

LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 194

RECORDS

OF THE

TWENTIETH (CONCLUSION)

AND TWENTY-FIRST

ORDINARY SESSIONS OF THE ASSEMBLY

TEXT OF THE DEBATES

AT THE PLENARY MEETINGS

AND

MINUTES OF THE FIRST

AND SECOND COMMITTEES

GENEVA, 1946

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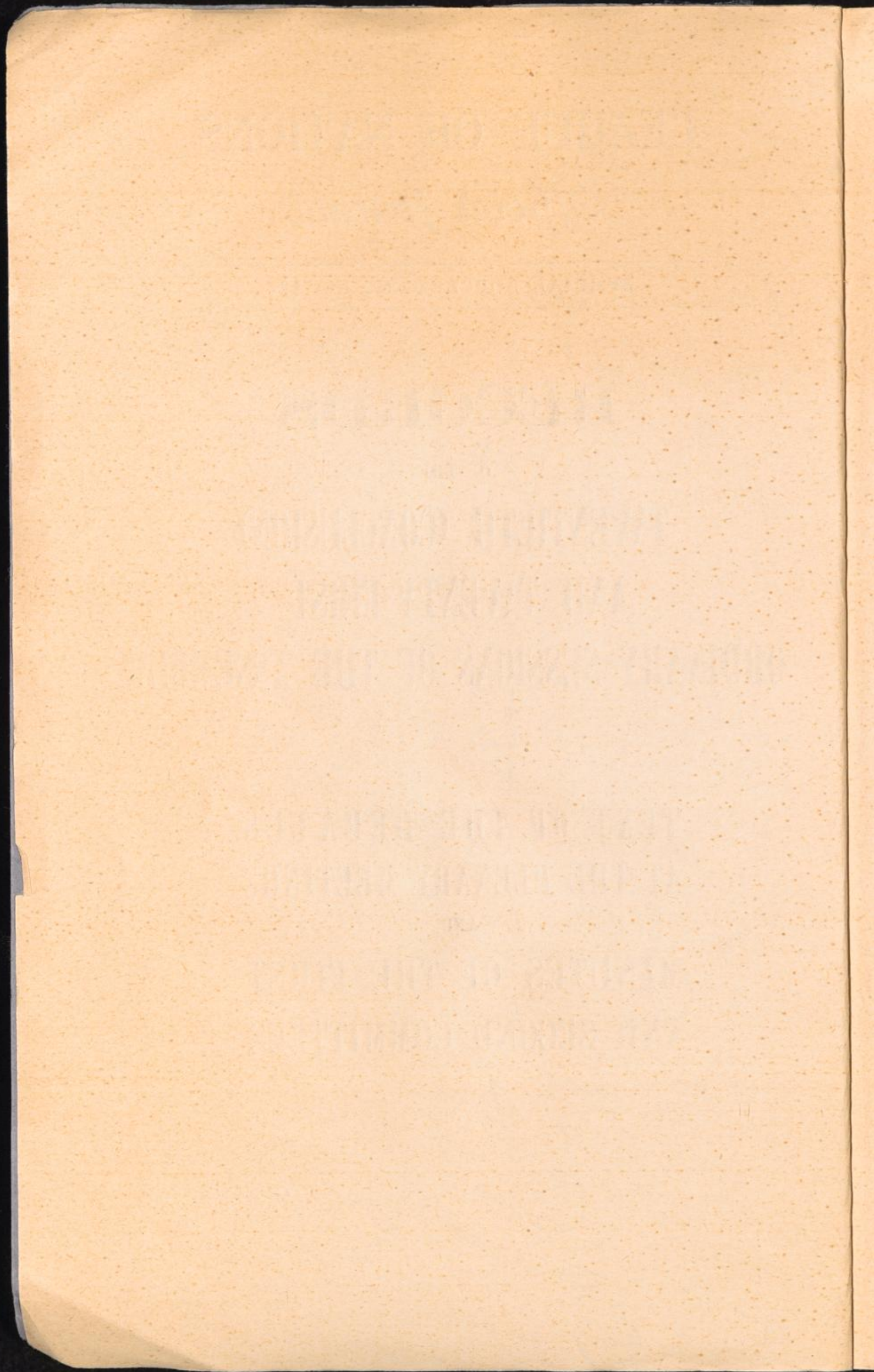
AT THE PLENARY MEETINGS

AND

MINUTES OF THE FIRST

AND SECOND COMMITTEES

GENEVA, 1946



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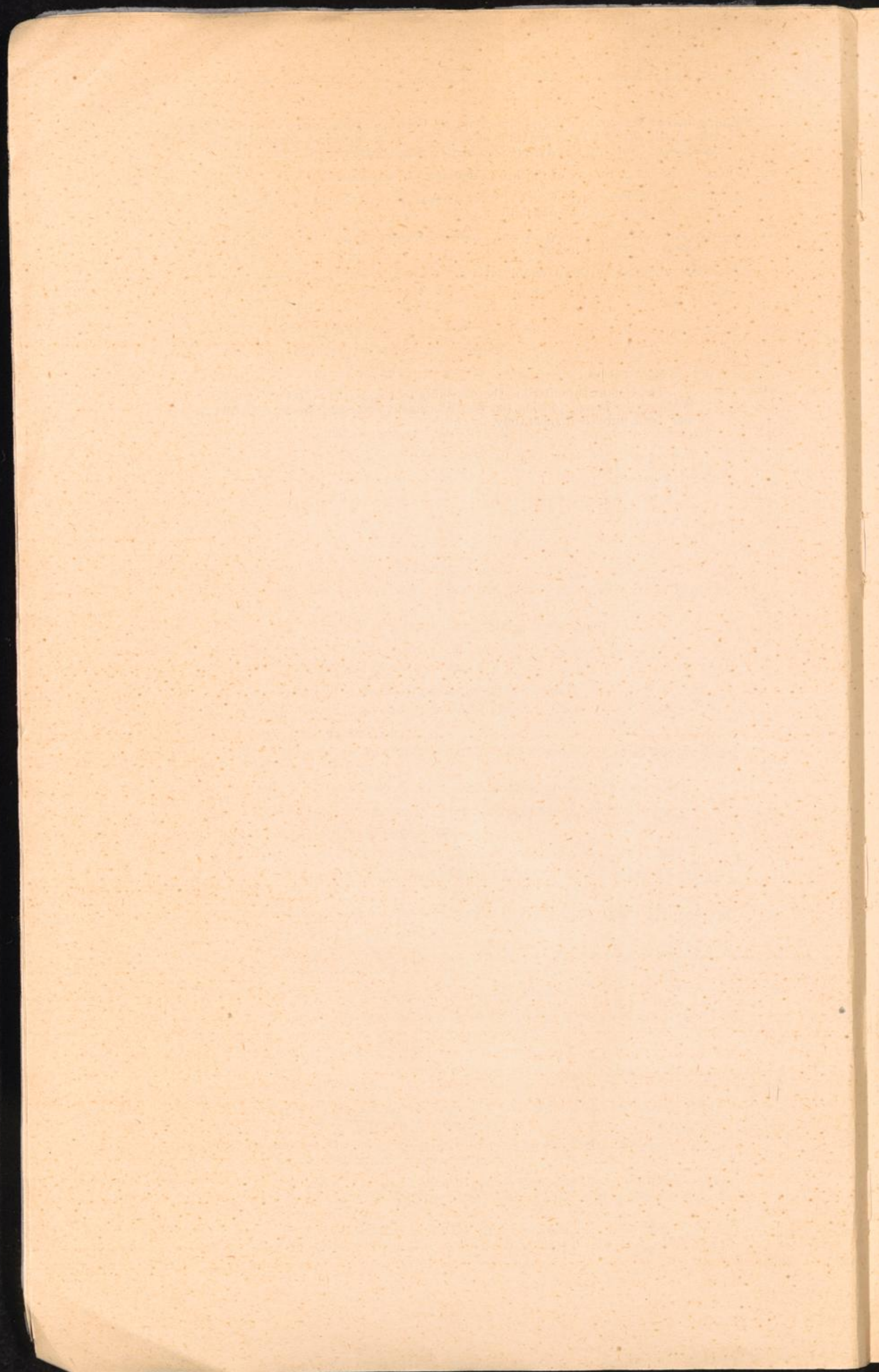
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* * *

The Report submitted to the Assembly by the Acting Secretary-General on the Work of the League during the War (document A.6.1946), Geneva, October 1945, has been published separately.



A.I.1946.

Geneva, February 4th, 1946.

CONVOCATION OF THE ASSEMBLY

1. In the telegram sent to Members of the League on September 20th, 1945 (document C.103.M.103.1945) [see Annex below], the Acting Secretary-General outlined, with the concurrence of the President of the Assembly, the President of the last session of the Council and the other members of the Supervisory Commission, a programme which the Members of the League have generally considered acceptable. It is expected that the work which they have thus entrusted to the Supervisory Commission, including discussions with the representatives of the United Nations, will be completed in the near future. As contemplated in the above-mentioned programme, the Assembly of the League must then "review the position and take final decisions concerning League activities" in a meeting which, it may be expected, would be the final meeting of the Assembly.

2. According to instructions received from M. C. J. Hambro, President of the Assembly, the Acting Secretary-General has the honour to summon the Assembly to meet in Geneva on Monday, April 8th, 1946, at 11 a.m.

3. It may help Governments in the appointment of their delegations to know that, in view of the various aspects of the questions to be discussed (a provisional agenda will be distributed as early as possible), the President of the Assembly considers that the Assembly may deem it useful to appoint two main Committees to deal respectively with: (a) General questions; and (b) Financial questions. A Legal Sub-Committee and other sub-committees will, as required, be appointed by the main Committees.

4. Though the Assembly decided on December 14th, 1939, not to close its session but to adjourn, it is clear that, after an interval of more than six years, the full powers of representatives issued in 1939 can no longer be considered valid. The Government of..... is accordingly requested to be good enough to communicate to the Acting Secretary-General, if possible one week before the meeting of the Assembly, the names and full powers of the representatives it has decided to appoint.

According to Rule 5, paragraph 2, of the Rules of Procedure of the Assembly, the full powers "shall be issued either by the Head of the State or by the Minister for Foreign Affairs."

Annex

C.103.M.103.1945.

Geneva, October 19th, 1945.

QUESTION OF A POSSIBLE TRANSFER TO THE UNITED NATIONS OF CERTAIN FUNCTIONS, ACTIVITIES AND ASSETS OF THE LEAGUE

NOTE BY THE ACTING SECRETARY-GENERAL.

The Acting Secretary-General has the honour to confirm the communications sent to the Members of the League on September 20th and October 17th, 1945, respectively. The second communication was forwarded on behalf of the Supervisory Commission after the latter had considered the answers received from Governments and, as was proposed in the last sentence of the first communication, assumed the assent of those Governments from which no reply had been received.

* * *

I. *Communication of September 20th, 1945.*

States Members League Nations are aware of decisions taken at San Francisco which envisage replacement of League by United Nations. Executive Committee of United Nations is *inter alia* entrusted with duty to "formulate recommendations concerning possible transfer of certain functions activities and assets of League which it may be considered desirable for new Organisation to take over on terms to be arranged". Executive Committee is at present sitting in London and it seems advisable that competent League body should without delay discuss and so far as feasible formulate provisional terms of transfer. Those including disposal of material assets such as funds and buildings would be subject to final decision of League Assembly. I feel I shall be expressing wishes of States Members in suggesting Supervisory Commission should undertake this duty. It is specially competent in view of its knowledge of and association with League affairs under powers it has exercised in virtue of resolutions adopted by Assembly in 1938 and confirmed in 1939. I have ascertained that subject to concurrence of States Members Supervisory Commission is willing to accept this responsibility. Assembly will be convened early in coming year to review position and take final decisions concerning League activities. If Governments agree with above programme it is hoped a second session of Assembly may be avoided and post-Assembly responsibilities transferred to competent body designated by Assembly. In addition to essential preparatory work Supervisory Commission will also in pursuance of its emergency powers adopt budget for 1946 including credits for Assembly meeting. Secretariat budget would provide for maintenance of present non-political activities. Date of transfer is uncertain and contributing States would be credited with any unused part of their contributions appropriated for transferred services. Provision has also to be made for terminal charges for Secretariat and Permanent Court and for full year's activity of International Labour Organisation. In view of urgency of matter would welcome telegraphic acknowledgment of above communication with any observations Members of League may wish to submit. As early action may be required it is desirable that I be informed if States Members agree with programme outlined above with concurrence President of Assembly and Chairman and Vice-Chairman of Supervisory Commission. Unless therefore I receive replies from Governments before October 5th I shall assume their assent to programme.

LESTER,
Acting Secretary-General.

II. *Communication of October 17th, 1945.*

Procedure suggested my telegram September 20th having been considered generally acceptable by Governments Members League have honour inform you on behalf Supervisory Commission that it has accepted task entrusted it to discuss and so far as possible formulate provisional terms of transfer to United Nations subject to final decision by League Assembly to be convened early 1946. United Nations Executive Committee has been informed.

LESTER,
Acting Secretary-General.

LIST OF MEMBERS OF DELEGATIONS

AFGHANISTAN

M. Islam Bek KHOUDOIAR Khan.

Conseiller de la Légation royale d'Afghanistan à Paris et à Berne — Counsellor of the Royal Afghan Legation in Paris and Berne.

UNION SUD-AFRICAINE UNION OF SOUTH AFRICA

His Excellency Mr. Leif EGELAND.

Envoyé extraordinaire et Ministre plénipotentiaire à Stockholm — Envoy Extraordinary and Minister Plenipotentiary in Stockholm.

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Mr. Bernhardus Gerhardus FOURIE.

Bureau du Haut Commissaire à Londres — High Commissioner's Office, London.

RÉPUBLIQUE ARGENTINE ARGENTINE REPUBLIC

Son Excellence le docteur Lucio Manuel MORENO QUINTANA.

Ambassadeur, Sous-Secrétaire d'Etat au Ministère des Affaires étrangères et des Cultes — Ambassador, Under-Secretary of State at the Ministry for Foreign Affairs and Public Worship.

Son Excellence le docteur Felipe A. ESPIL.

Ambassadeur — Ambassador.

Son Excellence M. Adolfo SCILINGO.

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Secrétaires — Secretaries:

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Attaché.

M. Carlos Alberto VARNI.

Attaché.

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Miss K. A. WHITE.

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Son Excellence M. Georges KAECKENBEECK.

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Ambassadeur — Ambassador.

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*Ministère du Travail et du Service national —
Ministry of Labour and National Service:*

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Mr. F. PICKFORD.

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DOMINICAN REPUBLIC

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Son Excellence Mahmoud Mohamed EL DARWICHE Bey.

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Son Excellence M. Tapio VOIONMAA.

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Délégués adjoints — Assistant Delegates :

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Ministre plénipotentiaire — Minister Pleni-
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M. Henry HAUCK.
Directeur au Ministère du Travail et de la
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of Labour and Social Security.

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Chef du Service financier de Liquidation
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Secrétaire général — Secretary-General :

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M^{lle} Germaine DEPRET-BIXIO.
Archiviste — Archivist.

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Secrétaire général — Secretary-General :

M. Georges MICHALOPOULOS.

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Conseiller du Secrétaire d'Etat pour l'Inde
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Conseiller — Adviser :

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M. Abbas KHALATBARI.

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LUXEMBOURG — LUXEMBURG

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Envoyé extraordinaire et Ministre plénipo-
tentiaire à Paris — Envoy Extraordinary
and Minister Plenipotentiary in Paris.

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MEXIQUE — MEXICO

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M. Julio OCADIZ ARNAUD.

Conseiller et Secrétaire général — Adviser and Secretary-General:

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NORVÈGE — NORWAY

Son Excellence M. Carl Joachim HAMBRO.

Président de l'Odelsting (Section du Parlement norvégien) — President of the Odelsting (Branch of the Norwegian Parliament).

Son Excellence M. R. I. B. SKYLSTAD.

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Mr. William Joseph JORDAN.

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M. Alejandro DE ALBA, Jr.

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PAYS-BAS — NETHERLANDS

Son Excellence le jonkheer F. BEELAERTS VAN BLOKLAND.

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PAYS-BAS (suite) — NETHERLANDS (contd.)

Le professeur J. P. A. FRANÇOIS.

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Secrétaire — Secretary:

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M. Jan ROSNER.

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Premier Secrétaire de la Légation à Berne — First Secretary of the Legation in Berne.

PORTUGAL

Son Excellence le professeur D^r José CAEIRO DA MATTA.

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Son Excellence le docteur António DE FARIA.

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Attaché de Légation — Attaché of Legation.

SUÈDE — SWEDEN

Son Excellence M. Axel Erik Mathias SJÖBORG.

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M. François PERRÉARD.

Président du Conseil d'Etat de Genève — President of the Council of State of Geneva.

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Secrétaire de Légation — Secretary of Legation.

Secrétaire — Secretary:

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Directeur du Cabinet particulier du Secrétariat général — Head of the Private Office of the Secretariat-General.

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Ministre plénipotentiaire — Minister Plenipotentiary.

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POPULAIRE DE YOUGOSLAVIE
POPULAR FEDERATIVE REPUBLIC
OF YUGOSLAVIA

Son Excellence M. Mato JAKŠIĆ.

Envoyé extraordinaire et Ministre plénipotentiaire à Paris — Envoy Extraordinary and Minister Plenipotentiary in Paris.

Son Excellence M. Milan RISTIĆ.

Envoyé extraordinaire et Ministre plénipotentiaire à Berne — Envoy Extraordinary and Minister Plenipotentiary in Berne.

* * *

AUTRICHE — AUSTRIA

Observateurs — Observers:

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Le docteur Erich BIELKA.

Secrétaire de Légation, Chancellerie fédérale, Département des Affaires étrangères — Secretary of Legation, Federal Chancellery, Foreign Affairs Department.

* * *

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HAUT COMMISSAIRE POUR LES RÉFUGIÉS — HIGH COMMISSIONER FOR REFUGEES

- Sir Herbert EMERSON, G.C.I.E., K.C.S.I., C.B.E.

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INTELLECTUELLE — REPRESENTATIVE OF THE DIRECTOR OF THE INTERNATIONAL
INSTITUTE OF INTELLECTUAL CO-OPERATION

- M. ESTABLIER.

COMPOSITION OF THE GENERAL COMMITTEE OF THE ASSEMBLY

The General Committee of the Assembly for its twenty-first ordinary session was constituted as follows :

(a) *President of the Assembly.*

His Excellency M. Carl Jøachim HAMBRO (Norway).

(b) *Vice-Presidents of the Assembly.*

The first delegates of the United Kingdom, Canada, China, France, Mexico, Poland, Switzerland and Turkey.

(c) *Chairmen of the Two Main Committees.*

Professor BOURQUIN (Belgium) and Sir Atul CHATTERJEE (India).

(d) *Chairman of the Nominations Committee.*

M. F. BEELAERTS VAN BLOKLAND (Netherlands).

(e) *Chairman of the Credentials Committee.*

M. Adolfo COSTA DU RELS (Bolivia).

(f) *Secretary-General of the League of Nations.*

Mr. Seán LESTER.

TWENTIETH ORDINARY SESSION OF THE ASSEMBLY

(Conclusion)

SIXTH PLENARY MEETING

Monday, April 8th, 1946, at 11 a.m.

24. — CLOSE OF THE SESSION

President: M. HAMBRO (Norway).

The President. — Ladies and Gentlemen, — In my capacity as President of the adjourned twentieth session of the Assembly of the League of Nations, I have the honour to declare the meeting open.

