the Isle of Pines, and the sovereignty over it became a matter of some importance; but there were differences in the United States regarding the claims which were advanced over the island. In the treaty of 1903 between the United States and Cuba, Article VI of the 'Platt Amendment' provided that 'the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty'. On the withdrawal of the United States troops from Cuba in 1902, the island was left *de facto* under Cuban administration. The 'Platt Amendment' also provided that Cuba would lease or sell to the United States sites for coaling and naval stations. On the 2nd July, 1903, the American Minister and the Cuban Acting Secretary of State drew up two instruments, the one providing for the lease to the United States of certain coaling and naval stations, the other stating that in consideration of these concessions, the United States relinquished 'claim of title to the Isle of Pines'. The lease of the stations was ratified and put into effect; but the Senate of the United States refused to ratify the second instrument. It was replaced on the 2nd March, 1904, by another agreement with the same object. This second agreement remained before the Senate of the United States for twenty-two years and eight months. It was favourably reported on by the Committee on Foreign Affairs on the 1st February, 1905, the 7th December, 1922, and the 15th February, 1924,[1] and the opinion of the various authorities on international law in the United States supported Cuba's claims, both on the basis of the original documents and of Cuba's prolonged *de facto* possession. Besides this, it was urged that an act of generosity on the part of the United States would have political consequences far outweighing any possible damage to American business interests. The counter-argument rested mostly on the claims of these interests, and on an interpretation of the Constitution of the United States which prohibited the alienation of the state's territory without the state's consent.

On the 13th March, 1925, however, the United States consented to advise ratification of the treaty of the 2nd March, 1904, and

[1] *The Times*, 17th March, 1925.

ratifications were exchanged ten days later, with highly beneficial results to the relations between the United States and the Latin American countries generally.[1]

(vi) The Liquor Conventions between the United States and Great Britain, and other Countries.

The Eighteenth Amendment to the United States Constitution, of the 16th January, 1919, and the so-called Volstead Act of the 28th October, 1919, which established national prohibition in the United States, were not long in raising questions of international law. The right to enforce the Act by searching ships and seizing liquor was, strictly, applicable not only to United States shipping, but also to foreign shipping entering United States territorial waters even in transit—a single exception being allowed by the Act in favour of liquor in transit through the Panama Canal or on the Panama Railroad, which was exempted from penalty or forfeiture. As a matter of international comity, it had been the practice to exempt from search foreign merchantmen merely passing through the territorial waters of a state, or merely touching at its ports. In view, however, of the importance of the Volstead Act, and of the active and organized attempts of the vessels engaged in 'bootlegging' to evade it, the United States authorities found it necessary to enforce the extreme rigour of the law and to seize and destroy liquor on foreign vessels whenever found in United States territorial waters, whether that liquor was destined for entry into the United States or not. The bootlegging fleet then had recourse to the practice legally known as 'hovering', i. e. cruising just outside the accepted limit of territorial waters, and communicating with the shore, either by their own boats, or by the boats of confederates on shore. As a result, the United States claimed and exercised the right (which was not, however, admitted by Great Britain) to confiscate the cargo of vessels actually on the High Seas, if such cargo was contraband in the United States and obviously destined to be landed there.

The result was a certain friction between the parties concerned, and especially between the United States and Great Britain, under whose flag the majority of the bootleggers sailed.[2] In June 1922 the

[1] The texts of the treaty and accompanying exchange of notes are printed in the *United States Treaty Series*, No. 709, and in *The American Journal of International Law*, July 1925, pp. 95–8. See also articles on this question in the same journal, January 1923, and in *Foreign Affairs: an American Quarterly Review*, July 1925.

[2] According to the Department of Justice, of 332 vessels identified in 1924 as bootleggers, 307 flew the British flag, 10 the Norwegian, and 4 the French. See *The Times*, 3rd February, 1925.

