

at heart, he urged that the Disarmament Conference should restrict the training of those natives to serve in the armies of European Powers:

"We have had wars in South Africa between civilized people, but, thank God, the savage hordes of Africa have never been dragged into those wars."

"The savage races have settled down as peaceful citizens, with no wish for the knowledge which some think so necessary for the civilised man, and they are the happier for it."

"Is it too much to hope that, under the guidance of the League, we shall, in the near future, meet in order to agree among ourselves that those which are not yet able to stand for themselves, and whose well-being and development form a sacred trust of civilisation shall not be used to strengthen military force which are already deemed by many to be excessive for the purposes of peace and goodwill in the world? . . . Our grave concern for the well-being of these uncivilised races, and it is in that spirit that I am expressing these views . . ."

The present South African Government takes a not very hopeful view of the prospects of disarmament.

"In its anxiety", said General Hertzog from the Assembly platform last September, "South Africa is beginning to think of asking Europe: How much more armament?" And when the question is put, I am afraid Europe will necessarily stand embarrassed, not knowing what answer to make."

And you remember the "spirit of benevolent scepticism" in which Mr. de Water explained that South Africa was contingently accepting the amendments to the Covenant³.

Inasmuch as there appears a real prospect of there being a Disarmament Conference in the near future, it will perhaps be well that I should conclude with some words spoken by Mr. Latham several years ago in the Assembly. Referring to the "remarkable complication" which the Preparatory Commission was giving to the problem of disarmament, he said:

¹ 9A.Pl., p. 93.
² 11A.Pl., p. 55.
³ 11A.1C., p. 57.

"These questions, with their balancing and opposing considerations remind me of the dialectical discussion upon the subject of whether to marry or not to marry to be found in a famous French classic.¹ The risks of an unfortunate marriage are so great if they are really thought out, that the truly reflective man or woman would have missed all opportunities for marriage if he or she insisted upon fully accomplishing the process of reflection, and yet we do marry and we do take risks. Surely, in the case of disarmament, something can be done, even if the whole problem in all its aspects cannot be completely solved."

IV. MISCELLANEOUS VIEWS ON MISCELLANEOUS MATTERS.

§ 1. *The Period of Organisation.*

Practitioners in international politics are familiar with a species of inhibition whereby delegates are deterred from doing or saying what would be unwelcome to their friends. M. Loudon has referred to this propensity as "inertie courtoise". The Dominions, young in diplomacy, have not yet been smitten with this disease. They commonly say just what they think and, what is more, they dislike assenting to what they do not think. It was partly at the instance of the delegates of Canada and South Africa that, at its first session, the Assembly adopted the view that the votes of delegates should represent the attitudes of governments and involve a moral commitment.*

Today I propose to examine the position taken by the Dominions on a series of subjects not comprised in that class on which the Commonwealth makes particular efforts to pursue a single policy.

Perhaps had it not been for Professor Rappard's challenging suggestion to the effect that the Dominions confined themselves in the main to the rôle of observers, I would not have troubled you with much detail as to the part they took in the League's period of organisation. It happens, however, that—whether we assume them to have been instructed, or merely authorized, or

¹ 7A.Pl., p. 58.

simply permitted by their governments to take the line they did—the spokesmen of the Dominions had, in the early days, an active, intelligent, constructive and valuable share in the work of building up the League's permanent machinery. We find, for example, that it was under pressure from the Dominions, especially from Australia, that the Assembly determined to modify the system of allocation of the League's expenses specified in the Covenant.¹ You will remember that under the scale of the Universal Postal Union, which was adopted with hardly any discussion in Paris as suitable to the new and larger organisation, the several Dominions had by their own choice been assessed on the same level as Great Britain. Even a poor man can travel first class if the journey be sufficiently short. The Dominions soon found that, in relation to the enormously larger budget of the League of Nations, they could no longer afford to masquerade as members of the wealthy class. One Dominion, indeed, namely South Africa, after paying under protest for the first year or so, actually permitted herself, the next year, formally to default in respect of a part of her contribution; and the Assembly granted her the absolution on which she had counted.² Then, after the necessary amendment to the Covenant, there was established the new and more equitable scale that obtains at the present time.

Then, as regards the publicity of the Assembly's meetings, it was by Lord Robert Cecil and Sir James Allen that the speeches were made which led to the meetings being in principle public, the doors to be closed only by *ad hoc* decision of the committee in question.³ Let us not underestimate the significance of this decision for the subsequent development of the League's authority and influence.

At the Assembly's first session we also find Sir James Allen making most valuable suggestions as to the organisation of the Secretariat.⁴ An inquiry by independent experts—it was his

¹ I.A.C., p. 66 and Pl., pp. 675, 682, 684 and J.P.E. II.3, p. 624.

² 4.A.Pl., p. 349.

³ I.A.Pl., pp. 77, 79.

⁴ I.A.Pl., p. 654.

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suggestion—was instituted into the scale of salaries, the numbers and the efficiency of the staff. His other suggestion, that a proper pensions scheme should be introduced, though not immediately acted on, was early recognized as sound: as you know of course the working out of such a scheme has occupied much of the Assembly's attention in recent years.

Then again in determining the League's policy, both generally and specially, in regard to the admission of new member states, the weight of the Dominion delegates was felt.

At the first Assembly, Lord Robert Cecil, as a matter of urgency, asked the Assembly to resolve that it would not be prepared to admit any new state to the League unless it would give an undertaking to enter into agreements corresponding with the Minorities Treaties already accepted by several other states.¹ This was thought to be too much like a disguised amendment to Article I, but the main substance of what Lord Robert wanted was achieved when at his instance the resolution was carried that

"In the event of Albania, the Baltic and Caucasian states being admitted to the League, the Assembly requests that they should take the necessary means to enforce the principles of the Minorities Treaties, and that they should arrange with the Council the details required to carry this object into effect."²

For practical purposes the requests of the Assembly may in some circumstances be made as fruitful as formal stipulations.

And when it came to actual candidatures who that was then present can have forgotten the tussle as the upshot of which the delegates of South Africa and Canada obtained in the full Assembly the reversal of the competent Committee's policy of refusing admission to Albania?³ The dignified surrender of the British and French delegations was the better part of valour.⁴

South Africa in particular was also emphatically in favour of the early admission of Germany. As Sir Reginald Blankenburg

¹ I.A.Pl., p. 406.

² *Ib.*, p. 568.