Fellow Delegates,

Since the Assembly of the League of Nations adjourned its twentieth session, a world order has gone to pieces and a new, and we trust a better, one is slowly and painfully emerging from the debris and disaster. We are assembled here to assist—in the modest way allotted to us—in the great work of reconstructing and remoulding, and we cannot meet under this roof again without letting our thoughts dwell for one solemn second on the untold suffering and sacrifice of millions, on the furious fighting, on the resolute and resourceful resistance, on the determination of nations, great and small, to die rather than to see prostituted and destroyed every idea for which they had been striving, in human frailty and futility, and every principle that makes life worth living trampled underfoot. We cannot meet here without a word of admiring gratitude to the great and undaunted leaders of peoples during these years of terror. They are inscribed in our hearts, as they will be inscribed in the edifice of the future—Churchill, Roosevelt, Stalin. And with them we mention the names of Generals Chiang Kai-shek and de Gaulle, impersonating the heroism and the will to persevere and win of two great nations. Nothing that we can say or do can add to their glory; our task is, in all humility, to add some bricks and straw to the building of the wall of security which rests on their vision and victory and which shall protect the life of peace-loving nations in years to come.

We are not assembled here to discuss why our efforts were unavailing in years gone by. We know that we were lacking in moral courage, that we often hesitated where action was needed; that we sometimes acted where it would have been wisdom to hesitate. We know that we were reluctant to shoulder responsibility for great decisions, where greatness was needed, and we know that we cannot escape history. But, at the

same time, we are confident, in the faith of that great international lawyer, Elihu Root, when he spoke to the American Council of Foreign Relations in 1924:

“It is my deliberate belief that the greatest contributions to the history of world peace are the negotiations and the exchanges that have failed in their immediate objective.”

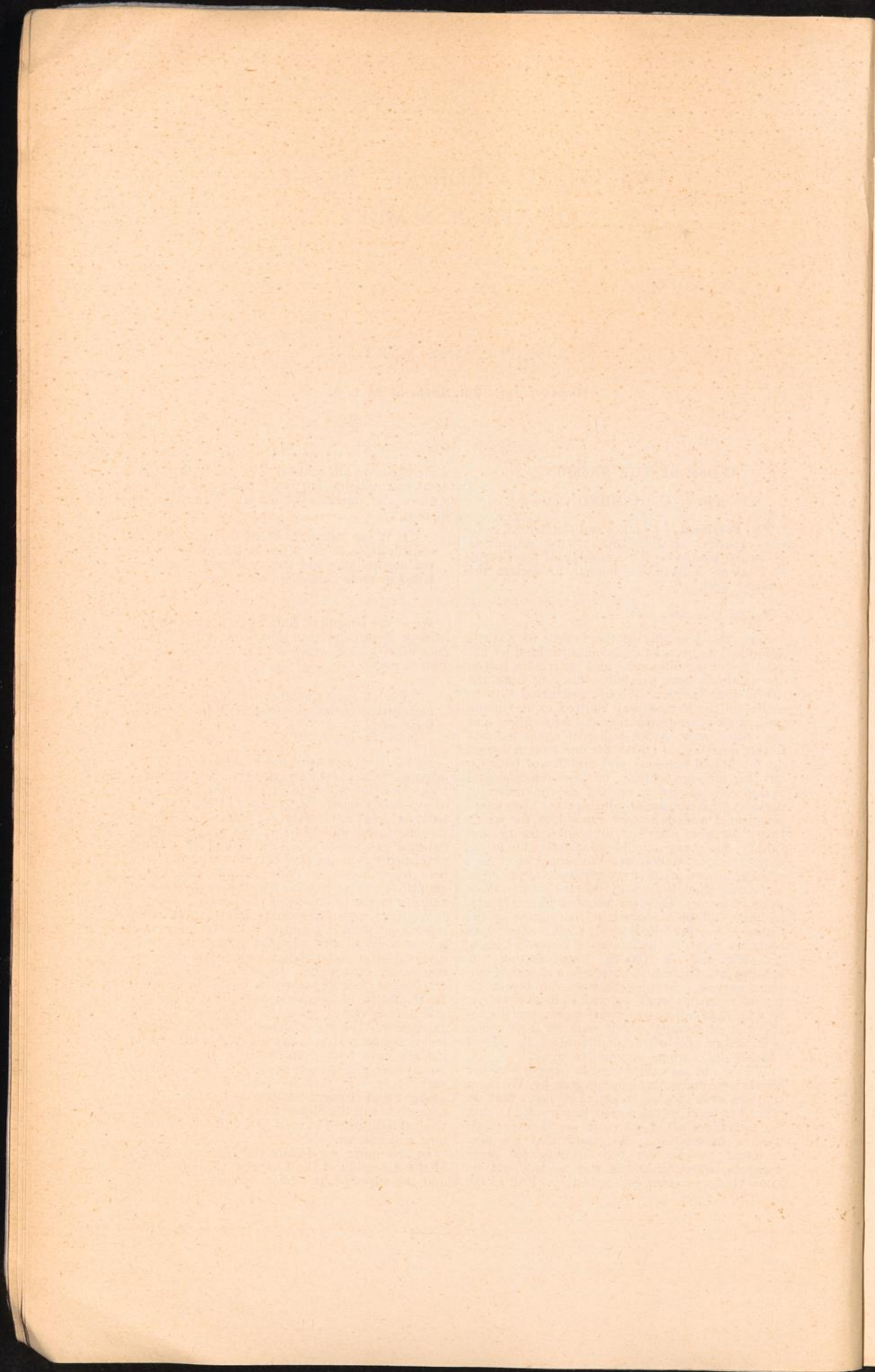
We in the League of Nations no doubt failed to achieve its greatest immediate objective. Still, once more we see confirmed the words of a great Danish poet:

“For all good thoughts and ideas can never die until even better ideas have sprung from their seeds.”

So we have met here, not in despondency, but in hope, because we have already seen the better idea embodied which has sprung from the seeds of our endeavours. The League of Nations, this building, has been during the years of emergency the home and workroom of that spirit of international co-operation and understanding which is now starting on its new career; and the staff here have been the custodians of those high ambitions and aspirations which were given voice and life in the Covenant of the League.

We meet, not to terminate what activities are carried out from this centre, but to transfuse into a new body all our enduring assets—moral and material—the accumulated imponderable experience of twenty-five years, the inestimable treasure of traditions which is needed to preserve for the future of international life that continuity which is a divine privilege of human life and endeavour. The sacred flame of hope of a better and richer future has been kept alive in the storm; its light may have been flickering and faltering, but always it has been burning. And it will be our privilege in this Assembly to deliver into younger and stronger hands that torch which we hope they will lift higher than was in our power, to shed light over the road to a fuller freedom for men and nations.

In this spirit, we declare the twentieth session of the Assembly of the League of Nations closed and the twenty-first session opened.



TWENTY-FIRST ORDINARY SESSION
OF THE ASSEMBLY

TEXT OF THE DEBATES AT THE PLENARY MEETINGS

FIRST PLENARY MEETING

Monday, April 8th, 1946, at 12 noon.

CONTENTS :

1. OPENING OF THE ASSEMBLY.
2. PRESIDENTIAL ADDRESS.
3. ELECTION OF THE COMMITTEE TO REPORT ON THE CREDENTIALS OF THE DELEGATES.
4. APPOINTMENT OF THE NOMINATIONS COMMITTEE.
5. CREDENTIALS OF DELEGATES :
Report of the Committee on Credentials.
6. COMPOSITION OF THE GENERAL COMMITTEE OF THE ASSEMBLY :
Proposals of the Nominations Committee.
7. APPOINTMENT OF THE CHAIRMEN OF THE MAIN COMMITTEES.
8. APPOINTMENT OF THE AGENDA COMMITTEE.
9. ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS BETWEEN THE COMMITTEES.
10. COMMUNICATIONS BY THE PRESIDENT.

I. — OPENING OF THE ASSEMBLY

M. Hambro (Norway) took the Chair.

The Chairman. — Following the Rules of Procedure, Article 7, I call upon the Acting President of the Council, M. Costa du Rels, to open the session.

M. Costa du Rels (Bolivia) :

Translation: According to the Rules of Procedure of the Assembly, it is the duty of the Acting President of the Council to open the twenty-first and last session of the Assembly of the League of Nations.

I am certain that you will agree with me when I say that our procedure should be simplified and shortened as much as possible so that the Assembly may immediately tackle the somewhat complex problems which it has to solve. I therefore suggest, as Acting President of the Council, that the Assembly should, by the raising of hands, ask M. Hambro to remain in the Chair as President during the present session.

There is no need for me to praise M. Hambro or to introduce him to you. I desire, nevertheless, to bear witness to the honour and pleasure which I experienced in collaborating with him on the Supervisory Commission in the delicate tasks which devolved upon us in the negotiations with the United Nations concerning the possible transfer of the assets of the League of Nations. I should like to emphasise the tact, passion, power of work and, above all, profound acquaintance with the problems of the League of Nations which he exhibited in the successful accomplishment of this difficult work.

Consequently, by re-electing him as President of the Assembly of the League of Nations, you will be recompensing a great servant of the League and you will through him be rendering deserved homage to Norway, his country.

The Chairman. — I call upon Mr. Noel-Baker, first delegate of the United Kingdom.

Mr. Noel-Baker (United Kingdom). — I desire to support the proposal which has been made, and to express the hope that the Assembly will unanimously elect M. Hambro President of this session.

The Chairman. — Under Rule 21 of the Rules of Procedure, all elections must be made by secret ballot, but the Assembly can, by a majority vote under Rule 28, set aside any of the previous rules. M. Costa du Rels has suggested a procedure which would make it necessary, if we accept it, to set aside Rule 21. If there is no opposition, I should like to ask whether the Assembly is willing to set aside Rule 21 and to proceed to the election in the way suggested by M. Costa du Rels. Those who are in favour of setting aside Rule 21 and conducting the voting in the way suggested will remain seated; those who are against the proposal will raise their hands.

The proposal was adopted.

The Chairman. — The Assembly will now proceed to vote on the proposal made by the Acting President of the Council. Those delegates who are in favour of the proposal made by the Acting President of the Council will remain seated; those who are against it will raise their hands.

The proposal made by M. Costa du Rels was adopted, and M. Hambro was unanimously elected President of the twenty-first session of the Assembly.

2. — PRESIDENTIAL ADDRESS

The President. — You have conferred upon me an honour which I appreciate and an obligation which I shall try to discharge to the best of my ability. I know that you have appointed me for reasons of expediency, and I am confident that every delegate has come to this Assembly realising that we have a very practical task to perform and hoping that we may act in complete unity. For us there are no longer any questions of political discussion, and we are no longer divided by considerations of individual and national prestige; our only thought is of the prestige of the League of Nations, or rather the prestige of those ideas and principles, those ambitions and aspirations, which inspired the authors of the Covenant.

This is a solemn occasion, for you will be invited to decide to dissolve the League of Nations as such and to dissolve the Permanent Court of International Justice, and to declare this twenty-first session of the Assembly of the League of Nations to be its last one.

Looking out over this hall, we know that there are present to-day among the delegations some of those men and women who represented their countries at the first Assembly. I think it is fitting that the President should particularly welcome Viscount Cecil of Chelwood, who represented South Africa in the first Assembly, and who is so intimately connected with the history of the Covenant and of the League. This time he has come from a country less remote from Geneva and represents the United Kingdom.

M. Paul Ruegger, of the Swiss delegation, came as a junior representative of his country to the first Assembly, and two members of the Netherlands delegation, Professor François and Madame Kluyver, were also members of that delegation in 1920 and for many subsequent years. Later during the Assembly, the President will call on M. Guerrero, the President of the Permanent Court of International Justice, who has recently been elected President of the new International Court, to address you. He also came as a delegate of his country to the first session of the Assembly.

I mention these names because they illustrate an unbroken tradition in the affairs of the League, and this continuity is one of the most precious things that we can hand over to the new organisation which will take the place of the League in international life. It will be proposed to you to transfer the assets of the League to this new body, and the greatest service we can render to our countries to-day is to smooth the way for our successors, to give into their hands what valuable results our efforts may have achieved, and to facilitate as far as lies in our power the great task confronting them.

It is natural and proper, therefore, that we should have in our midst to-day a delegation from the United Nations. We welcome them, and we welcome the personal representative of the Secretary-General of the United Nations. M. Pelt is well known to most of us. At the last session of the Assembly, he was sitting on this rostrum as one of the Directors of the League Secretariat, so that he also embodies that continuity which must be preserved. His work, and the work of all our friends and colleagues of the United Nations, is to continue and improve on our work, and we wish them god-speed. When we see them at this time, we all have in mind that our agenda is heavy and our time is short. Formalities that are only formalities may be dispensed with, and a summary procedure is contemplated for all matters of minor importance.

We shall try to accomplish our task with despatch and with dignity and, as we start our work in the last session of the Assembly of the League of Nations, we shall bear in mind some venerable words that were spoken by M. Motta, then President of the Swiss Confederation, in his opening speech at the first Assembly. He quoted a time-honoured formula always used in official correspondence between the Federal Authorities and the Governments of the Swiss Cantons:

"We commend you, dear and faithful Confederates, as we commend ourselves, to the protection of the Almighty."

3. — ELECTION OF THE COMMITTEE TO REPORT ON THE CREDENTIALS OF THE DELEGATES

The President. — The first item on the agenda is the election of a committee to report on the credentials of the delegates. According to Rule 5, paragraph 3, of the Rules of Procedure, the Assembly shall, on the proposal of the President, set up a Committee of nine members for the

examination of the full powers of the delegates. I submit to the Assembly the following nine names:

- M. Georges KAECKENBEECK (Belgium),
- M. Adolfo COSTA DU RELS (Bolivia),
- The Rt. Hon. Sir Hartley SHAWCROSS (United Kingdom),
- Mr. Hume WRONG (Canada),
- M. Jaromir KOPECKÝ (Czechoslovakia),
- Professor Georges SCALLE (France),
- M. Jerzy PUTRAMENT (Poland),
- M. Axel SJÖBORG (Sweden),
- M. Julián NOGUEIRA (Uruguay).

No objection having been raised with regard to the list I have submitted, I think we may take it that the Assembly agrees that the Credentials Committee shall be composed of the members whose names I have mentioned.

The list proposed by the President was adopted.

The President. — I would ask the Credentials Committee to meet immediately after the adjournment I am about to propose. The Committee will appoint its Chairman, who, under the Rules of Procedure, will sit on the General Committee of the Assembly. I hope that the Committee will find it possible to report to the Assembly immediately on the resumption of the meeting after the adjournment.

4. — APPOINTMENT OF THE NOMINATIONS COMMITTEE

The President. — Rule 7 (b) of the Rules of Procedure of the Assembly provides for the appointment of a Nominations Committee to nominate candidates for functions which carry with them a seat on the General Committee. The Rules further provide that the President of the Assembly shall submit proposals regarding the composition of the Nominations Committee, which has a membership of eleven.

I accordingly submit the following list of eleven members to the Assembly:

- Mr. Leif EGELAND (Union of South Africa),
- M. MORENO QUINTANA (Argentine Republic),
- Professor K. H. BAILEY (Australia),
- The Rt. Hon. Sir Hartley SHAWCROSS (United Kingdom),
- Mahmoud Mohamed EL DARWICHE Bey (Egypt),
- M. Emile CHARVERIAT (France),
- M. AGHNIDES (Greece),
- Mr. F. T. CREMINS (Ireland),
- M. FUNCK (Luxemburg),
- M. BEELAERTS VAN BLOKLAND (Netherlands),
- M. José CAEIRO DA MATTA (Portugal).

If there are no observations to make on this list and no vote is asked for, I shall interpret the silence of the Assembly to mean that it approves the composition of the Nominations Committee as proposed.

The list proposed by the President was adopted.

The President. — I would ask the Nominations Committee to meet immediately after the adjournment. This Committee will appoint its Chairman and I suggest that the Assembly, acting under the second clause of paragraph 1 of Rule 7, should decide that the Chairman of the Nominations Committee should be a member of the General

Committee. If there are no observations, I shall consider this proposal adopted.

The proposal was adopted.

The President. — I hope the Nominations Committee will find it possible to report to the Assembly immediately on the resumption of the meeting after the adjournment. I now propose that the meeting should be suspended in order to allow the two Committees to sit and draw up their reports for submission to the Assembly.

(The meeting was suspended at 11.55 a.m. and resumed at 12.55 p.m.)

5. — CREDENTIALS OF DELEGATES : REPORT OF THE COMMITTEE ON CREDENTIALS

The President. — The next item on the agenda is the report of the Committee on Credentials.¹

I call upon the Chairman and Rapporteur of that Committee, M. Costa du Rels, delegate of Bolivia, to come to the platform and read his report.

M. Costa du Rels (Bolivia), Chairman and Rapporteur of the Committee on Credentials :

Translation: The Committee appointed by the Assembly to examine the credentials of delegates met to-day at 12 o'clock. It elected me as its Chairman and M. Kopecký (Czechoslovakia) as its Vice-Chairman.

The Committee examined documents from thirty-four States Members of the League of Nations submitted to it by the Secretary-General and divided them into three categories.

First category.

The Committee found that the full powers conferred on twenty-nine delegations fully satisfied the requirements of Rule 5, paragraph 2, of the Rules of Procedure of the Assembly.

(a) Some were conferred by the Head of the State or by an authority having similar powers. This applies to the following sixteen countries :

Argentine Republic, Bolivia, Denmark, Dominican Republic, Finland, Greece, Luxembourg, Mexico, Netherlands, Norway, Portugal, Sweden, Switzerland, Turkey, Uruguay and Yugoslavia.

(b) The others were issued by the Minister for Foreign Affairs or by an authority having similar or equivalent powers. This was the case for the following thirteen countries :

Union of South Africa, Australia, Belgium, United Kingdom, Canada, China, Czechoslovakia, Ecuador, Egypt, France, India, Panama and Poland.

The full powers of the delegates of the Dominican Republic, China, Australia, Ecuador, France and Czechoslovakia were transmitted by telegram pending the arrival of the documents themselves.

As regards the Republic of Panama, the appointment of the delegate was effected by telegram from the Minister for Foreign Affairs and contains the reservation that powers are given to the delegate *ad referendum*. The Committee, while recognising the right of delegates to refer to their Government before voting, desires to emphasise the fact that the vote itself cannot be accompanied by a condition.

¹ See also page 54.

Second category.

(a) The delegation of the following Member was accredited by a letter from the Permanent Delegation accredited to the League of Nations :
Cuba.

(b) The delegations of the following Members were accredited by letters from diplomatic agents acting on the instructions of their Governments :
Afghanistan, Ireland and New Zealand.

The Committee considers that the powers mentioned under the second category do not completely satisfy the requirements of the Rules of Procedure of the Assembly. It nevertheless proposes that the delegations of those Members should be authorised to take their seats, subject to the subsequent despatch of powers emanating from the Head of the State, the Minister for Foreign Affairs or an authority having similar or equivalent powers.

It must be mentioned that the delegations of Cuba, Ireland and New Zealand have announced that their powers are now on the way.

Third category.

As regards the representative of Colombia, the powers conferred on him by his Government merely give him the right to sit as an observer.

The President. — I thank the Chairman of the Committee on Credentials for his report and all the members of the Committee for their services.

Does anyone wish to address the Assembly on the conclusions of the report ?

If there are no observations, I shall regard the report of the Committee as adopted, including the reservation made by the Committee concerning the delegate of Panama.

The report was adopted.

6. — COMPOSITION OF THE GENERAL COMMITTEE OF THE ASSEMBLY : PROPOSALS OF THE NOMINATIONS COMMITTEE

The President. — I call upon M. F. Beelaerts van Blokland, Chairman of the Nominations Committee, to read the proposals of his Committee concerning the appointment of Vice-Presidents of the Assembly and the composition of the General Committee.

M. F. Beelaerts van Blokland (Netherlands), Chairman of the Nominations Committee :

Translation: The Nominations Committee has asked me to preside over its work and I have the honour to propose in its name that the first delegates of the following countries should be appointed Vice-Presidents of the Assembly :
United Kingdom, Canada, China, France, Mexico, Poland, Switzerland and Turkey.