United States Government proposed the conclusion of a treaty for the purpose of checking liquor smuggling and for putting an end to various fraudulent practices by which this smuggling was carried on. Among the provisions of the proposed treaty were reciprocal stipulations authorizing the officials of each country to exercise a right of search over the vessels of the other up to a limit of twelve miles from the shore. The British Government refused to conclude such an arrangement on the ground that they were opposed to any extension of the three-mile limit, and that the smuggling which led to the proposal could only be regarded as a temporary matter. Difficulties continued to arise over the seizure of various British vessels outside the three-mile limit, and an important case next arose affecting traffic of a different character from that carried on by bootleggers, the United States authorities confiscating the liquor carried by Cunard liners as sea stores for sale to passengers on board ship, although this liquor was not sold within the territorial waters of the United States. The Cunard Company brought the case before the United States Supreme Court, which, however, in October 1922, supported the action of its customs authorities.[1] The United States then reverted to their proposals for a treaty, and an *ad hoc* compromise was reached in the liquor convention between the United Kingdom and the United States, which was signed at Washington on the 23rd January, 1924, ratifications being exchanged on the 22nd May, 1924.[2] Under this treaty the parties upheld the principle that three marine miles extending from the coastline outward and measured from low-water mark constituted the proper limits of territorial waters (Art. 1); but the British Government agreed not to object to the boarding of private vessels under the British flag, and their search and seizure pending adjudication in accordance with the laws of the United States if there was reasonable cause to believe that the vessel in question had committed or was committing or attempting to commit an offence against those laws, within a distance from the coast of the United States which could be traversed in one hour by the vessel in question, or, in case of trans-shipment, by the vessel actually endeavouring to convey the liquor to the United States, but not beyond that distance (Art. 2). Liquors in transit through United States waters or ports, listed as sea stores or cargoes bound for a port foreign to the United States, were subject to no penalty or forfeiture provided they were left under seal continuously while in the said

[1] See *The British Year Book of International Law*, 1924, pp. 184–90.

[2] Printed as a British White Paper, *Cmd.* 2063 of 1924. See also *The American Journal of International Law*, pp. 229 and 301.

waters and ports, and no attempt was made to land any part of them in the United States (Art. 3). Further provisions laid down the procedure under which a British vessel could claim damages for unjustified seizure. All claims under this head were to be brought before two persons, one nominated by each party, whose recommendations were to be binding on the parties. Should they be unable to present a unanimous report, the claim was to be referred to an Anglo-American Claims Commission.

Similar agreements were concluded by the United States with Canada (23rd January, 1924), with Germany (19th May, 1924),[1] with Sweden (22nd May, 1924),[2] with Norway (24th May, 1924),[3] with Denmark (29th May, 1924),[4] with Italy (3rd June, 1924), with Panama (6th June, 1924), with the Netherlands (21st August, 1924),[5] and with Belgium (9th December, 1925).

[1] *League of Nations Treaty Series*, vol. xli. [2] *Op. cit.*, vol. xxix.
[3] *Op. cit.*, vol. xxvi. [4] *Op. cit.*, vol. xxvii. [5] *Op. cit.*, vol. xxxiii.

APPENDICES

(i) The Locarno Pact.[1]

(1) Final Protocol of the Locarno Conference, 1925

(Translation.)

The representatives of the German, Belgian, British, French, Italian, Polish, and Czechoslovak Governments, who have met at Locarno from the 5th to 16th October, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft treaties and conventions which respectively affect them and which, framed in the course of the present conference, are mutually interdependent :—

Treaty between Germany, Belgium, France, Great Britain, and Italy (Annex A).

Arbitration Convention between Germany and Belgium (Annex B).

Arbitration Convention between Germany and France (Annex C).

Arbitration Treaty between Germany and Poland (Annex D).

Arbitration Treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialed *ne varietur*, will bear to-day's date, the representatives of the interested parties agreeing to meet in London on the 1st December next, to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above, France, Poland, and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the Powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that, in reply to certain requests for explanations concerning article 16 of the Covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft is similarly attached (Annex F) should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly to bring about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in article 8 of the Covenant of the League of Nations.

[1] British Parliamentary Paper, *Miscellaneous No. 11* (1925) [*Cmd.* 2525].

They undertake to give their sincere co-operation to the work relating to disarmament already undertaken by the League of Nations and to seek the realization thereof in a general agreement.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
ARI. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.
AL. SKRZYNSKI.
EDUARD BENES.

(2) Annex A : Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain, and Italy

(Translation.)

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy ;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914–18 ;

Taking note of the abrogation of the treaties for the neutralization of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts ;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them ;

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries : [names omitted]

Who, having communicated their full powers, found in good and due form, have agreed as follows :—

Article 1. The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on the 28th June, 1919, and also the observance of the stipulations of articles 42 and 43 of the said treaty concerning the demilitarized zone.