³ I.A.Pl., pp. 643, 646, 651.

⁴ *Ib.*, pp. 648, 650.

does this mean swing?

SA in favour of membership

explained, the white population of the Union numbered many thousands who were of German origin, whether of recent years or of several generations past, and many of whom had shown themselves to be good settlers and had assimilated themselves with the people of the country.¹ The League, he urged, should not rest until every state, and Germany above all, was fully represented in that body.

§ 2. Some Typical Topics of Every Day.

Moreover, if Professor Rappard will pass with us from these organisational matters to some of the miscellaneous other topics that form as it were the rank and file of the League agenda, he will perceive here too that the Dominions have been very far from contenting themselves with the function of mere observers.

have views of Lord - not including refugees!

Let him take for example the problem of the refugees, and see how, in 1924, for better or for worse, Mr. Hofmeyr and Sir James Allen resolutely insisted on a businesslike treatment of this question. The warmest sympathiser might wonder how that matter could be regarded as strictly the League's concern. Neither delegation could pledge its government to financial support of that cause beyond the budget of that year. As Sir James Allen pointed out, there were two possibilities, voluntary effort and the tax-payer's pocket.² New Zealand in proportion to her population had probably subscribed by voluntary effort more money for the relief of distressed refugees on the continent of Europe than any other country there represented that day.

The League should confine itself, said Mr. Hofmeyr, to its legitimate functions, and push those with all its might.³ To float with the stream was pleasant, but after all, as Dean Inge had once said, that was a feat which any dead dog could perform.

The Dominions in the Assembly have sometimes swum, they

¹ *Ib.*, p. 566.

² 5A.Pl., p. 150.

³ *Ib.*, p. 147.

have seldom, if ever, floated, with the stream. You have all noticed how slight has been the progress of the League's efforts for the codification of international law. At the first Assembly, a recommendation having been submitted that methods should be examined for "the more precise definition and more complete coordination of the rules of international law", a Dominion delegate ventured to hope that it would not be proceeded with at that time. To his mind they had not yet got to a stage where it was desirable to consider the codification of international law.¹ That was really the first step towards codification.

Lord failed to codify of law largely

It was the voice of that notorious reactionary, Lord Robert Cecil! The subsequent history of that subject has so far done little to demonstrate that he was wrong.

On the other hand I ought to remark that an eminent Australian delegate, Mr. Latham, at another Assembly, put the more common view that codification was the key to the problem of the Court's compulsory jurisdiction.²

"I do not know that either Canada or Australia, considered as a political entity, feels very strongly on the subject of alcoholism, but in Canada at least there had been some experience of systems of prohibition: moreover it was enough in the view of their delegates to point out that in the Covenant itself it was difficult to find anything that could be construed as an authorisation to the Assembly to take up the problem of alcoholism.³ Not the attitude of mere observers!

not alcoholism

As a matter in which a Dominion was not obstructive we may notice the earnestness with which Australia has repeatedly advocated an intensification of the League's services in the sphere of economic intelligence.⁴ Her interest in these possibilities needs no explanation.

¹ 1A.Pl., p. 745.

² 7A.Pl., p. 57.

³ 8A.2C., p. 30.

⁴ 9A.Pl., p. 42.

§ 3. *The Council problem, 1926.*

Or turn up the discussions on the organisation and composition of the Council. You will find an elaborate telegraphic statement of the Australian Government's views¹ and you will find thoughtful contributions from the Canadian and Irish delegations at the 1926 Assembly.²

You find Australia contending for a small Council, with permanent seats only for the Great Powers (including Germany), the idea of rotation being applied—though not inflexibly and not on any rigid system of geographical representation—to the filling of non-permanent seats.

Canada argues for providing in the Council the best ability, the widest experience and the greatest prestige possible, while allowing both for continuity and for the introduction of fresh views. Particularly interesting are Sir George Foster's words on the group idea and the geographical distribution of seats. The Assembly should keep its hands free for the future. His ending, with its allusion to "that group", if he might call it such, "of members of the League of Nations made up of the overseas dominions and possessions of the British Empire" came as a word in season.³ In a period when claims to seats had been pushed forward in almost every other quarter, the Dominions had remained conspicuously silent. It was as well to ensure that they should not on that account be wholly overlooked.

The time is too short now to examine the contributions of the Irish Free State to this discussion, though there were both strength and practical wisdom in the observations of Mr. Fitzgerald.⁴ "To our minds", he concluded, "the very essence of voting is choosing, and it seems to us that behind all these arrangements is an attempt to let us veto but not to let us choose those who are to represent us on the Council".

¹ Doc. C.299.M.139.1926.V, p. 115.

² 7A.Pl., pp. 71, 73.

³ 7A.Pl., p. 72.

⁴ *Ib.*, p. 74.

§ 4. *Intellectual Cooperation.*

The question of intellectual cooperation is referred to facetiously sometimes as about the only one on which at Geneva Great Britain and the Dominions voted solidly: they all voted against it. I have not informed myself of the occasion of this remarkable demonstration. I do however notice that, when the French Government offered to make financially possible the Paris Institute of Intellectual Cooperation and the Council, in anticipation of the Assembly's wishes, accepted the offer, there were questionings from delegates of Australia and New Zealand. Could a national institution properly discharge an international function? It was an illustration of the inconvenience that may be caused by the inclusion in an official delegation of representatives of parties not in office in the country represented. You may remember that France for a time, but only for a time, tried the same experiment. In the case of Australia, Mr. Charlton of the Labour opposition had, it appeared, the sympathy, but not the formal authority, of the head of his delegation in protesting against the Council's acceptance of the French offer.¹ Sir James Allen, of New Zealand, was avowedly prepared to support Mr. Charlton, who however of course had not the disposal of the Australian delegation's vote.² When therefore the chairman took note of the absence of formal opposition in the Assembly it was of no avail for Mr. Charlton to reiterate that he personally was in opposition.³ History has yet to decide whether Mr. Charlton's opposition, though inefficacious, was not well grounded all the same.

§ 5. *The Problem of Minorities.*

When Sir George Foster, normally so courageous a statesman, heard that at the instance of the Canadian representative the Council was about to take up the subject of minorities, a cold

¹ 5A.Pl., pp. 134, 142.

² *Ib.*, p. 141.

³ *Ib.*, p. 143.