The Committee further suggests that the following should be appointed Chairmen of the Committees :

First Committee : Professor BOURQUIN (Belgium) ;

Second Committee : Sir Atul CHATTERJEE (India).

The President. — I thank the Chairman of the Nominations Committee and his colleagues for their services. In order to expedite the Assembly's procedure, I propose that the Nominations Committee's proposals should be adopted by

acclamation without secret ballot, as provided for in Rule 21 of the Rules of Procedure.

The report and proposals concerning the appointment of Vice-Presidents of the Assembly were adopted.

7. — APPOINTMENT OF THE CHAIRMEN OF THE MAIN COMMITTEES

The President. — As you have heard, the Nominations Committee has also made proposals as regards the persons who might be called on to fulfil the functions of Chairmen of the main Committees. The names suggested are :

Professor Maurice BOURQUIN, First Committee ;

Sir Atul CHATTERJEE, Second Committee.

In accordance with Rule 7 (b), paragraph 3, the members of the Committees naturally retain the right to vote for persons other than those proposed by the Nominations Committee, but I would suggest that the Assembly adopt the report and proposals of the Nominations Committee in this case as in the case of the Vice-Presidents.

No objection being raised, the proposals of the Nominations Committee were adopted.

8. — APPOINTMENT OF THE AGENDA COMMITTEE

The President. — Under Rule 7 (a) of the Rules of Procedure, there should be elected an Agenda Committee consisting of seven members appointed on the nomination of the President. On this occasion, I would suggest that we omit appointing an Agenda Committee and invite the General Committee of the Assembly to perform the duties normally allotted to the Agenda Committee. These duties are to consider applications for the inclusion of new questions in the Agenda of the Assembly, and to report thereon.

If there are no observations, I shall consider the proposal as adopted.

The proposal was adopted.

9. — ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS BETWEEN THE COMMITTEES

The President. — In accordance with precedent and unless a division should be requested, I invite the Assembly to take a decision *en bloc* regarding the questions to be placed on the Agenda. All those questions are specified in document A.2. 1946 (Annexe I, page 143).

If there are no observations, I shall regard the Agenda of the twenty-first session of the Assembly as adopted in the form in which it has been submitted.

The agenda was adopted.

The President. — The Nominations Committee further recommends that there should be two main Committees of which we have already elected the Chairmen : the first for general questions, the second for financial and administrative questions.

Questions 11a, 12, 13, and 15 will be referred to Committee I, and 11b and 14 to Committee II.

Item 10 of the Agenda will be referred to the General Committee of the Assembly.

It may be useful to remind delegates what these questions deal with : 11a deals with the dissolution of the Permanent Court of International Justice ; 12 with the assumption by the United Nations of certain functions, powers and activities of the League ; 13 with international assistance to refugees ; 15 with the dissolution of the League ; 11b deals with the financial and administrative issues involved in the dissolution of the Permanent Court of International Justice ; and 14 with the financial and administrative questions of the League.

I would add that Committee II will have to examine any financial and administrative points that may arise out of the examination of questions submitted to Committee I, and vice versa. Question 10 concerns the fulfilment by the Assembly of such administrative and other responsibilities of the Council as may be necessary.

If there are no observations, I shall take that as agreed.

Agreed.

The President. — Since the distribution of the Agenda, the Members of the Assembly have received document A.17.1946 concerning the mandate of the Acting Secretary-General. This is an additional item to the Agenda which we have already approved. I propose that it be referred to the General Committee which the Assembly has nominated to perform the duties of the ordinary Agenda Committee.

There is another point which I would like to put to the Assembly ; it concerns the meetings of the two main Committees. Normally, the Committees do not meet until the general debate is terminated. I am sure that it is the desire of all delegations to finish our work before Easter. In addition, some of our staff have been lent by the United Nations and other international organisations, and they have other meetings to attend immediately after Easter.

The Second Committee has a very heavy agenda, and I would therefore propose that it be asked if possible to pursue its work even during the days of the general debate.

The First Committee could not, I think, hold any meetings during the general debate.

I would add that there are certain delegations which are not very numerous, and the General Committee no doubt would take into consideration any request to facilitate the work of delegates who have to attend the meetings of more than one committee.

If there are no observations, I shall consider that these proposals are adopted.

The proposals were adopted.

10. — COMMUNICATIONS BY THE PRESIDENT

The President. — To-morrow morning at 10.30 there will be a meeting of the Assembly to start the discussion on the report of the Acting Secretary-General. The first speakers in the general debate will be the Acting President of the Council, M. Costa du Rels, and Viscount Cecil of Chelwood.

I would now ask Committees I and II to meet this afternoon at 4 o'clock in the rooms allotted

to them—Committee I in Room V and Committee II in Room III.

In addition to the constitutional questions on the agenda of the two Committees, I venture to suggest that, if possible, they should commence

the study of the questions submitted to them.

If this proposal is adopted, I shall declare the meeting closed.

The proposal was adopted.

SECOND PLENARY MEETING

Tuesday, April 9th, 1946, at 10.30 a.m.

CONTENTS :

11. OPENING OF THE GENERAL DISCUSSION OF THE REPORT ON THE WORK OF THE LEAGUE OF NATIONS DURING THE WAR.
12. COMMUNICATIONS BY THE PRESIDENT.

President : M. HAMBRO (Norway).

II. — OPENING OF THE GENERAL DISCUSSION OF THE REPORT ON THE WORK OF THE LEAGUE OF NATIONS DURING THE WAR

The President :

Translation: To-day we are opening the discussion on the Report of the Acting Secretary-General on the Work of the League of Nations during the war.¹

M. Costa du Rels, delegate of Bolivia, President of the Council, will address the Assembly.

M. Costa du Rels (Bolivia) :

Translation: After an interruption lasting six unhappy years, during which every one of us has worked in his particular sphere, we have come together again in Geneva to conclude the labour of twenty-five years. However melancholy the occasion of this meeting, it is nevertheless well that each of us should be able to express his views freely and, if he thinks fit, to point his conclusions.

Through a series of chance circumstances, I was called upon to act as President of the Council for six years and in that capacity I have had the honour of collaborating both with President Hambro and with Mr. Lester, the Acting Secretary-General, whose devotion and integrity are known to you all.

Indeed, Gentlemen, during the entire course of the war, and more particularly in the tragic summer of 1940, it was neither pleasant nor easy to invoke in any connection the authority of the League of Nations. On all sides, obdurate adversaries or fickle, timorous friends taxed the League with every sin and with every mistake. Around the League, a Europe steeped in blood was shrinking like some diabolical *peau de chagrin*. The hurricane of steel and fire which had already devastated the East was sweeping towards the West and had overwhelmed France—France who, notwithstanding every form of suffering and humiliation, was to keep intact her spirit of liberty and her determined will to resist. It was then that, as Acting President of the Council, I thought it my duty to raise my voice, weak though it might be, so that the peoples who were still free should know that the League of Nations, like any other spiritual force, did not remain silent in the face of the most abominable aggression of all time. On June 23rd, 1940, in order that it might be made known to the world while there was yet time, I made a statement somewhat in

the following terms to the representative of the Havas Agency in Biarritz :

“ Present events, however great the misfortunes they bring, must not lessen the faith and trust we have placed in certain principles of international co-existence. After this terrible war, the world will need a law, and if it is to be fair and just it must not be enforced by violence.”

I added, with a certain intent, in the face of the spectacular enforcement of a new Teutonic Order : “ Goethe himself, a German whose intellect made him a European, said that lack of order was preferable to injustice.”

I would ask you to forgive me for referring to this episode. As I spoke, to some extent, on behalf of the League of Nations, I felt bound to pass this information on to you, so that it should not be forgotten.

The Secretary-General has given you an abridged account of all the League's work during the past six years. His report is before you. It is simple and clear.

Nevertheless, I should like to be allowed to comment briefly on the peculiar circumstances which the Supervisory Commission was called upon to face in 1940. It was an unprecedented situation. Rejected everywhere, hemmed in on all sides, notwithstanding the insuperable obstacles in its path, it yet succeeded in holding a meeting at Estoril, at the gates of Europe, thanks to the comprehension and courtesy of the Portuguese Government, our gratitude towards which I once again voice publicly here. There in that serene atmosphere, and despite the enforced absence of the President of the Permanent Court of International Justice, of the Secretary-General and of the principal League officials, who were not permitted to cross the Spanish frontier, we nevertheless managed to establish a budget. This enabled the League to escape financial impotence and to wait patiently until the years of blood, sweat and tears were past.

I must add that, in the absence of the Chairman, M. Hambro, who was detained overseas, it would have been impossible to hold this meeting of the Supervisory Commission at Estoril had it not been for the devotion to duty of Sir Cecil Kisch, the British delegate, who, during those terrible days of the *Blitzkrieg*, at a time when his country was setting the world a magnificent example of calm and heroic tenacity, did not hesitate to travel by air from London to Lisbon at the risk of having his aircraft attacked on the way.

Gentlemen, if my speech to-day is not cast in the traditional classic mould, my excuse must be that during these sombre years traditional academic forms have had to be discarded in the face of harsh and brutal reality, and that those who have borne the heat and burden of the day deserve to be honoured.

It is true that certain of the League's services continued their tasks, though on a reduced scale, thereby contributing to the work of peace even in the midst of war. For peace is possible only if

¹ Document A.6.1946 (Ser. L.o.N. P. General. 1945.2)

certain principles remain permanently established, however they may be obscured by the forces of evil. These principles are eternal. By whatever name they are known, they have ruled and will continue to rule the human community in its yearnings for justice and happiness.

We have witnessed the systematic destruction of all traditions, the collapse of all principles, the degradation of human personality and the debasement of international morality and of all the noblest ideas we have conceived. Now when, worn out by its victorious struggle with the lords of war, the world shrinks back in horror from the anarchy which reigns in mind and conscience, it is perhaps worth recalling that there did exist a gospel of peace, scoffed at like all gospels—the Covenant of the League of Nations. Everything is there—reinforcement of and respect for international law, conciliation, arbitration, collective security. True, it contains no exact provisions for the use of force, but on the other hand collective security, to which nations that wish to survive must always return in some form or another, offers, if the terms are loyally observed, an inestimable chance of peace. Why, then, it will be asked, did so perfect an instrument as the Covenant of the League of Nations fail to preserve peace? Because the Covenant was never applied in its entirety. The failure, if failure there was, is not attributable to the League of Nations, but—I borrow the phrase from the title of a book by our colleague, M. Nogueira, the delegate of Uruguay—to the nations of the League. They either could not or would not carry out their obligations. The Covenant, drawn up by men belonging to an *élite* with ideas ahead of their times, was unfortunately not adapted to the state of the contemporary world. It was miles ahead of it. To-day it seems that the Covenant, which its authors intended to be just a milestone on the road of humanity, has become an ideal for which in one form or another all men of good-will are going to strive.

The source of misunderstandings is often to be found in the inequality of culture among the leading countries. Culture unfortunately is not always directly proportionate to strength or material riches. The futility of war, for example, strikes some more clearly than others. And let it not be said that this is a Genevese idea. As early as 1792—in a period somewhat similar to our own—Talleyrand described war as “a contradictory, absurd and largely fictitious attempt to obtain greater power and riches, which each State could obtain more easily by the better management of its own territory”.

Clearly, the rulers of the Third Reich did not ponder these words sufficiently and, after the catastrophe we have just witnessed, the futility of war has become so blindingly clear as to impel recognition of the fact that international co-operation is an absolute necessity. To-day, when the planet is continually shrinking and becoming more vulnerable as a result of the uncontrolled development of science, men whether they like it or not are more dependent on one another than ever before. In default of common culture, common danger should open the eyes of those who are responsible for the destinies of peoples because men are henceforth linked to one another by their original frailty more than ever before. How terrifying is the interdependence of nations now that they are confronted with the inescapable prospect of their own powers of destruction!

It is perhaps because up to the last war statesmen had not sufficiently pondered this truth that the League's twenty-five years of life have been marked by hesitations, gropings, and

fruitless endeavours and by a constant disregard for the stipulations of the Covenant.

But never mind! Our experience will have helped the men of to-morrow. We are going to transfer to the United Nations something more than a beautiful palace built in the midst of a wise and hard-working people whose civic virtues have made Switzerland a model of democracy. We are going to transfer to them something more than that. We are going to transfer to them, together with the fruits of twenty-five years of effort and toil, a sacred trust, the redoubtable honour of preventing men from hating and killing one another.

Finally, since it appears to be the accepted thing to say and write that the last Assembly of the League of Nations is to be a funeral ceremony, allow me to think of it as a funeral, perhaps, but as the funeral of the Phoenix.

The President. — Viscount Cecil of Chelwood, delegate of the United Kingdom, will address the Assembly.

Viscount Cecil of Chelwood (United Kingdom). — We have listened to a very interesting speech for which I am sure we are all extremely grateful to my predecessor at this desk, and we have read a most valuable report on the work of the League during the late war, another of the great services which Mr. Lester and his colleagues have rendered to the cause of the League of Nations. I venture especially to commend the extremely well-written introduction and its very powerful argument.

I observe that one of the sections of the report deals with the question of mandates, a subject to which successive Assemblies have given a great deal of attention as many of you know, and that leads me to make the following declaration on the part of the British Government.

The system of mandates can properly be regarded as one of the principal landmarks in the evolution of world thought on the subject of non-self-governing countries, recognising as it did that the well-being and development of the peoples concerned formed a sacred trust of civilisation.

The mandates administered by the United Kingdom were originally those for Iraq, Palestine, Transjordan, Tanganyika, part of the Cameroons, and part of Togoland. Two of these territories have already become independent sovereign States, Iraq in 1923, and Transjordan just the other day in 1946. As for Tanganyika and Togoland under their mandate, and the Cameroons under their mandate, His Majesty's Government in the United Kingdom have already announced their intention of placing them under the trusteeship system of the United Nations, subject to negotiations on satisfactory terms of trusteeship.

The future of Palestine cannot be decided until the Anglo-American Committee of Enquiry have rendered their report, but until the three African territories have actually been placed under trusteeship and until fresh arrangements have been reached in regard to Palestine—whatever those arrangements may be—it is the intention of His Majesty's Government in the United Kingdom to continue to administer these territories in accordance with the general principles of the existing mandates.

But the real purpose of my intervention on the present occasion is to say a few words of farewell to an institution with which I have been connected since its birth, and even before its birth. It is a strange sensation to return here after these years and it brings many memories. My mind goes back more than twenty-five years to the first

meeting of the Assembly of the League in the old hall of the *Salle de la Réformation*. I see again the hall crowded with representatives of the different countries, most of whom were seeing one another for the first time. I remember it was at the outset rather a chilly audience without any cohesion or corporate life. Speeches were made and business was done, but it was still merely a collection of individuals. And then someone drew attention to the plight of Armenia and suggested we ought to help her. Instantly the whole atmosphere altered. Resolutions were brought forward (if I remember rightly there were two or three of them), objections which were made were overruled on the ground—note this—that they were not worthy of the League, and we decided at least to make an attempt to come to the assistance of the oppressed. From that moment the spirit of the Assembly changed. It began to live, and what came to be known as the "atmosphere of Geneva" came into existence.

Certainly, since then many things have happened which one regrets. I look round, and I cannot help missing those who then and later on meant so much: Balfour, Briand, Hymans, Branting, Henderson, and, above all, Dr. Nansen, and many others who have passed away. Some there are who still remain but who are not able to come here, like that very valuable member of the League, Dr. Beneš, who is detained in his own country. Nor shall we forget the unique services rendered by our first Secretary-General, Sir Eric Drummond, and by the first Director of the International Labour Office, M. Albert Thomas.

We may well ask: what, then, is left of the great adventure on which we then embarked? It is common nowadays to speak of the failure of the League. Is it true that all our efforts for those twenty years have been thrown away? I had a letter from our present Foreign Minister, Mr. Bevin, the other day in which he said he could not accept that view, and I am sure he is right. Some of the reasons for that opinion are well set out in the introduction to the Report and I need not repeat them. The work of the League is purely and unmistakably printed on the social, economic and humanitarian life of the world. But above all that, a great advance was made in the international organisation of peace. There was indeed nothing new in the idea; for ages past at the conclusion of great wars men had asked whether something could not be done to stop the senseless slaughter of men and the destruction of their works, because one State had quarrelled with another. But nothing practical was accomplished. Peace was praised, but war was practised. At last, by the Covenant, a definite scheme was set up. It was not, indeed, a full-fledged federation of the world—far from it—but it was more than the pious aspiration for peace embodied in those partial alliances which had closed many great struggles. For the first time an organisation was constructed, in essence universal, not to protect the national interests of this or that country—do let us remember that—but to abolish war. We saw a new world centre, imperfect materially, but enshrining great hopes, an Assembly representing some fifty peace-loving nations, a Council, an international civil service, a World Court of International Justice, so often before planned but never created, an International Labour Office to promote better conditions for the workers. And very soon there followed that great apparatus of committees and conferences, striving

for an improved civilisation, better international co-operation, a larger redress of grievances and the protection of the helpless and oppressed.

Truly this was a splendid programme, the very conception of which was worth all the efforts which it cost. For ten years the League advanced, and I remembered very well a French representative, M. Hanotaux, saying to me that in his opinion the League was firmly established (he used the French phrase "bien enracinée") but, as we know, it failed in the essential condition of its existence—namely, the preservation of peace—and so, rightly or wrongly, it has been decided to bury it and start afresh. That does not mean that the work of twenty years goes for nothing, far from it. All the main ideas I have briefly sketched and which are so well summarised in the report before us remain. True, there is a new organisation: it is founded on a Charter and not on a Covenant. The Charter contains various provisions and in one respect it is certainly an improvement. It recognises more clearly than did the Covenant that, in the last resort, peace must be enforced. That was no doubt implicit in the League, as anyone who reads the provisions of the Covenant will agree. However, in the condition of public opinion when the League was founded, this was necessarily kept in the background. It is only right to recognise that the French representatives from the earliest times never ceased to urge greater clearness and definiteness in this. And now their opinions have prevailed and the negotiators of San Francisco used much ingenuity to provide for greater force to resist and crush aggression. They have given to the Five Great Powers special rights and, more important, special responsibilities in this respect. Let us hope that their scheme has not forgotten the Latin warning: "Quis custodiet ipsos custodes?". It is true that the support of the Great Powers is essential to peace and it is no less true that there can be no formidable war unless a Great Power takes part in it.

But I have no wish to discuss the detailed provisions of the Charter or the Covenant. It is enough for my purpose to insist that, but for the great experiment of the League, the United Nations could never have come into existence. The fundamental principles of the Charter and the Covenant are the same and it is gratifying to some of us that, after the violent controversies that have raged for the last quarter-of-a-century, it is now generally accepted that peace can be secured only by international co-operation, broadly on the lines agreed to in 1920.

Why, then, did it fail? I concur most fully with the Report and the speech we have just heard in saying that its failure was not due to any weakness of the terms of the Covenant. To my mind it is plain beyond the possibility of doubt that it failed solely because the Member States did not genuinely accept the obligation to use and support its provisions. That was due to several causes. Speaking of my own country, I must admit that the general current of official opinion was either neutral or hostile. I suspect that was also true in other countries. There were other causes, but that alone was enough to prevent success. It was not so much that the principles of the League were rejected. Few people hated it.

Most people desired peace. But Governments seemed to think that all that they need do was to give a general and somewhat tepid approval to its work and, if that was not enough, it did not very much matter. They forgot that we were fighting an ancient institution which had existed since the beginning of history and that round it had grown up romantic views of war, that poets and orators loved to praise the glory of martial deeds, and that national sovereignty involved the right of fire and sword in favour of anything that might be called national interests. We had not yet had the patient investigations of Nuremberg to show us to what fearful lengths opinions of this kind may drive the rulers of a country. In a word, inter-war opinion greatly underrated both the danger of the international situation and the difficulty of applying efficient remedies.