Article 2. Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression

and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

2. Action in pursuance of article 16 of the Covenant of the League of Nations.

3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 3. In view of the undertakings entered into in article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy :

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

Article 4. (1) If one of the high contracting parties alleges that a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of article 2 of the present treaty or of a flagrant breach of articles 42 or 43 of the Treaty of Versailles by one of the high contracting parties, each of the other contracting parties hereby undertakes immediately to come to the help of the party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarized zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the high contracting parties undertake to act in accordance with the recommendations of the Council provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

Article 5. The provisions of article 3 of the present treaty are placed under the guarantee of the high contracting parties as provided by the following stipulations :—

If one of the Powers referred to in article 3 refuses to submit a dispute

to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the Treaty of Versailles, the provisions of article 4 shall apply.

Where one of the Powers referred to in article 3 without committing a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other party shall bring the matter before the Council of the League of Nations, and the Council shall propose what steps shall be taken; the high contracting parties shall comply with these proposals.

Article 6. The provisions of the present treaty do not affect the rights and obligations of the high contracting parties under the Treaty of Versailles or under arrangements supplementary thereto, including the agreements signed in London on the 30th August, 1924.

Article 7. The present treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 8. The present treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the high contracting parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the high contracting parties; the treaty shall cease to have effect on the expiration of a period of one year from such decision.

Article 9. The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

Article 10. The present treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations.

The present treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the high contracting parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present treaty.

Done at Locarno, the 16th October, 1925.

LUTHER.
STRESEMANN.
EMILE VANDERVELDE.
A. BRIAND.
AUSTEN CHAMBERLAIN.
BENITO MUSSOLINI.

(3) Annexes B and C: Arbitration Conventions between Germany and Belgium and between Germany and France[1]

(Translation.)

The undersigned duly authorized,

Charged by their respective Governments to determine the methods by which, as provided in article 3 of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, a peaceful solution shall be attained of all questions which cannot be settled amicably between Germany and Belgium,

Have agreed as follows :—

PART I

Article 1. All disputes of every kind between Germany and Belgium [France] with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the Covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present convention and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between Germany and Belgium [France] shall be settled in conformity with the provisions of those conventions.

Article 2. Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission styled the Permanent Conciliation Commission, constituted in accordance with the present convention.

Article 3. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present convention until a judgement with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

Article 4. The Permanent Conciliation Commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say : the German Government and the Belgian [French] Government shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers; these three commissioners must be of different nationalities, and the German and Belgian [French] Governments shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is

[1] The terms of these two conventions are identical.

renewable. Their appointment shall continue until their replacement and, in any case, until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5. The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

Article 6. The Permanent Conciliation Commission shall be informed by means of a request addressed to the president by the two parties acting in agreement or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

Article 7. Within fifteen days from the date when the German Government or the Belgian [French] Government shall have brought a dispute before the Permanent Conciliation Commission either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party ; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

Article 8. The task of the Permanent Conciliation Commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labours the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

Article 9. Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions

of Inquiry) of the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

Article 10. The Permanent Conciliation Commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

Article 11. The labours of the Permanent Conciliation Commission are not public, except when a decision to that effect has been taken by the commission with the consent of the parties.

Article 12. The parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediary between them and the commission ; they may, moreover, be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission, on its side, shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

Article 13. Unless otherwise provided in the present convention, the decisions of the Permanent Conciliation Commission shall be taken by a majority.

Article 14. The German and Belgian [French] Governments undertake to facilitate the labours of the Permanent Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 15. During the labours of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the German and Belgian [French] Governments, each of which shall contribute an equal share.

Article 16. In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by the Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

If the parties cannot agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

Article 17. All questions on which the German and Belgian [French] Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy the settlement of which cannot be attained by means of a judicial decision as provided in article 1 of the present convention, and for the settlement of which no procedure

has been laid down by other conventions in force between the parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present convention shall be applicable.

Article 18. If the two parties have not reached an agreement within a month from the termination of the labours of the Permanent Conciliation Commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the Covenant of the League.

General Provision.