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shiver, so he is reported to have confessed, went through his bones.¹ Was Canada really intending to intermix with "the most explosive, delicate and important of all the problems" that the nations composing the League had to solve?

He need not, however, have taken so theatrical a view, at least if precedents are to count for anything; for he might have recalled some vigorous interventions in earlier years by Lord Robert Cecil² and Professor Gilbert Murray³, both acting on behalf of a Dominion, in regard to the admittedly delicate problem of minorities. Let me remind you of Lord Robert's proposal at the Assembly's first session in regard to new member States, and at its second and third sessions the influential efforts of Professor Gilbert Murray, who in 1922 was rapporteur when the Assembly adopted a series of resolutions which stand to this day as enshrining an important part of the doctrine officially held in Geneva on minorities questions whether in relation to minorities treaties or otherwise.

It is difficult to judge just how useful was that initiative of Mr. Dandurand in the Council in 1928 and 1929 in which Sir George Foster saw such risks.⁴ Mr. Dandurand himself assured the Canadian Senate that it had related strictly to some points of procedure and that it had been by Dr. Stresemann, on behalf of Germany, that the whole subject of the minorities had at the same time been opened up.

Mr. Dandurand submitted to the Council a careful memorandum, looking in particular to improved facilities for the transmitting of petitions, to a fuller publicity, to the more general participation by Council members in the examination of petitions and to the furnishing to the members so participating of more complete information, as for example through a summoning of the petitioners themselves.⁵

In Canada there are two instances of a politically recognised

¹ J.P.E. X.3, p. 598.

² I.A.Pl., p. 569.

³ 2A.Pl., p. 836 and 3A.Pl., pp. 37, 176.

⁴ C.53, p. 68.

⁵ C.54, p. 515.

minority. In the Dominion as a whole the French Canadians have certain entrenched rights. In the Province of Quebec, where the French Catholics are in their turn the dominant element, the Protestant minority enjoys a treatment so liberal as to constitute, in the view of such as Mr. Dandurand, an example to all mankind.

Officially at any rate his fellow-members paid abundant homage to Mr. Dandurand's efforts. Dr. Stresemann while developing in great detail a case slightly different from his, did not forget to say of him some complimentary words.¹ Sir Austen Chamberlain spoke tersely of the "opportuneness" of what Mr. Dandurand had done.² M. Procope of Finland, on the other hand, took it that his proposals were only intended to form a basis for discussion.³

The question was referred to a committee⁴—Mr. Dandurand not being personally included—and was finally reported upon to the Council at its summer session.⁵

Various procedural changes came in that way to be introduced, the results of which, so far as a layman's information goes, have been all to the advantage of the minorities and the credit of the League.

M. Dandurand noted that in several though not in all respects his ideas had found favour, and claimed that his personal efforts had had some effect upon the attitude of the Secretary-General in regard to the furnishing of information.⁶ On the other hand M. Briand and M. Titulesco were inclined to combat the suggestion that the new formula was in that regard anything more than merely declaratory of the established practice.⁷

The episode as a whole had a definite incidental value as showing that a Dominion on the Council was capable of taking

¹ *Ib.*, p. 518.

² *Ib.*, p. 523.

³ *Ib.*, p. 527.

⁴ *Ib.*, p. 541.

⁵ C.55, p. 1005.

⁶ *Ib.*, p. 1006.

⁷ *Ib.*, pp. 1007, 1009.

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efficiently, on a suitable question, a disinterested and independent line, in the cause of the general good and without special reference to the hobbies of the British Government of the day. It will have served also to deepen the consciousness of Canadians generally, and French Canadians more than others, of the honourable and responsible place their country had come to occupy in the affairs of the larger world.

§ 6. *Economic Problems—Raw materials, 1920.*

I propose now to say something of the always characteristic attitude the Dominions have taken in relation to the League's economic functions. In so doing I think I shall do well in quoting fairly fully from discussions at the Assembly.

It may be that there are instances, either in League history or elsewhere, of states having in the economic domain deliberately taken action contrary to their own clearly conceived commercial interests. It is true that the Covenant imposes no obligation on member states to show such altruism; but I do not claim that it has never happened. All I would say is that, if the British Dominions are to be penalised for having sometimes looked at a Geneva proposal in the light of its possible effects upon their own material position, then, let that nation which is in this respect without sin throw the first stone.

My instances of economic matters that have brought the Dominions into prominence in Geneva range from the discussion on raw materials at the Assembly's first session to that on the Warsaw resolutions at its eleventh.

One of the difficulties at Geneva is of course that while in hardly any instance will the immediate interests of all member states on an economic matter be identical, the Assembly resolutions can be effectively adopted only if nobody dissents. For instance on the question of the exploitation of raw materials it is obvious that states having and not having abundance of raw materials may tend to take mutually opposing views.

At its first session the Assembly was confronted with a project

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already adopted by the Council, the British representatives not having objected to it, looking to the study in Geneva of what may be vaguely described as 'the problem of raw materials'. The Canadian, Australian and Indian delegations came to the conclusion that it would be improper for the League to proceed with this idea. They said so. Great Britain of course was not in a position to take their side and the incident is perhaps chiefly remembered as an early example of a dividing of the votes of the British Commonwealth group.

Mr. Rowell's main points for Canada were that not only was the question of raw materials not the primary business of the League, but it was clear beyond peradventure that the Covenant did not cover it; and, perhaps still more important, the League's handling of it must have an unfortunate effect in the United States.¹

Bound up with this question was the suggestion for the setting up of technical organisations for the carrying out of some of the purposes indicated in Article 23 of the Covenant. In his opening speech to the Second Committee M. Tittoni had used amongst others the following phrases:

"In conformity with the letter and the spirit of the Covenant, and even more, in view of the general purposes for which the League was established, the latter is called upon to perform a number of duties of an international character, which from their nature may be called duties of a technical order . . .² The duties may be grouped in two categories, those specifically mentioned in the Covenant and in the treaties of peace, and those which the spirit of the Covenant or circumstances may suggest" (statesmen when they find the letter of a document failing them have a trick of appealing to its spirit) . . . "To the second category belong those general duties are designed—in conformity with the Covenant of the League—to prevent or solve disputes of an economic character."

It was a most interesting discussion; you should certainly read the record of it. Even supposing the suggested organisations were to leave raw materials alone, was it indeed for the Assembly to set up such machinery at all? Article 23 spoke of "inter-

¹ 1A.PI., p. 170.