I wonder if that is sufficiently realised even now. I am not so much afraid of the common people; they seem to me—I speak of my own country, but I believe it to be true of all countries—to be sound enough on these questions. It is the experts who give me qualms. The old view that national safety depends on national preparation seems still very powerful, in spite of our experience of the results of the two wars and the certainty that scientific discoveries, atomic and other, will make any future wars infinitely more disastrous than those we have endured.

Believe me, there is no safety except in peace, and peace cannot be maintained merely and solely by national armaments, however necessary they may be, by each nation seeking safety for itself. Let us, then, boldly state that aggression, wherever it occurs and however it may be defended, is an international crime, that it is the duty of every peace-loving State to resist it, and to employ whatever force may be necessary to crush it, that the machinery of the Charter, no less than of the Covenant, is sufficient for this purpose if it is properly used, and that every well-disposed citizen of every State should be ready to undergo any sacrifice in order to maintain peace.

I well remember, when we were debating these questions in the Conference at Paris in 1919, a great speech by President Wilson in which he looked forward to a time when it would be regarded as just as disgraceful to be false to the cause of international peace as it is now to traffic with the enemies of your country. I am afraid we have not yet reached that time, but we in this Assembly may do something to forward it, not only by what we say or decide here, but still more by what we say or do when we return to our own countries. For, in the end, it is public opinion that counts. Governments may be feeble or sometimes dishonest even; circumstances may put into the hands of a few men the power to use or misuse the forces of their country; but, in the end, the last word will be spoken by the great mass of the people, and I am sure myself that they will decide aright if only they are given proper materials on which to form their opinion, especially by full publicity for all international discussions.

Education in the largest sense is necessary. Everywhere organisations should exist for that purpose, whether supported by the State or drawing their strength from the conviction and

enthusiasms of individuals. I venture very respectfully to press upon my hearers that here is a great work for peace in which all can participate, resting not only on the narrow interests of our own nations but even more on those great principles of right and wrong on which nations, like individuals, depend.

The League is dead : long live the United Nations !

The President. — M. Lone Liang, delegate of China, will address the Assembly.

M. Lone Liang (China). — In the name of the Chinese delegation, I wish first to express to the Chairman and the members of the Supervisory Commission and to the Acting Secretary-General and his staff our warm appreciation of the admirable way in which their duties have been discharged during the darkest period of human history from which we have just emerged. We have before us the Report on the Work of the League during the War, submitted by the Acting Secretary-General, and the Report on the Work of the Supervisory Commission during the Period of Emergency.¹ They are eloquent testimonies to the tenacity, the perspicacity and the loyalty of those who were entrusted by the Assembly in 1939 with the duty of steering the boat of the League in the face of the tempest then descending on the world.

As we are meeting here at the last Assembly of the League, permit me to say a few words about the League itself. When the base instincts of mankind were let loose by greed and wild ambition, blame could easily be put on the League for its impotence and, with war gripping the fate of millions in its fold, the League could be considered as an anachronism. But it must be remembered that the continuity and reorientation of the non-political and technical activities and functions of the League maintained during the past few dark years, in spite of the manifold difficulties involved, have in great measure kept alive faith in international co-operation. This faith, in fact, survives in the Atlantic Charter and the Charter of the United Nations.

At the cost of untold losses and sufferings the world over, the forces of evil are now swept away and the ground has been cleared for a new edifice of peace and security. We owe much to the valiant defenders of freedom and justice who have given their lives on the Asiatic, European and African continents, to those who sweated and laboured for victory over evil, and to the great leaders who led the democracies through the darkest periods of despair and reverses to the triumph of right over force.

Out of the pangs of suffering and destruction, a new edifice is already in being to give renewed hope to the world for peace and security. Passing through the successive stages of Dumbarton Oaks, San Francisco and London, and with an ever-increasing number of adhering nations, the organisation of the United Nations now stands as the new symbol of international co-operation to achieve the Four Freedoms of mankind.

¹ Annex 4, page 149.

We are now convoked here at this twenty-first Assembly of the League of Nations with the programme to "review the position and take final decisions concerning League activities". Are we here at this final meeting of the Assembly to conduct the funeral of the League? It would have been the case had the forces of democracy failed to vanquish their adversaries, the forces of evil. Whether the League experiment is a failure or not is a subject of controversial opinion. The Acting Secretary-General's statement that "the League did not fail; it was the nations which failed to use it" may well go down as the verdict of history.

Perhaps critics of the League are often apt to confound the ideals of the League of Nations with its machinery and its component parts. There is no denial that the machinery of the League broke down, partly through its imperfections and partly through the failure of its Members to utilise it fully as it was intended to be utilised, though the chief blow struck at it came from those States which resorted to force as an instrument of their national policy. However, I do not attempt here to analyse the imperfections of the League. I venture to think, however, that, despite its imperfections, had it fulfilled the provisions of its Covenant properly in 1931 during the Japanese aggression in North-Eastern China (Manchuria), we might have been spared the tragedy of the last few years. "Aggression and ambition on one side, timidity of Governments and short-sighted vision of the people themselves, on the other, led straight to the catastrophe", as the Acting Secretary-General has so aptly put it.

We are here, therefore, not to witness the "funeral" of the League, as it were, but rather to graft its living parts on to a new organism of peace and security, the United Nations, which represents the same common ideal that gave birth to the League two decades ago.

Thanks to the perspicacity of the Chairman of the Supervisory Commission and the Acting Secretary-General, the way has been paved for readjusting the League to fit into the new structure of the United Nations. Timely contact with the Executive Committee of the United Nations and the subsequent discussions between the Supervisory Commission and the representatives of the United Nations have greatly facilitated the tasks before us. These preparations, so thoroughly mapped out, will, I am sure, lead to the smooth transfer of certain League functions and activities and ensure the continuity of technical services, the maintenance and expansion of which will render immense services to humanity.

To mention just one instance, the technical collaboration between China and the League has been highly successful and has rendered her great services during the years of Japanese aggression. It is, however, a pity that this collaboration had to be cut short on account of the League's financial difficulties and the other handicaps imposed by war. Now that the "stormy season" is over, I hope that the technical experience of the League in this and other fields may soon again be available.

In passing, I may say a word on the sacred trust which the League holds on behalf of millions of people who aspire to attain political and economic advancement. I was gratified to hear Lord Cecil's statement emphasising the fact that the mandates system was designed to fulfil a sacred trust of civilisation. Conscious of the magnitude of the task and of the aspirations of these peoples, the Charter of the United Nations

has instituted the trusteeship system, modelled on the lines of the mandates system. Some of the mandatory States administering these territories have already taken the lead during the first Assembly of the United Nations in answering this call. It is to be hoped that the Trusteeship Council of the United Nations will soon be set up to receive the torch of freedom and humanity from the League.

To conclude, though the League is going to be wound up, its ideals and aims still remain. Shorn of its imperfections and transplanted under better conditions, the League experiment will start a new lease of life in a new human endeavour to achieve peace and security through the United Nations.

The President.

Translation: Mahmoud Mohamed El Darwiche Bey, delegate of Egypt, will address the Assembly.

Mahmoud Mohamed El Darwiche Bey. — In the years 1935 and 1936, very serious events threatened to wreck the foundations of the international structure which years of hard toil had built up in order to spare humanity the repetition of suffering and sorrow caused by a war which had spread its ravages to practically every corner of the earth. Yet, early in 1937, Egypt, undaunted by the events of the previous years, thus setting a laudable example of faith in international co-operation and in the great and diversified work of the League of Nations, applied for admission to its membership.

On May 26th and 27th, 1937, the Assembly of the League of Nations paid my country the great compliment of holding an extraordinary session in order to admit her into its orbit. I can still remember the kind words which delegates from various countries uttered on that occasion. I can remember how the President expressed his hope that this young, independent, and sovereign State would become a new factor of equilibrium in the Mediterranean. I can remember also the hope and faith which the honourable delegate for the United Kingdom expressed when he said: "We shall profit by the collaboration of a people in whom ancient traditions and culture are allied to a modern and progressive attitude towards present problems." I hope that we have not disappointed those who put their faith in us.

In fact, when Egypt joined the League, she gave the solemn undertaking that she would sincerely honour her international engagements and the word given in 1937 has been sincerely and faithfully kept ever since. In spite of all the serious events of the ensuing period, Egypt has never faltered in her faith in co-operation and good relations among the nations of the world. Surrounded by danger as she has been in the last few years, she never vacillated or lost faith in the cause of liberty and democracy; she kept the word she had given and indeed went much farther in serving that cause than her formal engagements would have required her to do.

Let me take you back again to the year 1937, which coincided with the admission of Egypt. The Council of the League of Nations laid down certain rules of behaviour which are worth referring to on this memorable occasion since, to my mind, they lay the foundations of fruitful

co-operation among nations. They are :

1. "It is the duty of each State to respect the territorial integrity and political independence of other States."

We, people of the Middle East, consider this rule of behaviour of cardinal importance for the peace and tranquillity of the world, since we have continuously suffered through others ignoring it. Our countries were battlefields in two big wars, when the idea of aggression had never occurred to us. And yet the danger is not over even now. Only by strictly applying the rules so well expressed by the Council in 1937 could the small nations pin their faith to mechanisms for international co-operation and thus help to bring about the state of calm, happiness and productiveness which we have all yearned for but have so far failed to attain. We therefore appeal to the bigger nations to put their faith in us rather than try to manage us, just as we have been and are still prepared to put our faith in them. Then, and then only, can our minds be set at ease and thus should we be able to shoulder our part in the commonweal.

2. The Council condemned the recourse to methods contrary to international law and also condemned the bombardment of open cities.

I need not dwell at any length on the sufferings and misery caused to peaceful people when this humane rule was ignored in the last world war. But I see that steps in the right direction are being taken by the new Organisation and I only hope they will be pushed far enough and on as wide a scale as possible so that humanity may be spared the danger, which is no longer imaginary, of complete extermination.

The Arab people of the Near East have, in their modest way, set the example to others of what the spirit of comradeship among nations can do to further their interests. From its modest beginnings and in spite of the lacunæ that may be found in its Charter, the Arab League has, in just over one year, shown its real worth to its Members and to the much wider comity of nations. May we hope the world will put its faith in this experiment and encourage it by relying on it to the greatest possible extent in the solution of matters that interest its members.

It has been the fashion lately to talk of the failure of the League and refer with scorn to the spirit of Geneva. I leave it to those who are more capable and who have participated more actively in the work of the League to refute such accusations. But, if I may be allowed a personal opinion, I think the fault was not with the League or with Geneva; indeed, I am sure that, perfectly as we might draw up constitutions for international behaviour, unless the peoples of the world, especially the stronger ones, are prepared to change their methods, we cannot expect the salvation of the world from the horrors of war.

The President. — Mr. Leif Egeland, delegate of South Africa, will address the Assembly.

Mr. Leif Egeland (Union of South Africa). — At the outset, may I briefly add my own appreciation of the Acting Secretary-General's interesting and informative survey of the League's work during the war? To those hitherto unfamiliar with the extent, or sceptical as to the usefulness for the future, of the League's non-political activities in the economic, social and humanitarian fields, the Report may come as something of a revelation and as a vindication of the wisdom of the decision to carry on with those non-political services as best possible under the crippling exigencies of the war years. It is likewise a vindication of the faith and foresight of those Members of the League which continued to pay their full contributions—but for which the League might have foundered entirely. I trust that, in the course of this Assembly, there will be a special occasion for tribute and recognition to be paid to yourself, Mr. President, and the other members of the Supervisory Commission, as well as to the principal officers of the Secretariat and of the International Labour Office for their valuable services in making possible the continuance of the League's activities since 1939. I may be pardoned for singling out in this debate the names of Mr. Sean Lester, the Acting Secretary-General, and Mr. Seymour Jacklin, the League Treasurer. But for their unsparring and unselfish efforts, the League would probably have gone under altogether, and I wish, on behalf of my delegation, to voice grateful appreciation for their steadfastness and their distinguished services throughout the critical and supremely difficult years of the war.

Among the League's services necessarily left in abeyance at the outbreak of war and since suspended, not the least valuable was its work in connection with the mandates system, the conception of which originated with my Prime Minister, Field-Marshal Smuts. The hopes expressed in 1920 by Mr. Arthur Balfour that one of the most valuable experiments made by the Covenant would be successful were in large measure realised, and it is generally recognised that the League discharged its supervisory functions in respect of mandates with high seriousness, skill and success. For twenty years, as one of the mandatory Powers, South Africa worked in close co-operation with the Permanent Mandates Commission, and we are proud of the fact that our relations with that body have always been both happy and cordial.

Since the last League meeting, new circumstances have arisen obliging the mandatory Powers to take into review the existing arrangements for the administration of their mandates. As was fully explained at the recent United Nations General Assembly in London, the Union Government have deemed it incumbent upon them to consult the peoples of South West Africa, European and non-European alike, regarding the form which their own future Government should take. On the basis of those consultations, and having regard to the unique circumstances which so signally differentiate South West Africa—a territory contiguous with the Union—from all other mandates, it is the intention of the Union Government, at the forthcoming session of the United Nations General Assembly in New York, to formulate its case for according South West Africa a status under which it would be internationally recognised as an integral part of the Union. As the Assembly will know, it is already administered

under the terms of the Mandate as an integral part of the Union. In the meantime, the Union will continue to administer the territory scrupulously in accordance with the obligations of the Mandate, for the advancement and promotion of the interests of the inhabitants, as she has done during the past six years when meetings of the Mandates Commission could not be held.

The disappearance of those organs of the League concerned with the supervision of mandates, primarily the Mandates Commission and the League Council, will necessarily preclude complete compliance with the letter of the Mandate. The Union Government will nevertheless regard the dissolution of the League as in no way diminishing its obligations under the Mandate, which it will continue to discharge with the full and proper appreciation of its responsibilities until such time as other arrangements are agreed upon concerning the future status of the territory.

As a newcomer enjoying for the first as well as the last time the privilege of participating in the work of the League, may I with all diffidence present some remarks of a general nature prompted by reading the introductory paragraphs of the Report now under consideration, paragraphs to which Viscount Cecil has paid eloquent tribute in his moving and memorable address to the Assembly this morning. As we are met here for the sole and specific purpose of winding up the affairs of our League, a new organisation, the United Nations, enjoying the incomparable advantage which was always denied this League of having all the world Powers as its members, is already established as a great and vital reality. Under its new name, with its new Charter, it is continuing the efforts initiated by this League to establish an organised international peace order. The cause for which the United Nations stand to-day is the same as that for which we of the League of Nations already stood in 1920. It is the good cause now, it was the good cause then. If it now has more defenders, and more powerful ones, this is no discredit to those who, less powerfully, sought to defend it then. We do not condemn the cause of freedom merely because, for a while, after September 1939, it had too few defenders and could not all at once emerge triumphant. Let us equally not condemn the League for not having triumphed from the first. A new organisation has been created in defence of the same good cause—this time, we trust and believe, with better prospects of success. Let history recognise and applaud that success when it comes; nothing can deprive the League of Nations of its temporal and moral priority as having represented the original and not inglorious endeavour to give effect to a principle now reaffirmed in another institutional form.

Of recent years, it had become quite the fashion to belittle the League of Nations and to seek to make the League the scapegoat for the myopia of statesmen or the apathy of peoples. In this Assembly, however, here in Geneva, where through the years a vast and efficient international civil service was built up, it is fitting that tribute should be paid to a great experiment which, despite its failure to avert Armageddon, did achieve many positive successes and solid contributions to human progress, particularly in the less spectacular fields of its work. To have had a hand in that great experiment is not something of which we need be ashamed. My country, for one, is proud to have been able to play its part in that

experiment, proud of the share her present Prime Minister took in bringing the League to birth, proud of the contribution made in the early formative years by those, not least among them Lord Robert Cecil, who came to speak here in her name. We are proud, too, of not having faltered during the war years in the material support and encouragement which helped to ensure the preservation of the League's assets and the continuance of its valuable non-political services. Not least are we proud of having been amongst those who, taking up the challenge of aggression in 1939, were eventually privileged to prepare the way for the triumphant reaffirmation and re-embodiment of the League idea by the United Nations.

To my mind, the basic conception alike of the Covenant and of the Charter is the unqualified recognition of the futility of allowing aggression to devour its victims one by one. It is the concept of indivisible peace, a concept for the effective application of which the world of 1919-1939 proved tragically unready. Let it therefore not be counted to the League's discredit that it seemed to have been born too soon, when the world was not yet worthy of it, when the statesmen and the peoples of the world were still, in Viscount Cecil's words, reluctant to face the realities of a guaranteed peace, and, though genuinely desirous of peace, were unprepared to face the lesser sacrifices in order to avoid the greater sacrifices which had in the end to be endured.

Nor need we even concede that the League was born too soon. Who knows but that the spectacle of a living, struggling, and then for the time being defeated League may have been the only object-lesson by which the world could ever have moved nearer to being worthy of the United Nations, the latest and, we hope, the final incarnation of the essential spirit of the League.

There is, however, no denying that the outbreak of the Second World War did represent a grave defeat, or perhaps rather a Dunkirk, for the League idea. The League philosophy had lost a battle, but it had not lost a war. Nor was the war destined to be lost; and when at last victory was won, it was in effect a victory for the League philosophy, for the theory of collective self-defence, indivisible peace, or, to give it its newer name, the theory of the United Nations.

Only when there had come into being a common front of united resistance to aggression such as the League had been intended to ensure, only when the few who had stood for indivisible peace in 1939 had been joined by the many who were to qualify for San Francisco in 1945, only then could the good cause triumph and mankind be given its present fresh chance to realise what remains of the League ideal.

This meeting here during these days in what for almost a quarter-of-a-century has been the seat of this noble endeavour is indeed a solemn occasion. For many here who, unlike myself, have had the privilege of serving the cause of the League here during these years it must on personal grounds be a sad occasion; but for none of us should it be a lugubrious occasion, like the meeting of executors of a deceased's estate. Rather is it an occasion for paying a deserved tribute on the formal conclusion of a great and

brave experiment in international relations. It is an occasion for passing on, in a spirit of re-dedication and consecration to the continuing League ideal, those assets and services which will prove of value to the United Nations, the organisation which, we pray, will nobly embody and express the universal spirit which must heal the deep self-inflicted wounds of humanity.

12. — COMMUNICATIONS BY THE PRESIDENT

The President :

Translation : I desire to inform delegates of the programme for this afternoon and to-morrow.

The First and Second Committees will meet at 3.15 p.m.

The General Committee will meet at 6 p.m. in the room of the President of the Council.

The discussion of the Acting Secretary-General's Report will be continued to-morrow at 10.30 a.m.

The first speakers on the list are : M. Paul-Boncour (France), M. Beelaerts van Blokland (Netherlands), M. Petitpierre (Switzerland), Mr. Hume Wrong (Canada), M. Nogueira (Uruguay), and M. Kopecky (Czechoslovakia).

THIRD PLENARY MEETING

Wednesday, April 10th, 1946, at 10.30 a.m.

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- 13. COMMUNICATION BY THE PRESIDENT.
- 14. REPORT ON THE WORK OF THE LEAGUE DURING THE WAR.
Continuation of the Discussion.
- 15. COMMUNICATION BY THE PRESIDENT.
- 16. REPORT ON THE WORK OF THE LEAGUE DURING THE WAR.
Continuation of the Discussion.
- 17. COMMUNICATION BY THE PRESIDENT.

President : M. HAMBRO (Norway).

13. — COMMUNICATION BY THE PRESIDENT

The President. — Before resuming the general discussion of the Report on the Work of the League during the War, I have to inform the Assembly that the General Committee, acting as an Agenda Committee, recommends to the Assembly that it should advise the General Committee to examine document A.17.1946 ("Mandate of the Acting Secretary-General"), and in due course report to the Assembly on the result of the examination. The document has been distributed to delegates.