Article 19. In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The German and Belgian [French] Governments undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 20. The present convention continues applicable as between Germany and Belgium [France] even when other Powers are also interested in the dispute.

Article 21. The present convention shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present convention, done in a single copy, shall be deposited in the archives of the League of Nations, the Secretary-General of which shall be requested to transmit certified copies to each of the two contracting Governments.

Done at Locarno the 16th October, 1925.

STR. E. V. [A.B.]

(4) Annexes D and E: Arbitration Treaties between Germany and Poland and between Germany and Czechoslovakia [1]

(Translation.)

The President of the German Empire and the President of the Polish [Czechoslovak] Republic;

[1] The terms of these treaties are identical.

Equally resolved to maintain peace between Germany and Poland [Czechoslovakia] by assuring the peaceful settlement of differences which might arise between the two countries ;

Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals ;

Agreeing to recognize that the rights of a State cannot be modified save with its consent ;

And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States ;

Have decided to embody in a treaty their common intentions in this respect, and have named as their plenipotentiaries the following : [names omitted]

Who, having exchanged their full powers, found in good and due form, are agreed upon the following articles :—

PART I

Article 1. All disputes of every kind between Germany and Poland [Czechoslovakia] with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter. It is agreed that the disputes referred to above include in particular those mentioned in article 13 of the Covenant of the League of Nations.

This provision does not apply to disputes arising out of events prior to the present treaty and belonging to the past.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the high contracting parties shall be settled in conformity with the provisions of those conventions.

Article 2. Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute may, by agreement between the parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the Permanent Conciliation Commission, constituted in accordance with the present treaty.

Article 3. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of the national courts of such party, the matter in dispute shall not be submitted to the procedure laid down in the present treaty until a judgement with final effect has been pronounced, within a reasonable time, by the competent national judicial authority.

Article 4. The Permanent Conciliation Commission mentioned in article 2 shall be composed of five members, who shall be appointed as follows, that is to say : the high contracting parties shall each nominate a commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the three other commissioners from among the nationals of third Powers ; those three commissioners must be of different

nationalities, and the high contracting parties shall appoint the president of the commission from among them.

The commissioners are appointed for three years, and their mandate is renewable. Their appointment shall continue until their replacement, and in any case until the termination of the work in hand at the moment of the expiry of their mandate.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5. The Permanent Conciliation Commission shall be constituted within three months from the entry into force of the present convention.

If the nomination of the commissioners to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

Article 6. The Permanent Conciliation Commission shall be informed by means of a request addressed to the president by the two parties acting in agreement, or, in the absence of such agreement, by one or other of the parties.

The request, after having given a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arrive at an amicable settlement.

If the request emanates from only one of the parties, notification thereof shall be made without delay to the other party.

Article 7. Within fifteen days from the date when one of the high contracting parties shall have brought a dispute before the Permanent Conciliation Commission, either party may, for the examination of the particular dispute, replace its commissioner by a person possessing special competence in the matter.

The party making use of this right shall immediately inform the other party ; the latter shall in that case be entitled to take similar action within fifteen days from the date when the notification reaches it.

Article 8. The task of the Permanent Conciliation Commission shall be to elucidate questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down a period within which they are to make their decision.

At the close of its labours the commission shall draw up a report stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement.

The labours of the commission must, unless the parties otherwise agree, be terminated within six months from the day on which the commission shall have been notified of the dispute.

Article 9. Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any

case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Chapter III (International Commissions of Inquiry) of The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

Article 10. The Permanent Conciliation Commission shall meet, in the absence of agreement by the parties to the contrary, at a place selected by its president.

Article 11. The labours of the Permanent Conciliation Commission are not public except when a decision to that effect has been taken by the commission with the consent of the parties.

Article 12. The parties shall be represented before the Permanent Conciliation Commission by agents, whose duty it shall be to act as intermediary between them and the commission; they may moreover be assisted by counsel and experts appointed by them for that purpose, and request that all persons whose evidence appears to them useful should be heard.

The commission on its side shall be entitled to request oral explanations from the agents, counsel and experts of the two parties, as well as from all persons it may think useful to summon with the consent of their Government.

Article 13. Unless otherwise provided in the present treaty the decisions of the Permanent Conciliation Commission shall be taken by a majority.

Article 14. The high contracting parties undertake to facilitate the labours of the Permanent Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory and in accordance with their law to the summoning and hearing of witnesses or experts, and to visit the localities in question.