² 1A.2C., p. 115.

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national conventions". Should organisations be created to draft international conventions, or should their creation be left to result from the bringing into force of conventions drafted with that object through some other machinery? To put the organisation before the convention was "to put the cart before the horse".¹ Once created it must be maintained and its expenses annually paid. The Covenant committed member States only to paying "the expenses of the Secretariat".

"We know", said Mr. Rowell, "how the I.L.O. . . . has developed. I thoroughly believe in the work of the I.L.O. . . .² But, if anyone had said to us a year ago that the I.L.O. within a year would develop such an organisation, such a piece of machinery, that the budget this year would be 7,000,000 gold francs you would have said that the man was beside himself."

Incidentally Mr. Rowell, in the excitement of the moment, fell into saying one or two things about the origins of the war which he found it wise to qualify in a more conciliatory speech later in the day.³

"With reference to the remark about European statesmanship, what I should have said was that it had not averted the catastrophe rather than that it had caused it, and I prefer that my language should be taken in that sense."⁴

It was eventually agreed that the organisations should not be described as "permanent", for, said Senator Millen, "if the idea of permanency is still retained I must vote against them".⁵ To mark the change, so 'twas said—they were described as advisory—though why 'advisory' should be thought to imply 'temporary' I have never been able to see.

In any event there is, or ought to be, a saying that "Ce n'est que le provisoire qui dure", and the machinery improvised in 1920 as "an experimental matter for one year instead of a permanent matter" is still performing good service.

¹ 1A.PI., p. 330.

² *Ib.*, p. 327.

³ *Ib.*, p. 328.

⁴ *Ib.*, p. 335.

⁵ *Ib.*, p. 366.

However, they had won their point about the raw materials; for, to quote Sir William Meyer, "Art. 23 of the Covenant in his view no more referred to raw materials or tariff questions than to the injustices of nature".¹

§ 7. *The World Economic Conference, 1927.*

"Up to 1927", said Mr. McLachlan at the 9th ordinary session of the Assembly, "very little of the work done at Geneva in that" (the economic) "field could be said to have intimately concerned Australia."² In 1927, however, the World Economic Conference gave a new impetus and a new direction to the economic work of the League. The position now is that . . . Australia is forced to study the activities which the Financial and Economic Organisation has already undertaken, or is about to undertake . . .

These words might, I think, have been spoken of almost any other of the Dominions. Not until the draft programme of the Preparatory Commission for the Economic Conference became known in 1926 was that nervousness, more or less allayed after its manifestation at the Assembly's first session, aroused anew. That year you find Mr. Latham of Australia cautiously alluding to the topic.

There had not yet been an authoritative description by the Council of the nature and the scope of the Conference which it was proposed to hold . . .³ The peoples of Australia were very interested in the proposal . . . They regarded it with interest, but also, he was bound to say, with some degree of concern . . . It was intended he understood "to organise a general consultation in the course of which the various programmes and doctrines might be freely exposed without the freedom of discussion being restricted by any immediate necessity to transform the conclusions of the Conference into international engagements". There was a certain fear that the Conference might feel itself entitled to make recommendations upon which the League might be asked to take action regarding questions many of which were essentially domestic in character . . . Matters might be allowed to drift in such a way that it would be assumed that all those problems were to become

¹ 1A.2C., p. 132.

² 9A.PI., p. 41.

³ 7A.PI., p. 56.

me subjects of enquiry by the League of Nations . . . It was in the true interests alike of the League and of the world that it should . . . confine itself to the legitimate functions which it has under the Covenant . . . The League would serve its best interests . . . by avoiding domestic questions which were not truly international in character.

Well, we know that, perhaps partly as a result of Mr. Latham's speech, the Conference when it duly met in 1927 was limited in its discussions to subjects not *prima facie* so alarming, to the Dominions as that, say, of international migration.

But it did adopt various resolutions: and these resolutions did not altogether escape the displeasure of Dominion spokesmen at subsequent Assemblies.

This from Mr. McLachlan's speech in 1928, which I mentioned a little while ago: ¹

"A sharp line divides activities of this group" (*i.e.* in matters of commercial policy) "into two distinct types". He referred on the one hand to the improvement of facilities for international trade, "a legitimate and safe field for international action". In passing from that work to the question of customs tariffs, they were facing an entirely different problem. It was a long step from activities designed to improve the machinery of trade to those which, in proposing to deal with customs tariffs, struck deep into the heart of national policies. There were many reasons why it was a dangerous, even a hazardous undertaking, for the League to concern itself actively with the question of customs tariffs. So essentially were customs tariffs regarded by the constituent nations of which the League of Nations was composed as part of national policy, that it was inconceivable that the League should make any direct representation to nations on the subject of the level or the nature of their tariffs. . . . It was necessary for him to remind them of the essentially different stages of development which the States members of the League had reached and to emphasise that, in connection with any given commodity, some States were interested as producers, others as consumers, and some merely as traders or carriers, in order to make it clear that international conferences definitely called to consider the effect of tariffs on certain commodities might easily cause irritation rather than promote amity. Whatever might occur in the future, the time had not yet arrived when the League could safely enter into that field.

¹ 9A.Pl., p. 42.

Inconceivable! A strong word, even in the view of someone from another Dominion. Mr. Blythe, of the Irish Free State, took a somewhat subtler line.¹

He did not agree with Mr. McLachlan in his suggestion that it was improper and perhaps dangerous for the League to deal in any way with the complex problem of customs tariffs. It was obviously not enough that the League should strive to bring about the reduction of armaments and to prevent war when disputes had arisen which involved the danger of war; the League must endeavour to dissuade nations from the adoption of policies which were likely to produce exasperation or a sense of injury among their neighbours. It seemed to his Government that the work which had been taken up by the Economic Conference and the Economic Committee was work which ought to be welcomed. . . . so long as it was not carried to unreasonable lengths, so long as it was clear that it was not intended to operate to prevent the development of countries which historical circumstances had left economically backward. It was unfortunate that the recommendations of the Economic Conference in regard to tariffs should have been so worded as to call on countries which had low tariffs equally with countries which had excessively high tariffs, to move in the direction of a reduction.

"Such a recommendation", he went on, "is unacceptable to my country. . . . and seems to indicate that the Conference did not sufficiently bear in mind the difference between the needs of countries which have reached a high stage of development and the needs of countries which are at the beginning of their industrial growth.