If there are no objections, I shall consider the proposal as adopted.

The General Committee's proposal was adopted.

14. — REPORT ON THE WORK OF THE LEAGUE DURING THE WAR : CONTINUATION OF THE DISCUSSION

The President :

Translation : We continue now the general discussion of the Report. M. Paul-Boncour, first delegate of France, will address the Assembly.

M. Paul-Boncour (France) :

Translation : Before presenting to the Assembly the observations suggested to me by our Secretary-General's report, which is under discussion, I desire, like Lord Cecil, to make a declaration on behalf of my Government on the subject of mandates.

I wish to recall that, during twenty-five years, France has administered the territories allotted

to her by mandate in accordance alike with the spirit and with the letter of the mandate. I can reaffirm to-day, as was stated on January 23rd in London by the French representative on the Trusteeship Commission of the Assembly of the United Nations, that the French Government intends to pursue the execution of the mission entrusted to it by the League of Nations. It considers that it is in accordance with the spirit of the Charter that this mission should henceforth be carried out under the regime of trusteeship and it is ready to examine the terms of an agreement to define this regime in the case of Togoland and the Cameroons.

I have read, not merely with interest but with emotion, the report submitted to us by our Secretary-General. It bears witness to the unobtrusive but necessary work accomplished during four years of war with the help of the President of our Assembly, M. Hambro, the Chairman of the Supervisory Commission, who worked tirelessly during the whole period, and with the help of M. Costa du Rels, who is still President of the Council. France has not forgotten the courageous interview which he gave at Biarritz in 1940.

Thus a flame, though flickering, was kept burning while without the tempest raged. In a continent almost entirely dominated by hostile forces, under the eye of an enemy at ten minutes distance from the League building, the Secretariat succeeded in maintaining the framework of the League of Nations and even part of its activities, thus demonstrating to the end the strong tradition which animates it and which has made of it a body of competent officials devoted to their duty and possessed by a spirit of order and method which many national administrations might envy. At the moment when it is preparing to hand over its accounts and its archives to the new Organisation, I desired to render this homage to it on behalf of my country.

But Mr. Lester's report is not merely a recital of events. In a short but significant introduction, he passes judgment on what has been done in the past by this League of Nations which we are to-day preparing to bury, but which we should bury in the purple shroud reserved for the last sleep of dead gods. M. Hambro, in his opening speech, expressed forcibly the same idea. It is not the League which has failed. It is not its principles which have been found wanting. It is the nations which have neglected it. It is the Governments which have abandoned it.

I desire, in my turn, to develop the same idea. It is necessary to do so both as an act of justice towards what is passing and as an expression of hope in what is being born. For, let us not mince our words or conceal from ourselves the redoubtable complex—I was going to say the inferiority complex—which weighs upon the new Organisation. Those of us who were at San Francisco and in London did not find there once again the enthusiasm and faith which animated our work in the great days of the League of Nations. The setback experienced by this organisation helps to undermine faith in the destinies of the other. And public opinion, especially in countries like my own which have been down-trodden and crushed during four years of brutal occupation, is indifferent or distrustful.

That is not right. And it is not just. No, the League of Nations was not a deceit. It lived vividly in the heart and spirit of countless multitudes. It laboured. It leaves behind it lasting works. Some fully succeeded and the new Organisation will merely have to carry them on. This applies to its efforts in the field of intellectual co-operation, public health, transit, social questions and rural life. It was closely associated with the work of Nansen on behalf of refugees. It took a leading part in those great migrations between Greece and Turkey which took place in all directions. Finally, it played a decisive rôle in the financial and monetary reconstruction of countries ravaged by the First World War. I earnestly hope that the new Organisation will resume this task, which has become heavier in consequence of the much greater destruction wrought by the last war.

Other works did not succeed. But the materials are there and the new Organisation will be able to use them for the necessary constructive tasks which it will have to undertake. This applies to disarmament. The new Organisation will, I believe, be very happy to find the records of our efforts and to consult our archives on the inevitable day when it is compelled to grapple once again with that problem. For the international armed force which is the great innovation, the most definite gain of the Charter of the United Nations, will remain a deceit unless there is a general and controlled reduction of armaments so that no State can retain forces capable of holding in check the international force.

We can see unrolling before us the whole record of our long and laborious labours. Is that not so, dear colleagues of the Preparatory Commission and of the Disarmament Conference? Is that not so, dear Lord Cecil, you who were good enough to recognise—and I am profoundly grateful to you—that France was logically right in wanting to carry collective security to its farthest limits? And I think of those who are no longer with us, Politis and Titulesco. And of those who are absent such as Beneš, who is detained by his duties as President of his twice-resuscitated country but who is certainly with us in heart at the end of this work, of which he was an incomparable animator.

All that stands to the credit of the League of Nations. But I quite realise that it did not fulfil its essential purpose—the prevention of war. Born of the sufferings and ruins of the First World War, it did not prevent the second from breaking upon Europe and spreading throughout the world, accumulating such a mass of ruin, destruction, death and cruelty of all sorts that the previous war would sometimes appear idyllic if it were not for all the dead which it cost us.

Was it, then, a chimera? Was it outside reality? Did it, so to speak, disregard reality in order to achieve unattainable objects?

No, my dear colleagues. The chimera on the contrary was to imagine that a country could

protect itself against war by withdrawing within itself and paying regard only to its own frontiers. The chimera was to imagine that limited alliances would suffice to prevent war, whereas they always lead to counter-alliances and to the creation of rival coalitions, the clash between which naturally produces the spark. The chimera was to imagine that national armaments sufficed to guarantee security, whereas nations of prey had only to impose sacrifices on their enslaved peoples for such a competition in armaments to develop that one day or another, ineluctably, the pacific and free nations, preoccupied only with the well-being and prosperity of their peoples, had to succumb.

The reality, the worldwide reality, established as a result of penetrations, interferences, the facility of communications and the fact that the smallest incident which occurs on the face of the globe has the most distant repercussions—the reality, on the other hand, was that war could be avoided only if all the pacific nations united to oppose their collective force to the force of the aggressor alone.

And let me remind you that the League of Nations did act in the beginning on the basis of that reality. At the moment when, at this last Assembly which fills us, as I am sure you all feel, with sadness, there arises inevitably in our minds the desire to strike a balance and to record our failures and our successes, let us, I beg you, not forget the latter.

Our balance-sheet does not show only losses. I spoke to you just now about the positive achievements and successes of the League of Nations in matters of more or less incidental character; but in the essential task of maintaining peace it succeeded during a number of years. It succeeded as long as Governments, and particularly the Governments of the Great Powers, put their faith in it and animated and fortified it by their will and as long as the possibility could always be more or less perceived in the background that their force would be put at the service of its decisions.

During a number of years, in the period following the peace treaties, when Europe, disorganised by the war, was seeking to achieve consistence and to establish her frontiers, the League of Nations settled various grave disputes: Memel, the Aaland Islands, Upper Silesia and the dispute between Greece and Bulgaria—all of them involving areas which might have become battlefields if the League of Nations had not settled the disputes in their initial stages. It is, indeed, the very success which it achieved that caused the disputes to be minimised and that makes us forget all that it accomplished in this connection.

For years it prevented the dispute between Poland and Lithuania from degenerating into war; for years it prevented Germany from seizing Danzig, which was always coveted by her but whose independence was essential to the free access of Poland to the sea; for years it prevented Balkan rivalries from degenerating into war in connection with Albania, the Dobrudja and all those problems constantly surging up in countries where the constant racial alluvion has sometimes made frontiers uncertain.

No, no. Our balance-sheet does not show only losses. It showed a deficit on the day when, imperialism having again broken loose in the world—to quote the well-chosen expression which I noted in an article in the *Journal de Genève* the day before yesterday—there were offered as the first victim to the myth of appeasement those precepts of the Covenant the application of which would, on the contrary, have been the essential condition of a peace honourable for all.

I refer to the case of Manchuria. The League of Nations did nothing but utter verbal protests against the action of Japan in attacking an ancient

country with a civilisation much older than any of ours which was groping its way towards democracy among the obstacles inherent in its geography and history. We forget that, just as the revolver-shot of Serajevo shook the whole world to its foundations, a gun-shot fired on the coast of the Pacific might have its repercussion in Europe. And the proof is that it was the resistance of China—China, which had been at war since 1931, almost abandoned by the League of Nations—that prevented Japan, the partner of the Axis, from interfering in the affairs of Europe and perhaps changing its face.

Manchuria was far off. Ethiopia, and still more Italy, was nearer. In that case, sanctions—or at any rate economic sanctions—were decided on, but (if I may employ a popular expression) they were slow-motion sanctions, imposed by dribbles. We recoiled before the only two sanctions which would have been effective—the cutting-off of oil supplies and the closing of the Suez Canal. We did enough to irritate Italy and to embarrass her, but not enough to prevent her from accomplishing her conquest.

Then came the massive rearmament of Germany in 1935. Alas! the nations concerned did no more than to refer the dispute to the League of Nations under the most lenient article of the Covenant, Article 11, which gave the friendly right to call attention to situations likely to engender international difficulties.

Then there was the reoccupation of the Rhineland. For weeks I struggled, we struggled, at the Council meeting in London in favour of giving the one response which corresponded to the needs of the case, the response provided for in the Treaty of Locarno—a treaty not imposed upon Germany but freely accepted, nay, proposed by her. Alas! Instead of this, attempts were made by negotiations to induce Hitler to agree to a patching-up of Locarno.

Then there was Albania, seized by Fascist Italy one Easter morning, and then Austria, seized by Germany during a ministerial crisis in France. Not only did the League of Nations remain inert, but, in September 1938, its First Committee took the decision to strike Austria off the list of nations adhering to the League.

The powerlessness of this Organisation to protect States which were the victims of aggression became so evident that in the two last great acts of the drama—of which one, the abandonment of Czechoslovakia at Munich, paved the way for the catastrophe and the other, the invasion of Poland by Germany, unleashed it—the victims themselves did not think of appealing to the League of Nations.

My dear colleagues, if I draw this sombre picture, it is not to engage in vain recriminations over the past, still less to make my *mea culpa* at the cost of others. I do not forget that certain French Governments had their share in these backslidings. It is, on the contrary, to emphasise my hope that the realisation of these errors and the determination to repair them which finds expression in the Charter of the United Nations will in the future preserve us from such mistakes.

In 1942, in the midst of the Atlantic, Mr. Churchill and the great President Roosevelt met together and for the second time there came from beyond the seas the message for which the enslaved nations were waiting. Mr. Churchill and President Roosevelt declared that the new international organisation which they were preparing to build would have a collective armed force at its disposition. At Dumbarton Oaks, and then at Moscow, Russia brought to this system of collective security—and I do not forget that at the time of Munich M. Litvinoff, speaking from this very platform, foretold the consequences of abandoning it, as we were preparing to do, and warned us that peace was indivisible—the inestimable aid of her victorious Red Army.

The whole system of collective security has been embodied and written down in black and white at San Francisco in the Charter of the United Nations. Whatever may have been intended in the first instance, this Charter takes over most of the principles of the Covenant—because they were excellent and because all those who seek peace must necessarily advance along the same road.

The Charter, however, includes among its provisions three important innovations: first, the rule of unanimity which, in the League of Nations, gave the smallest State power to oppose the execution of measures—an eventuality that never occurred—is now limited to the five permanent Great Powers on the ground that their resources, their equipment, their effectives and their industrial, economic and military power impose on them heavier responsibilities.

The second innovation, which is extremely important, consists in the creation of the Economic and Social Council. When seeking to prevent wars, we must seek to get rid of their causes. And among these causes economic causes come first, since the unequal distribution of raw materials tempts countries which are deprived of them to go and take them elsewhere. That is a subject which had only been dealt with by preterition and in an incidental fashion by the League of Nations but which under the new system will be taken in hand directly in consequence of the establishment of the Economic and Social Council.

Then there is the innovation which to my mind is essential: the creation of an international armed force. To refer again to the tribute which Lord Cecil was good enough to pay me in his moving speech, you will permit me to say that it was a cause of great satisfaction to me, the greatest honour of my public life, to see this idea which I had vainly fought for at Geneva for fifteen years on behalf of France triumph at San Francisco. An international armed force has been created. The grave lacuna in Article 16 has been filled. Lord Cecil said very rightly that military sanctions had been left in the shade. To be more precise, Article 16 distinguished between diplomatic, economic and financial sanctions, which were obligatory for all, and military sanctions, which were merely the subject of a recommendation by the Council. The use of the term "recommendation" implies the possibility of disregarding it. And, for fear that nations would disregard it, no such recommendation was ever made.

To-day, in the Charter of the United Nations, that institution which is to succeed ours and to be our material and moral heir, the omission is rectified: all States Members without exception are required to furnish men and material for the execution of the decisions taken by the Security Council to check a possible aggressor and to undertake obligations in advance in good and due form. An international general staff has been set up in London. It is composed of eminent representatives of the air, sea and land armies. They have established contact. It is the duty of this general staff to act as the technical and military adviser of the Security Council, to draw up plans against a possible aggressor and to fix the effectives and the material which each nation undertakes on becoming a Member of the United Nations to put at the disposal of the Security Council, and it is already planning to have an army of two million men, half of which is to be supplied by the Great Powers which are permanent members of the Security Council and the other half by the medium and small Powers, so that all should be associated in the maintenance of peace. All this is indeed promising and hopeful.

I fully realise, to leave nothing unsaid, that the strength and the weakness—I repeat, the strength and the weakness—of the new institution is that it depends on agreement between the five permanent Great Powers. The right of veto

—though I prefer the expression “rule of unanimity” to “right of veto”, which is pejorative—limited to the five Great Powers requires their agreement for the taking and executing of decisions. I do not need to tell you that there have been moments since San Francisco when this agreement did not appear to exist. But there again, my dear colleagues, let us lift up our heads! You have seen how agreement between the Great Powers has been achieved in all our debates during a quarter of a century. It was a consequence of their reciprocal will, I agree; but it was also the result of the external pressure of the medium and small Powers, of that spirit of international collaboration which admittedly gave way before the attacks of imperialism but which never ceased to exist and to inspire our labours. It is that spirit of international co-operation born among us, maintained by us and preserved by us which we must bring to the new institution.

And, as I conclude these observations, I am irresistibly reminded of the very words, so noble and just, with which the President of our Assembly concluded his opening speech. We meet indeed “not to terminate what activities are carried out from this centre, but to transfuse into a new body all our enduring assets—moral and material—the accumulated imponderable experience of twenty-five years, the inestimable treasure of traditions which is needed to preserve for the future of international life that continuity which is a divine privilege of human life and endeavour”¹.

The President :

Translation: M. Petitpierre, first delegate of Switzerland, will address the Assembly.

M. Petitpierre (Switzerland) :

Translation: My country finds itself to-day in a unique position. For most of the nations represented here, this last Assembly of the League of Nations is not an ending but merely the passing from one institution, which has ceased to exist, to a new institution, which is already a living reality. For Switzerland, which has had the honour and privilege of housing the first League of Nations during its relatively brief existence, this last Assembly assumes a doubly negative character: the abandonment of her territory by an international organisation whose mission it was to establish and to maintain in the world a regime of peace and lasting security and the even more pertinent fact that from now onwards—to-day or to-morrow—my country will be in a void, no longer actively associated with the immense effort accomplished since Dumbarton Oaks and San Francisco to establish that regime of peace and security on new and sounder bases.

Accepted herself as a Member of the League of Nations as she was, with her international attributes, Switzerland has endeavoured to collaborate with the other nations in the sphere of pacific activities. Her contribution was modest, commensurate with her means, but it was offered in all sincerity, based as it was on a constant desire to assist in the promotion of that very collaboration between various elements whose benefits Switzerland has within her limited territory enjoyed for centuries.

But if this last Assembly arouses melancholy feelings in the hearts of the Swiss, they have compensations.

The League of Nations may disappear. The idea which it embodied subsists. It already lives again in the United Nations organisation, whose framework is much wider, since two great countries absent at the birth of the League have assumed responsibilities towards the new Organisation by

according to it from the outset the support of their power.

There is too often a tendency to regard idealism as incompatible with a sense of reality. We forget that true realism takes account of ideal values. The Charter of San Francisco is inspired by and based on those values, but it has profited by the experience of the League of Nations and, by creating effective security machinery, it has seen to it that they should not be left defenceless.

Switzerland will remain faithful to the ideal proclaimed by the League of Nations, to the ideal embodied to-day in the United Nations Organisation, because that ideal is at the basis of the structure of my country, which without it could not have been founded, could not have survived and—who knows—might perhaps not have been chosen as the first seat of a World Parliament.

Whether a Member of the United Nations Organisation or not, we shall remain true to that ideal, for we believe in the necessity of a truly democratic international institution—that is to say, an organisation within which each people and each State may assume the rôle best suited to its capacities and its particular vocation. Diversity can be a source of strength and not of weakness, when the action of the component elements is inspired by a common purpose.

But fidelity to an ideal is not sufficient; it must be supported by action, which alone can transform that ideal into a reality. Here, again, this last General Assembly is important in so far as it expresses the will to transmit to the United Nations Organisation the technical activities in which the League has been engaged, often very successfully: in the social sphere through the International Labour Organisation, in the sphere of public health through the Health Organisation and in many others referred to just now by M. Paul-Boncour. The instrument of work forged at Geneva, which we are handing over body and mind to the Organisation of to-morrow, will constitute a pledge for the future.

May I be permitted in this connection to express a twofold wish? First, that these technical activities may continue to be carried on without interruption within the framework of the United Nations and, secondly, that those States which, though not Members of the United Nations, have constantly proved their attachment to the international judicial institutions created for the pacific settlement of disputes between States, may be allowed to adhere at the earliest possible moment to the new International Court of Justice.

In conclusion, the creation of the United Nations Organisation is the finest and most lively tribute that could have been paid to the League of Nations, whose disappearance makes one think of the grain of wheat which must die beneath the earth in order to bring forth its manifold fruits. That the United Nations Organisation may one day realise all the hopes that the League was unable itself to fulfil is the ardent wish of my country.

The President :

Translation: M. F. Beelaerts van Blokland, first delegate of the Netherlands, will address the Assembly.

M. Beelaerts van Blokland (Netherlands) :

Translation: Twenty-two years ago one of my predecessors in the Netherlands delegation to the League of Nations Assembly, M. van Karnebeek, spoke as follows: “The uncertainty which still hovers over the League does not cause me disquiet. The League will last because it lives. It lives because it was bound to be. It was bound to be because mankind has entered upon an era of inter-relationship, and even States cannot stand aside”. We have met here now for the winding-up of the League of Nations, which seemed once

¹ See page 19.

so full of promise and which has so sorely disappointed the hopes of humanity.

If we ask ourselves what were the causes of that failure, there are three which in my opinion should be regarded as fundamental.

First of all, there was the lack of universality. That was one of the defects which largely contributed to the League's failure. The absence of one of the Great Powers, whose then President has rightly been described as the founder of the League of Nations, from the outset hampered the activities of the institution and handicapped its development, depriving it of that self-confidence which was so necessary in the solution of the grave problems with which the young organisation was confronted.

Secondly, I would mention as a defect in organisation the exaggerated equality between great and small Powers. In connection with the maintenance of peace and international security, the Great Powers were not given a position corresponding to their greater material means and the greater responsibilities devolving upon them. That, however, was not due to a defect in the Covenant. The authors of the Covenant fully realised the dangers of an exaggerated equalisation, as is shown by the composition of the Council in its original form. But the Members themselves, successive Assemblies, in short Governments, by repeatedly increasing the number of non-permanent Members of the Council distorted that body and prevented it from playing the political part assigned to it by the Covenant.