Article 15. During the labours of the Permanent Conciliation Commission each commissioner shall receive salary, the amount of which shall be fixed by agreement between the high contracting parties, each of which shall contribute an equal share.

Article 16. In the event of no amicable agreement being reached before the Permanent Conciliation Commission the dispute shall be submitted by means of a special agreement either to the Permanent Court of International Justice under the conditions and according to the procedure laid down by its statute or to an arbitral tribunal under the conditions and according to the procedure laid down by The Hague Convention of the 18th October, 1907, for the Pacific Settlement of International Disputes.

If the parties cannot agree on the terms of the special agreement after a month's notice one or other of them may bring the dispute before the Permanent Court of International Justice by means of an application.

PART II

Article 17. All questions on which the German and Polish [Czechoslovak] Governments shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy, the settlement of which

cannot be attained by means of a judicial decision as provided in article 1 of the present treaty, and for the settlement of which no procedure has been laid down by other conventions in force between the parties shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the parties an acceptable solution and in any case to present a report.

The procedure laid down in articles 6–15 of the present treaty shall be applicable.

Article 18. If the two parties have not reached an agreement within a month from the termination of the labours of the Permanent Conciliation Commission the question shall, at the request of either party, be brought before the Council of the League of Nations, which shall deal with it in accordance with article 15 of the Covenant of the League.

General Provisions.

Article 19. In any case, and particularly if the question on which the parties differ arises out of acts already committed or on the point of commission, the Conciliation Commission or, if the latter has not been notified thereof, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with article 41 of its statute, shall lay down within the shortest possible time the provisional measures to be adopted. It shall similarly be the duty of the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The high contracting parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission or by the Council of the League of Nations, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 20. The present treaty continues applicable as between the high contracting parties even when other Powers are also interested in the dispute.

Article 21. The present treaty, which is in conformity with the Covenant of the League of Nations, shall not in any way affect the rights and obligations of the high contracting parties as members of the League of Nations and shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 22. The present treaty shall be ratified. Ratifications shall be deposited at Geneva with the League of Nations at the same time as the ratifications of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy.

It shall enter into and remain in force under the same conditions as the said treaty.

The present treaty, done in a single copy, shall be deposited in the archives of the League of Nations, the Secretary-General of which shall be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

STR. A. S. [Dr.B].

(5) ANNEX F: DRAFT COLLECTIVE NOTE TO GERMANY REGARDING ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS

(Translation.)

The German delegation has requested certain explanations in regard to article 16 of the Covenant of the League of Nations.

We are not in a position to speak in the name of the League, but in view of the discussions which have already taken place in the Assembly and in the commissions of the League of Nations, and after the explanations which have been exchanged between ourselves, we do not hesitate to inform you of the interpretation which, in so far as we are concerned, we place upon article 16.

In accordance with that interpretation the obligations resulting from the said article on the members of the League must be understood to mean that each State member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

E.V. A.B. A.C. B.M.
DR. B. A.S.

(6) TREATIES BETWEEN FRANCE AND POLAND AND BETWEEN FRANCE AND CZECHOSLOVAKIA [1]

(Translation.)

The President of the French Republic and the President of the Polish [Czechoslovak] Republic;

Equally desirous to see Europe spared from war by a sincere observance of the undertakings arrived at this day with a view to the maintenance of general peace;

Have resolved to guarantee their benefits to each other reciprocally by a treaty concluded within the framework of the Covenant of the League of Nations and of the treaties existing between them;

And have to this effect nominated for their plenipotentiaries: [names omitted]

Who, after having exchanged their full powers, found in good and due form, have agreed on the following provisions:—

Article 1. In the event of Poland [Czechoslovakia] or France suffering from a failure to observe the undertakings arrived at this day between them and Germany with a view to the maintenance of general peace, France, and reciprocally Poland [Czechoslovakia], acting in application of article 16 of the Covenant of the League of Nations, undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms.

In the event of the Council of the League of Nations, when dealing with a question brought before it in accordance with the said undertakings, being unable to succeed in making its report accepted by all its members other than the representatives of the parties to the dispute, and in the event of Poland [Czechoslovakia] or France being attacked without pro-

[1] The terms of these treaties are identical.

vocation, France, or reciprocally Poland [Czechoslovakia], acting in application of article 15, paragraph 7, of the Covenant of the League of Nations, will immediately lend aid and assistance.