"In the opinion of my Government, the attention of the League of Nations and of the Economic Committee which it has created, ought to be directed toward the reduction of any tariffs the object of which is not solely the economic development of the countries by which they are imposed. That is to say, the League ought to try to persuade the countries concerned to abandon what are called bargaining tariffs as well as retaliatory tariffs and tariffs which have a political object, but when a country imposes tariffs with the sole purpose of building up industries which it believes itself well adapted to carry on, the League of Nations ought not to run the risk of creating, in that country, the opinion that it desires the present geographical distribution of industry to become stereotyped.

"We cannot accept the view . . . that tariffs should be no higher than revenue requirements demand, and that by a process of rationalisation the manufacturing industries of the world should

¹ *Ib.*, p. 78.

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be forced to concentrate in a few favoured countries, and that other countries should be left dependent on the basic industry of agriculture, the depression of which has been deplored without any serious suggestion of a remedy.

"The Irish Free State has a low tariff, and admits many important classes of manufactured goods free of tax, but it does not regard itself as an indifferent member of the League because it is likely not to reduce but to increase its tariffs."

This argument was ably amplified both in the plenary Assembly and in the Second Committee by Professor O'Sullivan.

"Despite the assurances given by M. Loucheur I think it will help to forestall difficulties in the future . . . if we underline once more what precisely we feel about one or two aspects of this economic policy of the League."

"There are many countries in Europe, we quite admit, that seem to have lost all idea—or almost all—of the international interdependence of States. We admit also . . . that economic forces may easily lead to misunderstandings and even to war itself . . ."

"We need hardly assure you that we are very far indeed from suggesting that there was any deliberate attempt to favour some nations or to favour some types of nations at the expense of others, that there was any deliberate attempt to crystallise the present economic situation."

"It is not necessary to our argument . . . We are anxious to call attention not to the aims . . . but to the policy. We are anxious to call attention to the onward march of a policy which, if care be not taken now, may prove stronger than all the expressions of goodwill on the part of industries and countries . . . We are dealing with a force which acts quite unconsciously or semi-consciously and impersonally . . . We see here the creation of a certain public opinion with a certain end . . . How far will it be possible in a few years for the weaker nations to stand up against that public opinion which is now in course of creation?"

"I do not suggest that there will be in the future any attempt to interfere with the sovereignty of the different nations, large or small. It has been suggested to us that, after all, the big interests will come together; they will concentrate in spite of all that we can do. We recognise this; but we ask whether it is proper that the League should aggravate, so to speak, that particular tendency, whilst neglecting to take the means necessary to prevent it from pressing unduly on the weaker nations—I prefer the term "weaker economically" to the term "smaller".

"I feel bound to say that the impression created, not so much by the form of the resolutions as by a perusal of the Minutes of the

¹ *Ib.*, p. 127.

Economic Conference, was that sufficient attention was not given to the problem of the States whose situation was similar to the one in which I am particularly interested . . .

"We are no doctrinaire protectionist country, we are not doctrinaire free trade . . . We are fully alive to the complicated issues involved in a tariff policy, especially in a high tariff policy, but also in a low tariff policy . . . We admit the danger of such a policy even for small States. Take my own country, which from the point of view of production is predominantly an agricultural country. If we feel called upon, as we may, gradually to transform that agricultural country into a more industrialised country, into a country at all events in which there will be a more healthy balance as we think between agriculture and industry, what policy has the League to suggest for us except the lowering of tariffs? I have searched and I can find none. That is the reason why I should like to say again, in regard to these small States, not that an effort was made to crush them—far from it—but that they were simply forgotten."

"The other matter to which I called attention in the Second Committee on behalf of my Government is the rather unsatisfactory way in which the problem of agriculture was examined. Taking industry as a whole there is no sphere of activity at the present time in which we are further from real health than in agriculture . . . No effort was made even to examine the causes of the depressed condition of agriculture, much less to find a remedy."

And in the Second Committee Professor O'Sullivan has indeed maintained the same position.

The whole tendency of that [Economic] Conference had been either to stereotype the present geographical distribution of industries in Europe, or, even worse, to accentuate still further the differences which already existed, still further to concentrate in the larger and stronger States most of the industrial work.¹ In the present condition of agriculture in Ireland, it was necessary for that country to procure a better balance within its borders between agriculture and industry, and the World Economic Conference had given Ireland and countries similarly placed no help in that respect.

Although it was admitted . . . that, unless agriculture was in a sound condition, no other industry could be sound, yet when one came to the actual suggestions for dealing with the present condition of agriculture, there was almost a complete absence of a new policy . . . The causes of that lack of equilibrium had not been examined, and consequently no new policy had been put forward to deal with the matter . . .

¹ 9A.2C., p. 18.

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The pendulum should be swung back in the direction of free trade, so far as Europe as a whole was concerned, especially as the economic condition of Europe had become very unsound since the war, States having to a great degree forgotten the extent of their interdependence. But he thought an effort had been made to swing the pendulum back too far . . .

§ 8. *The Tariff Truce Proposals, 1929.*

Pass now to 1929, the 10th ordinary session. The boot this year is on the other leg. In 1928 you had the Irish Free State dissenting from Australia's general objection to the discussion of tariffs and standing on a narrower and perhaps more respectable but equally solid ground of its own. Now in 1929 we find Ireland demanding to be allowed to come in and share with Australia the shelter of an argument which Australia had developed as being directly applicable only to the situation of the non-European countries.

The British Labour Government delegation had put forward proposals for a tariff truce; this was certainly not likely to prove a matter on which the Commonwealth would appear with a united policy!

Major Marr, of Australia, said his delegation understood the desire of spokesmen from European countries to facilitate the flow of international trade in Europe; they also understood that the multiplicity of customs barriers in Europe must impose serious obstacles to such trade.¹ When, however, it was proposed that the League of Nations should attempt to remedy this European problem by means of an international convention, it must not be forgotten that the League did not merely consist of an association of European States. The Assembly would remember that there were twenty-seven States Members of the League which were not European. Those States represented the greater part of the population and administered the bulk of the territory of the world. The aggregate value of their overseas trade was not less than half of the total of world trade.