Lastly, I would indicate as one of the principal defects of the League of Nations the lack of solidarity among its Members. Any international organisation is bound to fail if it is not sustained by a common spirit, a common ideology and mutual confidence between the parties composing it. We all know that such a spirit has not prevailed to the extent necessary to overcome the difficulties which stand in the way of pacific collaboration between peoples.

My dear colleagues, the task assumed by the League of Nations will not be abandoned: a new organisation is ready to continue the work that has been interrupted. Will it succeed in avoiding the treacherous rocks on which the League of Nations foundered?

As regards the first of the three weak points of the League which I have ventured to mention, we may note that all the Great Powers are now fortunately Members of the new Organisation.

Regarding the second point, the position of the Great Powers has been settled in a manner which takes a fuller account than before of realities. It must be admitted, however, that this new system has one disadvantage in that the question of the maintenance of law has not been satisfactorily solved, for one cannot approve of a system under which the possibility of resorting to coercive measures depends on the existence of unanimity among the Great Powers, so that no action will be taken should one of those Great Powers itself be the disturber of the peace.

Finally, as regards solidarity of spirit, we can only pray God that this may show itself in the new Organisation with much greater force than in the League.

In view of the strong criticism which was levelled against the League of Nations before the Second World War, one might have expected that the new world Organisation would be substantially different from the Geneva institution.

All who were acquainted with the activities of the League of Nations and who have now studied

the programme of work of the Economic and Social Council of the United Nations will, however, be struck by their very great similarity. A great many of the League organs will find direct successors in the committees set up by the United Nations. In these various fields the continuity is all the more apparent as in them the work was hardly interrupted during the war.

It is, indeed, thanks to the tenacity and diplomatic talent of our Acting Secretary-General, Mr. Lester, to whom I desire to pay a well-deserved tribute, and thanks to the devoted service of his collaborators that the League of Nations has been in a position to continue part of its activities.

This much having been said as to the continuity of the work, we also find that as regards the structure of the new Organisation the United Nations bears a striking resemblance to its predecessor. The official British commentary on the new Charter dealing with this point reads as follows: "The experience of the League of Nations was, of course, always in the minds of those who prepared the document, and there is in structure a considerable likeness between the Covenant and the proposed Charter." If it is true that the League of Nations is now dead, it is certain that it has not lived in vain. The League of Nations has always worked in the same spirit as the promoters of the new Organisation, and they have profited by the experience gained in the course of the twenty-five years during which the League existed and worked—and let it never be forgotten—proved itself repeatedly a useful and valuable institution for co-operation between States. It has been rightly admitted that, as regards the structure of the institution, there was little to alter. Indeed, what it was above all necessary to alter and develop was the spirit of the peoples, too often disinclined to make those direct sacrifices which international collaboration demands. Had it been possible to modify this mentality easily, it might not even have been necessary to replace the existing organisation by a new one. But the difficulty of making any change in human mentality was recognised and it was felt that such a development might be facilitated if the organisation which had not proved equal to its task was replaced by another. The fact that the seat of the institution has also been altered is regretted by many of us who for years have had occasion to appreciate the hospitality offered to us by the Swiss people in this happy country, in this city of Calvin and Rousseau, so marvellously situated on the shores of the Lake of Geneva. We regret that this immense and magnificent League building, the Palais des Nations, towards the construction of which so many nations contributed and which has been enriched with works of art from so many countries, should henceforth no longer serve its original purpose. But we shall not hesitate to make this sacrifice if it opens the way towards more effective co-operation between peoples, calculated to dispel the spectre of a new war which still haunts us. It is truer to-day than it was twenty years ago to say that mankind has entered on an era of inter-relationship and that even States cannot stand aside. Even if the League of Nations disappears from the world's scene, this event need not cause us disquiet. The work which was begun will be continued; it must be continued if mankind is to be saved from annihilation.

It is in a spirit of deep gratitude towards the League of Nations for what, despite our disillusionment, it has accomplished and with entire faith that its work will be continued—let us hope with a greater measure of success—by the new institution that I end my remarks by repeating the

words spoken here yesterday morning by our distinguished colleague Lord Cecil: "The League is dead: long live the United Nations!"¹

15. — COMMUNICATION BY THE PRESIDENT

The President. — Before calling on the next speaker, I should like to make an announcement.

This afternoon there will be no plenary meeting, but various commissions and committees will meet.

As a number of delegates who have not visited this building before have expressed a desire to see the building, and more particularly the gifts and donations of so many nations, there will be a conducted tour for delegates who wish to visit the building. They should meet at door No. 6 at 4 o'clock this afternoon.

There will be a meeting of the Supervisory Commission in the Secretariat wing at 4 o'clock, and the Sub-Committee of the General Committee will meet in the room of the President of the Council at 3.30 p.m.

16. — REPORT ON THE WORK OF THE LEAGUE DURING THE WAR : CONTINUATION OF THE DISCUSSION

The President. — Mr. Hume Wrong, first delegate of Canada, will address the Assembly.

Mr. Hume Wrong (Canada). — I have been hesitant about asking to address the Assembly after listening to the speeches already delivered in this debate. The others who have spoken will, I know, pardon me if I refer especially to the memorable speeches delivered by M. Paul-Boncour and Lord Cecil this morning and yesterday. They, from their rich experience and from their long and valiant personal advocacy of the principles of the League, can speak with higher authority than anyone else here present about the record of the past and the hope for the future. However, my country has faithfully supported the League of Nations from the first, and I have myself had the privilege of serving on the Supervisory Commission during the last five years; and I feel, therefore, that it is right that the voice of a representative of Canada should be heard in this discussion.

In reading the report of the Acting Secretary-General, one cannot fail to be impressed by the extent and variety of the work which was accomplished, in spite of all difficulties, during the war by the League organisations both here and abroad. In the opening paragraphs of his report, to which several other speakers have already referred, Mr. Lester has recorded with eloquence and clarity the tragedy of the breach of the Covenant. Catastrophe came upon the world; nevertheless, the League was kept alive and has been able to carry on a surprising range of useful activities.

Canada has been one of the small group of States Members of the League of Nations which, by paying their full contributions as they fell due, have persistently shown their belief that the League must survive through the years of war. The alternative was to let the League die from lack of nourishment, so that it would have disappeared in fact before any steps had been taken to create a new international organisation to which the torch lighted here in Geneva could

¹ See page 30.

be passed. The decision of the Governments which maintained their support of the League during the war—and it was not always an easy decision, in the midst of the overwhelming pressures and demands of the war—has been amply justified by events.

It was not, however, the technical activities of the Secretariat during the war, valuable though these were, that provided the real justification for keeping the League in being until to-day. If the League had been allowed to die from neglect, it would have been considerably more difficult from both the material and the moral point of view to establish the United Nations. The United Nations Organisation is not the legal heir of the League, but it is its moral successor; and the States Members of the League which have taken a share in the foundation of the United Nations have not only drawn on an ample heritage of experience from Geneva but have felt that they had themselves a debt to pay and a cause to redeem.

I desire to mention one aspect which has been too frequently ignored, and that is the part played behind the scenes by the members of the Secretariat and by many who were until recently members of the Secretariat in assisting in the organisation of the United Nations. It was often in the most literal sense a thankless task that they undertook. They fulfilled the biblical injunction and concealed their good works. Their counsel was frequently passed on through devious channels. Sometimes in San Francisco and also in London, the help that they could give was ignored and they themselves were treated with scant courtesy; yet they rendered the United Nations great service, and there is no reason why we here in this final Assembly should not recognise and applaud it.

I wish particularly to single out for mention two persons who have been specially responsible for keeping the central mechanism of the League intact through difficulties and dangers.

Mr. Sean Lester became head of the Secretariat in the darkest hours of modern history, in 1940. With wisdom, wit and patience he carried on in Geneva in the midst of discouragements which would have made a lesser man resign in despair.

Mr. Seymour Jacklin in London, unshaken by bombs, undismayed by defaults, undaunted by the intricacies of war-time exchange controls, continued his skilful guardianship of the League's finances, and is able to present us, by almost a miracle, with a satisfactory balance-sheet.

I wish to do honour from this tribune to these two men especially, but in doing so not to pass over without recognition the work of their collaborators who in Geneva, Princeton, London and Washington maintained essential services and studies through the years of war. It is our duty, our pleasant duty, to see that these men and women are honourably treated now that their task as servants of the League of Nations is almost done.

This is not an occasion for lamentation or excuse. It is not an occasion for regrets for past errors or for expressions of confidence that the nations of the world have profited from experience. It is chiefly an occasion for heart-searching. The United Nations Organisation is faced to-day with exactly the same central problem that faced the League of Nations over twenty-five years ago: Are the nations and the Governments that speak for them ready to accept in judgment on their own actions "the decent opinion of mankind" expressed through a general international organisation?

The United Nations starts with an enormous advantage that the League never had : there is no powerful State left outside. In its operations and decisions there is less reason for caution than there ever was in the case of the League. All the countries possessing substantial power to-day are Members of the United Nations. But the question remains which, with greater justification, haunted the meeting-rooms and corridors of Geneva : Have they the will to use their power to support the principles and procedures of the Charter ?

Until that will is manifest in action, until we can see from experience that the machinery can be made to work as it was meant to work, until we can be sure that the latest dread lesson, the lesson of the atomic bomb, has imprinted itself more deeply in the minds of men, we cannot relax our vigilance or feel secure.

There has been talk, and talk from high quarters, of the need for a surrender of national sovereignty. This means that, in certain respects, in certain very limited but very important respects, sovereign power should be transferred from national Governments to a supra-national authority which all must be prepared to obey. That is a high and fine aim. It is not, however, an aim which can be attained by starting off now on a new effort at constitution-making. Before we can usefully consider what form such a supra-national authority might take, there must be evidence *de facto* of willingness to renounce some attributes of national sovereignty. When it has been proved in practice that the existing international organisation commands within its field of action the loyalty and obedience of its members, then, and only then, can serious consideration be given to preparing a new Covenant or Charter which would create *de jure* an international government. I fear, looking round the world to-day, that all this is a long way ahead.

The troubles of the world are not, and never have been, at bottom a question of the nature of the existing international machinery, of the processes whereby issues are brought forward for discussion and settlement, of the Covenant or the Charter, of the rule of unanimity or the veto power. What the League of Nations could do, and what the United Nations can do, was and is what the States Members agree should be done. The League of itself could accomplish nothing.

The United Nations of itself can accomplish nothing. Both are instruments for collective action of their States Members. We must seek to avoid that mischievous fallacy which at times in the past led many people to make excuses for the inaction of their own Governments on the ground that the question at issue was one for the League to settle. More cannot come out of any international organisation than its members are ready to put into it.

Here, in the last hours of the League, we must pay tribute to what was done in Geneva. We must applaud the great men who strove to make the acceptance of the Covenant the beginning of a new era in the relations of country to country. Some of that select and gallant band are here to-day. Much was accomplished in many fields, in the two tortuous, tumultuous decades between the wars.

Now, in 1946, we have less confidence that the Charter will succeed than we had in 1919 that the Covenant would succeed. Those who have lived through the terrors and glories of two great wars are bound to be disillusioned. Disillusionment, in its literal sense of the absence of illusions, is a good thing. It should mean that we see more clearly, not that we have lost hope. In the ancient and gloomy Greek legend when Pandora's box was opened, only hope remained inside to sustain mankind through the trials of life. Certainly in the last seven years a Pandora's box of evils to plague the human race has been loosed on the world. We must, nevertheless, keep the hope and faith of the founders of the League of Nations that we can, by concerted effort, banish from the earth the most irrational of human pursuits, the waging of war.

17. — COMMUNICATION BY THE PRESIDENT

The President. — The discussion will be continued to-morrow morning at 10.30 and the meeting will start at 10.30 sharp.

The first speakers on the list are the delegates of Uruguay, Czechoslovakia, New Zealand and Belgium.

FOURTH PLENARY MEETING

Thursday, April 11th, 1946, at 10.30 a.m.

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President : M. HAMBRO (Norway).

18. — REPORT ON THE WORK OF THE LEAGUE DURING THE WAR : CONTINUATION OF THE DISCUSSION

The President :

Translation: We shall now resume the discussion of the Report of the Acting Secretary-General on the Work of the League during the War.

M. Nogueira, delegate of Uruguay, will address the Assembly.

M. Nogueira (Uruguay) :

Translation: I should like to refer briefly to two fundamental aspects of the excellent report which the Acting Secretary-General has submitted for our consideration.

The Acting Secretary-General states :

"The League has many assets which should be preserved for the benefit of its successor and for the benefit of world co-operation."

This idea must predominate in our deliberations regarding the work of liquidating the League and transferring its assets to the new organisation. While from the political point of view—with which I shall deal briefly later—the League has been the subject of much misunderstanding and distrust, I think I can, on the other hand, describe as unanimous the tribute paid to its technical services. It is possible here to perceive the difference between the precision of science, which forms the basis of technical work, and the free appreciation of art which is at the basis of politics.

The Acting Secretary-General has been able to review the technical activities of the League and to enumerate the great services rendered by it to international life even during the war, whereby it has efficiently prepared for the continuation of these activities in the post-war world and is able to present to the United Nations Organisation a constructive entity which will greatly facilitate its task.

By reason of their fundamental and universal nature, economic and financial questions should be mentioned first as a fine example of what a handful of men, inspired by true faith and a profound sense of responsibility, were able to accomplish at Princeton in the interests of humanity. Time will justify their work.

In Geneva, another group of men pursued unremittingly and with the same sense of duty their research into questions of a social and humanitarian kind and questions relating to communications and health and did everything in their power in very difficult circumstances in order to maintain the work on other technical problems which it was the duty of the Secretariat to carry on.

On behalf of the Uruguayan Government, I congratulate the Acting Secretary-General, as well as the magnificent and much reduced staff who have worked under his direction since the last Assembly.

I now come to the other aspect of the Report of the Acting Secretary-General to which I would like to refer, and which is mentioned in the introduction in the following terms :

"The new generation of builders and makers must not be misled into thinking that any defect in the ideals or organisation of the League of Nations was the cause of humanity's tragic failure. That failure was due rather to the statesmen and peoples of the League of Nations that contented themselves with lip-service, that could not face the lesser sacrifices to avoid the greater, and to those peoples and States which foolishly imagined they could be lookers-on. That will be the verdict of history, simplified though it may appear in the welter and tangle of international relations."

Later he adds :

"The League might have been reconstructed, thus avoiding many complications, but that was apparently impossible for political reasons."

The history of the League of Nations and the reasons for its disappearance are contained in those few words which I have just quoted ; they should be kept constantly in the minds of both Governments and peoples.

Uruguay has had her share of responsibility in the events which have brought about this situation, but her part has been naturally small.

The people and the Government which I have the honour to represent here know that the progress of humanity cannot be achieved without great suffering and inevitable reverses. In 1918, mankind, emerging from a war which appeared to have taxed its physical and moral resistance to the utmost, believed that man was ready for the rule of right, justice and liberty and, in a spirit of generous ideology, created the Covenant of the League, which was founded on the principles of international democratic equality. Those negative forces which cannot live in an atmosphere of law, justice and liberty succeeded, in conjunction with scepticism and fear of war, in upsetting that fair edifice. Progress had, as it were, jumped too far for its feeble muscles ; it suddenly stopped, crushed beneath the weight of unprecedented hecatombs and devastation. Not only so, but there was in fact a backward movement. Man had to recommence his constructive work and thought fit to do so on fresh foundations ; thus there came into being the United Nations Organisation, to which nearly all the States represented here belong, and to which we all wish a prosperous life and success in the maintenance of peace.

The constitution of the new Organisation has demanded certain sacrifices. Like every human achievement, the Charter is imperfect, but it is capable of being perfected.

The Uruguayan delegation at San Francisco, convinced that the veto as proposed represented a sacrifice at the expense of democratic principles, was unwilling to carry that sacrifice to the point where the revision of the Charter might be hindered, in the event of the veto being applied to amendments at some future date. The Uruguayan delegation was the only one at San Francisco that refused to agree to this provision fraught with such danger.

On behalf of the Uruguayan Government, I desire to express the hope, from this noble tribune which is so soon to disappear and from which so many great statesmen have spoken before me, that the spirit which inspired my Government's refusal will soon dominate the world and render possible the adoption of a democratic formula, to obtain which it would only be necessary to perfect the provisions of the central articles of the Covenant and to enforce to the full and for all the application of sanctions against a transgressor, so that no party could take refuge behind the privilege of a veto conferring a right which is contrary to all legal principles—the right of being at one and the same time judge and party.

In any case, the most perfect provisions will serve no purpose if the States which have undertaken to apply them fail to do so. I do not think the best way of applying them is to encourage rivalry between sovereign Powers each of which piles up its own armaments with a view to defending itself against possible aggression by another sovereign Power. The international police force must be a collective body if it is to be a real police force ; otherwise it will simply consist of one national army alongside or opposite another national army. I know that the difficulties arising out of differences in mentality and culture between peoples are enormous, but the international police force which we so greatly desire can exist only under a common law to which all sovereign Powers are really amenable. The first codified effort in this direction was the Covenant of the League of Nations.

Finally, I would express the hope that the United Nations may be able to bring to fruition the work of solidarity and international progress for which the League of Nations was created.

The President :

Translation: M. Kopecký, delegate of Czechoslovakia, will address the Assembly.

M. Kopecký (Czechoslovakia) :

Translation: Allow me first of all, on behalf of the Czechoslovak delegation, to express my sincere thanks to Lord Cecil and to M. Paul-Boncour, who recalled in their moving speeches the personality of the President of the Czechoslovak Republic, M. Beneš, and his participation in the conception and development of the work of international co-operation and the maintenance of peace—an ideal which during the period between the two world wars found expression in the League of Nations.

The fact that, in spite of the existence of the League, a second world war broke out shows clearly, on the one hand, the difficulty of surmounting and defeating aggressive tendencies—tendencies which in the history of mankind have been the cause of so many wars—and, on the other, that the machinery through which we endeavoured to perform this task was not yet sufficiently perfect to satisfy all requirements.

The idea of the maintenance of peace is deeply rooted in the Czechoslovak people and goes back to the Middle Ages. In those times—in the fifteenth century, to be precise—King Jiri Podebradsky sent messengers to the heads of the European States with a view to setting up a league for ensuring world peace and security. This initiative of the King of Bohemia, which he repeated when his first attempt proved fruitless, failed because of the reactionary forces in the world of those days. If the initiative of modern times has not achieved the desired aim, it is similarly due to the activities of reactionary forces in the modern world—forces which have abused the freedom which democracy offers in order to crush and annihilate democracy itself, which is based on justice and on the expressed will of the peoples.

We have before us the Report of the Acting Secretary-General on the activities of the League of Nations during the war. This Report offers us a proof of the way in which the reactionary forces tried to repress and restrain the activity of an institution which had been conceived as an instrument for the defence of international democracy.

I myself had an opportunity of observing here at Geneva, in the years 1939 and 1940, the efforts of those reactionary forces—whose activities were noticeable even in the Secretariat of the League.

At that time, the Czechoslovak people and the Republic were passing through a very grave crisis. But the League of Nations was already paralysed, and it was with deep regret that we noticed certain activities designed, not to protect Czechoslovakia and to save her from becoming the victim of aggression, but, on the contrary, to prevent any action which might have facilitated her position within this international institution. In spite of this tendency, Czechoslovakia up to the present day has remained a member of the League. I cannot refrain from mentioning the fact that, had a change not occurred in 1940 as regards the person at the head of the Secretariat, this nefarious tendency and state of paralysis would have continued. It is with deep satisfaction that I note that the present Acting Secretary-General has left nothing undone in order to preserve at least those services which we can now hand over to the new Organisation—an Organisation which starts its labours in circumstances that are all the more favourable because they are based on the experience, the disappointments and the mistakes of the League, at the last Assembly of which we are now present.