Article 2. Nothing in the present treaty shall affect the rights and obligations of the high contracting parties as members of the League of Nations, or shall be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 3. The present treaty shall be registered with the League of Nations, in accordance with the Covenant.

Article 4. The present treaty shall be ratified. The ratifications will be deposited at Geneva with the League of Nations at the same time as the ratification of the treaty concluded this day between Germany, Belgium, France, Great Britain, and Italy, and the ratification of the treaty concluded at the same time between Germany and Poland.

It will enter into force and remain in force under the same conditions as the said treaties.

The present treaty done in a single copy will be deposited in the archives of the League of Nations, and the Secretary-General of the League will be requested to transmit certified copies to each of the high contracting parties.

Done at Locarno the 16th October, 1925.

(ii) Article 27 of the Mexican Constitution of 1917.[1]

The ownership of lands and waters comprised within the limits of the national territory is vested originally in the nation, which has had and has the right to transmit title thereof to private persons, thereby constituting private property.

Private property shall not be expropriated except for reasons of public utility and by means of indemnification.

The nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and equitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates ; to develop small landed holdings ; to establish new centres of rural population with such lands and waters as may be indispensable to them ; to encourage agriculture and to prevent the destruction of natural resources, and to protect property from damage detrimental to society. Settlements, hamlets situated on private property and communes which lack lands or water or do not possess them in sufficient quantities for their needs shall have the right to be provided with them from the adjoining properties, always having due regard for small landed holdings. Wherefore, all grants of lands made up to the present time under the decree of 6th January, 1915, are confirmed. Private property acquired for the said purposes shall be considered as taken for public use.

In the nation is vested direct ownership of all mineral or substances

[1] Reprinted from *World Peace Foundation Pamphlets*, vol. ix, No. 5 : ' The Mexican Revolution and the United States '.

which in veins, layers, masses, or beds constitute deposits whose nature is different from the components of the land, such as minerals from which metals and metaloids used for industrial purposes are extracted ; beds of precious stones, rock salt and salt lakes formed directly by marine waters, products from the decomposition of rocks, when their exploitation requires underground work ; phosphates which may be used for fertilizers ; solid mineral fuels ; petroleum and all hydrocarbons—solid, liquid or gaseous.

In the nation is likewise vested the ownership of the waters of territorial seas to the extent and in the terms fixed by the law of nations ; those of lakes and inlets of bays ; those of interior lakes of natural formation which are directly connected with flowing waters ; those of principal rivers or tributaries from the points at which there is a permanent current of water in their beds to their mouths, whether they flow to the sea or cross two or more States ; those of intermittent streams which traverse two or more States in their main body ; the waters of rivers, streams or ravines, when they bound the national territory or that of the States ; waters extracted from mines ; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised within the foregoing enumeration shall be considered as an integral part of the private property through which it flows ; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

In the cases to which the two foregoing paragraphs refer, the ownership of the nation is inalienable and may not be lost by prescription ; concessions shall be granted by the Federal Government to private parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed, and on the further condition that the legal provisions be observed.

Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions :

I. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and of fifty kilometers from the sea coast no foreigners shall under any conditions acquire direct ownership of lands and waters.

II. The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property ; all such real property or loans as may be at present held by the said religious institutions either on their own behalf, or through third parties, shall vest in the nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the nation, as represented by the

Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishments of religious institutions, convents or any other buildings built or designed for the administration, propaganda or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the nation, to be used exclusively for the public services of the Federation or of the states, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the nation.

III. Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies, or organizations formed for any other purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the patronage, direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependants, even though either the former or the latter shall not be in active service.

IV. Commercial stock companies shall not acquire, hold or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the respective state in each case shall determine.

V. Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

VI. Properties held in common by co-owners, hamlets situated on private property, pueblos, tribal congregations and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them, or which may have been or shall be restored to them according to the law of 6th January, 1915, until such time as the manner of making the division of the lands shall be determined by law.