Not only Australia and the other overseas members of the British Empire, but all the younger nations overseas had radically different economic problems from those of Europe. They were all

¹ 10A.PI, p. 102.

engaged in the development of their countries and they must utilise the powers of the State, either through tariffs or in other directions, to shelter their young industries from the severity of competition from the older industrialised nations. Should it therefore be decided that the most appropriate way of dealing with the problem of European tariffs was by means of an international Convention, it was important for the Assembly to recognise that there might be a number of non-European States Members of the League who might, at that stage of their development, be unable to adhere to such a Convention.

If it was to be hoped that, if some nations could not adhere to the proposed Convention, it would not lead to accusations that they were wanting in enthusiasm in support of the work of the League.

He hoped it would be clearly understood that he did not in any way desire to hinder the proposals for European economic reform. He was only anxious for the Assembly to realise that just because the economic interests of industrial Europe and of the younger overseas nations were so different, it was necessary for the League of Nations to proceed with caution, for a comprehensive policy in regard to tariffs, while perhaps suitable in Europe, might well be inapplicable in many parts of the world.

And his colleague in the Second Committee, Mr. McDougall, complaining of a draft report in which the Economic Conference was stated to have desired

as a means of obtaining industrial cooperation, the gradual elimination of barriers of every kind and, in the first place, of Customs barriers, said it seemed to him that such a statement illustrated the tendency, rather marked at Geneva and in one or two other places, to suggest that the League of Nations stood for a definite economic policy of free trade and further to suggest that tariffs imposed for protective purposes were against international ideals.¹

The League of Nations was an association of States of which the majority used their tariffs in greater or less degree for protective purposes. The younger and less industrialised countries, if they were to develop industrially, believed that they must either utilise tariffs or some analogous methods in order to maintain their young industries in the face of competition. He must respectfully submit that the tendency to regard tariffs, as such, as being contrary to the spirit of the League of Nations was one which might cause some offence to the majority of the States Members of the League. It was, moreover, quite impossible to interpret the resolutions of the World Economic Conference exactly in the sense of the words

¹ 10A. 2C., p. 20.

of the draft report. Both the discussions leading to the resolutions and the resolutions themselves made it clear that the World Economic Conference aimed, first, at improving the European situation, made very insecure by the new political frontiers resulting from the war, and secondly, not at the elimination of Customs tariffs, but at the substitution of a movement for the lowering of tariffs in place of the movement towards their increase. The objective was to avoid excessive tariffs, and tariffs hampering international trade. The statement in the report . . . should be modified in this sense.

It would be just as well if the Committee were clearly to realise that the scope of the joint resolution on tariffs was primarily European. The younger overseas countries, now in process of developing their industries, must retain their freedom of action to adjust their tariffs so as to enable them to carry on the forward movement of their industrial development. In this connection, he echoed the words of the first Australian delegate recently in the Assembly. None of the younger countries represented on that Committee had any desire to hinder what the leaders of European economic (*sic*) might conceive to be the best possible method of remedying the European situation, but he begged the Committee to realise the fundamental difference between the European position and that of the younger overseas nations; and, in so far as the latter might not find themselves able to associate themselves with the resolution, he hoped it would not be regarded as signifying any lack of interest in the economic work of the League.

Whereupon Professor O'Sullivan was heard to complain that

the Australian delegate had alluded to the situation of industrially under-developed countries, but had avoided drawing the logical and necessary conclusions, on the plea that this was mainly a European problem.¹ But these problems were not solely European problems; they were world wide. He would further call to mind that, in the report of the Economic Consultative Committee, it had been said that the reservations which certain under-developed nations which desired to protect their commerce, might make, should be taken into account. Yet what suggestions of a practical nature had the League of Nations hitherto presented to nations whose industrial economic development was in its infancy? "The truth was that, so far, it had merely asked them to deprive themselves of their only means of protection . . . It was true that absolute free trade was not formally the doctrine of the League of Nations but he was nevertheless of opinion that, in practice, the drive in certain quarters was towards full free trade. Full free trade was not the expressed policy of the Economic

¹ *Ib.*, p. 27.

Conference, but there was ground for suspecting that it was the ultimate goal.

On the subject of agricultural problems . . . the only practical result had been that the Economic Committee had been invited to examine whether it was not desirable to begin investigations relative to the agricultural crisis—a very modest achievement two years after the Economic Conference had called attention to the basic importance of this industry . . .

I may also quote his colleague, Mr. McGilligan, who had struck in his Assembly speech a similar note.

"Last year", he said, "our delegation felt called upon to devote some attention to the economic policy of the League." Whilst agreeing that the economic situation in Europe demanded some such policy as the Economic Conference had put before the League, we felt compelled to call attention to what we considered to be defects in the method suggested for the carrying out of that policy. We expressed the fear that the result might be the stereotyping of industries along the lines they had followed and in the places where they had been established up to the present; that the under-developed countries would be doomed to stagnation or, worse still, to comparative retrogression in this respect. We are glad to acknowledge that we have received assurances that nothing could be further from the thoughts of those who were principally responsible for the policy, and in the current report of the Consultative Committee attention is expressly called to the exception which these countries must constitute.

"We have little quarrel with that report, or with the excellent statements on economic matters made here by the statesmen of the greatest countries in Europe. But we are anxious that the Economic Organisation should move forward to action, so that from their approach to and handling of concrete cases we may understand their method of discriminating between the industrially advanced and the industrially backward countries, and observe whether a difference is recognised and marked in subsequent recommendations, between bargaining, retaliatory and purely protective tariffs.

"We are anxious to see, what practice alone may show, whether the only aim is to secure the removal of those artificial props which are used to bolster up industries in countries unsuited to them without some investigation first of all being made to discover what other industries are fitted to take their place. We should be slow to think that the assumption will be acted upon that there are none such, and that some lands will be compelled more and more to

¹ 10A.Pl., p. 111.

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rely on agriculture, the present depressed state of which is deplored without any effective remedy being suggested or even sought.

"And if the protective tariff as a weapon of defence is going to be taken away or even limited in use, it will be of vital importance to know how the League on its economic side will react to the various means by which nations promote economic aggression—the system of bounties, the manipulation of shipping freights, the organisation of international cartels, the control of capital and the provision or refusal of credit."

§ 9. 1930: *More Tariff Truce, and the Warsaw Preference Scheme.*

In 1930 the Dominions were even more conspicuous in the Second Committee than in 1929. The questions on which they found themselves opposed to some at least of the more vocal elements concerned the attitude which the Assembly was respectively to take towards the still continuing efforts to promote a tariff truce and towards certain resolutions passed by the European agricultural countries in conference at Warsaw, with the object of securing in Western European markets preferences for the cereal products of the Central and South Eastern European States. I begin with a series of quotations on the Warsaw preference resolution. Mr. Coleman relied on the usual Australian objection to tariff discussions of every kind, combined with a protest against the too exclusively European outlook of some members of the Committee.