My colleague the delegate of China, speaking here yesterday, said that the League of Nations

had collapsed partly owing to its own imperfections but partly also because the use its Members made of it was not always what it should have been. I believe the delegate of China was fully justified in his statement, and I should like to add that the instrument of international co-operation can be perfected only if it rests on the real belief of the peoples that co-operation is necessary, and, further, if the organs of that instrument respect the desires of those whom it is meant to serve. If, during the years I have referred to, the instrument did not fulfil the hopes placed in it, this was to a large extent due to the fact that, at that time, the necessary harmony did not always exist.

As soon as, in the very difficult situation resulting from the circumstances I have described, the direction of the Secretariat was taken over by the present Acting Secretary-General, I can say, speaking from my own experience, that the reason why co-operation assumed such a positive character in spite of the circumstances of the time—as is shown by the detailed record contained in the report submitted to us—was that, notwithstanding the difficulties arising out of the situation with which we are all acquainted, there was a real desire to serve the interests and ideals of international co-operation. I should like especially to-day to thank the Acting Secretary-General personally for his loyal collaboration.

Czechoslovakia, whose President, M. Beneš, as mentioned by Lord Cecil and M. Paul-Boncour, has contributed so much to the propagation of the idea of international collaboration and security, and which has endeavoured unceasingly to provide mankind with an instrument for achieving that aim, looks again with confidence towards the new Organisation, an Organisation which in more favourable circumstances—thanks mainly to the fact that two Great Powers not represented here are among its co-founders and active members—is opening a second and we hope a more fruitful stage in the progress of international co-operation.

The President. — Mr. C. A. Knowles, delegate of New Zealand, will address the Assembly.

Mr. Knowles (New Zealand). — In the first place, I apologise for the absence of Mr. Jordan, the New Zealand delegate. He is travelling back from New Zealand and has suffered some delay. As there is a doubt whether he can reach us before the close of the debate on the Acting Secretary-General's Report, it is necessary that a member of the delegation should take his place and say a few words on behalf of New Zealand. His absence is to be regretted, because we of the New Zealand delegation feel how much better he, with his lengthy experience of public life, is fitted to address an international gathering of this kind.

I shall be brief. I make a passing reference to the Acting Secretary-General's Report, an illuminating document for which we are deeply grateful. To those here who, like myself, attended the first Assembly and subsequent Assemblies of the League of Nations, this is an occasion for some poignancy, but not for despair. Our President, than whom few men outside the Secretariat have better served the League, stated in his opening speech that we were not assembled to discuss why many of our efforts were unavailing in the past. No, we are not here for an inquest, we are here for the dissolution of the League. May I express the hope that its dissolution will be attended with dignity and a proper regard for the League's obligations?

There are those who have belittled the League and a few who have shown a disinclination to encourage a close connection between those who have served it and the new Organisation. I think that attitude is wrong. Why should we not profit from the experience gained as well as from

the mistakes made here in Geneva? Of this I feel certain: that the spirit which guided those who framed our Covenant equally guided those who prepared the Charter of the United Nations.

Previous speakers have made reference to mandated territories. I now make a declaration on behalf of the Government of New Zealand. New Zealand has always strongly supported the establishment of the International Trusteeship System, and has already declared its willingness to place the mandated territory of Western Samoa under trusteeship. In the General Assembly of the United Nations on January 18th, 1946, the Prime Minister, the Right Honourable Peter Fraser, made a declaration on behalf of the Government to the effect that New Zealand was prepared to place under trusteeship the country known as Western Samoa, for which a mandate was conferred by the League of Nations in 1920 upon His Britannic Majesty, to be exercised on his behalf by the Government of the Dominion of New Zealand. Mr. Fraser added that, in due course, his Government would submit for the approval of the United Nations, in accordance with Article 79 of the Charter, a Trusteeship Agreement in respect of that territory.

New Zealand does not consider that the dissolution of the League of Nations and, as a consequence, of the Permanent Mandates Commission will have the effect of diminishing her obligations to the inhabitants of Western Samoa, or of increasing her rights in the territory. Until the conclusion of our Trusteeship Agreement for Western Samoa, therefore, the territory will continue to be administered by New Zealand, in accordance with the terms of the Mandate, for the promotion of the well-being and advancement of the inhabitants.

In conclusion, I would refer to the happy association which has existed between the Government of New Zealand and the Permanent Mandates Commission. I hope, indeed I claim, that the Commission were satisfied with our administration of Western Samoa, and particularly with those aspects bearing on the welfare of the natives.

The President:

Translation: M. Carton de Wiart, first delegate of Belgium, will address the Assembly.

Count Carton de Wiart (Belgium):

Translation: At the very outset of this debate, Lord Cecil, whose presence in this Assembly inspires us all with feelings of admiration and respect, made a declaration on behalf of the United Kingdom Government on the question of mandates¹. For that reason I too feel justified in making a few brief observations on this matter in the name of the Belgian Government.

As you are aware, Belgium holds from the League of Nations the mandate for the Territory of Ruanda-Urundi. She has discharged scrupulously all the obligations arising out of the mandate, and this region of Central Africa has known peace and progress under the resultant regime. Subjected not so long ago to the good pleasure of an oligarchy of foreign origin, the mass of its population has recently been living and continues to live in full security under the protection of the law. Its economic prosperity has increased more rapidly than could have been anticipated, and in spite of the fact that the density of the population is exceptionally high for Tropical Africa the living conditions there are much superior to those which the country had known in the past.

Belgium has ratified the United Nations Charter, which provides, in Chapters XII and XIII, for the organisation of an International Trusteeship System. At the meeting of the General Assembly of the United Nations in London on January 20th last, she declared her intention of entering into

negotiations with a view to placing the Territory of Ruanda-Urundi under the new regime. In pursuance of this intention, the Belgian Government has prepared a draft agreement setting out the conditions under which it will administer the territory in question.

In the course of the same declaration of January 20th, we expressed our confidence that the Trusteeship Council would soon come to occupy in the United Nations Organisation the important place which it deserves. We can only repeat that hope here and give an assurance that, pending its realisation, Belgium will remain fully alive to all the obligations devolving on members of the United Nations under Article 80 of the Charter.

Having made this declaration, I should like to say, as other delegates have done, something about the spirit in which we are taking part in this last Assembly of the League and in the work which it has to perform. That spirit is not devoid of melancholy or indeed of some bitterness, but there is in it no sense of discouragement.

In the noble speech with which he opened our discussions on Monday, M. Hambro, who has so perfectly embodied the ideal of our great institution and who has rendered it such memorable services, very wisely remarked that we were not met here to find out how and why our common efforts did not succeed in the past, and indeed those who loyally examine their own conscience will always be able to find, without trying to shelve their own responsibilities, other shoulders on which to place the blame. In reality, the history of the League is the history of the twenty years between the two world wars.

Between these two tragic periods that history forms a sort of curve or trajectory of which the starting-point, the peaks, the hesitations and the sinkings have corresponded to the fervent desire for peace, the constructive efforts, the generous illusions, the anxieties, the disappointments and the backslidings which peoples and the opinion of mankind have experienced between these catastrophes.

It would be vain and presumptuous on my part to attempt to describe the great destiny of the League during this critical period, since M. Paul-Boncour, who is so well qualified to do so, has drawn the picture with so much truth and eloquence. In that destiny, Belgium has tried to play a part in conformity with her own mentality and her traditions of democratic liberty and peaceful work and with the exigencies of her geographical situation, which has always been a source of difficulty. Because centuries of experience have taught her most cruelly the risks of that position, Belgium has always sought to encourage understanding, to lessen divergences, to bring back formulas from the nebulous world of Utopian theory to the more restricted but firmer ground of reality. The very disappointments which we have encountered in the realm of collective security have only served to associate us more closely with all the efforts which have been undertaken here in the fields of legal, social, economic, financial and health activities. And certainly the great number of successes which the League has known in activities of that nature—perhaps less spectacular than the others, but for which international co-operation is no less necessary—and the reforms and the progress which have spread abroad from this magnificent and hospitable City of Geneva, constitute in the profit-and-loss account of the League a singularly honourable list of assets which impartial posterity will have no right to forget.

It is just to render homage to all those who were the builders of this great institution; and when thinking of the first of these, surely we must feel gratitude towards those early organisers whom I, like many of you, had the privilege of seeing when they were engaged here on their difficult

¹ See page 28.

work. There was Sir Eric Drummond, who reflected so well in his looks and manners the best traditions and habits of his great native country. His judgment, his distinction and his unwavering tact served to maintain in the ranks of his staff, if only by the contagion of example—for the mere fact of walking erect makes others straighten their backs—that correctness of deportment and that spirit of fair play which were to characterise it. Next to him there was Albert Thomas, who was also so representative of his native country and who adapted himself so quickly to his new rôle. He was a brilliant intellectual who passed with ease from philosophy and ideology to the realities of administration and propaganda and who organised here with much perspicacity the services of that vast institution which was destined to secure and to better through international co-operation the standards of life of the workers of five continents.

These pioneers whose collaborators and successors, worthy of them by their competence and zeal in all ranks of the hierarchy, we greet here to-day, and especially Mr. Sean Lester, the Acting Secretary-General, will for the first time in the history of peoples have earned the merit of recruiting and training a great international civil service, inspired by a spirit of co-operation and sincerely attached to its duties, whose assistance and example will surely facilitate the work of to-morrow.

In this kind of blood transfusion which we are now about to carry out, all this fund of usages and knowledge must not be neglected, the more so as the principles and aims of the new Charter relate, even if the methods are different, to the essential problems which led to the drawing up of the Covenant in 1919.

My eminent colleague and friend whose keen and penetrating glance and whose lively and witty words we all so much admired and whom my country will be grateful to you for having recollected at this Assembly—I speak of Paul Hymans—said, when we could all perceive the signs of the coming storm which he unhappily did not survive, "The League of Nations has been a great hope". That is true, but we might add that the League of Nations has also been a great experiment. If it is true, as a great biologist has said, that death is no more than an artifice whereby nature builds up fresh strength, let us all take up the cry which we have heard in this Assembly: "The League of Nations is dead: long live the United Nations!"

May this new form of international life inherit not only the activities and assets of its predecessor but also the lesson of the League's efforts, of its merits and of its errors. May the new international Organisation, more fortunate than its elder sister, be able to count on the comprehensive and faithful collaboration of public opinion and of the Press, which, if it wishes, is in a position to contribute so effectively to the formation of that opinion.

May it, after the defeat of aggressive imperialism, of which we all nearly became the victims, not disappoint our common confidence.

In terms of great elevation of thought and style, M. Costa du Rels, who has been the last President of the Council, as Paul Hymans was the first, told us on Tuesday from this rostrum: if this is a burial, let it be the burial of the Phœnix.

Many among you doubtless know the Grand-Place in Brussels, which is in the very heart of Belgium and stands as a symbol of her history. The *Maisons Corporatives* surrounding it were rebuilt in a few years after the cruel bombardment of 1695. On the highest gable there is a Phœnix with widespread wings, and under that legendary bird one reads in letters of gold this motto:

"Insignior resurgo"—"I rise again with more splendour and with greater strength." God grant that the same may apply to the new Organisation of the United Nations for the benefit of all our peoples and for the sake of the future of mankind—to-day so grievously stricken—of which we are all alike members and which feels, like Antigone of the Greek tragedy, that it was created to love and not to hate.

The President:

Translation: M. Feridun Cemal Erkin, delegate of Turkey, will address the Assembly.

M. Feridun Cemal Erkin (Turkey):

Translation: The Turkish delegation has studied with the greatest interest the Report on the Work of the League of Nations during the War. I wish to express here my admiration of the Acting Secretary-General and his colleagues for their activities during these years of war. The document presented to us shows that, even when it was unable to exercise its political functions, the League was able by methodical and pertinacious work to obtain in the social and humanitarian field of its activities extremely important results. These results will serve as a useful basis for the future work of the United Nations Organisation, which will thus be enriched by all the experience gained in these different fields. We thus note that the experiment of the League of Nations, even when confined to purely technical activities, has constituted an indispensable transition period in the evolution of international life.

The idea of a universal organisation designed to establish law and justice in the relations between peoples has made good headway since the distant day when it was formulated for the first time. Just as the systems conceived to prevent war were unable to prevent bellicose States from embarking on new aggressions, so the successive wars which bathed humanity in blood failed to destroy the ideology of peace, ever increasing in strength and determination. Furthermore, each new war bore in itself the fruit of new experience acquired by men of goodwill in favour of peace. But it is after having lived through the horrors of the First World War that the unanimous desire of the peoples to create a League of Nations to prevent war took a really concrete form. The generous ideas of Woodrow Wilson and the wise and courageous initiative of Field-Marshal Smuts having been firmly supported by the tenacious efforts of the apostles of international collaboration, including Viscount Cecil of Chelwood, whom it is our great privilege to greet here at this last session of the Assembly, the idea of a League of Nations finally entered into the realm of reality. Humanity, tired of unceasing wars, was on the eve of a new experience.

If, as Lord Cecil said in his moving speech, we try to draw up the balance-sheet of the League of Nations, can we in justice affirm that this shows a deficit? Of course, we might repeat the easy reasoning of those who declare that the League failed in its political mission, which was to prevent war. That, in my opinion, would be to reason too simply. If the League has failed I consider—and here I am in agreement with many of my colleagues in this Assembly, beginning with our distinguished President, M. Hambro—that the responsibility rests less with the institution itself than with the States Members who did not know how to use the instrument which was in their hands for the purposes for which it had been created. True, neither the Japanese aggression against China, nor the Fascist

aggression against Abyssinia nor, finally, the aggression against Poland which started the Second World War were prevented, but all these violations of the peace have at least enlightened us as to the true nature of the material and spiritual factors which must form the basis of a really effective universal organisation. Thus the necessity became apparent of having an organisation which included representatives of all the States of the world. Thus, as a consequence of the tremendous development of all those elements which make up the war potential of States, the impossibility became clear of localising an armed conflict. Thus, finally, the inescapable truth became manifest—and here I should like to pay a tribute to the French delegation at earlier meetings of the League of Nations which, as M. Paul-Boncour recalled yesterday, never ceased to advocate this point of view—the inescapable truth that there cannot exist a truly efficient international League without an armed force to support it.

When we look back at a fairly recent past and when we recall the echo of the declarations full of generous idealism made from this rostrum by men like Chamberlain, MacDonald, Herriot, Briand, Litvinoff, Titulesco, Politis, Beneš, Eden and Paul-Boncour, can we reasonably affirm that the desires, the hopes and the wishes of all these great men were formulated in vain? Can we assert that the formula "arbitration, security, disarmament" has recorded no progress?

Gentlemen, the idea of a world organisation was first really tried out by the establishment of the League of Nations. Looking at it from this angle, the League may justly claim the tribute of the nations. It succeeded in so far as it could succeed. Many sorts of imperfections and omissions can undoubtedly be laid to its charge, but no one can deny the almost insuperable difficulties of an international development according to which a League made up of nationalistic States strongly attached to the notion of absolute sovereignty had to ripen without transition into an international organised society. If we have to pass a truly sincere and realistic judgment on the work and achievements of the League of Nations, we must admit one elementary truth: without the experiment of the League of Nations, the United Nations Organisation could not have been created. The League of Nations was a necessary step in the evolution of international life. The League has a special claim to gratitude as far as Turkey is concerned as my country has solved its international problems under the auspices of the League.

All our hopes now go out to the United Nations Organisation, which will no doubt seek inspiration from the lessons of the past and avoid those quicksands which caused the shipwreck of the League. If this should not prove to be the case, we should have to despair finally of the fate of mankind.

May I be permitted to pay here a debt of gratitude. I wish to recall the names and the memory of all the great peace-loving men who either conceived the idea of a League of Nations or fought for its realisation or struggled with unflinching courage for its success. Their efforts have not been made in vain. The ideal set forth in the Preamble to the Covenant remains an ideal. Life goes on.

Gentlemen, this beautiful and hospitable city of Geneva, for more than twenty years the home of the international organisation, offers us to-day a last affectionate welcome and farewell. Departure is imminent. Geneva experiences no bitterness

as a result of this separation. She feels the pride of a mother who, having given her child a realistic education and followed his growth, bids him farewell as he goes forth to a destiny which she hopes will be a happy one. Geneva deserves all our gratitude.

19. — COMMUNICATION BY THE PRESIDENT

The President. — I should like to recall that the Second Committee meets at 3.15 this afternoon. The General Committee of the Assembly meets at 6 o'clock in the office of the President of the Council. The Credentials Committee will meet to-morrow morning immediately after the Assembly and it is very probable that the First Committee also will meet after to-morrow morning's Assembly.

20. — REPORT ON THE WORK OF THE LEAGUE DURING THE WAR: CONTINUATION OF THE DISCUSSION

The President. — Khwaja Sir Nazimuddin, delegate of India, will address the Assembly.

Khwaja Sir Nazimuddin (India). — Those with vaster experience and knowledge of the League than myself have preceded me in surveying the ideals and work of this body during its existence of over a quarter of a century. As a representative of India, which has been a Member of the League since its inception, I should like to associate myself with the tributes which have been paid to the officers and collaborators of the League who kept it going during the difficult period of the war. India, with her peace-loving traditions, was one of those countries which passionately believed in the ideals which inspired the League. She has sent many of her distinguished statesmen to conferences and meetings held under the auspices of the League, and many of them have held honoured offices under that body. Her regret at the failure of the Members to live up to those ideals is therefore all the more profound.

This, however, is not the occasion for recrimination. We have to look forward to the future, and avoid the mistakes of the past. India, along with other Members of the League, has decided to collaborate with the United Nations Organisation, and has thereby shown her clear desire to play her part in international measures to secure those conditions of peace which alone will allow a happier and improved standard of living for the various peoples of the world. The United Nations Organisation will be enriched by the achievements of the League in the social and humanitarian spheres. I refer in particular to the unique experiment in matters affecting labour—the tripartite system of the International Labour Organisation. This is the only organ of the League which is to continue its separate corporate existence after the dissolution of the League. India has been a strong adherent of this body, which is now beginning to take a greater interest than hitherto in Asiatic problems, which have not received their due attention in the past either from the League or from the International Labour Organisation.

I do not agree with those who think that we have come to the burial ceremony of the League of Nations. The ideal of preventing future wars was experimented upon in the organisation of the League of Nations. Certain results have been achieved, but the experiment was not a complete success. Further research is necessary, and it is now being transferred to a more advanced laboratory where, we hope, it will be possible to evolve conditions which will make it impossible for another war to take place. All our hopes now rest with the United Nations Organisation, where the principle of collective security against aggression will be practised. This is the only way in which we can progress, especially those nations which are not industrially developed, where there is a crying need for improving the conditions and the standard of living of the masses and for the industrial development of the country. If the nations of the world are once again called upon to start a race in armaments for the purpose of defence, then the backward and smaller nations' resources will be spent in providing money for the latest weapons of war at the expense of the post-war reconstruction they need.

The nations of India are standing on the threshold of independent sovereign status. India has supported the ideal of the League of Nations and will contribute its utmost to the success of the United Nations Organisation. That peace is indivisible has become a hackneyed saying today; as our mantle falls on the shoulders of the new world organisation, let us express the hope that the truth of the saying will not diminish with the march of time. Under modern conditions, space and distance have been so reduced that a conflict in one part of the world is very likely to lead to a world conflagration. It is only an organisation like the United Nations which can ensure the peaceful solution of differences and prevent aggression by strong Powers upon the weak.

This brings me to the question of mandates and non-self-governing territories, on which I should like to say a few words before I conclude. India believes in the independence of all nations, irrespective of colour or creed, but until they are in a position to attain their independence, she believes in the trusteeship system of the United Nations, not only in the interests of the territories themselves, but in the larger interests of preserving world peace. The declared intention of several of the present mandatory Powers to transfer most of the territories to the trusteeship system is a good and healthy augury for the future. May I express the hope that the same vision and statesmanship will inspire all the Powers in respect of the mandated territories, and thus eliminate what may well become a potential cause of unrest in various parts of the world?