VII. Excepting the corporations to which Clauses III, IV, V, and VI hereof refer no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The states, the Federal District and the territories, as well as the municipalities throughout the Republic, shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

The Federal and state laws shall determine within their respective jurisdictions those cases in which the occupation of private property shall be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The

amount fixed as compensation for the expropriated property shall be based on the sum at which the said property shall be valued for fiscal purposes in the cadastral or revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which there shall be added ten per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

All proceedings, findings, decisions and all operations of demarkation, concession, composition, judgement, compromise, alienation or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing since the law of 25th June, 1856, of the whole or a part of their lands, woods and waters, are declared null and void ; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be restored to them according to the decree of 6th January, 1915, which shall remain in force as a constitutional law. In case the adjudication of lands by way of restitution be not legal in the terms of the said decree which adjudication shall have been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands, title to which may have been acquired in the divisions made by virtue of the said law of 25th June, 1856, or such as may be held in undisputed ownership for more than ten years are excepted from the provision of nullity, provided their area does not exceed fifty hectares. Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided and the rights to these lands shall be inalienable so long as they remain undivided ; the same provision shall govern the right of ownership after the division has been made. The exercise of the rights pertaining to the nation by virtue of this article shall follow judicial process ; but as a part of this process and by order of the proper tribunals, which orders shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down.

During the next constitutional term, the Congress and the state legislatures shall enact laws, within their respective jurisdictions, for the purpose of carrying out the division of large landed estates subject to the following conditions :

(a) In each state and territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

(b) The excess of the area thus fixed shall be subdivided by the owner within the period set by the laws of the respective locality: and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

(c) If the owner shall refuse to make the subdivision, this shall be carried out by the local government, by means of expropriation proceedings.

(d) The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than twenty years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed 5 per cent. per annum.

(e) The owner shall be bound to receive special bonds to guarantee the payment of the property expropriated. With this end in view the Congress shall issue a law authorizing the states to issue bonds to meet their agrarian obligations.

(f) The local laws shall govern the extent of the family patrimony, and determine what property shall constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge whatever.

All contracts and concessions made by former governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest.

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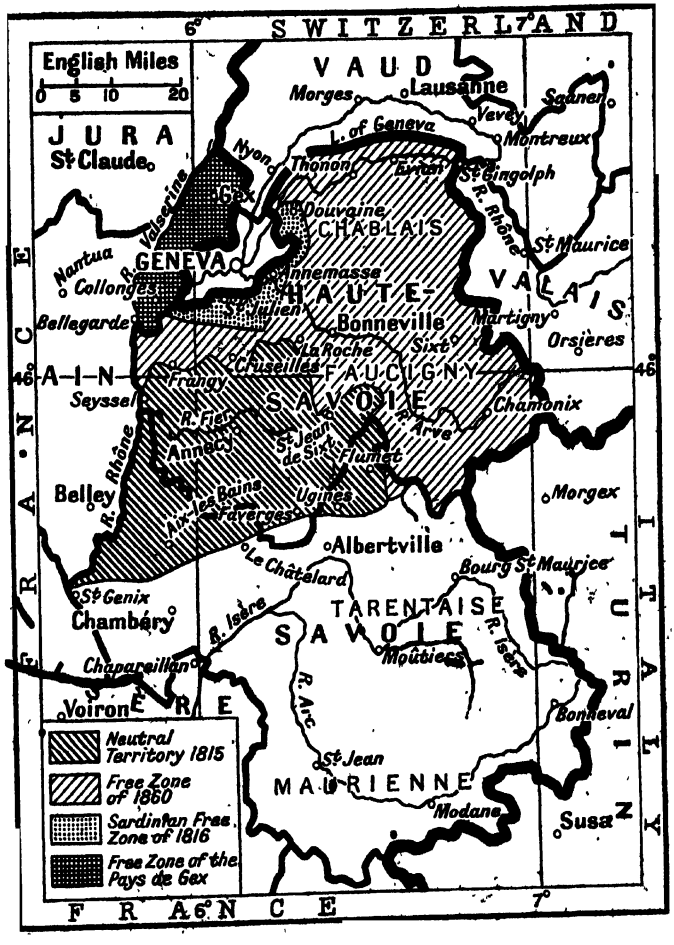
THE SAVOY FREE ZONES



PRINTED IN ENGLAND AT THE UNIVERSITY PRESS, OXFORD
BY JOHN JOHNSON PRINTER TO THE UNIVERSITY