"The Warsaw resolutions", he said, "are but another example of how the League is preoccupied with the consideration of the economic problems of Europe in particular." The Warsaw resolutions in certain aspects can hardly be said to harmonise with the accepted economic policy which the League has so far attempted to pursue. The first of them seeks cooperation between European and overseas countries with a view, presumably, to regulating agricultural production, and the fourth asks the non-European States to accept the proposal for an interchange of preferences between European States to be directed against non-European States. It is a new development in economic policy to suggest that preferences are not to be based on reciprocity and bargaining, but that definite

¹ 11A.2C., p. 35.

discrimination is to be directed by the European group against non-European groups. It is all the more a new development of policy when the League is asked to give its endorsement to an enquiry to be directed along these lines. Such a proposal cuts right across the fundamental principles of the League, and will be opposed by Australia, and I believe, by other non-European States. We sympathise with the desire of contiguous European States to remove barriers which retard closer association, but the lines of the Warsaw resolutions are not, in my opinion, correct lines to pursue.

"I merely mention the matter in order to ask whether it is wise for the League of Nations to devote so much time, with rather discouraging results, towards attempting to unify under existing conditions the economic policies of the world, economic policies that enter so intimately into the domestic government of the respective States, and which change according to political changes."

At the next meeting Mr. de Villiers, of South Africa, joined the attack on the spirit of the Warsaw resolutions:

"It would be superfluous to remark at any length on the need for concerted action in connection with the present world economic crisis. . . I do feel, however, as the representative of a non-European country, that it is necessary briefly to draw attention to what seems to me the dangerous doctrine advocated of combining producing countries in Europe against overseas producing lands.

"Notwithstanding the remarks which we heard . . . from the representative of Roumania I am still . . . unconvinced. Without unduly emphasising the point I will also draw attention to the inconsistency, as it appears to me, between the first and the fourth of the points submitted by the Danish delegation. I venture to think that it is most undesirable that the offices of the League of Nations should be enlisted by groups of producing countries in some parts of the globe for the purpose of getting treatment accorded to them which would amount to discrimination against countries in other parts. This, I submit, is entirely inconsistent with the "concerted economic action" at which the proposals aim. I must confess that I cannot understand how it can be contended that such action would not injure the interests of overseas countries. I have before me . . . the Warsaw resolutions . . .

"The Conference desires to point out that although such preferential treatment is obviously inconsistent with the most favoured nation clause, it cannot injure the interests of overseas countries as the latter will always remain the principal sources of supply for the European market, European sources being inadequate."

¹ *Ib.*, p. 47.

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Dr. Riddell was, in my view, even more difficult to answer than Mr. de Villiers.

"We have heard a great deal", said he, "about the agricultural depression in Europe, but the agricultural depression is general . . .¹ I am inclined to think that a highly industrialised agriculture such as exists in Canada or in Australia suffers much more from an agricultural depression than a peasant agriculture. You must remember that a highly industrialised agriculture is based entirely on prices; it cannot live unless it can sell its products at a profit. What happens to a highly industrialised agriculture during a great depression? The farmers become bankrupt . . . That does not usually occur under a system of peasant agriculture.

"I do not say this because I have not the greatest sympathy with agriculturists wherever they are and whatever their economy is, but sometimes . . . here one gets the impression that everything is rosy as far as agriculture in overseas countries is concerned. That is not so; it is said merely because you have not all the facts before you. In my country, for instance, the price the farmer receives for wheat to-day is just about one-half what it was a year ago. You industrialists who manufacture steel or any other staple products or who produce oil or coal know that, if the price of these commodities fell fifty per cent, your industry would have to close down . . ."

"The Warsaw resolutions fall into two main classes, those dealing with the rationalisation of agriculture and those dealing with the more political aspects of marketing. The Canadian delegation is in full sympathy with the former . . ."

"The proposal with regard to the preferential treatment of European-grown cereals in European markets belongs to the second class, and . . . it creates a very difficult problem . . . We find ourselves asked to approve of a proposal that aims at shutting out our products from free competition in the markets of the world. That is the pure, unadulterated, unvarnished truth about the matter. I am at a loss to understand why its advocates brought this question before the Assembly of the League, since the proposal has already been ruled out of court by the Committee of Agricultural Experts that met here last spring. It has also, I believe, been found unacceptable to the preliminary Conference on Concerted Economic Action. The Canadian delegation recognises to the full that any country, or group of countries, has complete liberty to regulate its commercial policy as it thinks best; but we cannot be expected to associate ourselves with an expression of approval by the Assembly of a policy which, to say the least, is not in harmony with the past pronouncements of the League, and which

¹ *Ib.*, p. 50.

is destined to close certain important markets to the products of extra-European countries."

Miss Susan Lawrence, of the British delegation, was here, you will be pleased to know, on the side of the Dominions.

The British Government "could not associate itself with the proposal that European consumers should give a preference to the agricultural products of European countries as against overseas supplies.¹ The United Kingdom has, of course, relations of a quite special character with the overseas parts of the Empire, but, quite apart from this fact, we see the strongest objection to any such abandonment of the most-favoured-nation principle as the proposal would imply and I can only subscribe heartily to the views expressed by the Australian, South African and Canadian delegates that such discrimination as is suggested is altogether opposed to the root principles of the League."

In spite, however, of all these speeches, the Italian rapporteur eventually submitted a draft report and draft resolution making no mention of the attitude there represented. Contrary to the usual practice, he had "felt it right that he should take into account the views which were expressed verbally by members of the Committee and to which no objection was raised."² Amendments were consequently submitted by all the overseas delegations of the Commonwealth. But it was only after a struggle that they finally got their way. Dr. Riddell, in moving these amendments, insisted that they were actuated only by a desire that there should be a clear picture of the discussion in connection with that matter.³ So too Mr. Coleman: "The object. . . is to make the report an accurate record of what actually took place"⁴; and Mr. de Villiers: "It is obvious that in connection with an important matter such as this there may be conflicting views and interests.⁵ We wish the accepted principle to be followed, that the various conflicting views should be reflected as briefly as possible in the Report...". And finally Mr. Burdekin, of New Zealand: "We have no instruc-

¹ *Ib.*, p. 54.

² *Ib.*, p. 78.

³ *Ib.*, p. 84.

⁴ *Ib.*, p. 85.

⁵ *Ib.*, p. 85.

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tions. . .¹ Our reason for associating ourselves with the proposal now before you was merely that we agreed with the principle that points of view put forward in the debate should be fairly represented in the report". After which concerted demonstration the idea was graciously adopted of representing fairly the several points of view.²

On the tariff truce question, their success was less complete. The point at issue was whether the Dominion delegations should go on record as not opposing a recommendation "that the largest possible number of States should ratify the commercial convention and that States which have not signed or not ratified it should at any rate in practice give effect to its provisions". In 1929, by contrast, the Assembly's recommendation had been merely that States which "were prepared to participate" therein should agree not to increase their protective tariffs during a certain period. The issue in 1930 was in fact whether the Dominions should for once in a way display that "inertie courtoise" to which I referred at the beginning. Professor O'Sullivan raised the question in an unmistakable form.

"As far as we can judge, the great bulk of the States here represented do not intend to sign the convention.³ If the majority . . . do not . . . I suggest that there is a certain amount of unreality for the majority of them to recommend that the largest number should sign it when their intention is not to do it."

Then Mr. Coleman:

"I cannot understand how the opinion of a majority of the States represented here has been obtained during the discussion which would justify including in the report such a recommendation.⁴ The delegate from Ireland has said in effect that it is no use living in a state of unreality in regard to these matters and I agree with him. Unless we are quite satisfied that the majority of the States represented here are going to do as this recommendation suggests, then in my innocence I am unable to see the value of the recommendation."

¹ *Ib.*, p. 88.
² *Ib.*, p. 89.
³ *Ib.*, p. 91.
⁴ *Ib.*, p. 92.

An attempt was first of all made to answer this point with irrelevant arguments. Mr. de Villiers, however, brought the discussion back to the simple issue involved:

"I do not feel I can agree to the wording of this document, which would be tantamount to saying on behalf of my Government that I agree with what has been recommended . . .¹ My Government does not object to any agreements or conventions being entered into. What I do submit is that, if this is done, it should be done outside the League . . . I have tried to make it clear that I feel it would be almost dishonest tacitly to consent to certain views that have been put forward and thus to indicate that my Government is in agreement with them when it is not."

Professor O'Sullivan then restated his trouble a little more fully:

"What are the facts? . . . Each member who represents his own country here knows whether his country is likely to sign, and I suggest that the majority of the States represented here have no intention of signing the Convention . . .² I am merely saying that there is a certain amount of unreality, a certain amount of pretence, in the majority of the States who have not signed, and do not intend to sign, recommending that the greatest possible number of States should sign."

Dr. Riddell confined himself to the fact that there had been a recent change of government in Canada. "You put me in a position", he said, "where the only thing I can possibly do is to say that I do not commit myself one way or the other."³

M. Flandin, of France, then propounded an exceedingly interesting distinction. I will leave it to the political theorists among you to worry out what it involves.

"I am not for a moment asking the delegates of Canada, Australia or Ireland to take sides for or against ratification of the Convention. I am appealing to the League of Nations (*sic*) for its moral support . . .⁴

Mr. Coleman at least seems to have been, shall we say unmanned, by this argument.

¹ *Ib.*, p. 92.
² *Ib.*, p. 93.
³ *Ib.*, p. 93.
⁴ *Ib.*, p. 94.

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"I regret", he said, "any misunderstanding that may have arisen . . .¹ For my part, I have no objection to this Committee recording any views upon the questions which are the subjects of discussion so long as we are not placed in the position of being hypocrites giving a tacit agreement to certain proposals to which, as individuals, . . . we know very well that our Governments have not been parties. That was the whole of my motive in speaking. I think it would be much better if that policy could be more generally pursued. If delegations here really know that their Governments are not going to be parties to these further negotiations, it would certainly facilitate the work of the League if that was frankly stated . . . I am satisfied personally if the reservation in that form is recorded."

And so, at last, the chairman was able to announce that those delegations which had moved the amendments had now told him that they were quite satisfied that their opinion should be expressed in the Minutes of the meeting.² Professor O'Sullivan was, however, unable to refrain from observing that he could take no responsibility for the rather "unreal" suggestion made in paragraph 1 of the resolution.³ This from the finally corrected Minutes. I am told that "farcical" is the word which some of those present understood him to have used.

I think in judging of the propriety of the position taken by Dominion delegations in 1930, we ought to look at the merits of their arguments and see if they could have been effectively refuted and not at the irrelevant fact that they constituted an unpopular minority. For otherwise we shall have to admit that the substance of their offence was like that of the famous animal, whose wickedness was such that, upon being attacked, it defended itself. I at any rate am not prepared to see in their attitude any want of loyalty to the true ideals of the League.

¹ *Ib.*, p. 94.
² *Ib.*, p. 95.
³ *Ib.*, p. 95.

V. THE DOMINIONS AS MANDATORY POWERS.

§ 1. *The Stage as set by Article 22.*

It has sometimes been said that even had the League of Nations done nothing beyond the setting up of the Permanent Court of International Justice, it would have justified its existence, and indeed that this is perhaps the most remarkable thing the League has done. For myself I do not altogether agree. It seems to me that such a Court might so naturally have been set up even without a Geneva organisation to devise the statute and even without recourse to the League organs for the election of the judges, that its existence to-day is only a rather incidental demonstration of the League's value.

To me it seems that a more striking outcome of the League is the existence and active functioning of the mandates system. This without a League would be difficult indeed to conceive of. I hope Professor Rappard will not think it sounds patronising if I say that the members of the Permanent Mandates Commission have a difficult task, one might have thought an impossible task, and that they are doing it worthily and well.

In doing this task they receive a certain amount of assistance from the Mandatory Powers. They receive rather more assistance, I fancy, than some people would at first have expected them to receive. I do not know what were the expectations in this respect of the members themselves, but, had they sometimes felt a little sceptical as to the likelihood of that assistance proving all that it might be, I do not think we could have blamed them. To-day I propose to touch upon some of the grounds I think they may have had for suspecting that the Dominions at any rate might give them a little difficulty in their task.

From the days at the Peace Conference, when President Wilson's desire became known to apply the mandates principle to the government of those 'barbarians' for whom its author, General

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