The President. — Professor K. H. Bailey, delegate of Australia, will address the Assembly.

Professor Bailey (Australia). — Out of the upheavals caused by two world wars has emerged one of the distinctive achievements of the 20th century, the organisation of an international community under a written constitution. In such disturbed and strenuous times, it could scarcely be expected that the task would be accomplished once and for all at the first attempt,

but there is no occasion here for dirges, for humiliation, or for repudiation. Looking back, our successors will see that what we are doing this week in Geneva is just one phase in changing the constitution of the international community. Notwithstanding the evident break in continuity between the League and the United Nations, the underlying process is in reality continuous and constructive. Parallels can be found in the national history of many States.

For a number of complex historical, political and psychological reasons, the combination of free States which organised victory in the Second World War felt that in building a general international organisation they must start afresh. Yet, in truth, they did not start altogether afresh. The problem of building international institutions for promoting security and welfare in a world of sovereign States has been attacked before and still remains essentially the same. The work of the pioneers who organised the great system of international institutions based here in Geneva still stood, serving as an example alike for encouragement and for warning. The debt of the United Nations to the League of Nations cannot be accurately measured merely by comparing one voting rule with another, or one organ with another. What stands out clearly is that, without the achievement of Geneva, San Francisco could not have gone so far or so easily in laying down a constitution for the world community of the future.

Failure on the part of the League and its Members to maintain collective security by the methods laid down in the Covenant was the great disaster of our time. But the valuable report of the Acting Secretary-General shows how much of the League's important work in social, humanitarian and other non-political fields has survived even the tempest of world war. Australia does not for a moment regret the fact that, despite taxation for war purposes at levels which imposed hardship on all sections of her people, she has continued, right through the war, to maintain her contributions to the League in full. It is common ground both here and in the United Nations that much of the social, economic and humanitarian work of the League must, in one form or another, be maintained. It has become indispensable for the welfare of mankind.

The delegation of Australia joins with others in paying tribute here to the vision and the courage which kept these League activities in being throughout the dark years. We think especially of you, Mr. President, and of you, Mr. Acting Secretary-General, and of all those whom you represent.

I wish, like others, to say a few words about the mandates system, touched on briefly in Chapter III of the Acting Secretary-General's report. That system expresses one of the most significant ideas in the Covenant—namely, that the well-being and development of peoples not yet able to stand alone under the strenuous conditions of the modern world form a sacred trust of civilisation, and that States responsible for the government of those peoples should give guarantees for the due performance of their trust. The principle itself is inherently applicable to all dependent territories, but it was applied by the Covenant only to a few of them, namely those that had formerly been ruled by Germany or Turkey.

Everyone agrees to-day that, in that limited sphere, the mandates system worked reasonably well. Australia has discharged her trust in effective and cordial co-operation with the League, and particularly with the Permanent Mandates Commission. Ideas have a way of taking root and spreading. That happened with the mandates system. The Charter of the United Nations has now extended its basic principles in two directions. First, the Charter applies to every dependent territory administered by Members of the United Nations the principle that the primary object of administration must be to promote the welfare and development of the inhabitants of the dependent territories, and that the administering authority should render to an international authority an account of its administration. This is laid down in Chapter XI of the Charter. Amongst other things, each administering authority under that chapter undertakes to supply to the United Nations information concerning economic, social and educational conditions in its dependent territories.

Secondly, the Charter provides in Chapters XII and XIII for the establishment in relation to certain categories of dependent territories of an international trusteeship system. The basic objectives are in substance the same as those laid down in Chapter XI for dependent territories generally but, under the international trusteeship system, a further step is taken for setting up an expert Trusteeship Council with power not merely to consider reports made by administering authorities but to visit trust territories and examine at first hand the manner in which the administering authorities are discharging their trust. These powers of inspection go beyond what the Covenant permitted to the Permanent Mandates Commission. The trusteeship system, strictly so called, will apply only to such territories as are voluntarily brought within its scope by individual trusteeship agreements.

In January 1946, at the first session of the General Assembly of the United Nations, the Government of Australia announced its intention of negotiating appropriate trusteeship agreements with a view to bringing the mandated territories of New Guinea and Nauru under the international trusteeship system contemplated by Chapters XII and XIII of the United Nations Charter. In respect of Nauru, for which Australia shares the Mandate with the United Kingdom and New Zealand, the other two Governments concurred in this course of action.

After the dissolution of the League of Nations and the consequent liquidation of the Permanent Mandates Commission, it will be impossible to continue the mandates system in its entirety. Notwithstanding this, the Government of Australia does not regard the dissolution of the League as lessening the obligations imposed upon

it for the protection and advancement of the inhabitants of the mandated territories, which it regards as having still full force and effect. Accordingly, until the coming into force of appropriate trusteeship agreements under Chapter XII of the Charter, the Government of Australia will continue to administer the present mandated territories, in accordance with the provision of the Mandates, for the protection and advancement of the inhabitants. In making plans for the dissolution of the League, the Assembly will very properly wish to be assured as to the future of the mandated territories, for the welfare of the peoples of which this League has been responsible. So far as the Australian territories are concerned, there is full assurance. In due course these territories will be brought under the trusteeship system of the United Nations; until then, the ground is covered not only by the pledge which the Government of Australia has given to this Assembly to-day but also by the explicit international obligations laid down in Chapter XI of the Charter, to which I have referred. There will be no gap, no interregnum, to be provided for.

This final meeting of the Assembly has brought forth some wise and memorable words from the Acting Secretary-General, especially in the introduction to his Report, and from many speakers from this tribune, among whom I shall be understood if I mention two only, whose names are imperishably written in the records of the League, Lord Cecil and M. Paul-Boncour. We have been trenchantly reminded that a written constitution like the Covenant and the Charter is not self-executing. Man's hope of peace depends on his will to peace. A real will to peace is something much more, and much more rare, than a mere wish to be undisturbed. It needs, as we have been reminded here, a determination to build policy on principles, not on the expedencies of the moment. It needs the courage to take day-to-day decisions with an unswerving eye on the basic objectives embodied in the fundamental law. That is one of the clear lessons which the successors to the League can learn from our experience under the Covenant.

21. — COMMUNICATION BY THE PRESIDENT

The President. — The general discussion will continue and will be concluded to-morrow morning.

The names of three speakers are on my list : M. de Blanck, delegate of Cuba, M. Caeiro da Matta, delegate of Portugal, and M. Moreno Quintana, delegate of Argentine.

FIFTH PLENARY MEETING

Friday, April 12th, 1946, at 10.30 a.m.

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22. COMMUNICATION BY THE PRESIDENT :
- (a) Procedure.
 - (b) Attribution to the Assembly of the Responsibilities of the Council.
 - (c) Communication from the Italian Government.
 - (d) Communication from the Austrian Federal Government.
23. REPORT ON THE WORK OF THE LEAGUE DURING THE WAR.
Continuation of the Discussion.
24. CLOSE OF THE GENERAL DISCUSSION.
Communication by the President.

President : M. HAMBRO (Norway).

22. — COMMUNICATION BY THE PRESIDENT

(a) PROCEDURE

The President. — Last night I had the three documents A.22, A.26 and A.27.1946 distributed. On all these documents I wish to consult the Assembly and to obtain its agreement.

Rule 17, Paragraph 2, of the Rules of Procedure states that : "As a general rule no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all representatives not later than the day preceding the meeting."

Strictly speaking, these documents were distributed the day before the meeting, but inevitably rather late, as the meeting of the General Committee at which they were discussed and approved lasted until late in the evening.

As there will be no Assembly meeting during the next few days, and as the remainder of this week will be given to the committees in order that they may complete their work, I would ask the indulgence of delegates and invite them to agree to consider these three documents now.

If there are no observations, I take it that the Assembly is in agreement.

The Assembly adopted the procedure proposed by the President.

(b) ATTRIBUTION TO THE ASSEMBLY OF THE RESPONSIBILITIES OF THE COUNCIL

The President. — Document A.26.1946 deals with the attribution to the Assembly of the responsibilities of the Council.¹ As the two main committees may have to vote resolutions involving responsibilities normally falling within the competence of the Council, it appears necessary for the Assembly to pass a resolution on this subject to-day.

The Resolution put before you by the General Committee reads as follows :

"The Assembly, with the concurrence of all the Members of the Council which are represented at its present session :

¹ See Annex B, page 212.

"Decides that, so far as required, it will, during the present session, assume the functions falling within the competence of the Council."

As no delegation has expressed a desire to speak, I shall consider this resolution as adopted.
The resolution was adopted.

(c) COMMUNICATION FROM THE ITALIAN GOVERNMENT

The President. — Document A.27.1946 relates to a communication from the Italian Government to the President of the Assembly. Delegates will have read this communication and also the text of an answer which has been drafted by the General Committee. I will read the text of the two letters in order that they may be included in the report of the proceedings of the Assembly. The translation of the letter from the Italian Government reads as follows :

"Royal Italian Legation.

Berne, April 8th, 1946.

"Mr. President,

"At the moment when the League of Nations is coming to the end of its existence, the Italian Government instructs me to express to you and to all other representatives of States Members, at present assembled in Geneva, the hope that the ideals of the League of Nations may find in the United Nations a fertile soil for their development and for their application in the relations between peoples. Italy, which was one of the countries which promoted the League and which contributed to the Geneva organisation many years of active co-operation and the collaboration of men, to-day no longer among us, such as Vittorio Scialoja, follows with the greatest sympathy the efforts which the United Nations are putting forth for the reorganisation of international society and hopes to be able soon to resume, in the new organisation, that work of collaboration to which the Italian people are confidently looking forward.

"I would ask you to be so good as to convey the expression of these sentiments of my country and to accept the assurance of my highest consideration.

"(Signed) A. BERIO,
Minister Plenipotentiary,
Chargé d'Affaires of Italy.

"M. C. J. Hambro,
President of the Assembly
of the League of Nations, Geneva."

The following is the text of the draft reply :

"Monsieur le Ministre,

"I have brought to the notice of the Assembly of the League of Nations the message which the Italian Government has been good enough to address to it.

"The Assembly does not forget the valuable assistance afforded to it in its labours by statesmen representing the best traditions of

Italy and, in particular, that tradition of Roman Law which is one of the solid foundations of civilisation.

"The Assembly fully appreciates the Italian Government's desire that its country should take part, within the new Organisation, in the work of international collaboration.

"The Assembly hails the birth of a new democratic Italy, freed of that Fascism which has done so much harm to the interests of all Italians and of all mankind.

"I beg you to accept, Monsieur le Ministre, the assurance of my highest consideration.

"President of the Assembly."

"Monsieur le Chargé d'Affaires d'Italie, Berne."

As no delegation has expressed a desire to speak, I take it that the President is authorised to despatch the letter, the draft of which has just been read.

The proposed draft reply was approved.

(d) COMMUNICATION FROM THE
AUSTRIAN FEDERAL GOVERNMENT

The President.— Document A.22.1946 contains a communication from the Austrian Federal Government the translation of which reads as follows:

"Der Bundesminister für die
Auswärtigen Angelegenheiten
N^o 127-068-J/VR/46.

"Vienna, April 1st, 1946.

"Sir,

"I have the honour to communicate to you the following:

"By your letter dated February 4th, 1946 (document A.I.1946), you summoned the Assembly to meet in Geneva on April 8th, 1946, at 11 a.m.

"My Government is of opinion that Austria continues to be a Member of the League of Nations.

"It is true that, after the forcible occupation of the Austrian territories by the German Army, the German Government, in a letter dated March 18th, 1938, brought to your knowledge the German Law of March 13th, 1938, concerning 'the return of Austria to the German Reich' which, for its part, adopted the Austrian Law of March 13th, 1938, which had been imposed by the occupants and according to which Austria would be a country of the German Reich. This letter concluded with the allegation that 'on the date of the promulgation of this Law, the former Federal State of Austria ceased to be a Member of the League of Nations'.

"This occupation by force was, however, subsequently deemed to be null and void by the declaration of November 1st, 1943, signed in Moscow by Great Britain, the Union of Soviet Socialist Republics and the United States, which placed on record the fact that Austria was the first victim of Hitlerian aggression and was to be liberated from the German yoke.

"Further, I would draw your attention to the fact that, long before this declaration, the statesmen of Great Britain and of the United States had expressed their opinion in the same sense. Thus, the English Prime Minister, Mr. Churchill, proclaimed in his speech of November 9th, 1940, that his country was fighting for the cause of all peoples 'with whom or for whom it had drawn the sword — namely, Austria, Czechoslovakia...' (See also the closely similar speeches of Mr. Churchill

on August 24th, 1941, in the House of Commons on returning from his interview with President Roosevelt after the signature of the Atlantic Charter and of the Minister for Foreign Affairs, Mr. Eden, on September 10th, 1942.) On July 28th, 1942, the Secretary of State of the United States, Mr. Cordell Hull, also recalled the fact that the United States have never recognised the annexation of Austria by Germany.

"In conformity with these facts the Declaration of Independence of Austria, of April 27th, 1945 (*Bulletin of the Austrian Laws*, N^o 1 of the year 1945) states: 'The Union imposed in 1938 on the Austrian people is null and void', and this annulment was ratified by the Allied Council on November 10th, 1945.

"It may perhaps be useful to observe that the attitude of the Allied Powers in regard to this question has not changed. Thus, on the occasion of the session of U.N.R.R.A. in London in August 1945, the American Secretary of State, Mr. Clayton, proposed that U.N.R.R.A. should give its aid and the necessary relief to the population of Austria without having to change its statute for that purpose, in view of the fact that 'Austria must not be considered as an enemy country but as a liberated country'.

"The Austrian Federal Government therefore considers that the aforementioned declaration of the German Reich of March 18th, 1938, concerning the situation of Austria in regard to the League of Nations must, for its part, be deemed to be null and void and accordingly considers Austria to be a Member of the League of Nations.

"For these reasons, the Federal Government intends to let itself be represented at the Assembly in its capacity as a Member of the League of Nations.

"I have the honour, etc.,

"(Signed) GRUBER,

Federal Minister for Foreign Affairs."

Document A.22.1946 contains also a draft resolution submitted by the General Committee of the Assembly which is as follows:

"The Assembly:

"Takes note of the communication addressed to the Acting Secretary-General on April 1st, 1946, by the Foreign Minister of Austria;

"Recalls that Austria, which for many years gave its loyal co-operation to the League of Nations, was the first victim of Nazi aggression;

"Heartily welcomes the liberation of Austria, and notes with satisfaction the desire Austria expresses to collaborate with the free peoples of the world;

"Invites the representatives of the Austrian Government to be present as observers at the present Assembly of the League."

If no delegate wishes to speak, I shall take it that the resolution is adopted.

The resolution was adopted.¹

The President.— As President, I consider it my duty to stress the welcome extended to Austria by the Assembly and to call to mind the intimate connection which has existed between Austria and the League for many years. It was one of the great tasks of the League in the earlier years to help in the financial and social reconstruction of Austria, which for many years was one of the firm supporters of the League, making very valuable contributions to our work and discussions. I am sure that all delegations feel it a great en-

¹ See also Annex 15, page 215.

couragement and a joy to see Austria express her desire to take an active part in international collaboration, and to have been informed that Austria has succeeded in reorganising her national life and in having free elections in order once again to institute a democratic government.

23. — **REPORT ON THE WORK OF THE LEAGUE DURING THE WAR : CONTINUATION OF THE DISCUSSION**

The President. — We shall now resume the general discussion of the report on the work of the League during the war. M. de Blanck, delegate of Cuba, will address the Assembly.

M. de Blanck (Cuba) :

Translation: The balance-sheet of the work of the League has now been impartially drawn up and reveals, I think, a very favourable balance. Unfortunately this opinion is not shared by the majority of mankind. Time once again will have to make the necessary corrections.

The Second World War made it essential to give satisfaction both to the judgment of the majority and to the aspirations of all, and so the title "League of Nations" was changed for another which is neither more accurate nor even more euphonious, and the Covenant was transformed into a Charter which has already been the subject of certain criticisms. The value of this instrument, as of all constitutions, will depend on the good faith of those who wish to maintain peace, and not on the conclusions arrived at after laborious discussion of its contents.

What has been called the spirit of Geneva was something more powerful than the Covenant. When that spirit weakened, the Covenant lost its vigour. When the Charter was drawn up, we know that it was done under the impulsion of this spirit of Geneva. The Charter is therefore a new version of the Covenant.

Recently in London, during the first session of the General Assembly of the United Nations, at the time when the trusteeship system was being approved, I reminded the Assembly that the origin of the League of Nations was a little seed with long roots reaching into the past which had finally found its way through the earth to germinate on the surface, and I added that colonialism and power politics were alike finished, having been replaced by co-operation. From now on, I said, "a country which tries to dominate others by force or which deliberately subjects them to improper influence may achieve its object, but not for long, because such methods will finally be undermined by the active or passive resistance of the dominated peoples, coupled with that of all the other human groups. It will thus be demonstrated that, in politics, certain natural laws such as geographical reality and free exchange in the material as well as the spiritual sphere, when combined with efforts towards mutual tolerance and understanding on the part of those in whose hands power lies, are the only means of arousing gratitude and establishing friendship and thus of contributing to harmony between neighbours and to the realisation of that international security which we are all seeking to attain."

All this, I said further, does not exclude the necessity of an authority backed by a force capable of maintaining justice — which has already been referred to as the police force of the world — inasmuch as power must always exist, though not for purposes of conquest and domination. To this I would add the conviction that the new force, both constructive and destructive, which has recently been discovered will contribute, in its destructive aspect, towards peace, as it would be absurd for certain peoples to decide

to commit suicide in order to assassinate others. In a few years, thanks to atomic energy, there will no longer be strong peoples and weak peoples. All will be strong; and that being so each will be able and will be bound to respect others and to make itself respected within the framework of the new universal organisation. This was the aim of the League; the United Nations will now fulfil it.

There is one desire which I should like to express here as I did in London: I should like to see this building become the permanent seat of the International Labour Office, and to see their present building presented by all countries to the International Red Cross at Geneva. I make the first suggestion because this building would lend itself — subject to its use for any other more or less provisional purpose for which the United Nations might employ it — to the fulfilment of the present and future requirements of the organisation which the world of labour needs and also because, apart from any consideration of economy, that organisation would find here in Switzerland, which throughout its long history has always been closely identified with all great humanitarian causes, the hospitality and the tranquillity which are essential to it. With regard to the International Red Cross, the gesture which I have suggested would be a slight mark of appreciation of all that it has done and continues to do with so much generosity for the peoples of the world.

Finally, I should like to thank the Swiss Confederation for its comprehensive courtesy towards my country while we have been their guests as delegates to the League. In saying farewell to it, it seems to me that I am saying farewell to myself, because Switzerland is immortal; but it is necessary to say something when parting.

The President :

Translation: M. Caeiro da Matta, first delegate of Portugal, will address the Assembly.

Professor Caeiro da Matta (Portugal) :

Translation: Allow me to add a few brief words to those spoken so eloquently from this platform at a moment when the League of Nations is about to disappear from the international stage in order to make room for a new organisation.

I wish first to pay tribute to the eminent President of the Assembly, M. Hambro, a man renowned for his lofty intellectual qualities, and to the very distinguished President of the Council, M. Costa du Rels, who was kind enough in his admirable speech to the Assembly two days ago to express feelings of friendship towards my country. I should also like to pay a very warm tribute to the Acting Secretary-General who, by his outstanding ability, managed to ensure the continued activity of the League throughout these difficult years. The Report is proof of this, and does honour to the Acting Secretary-General and his collaborators.

I come here to speak on behalf of a country which has been very sincerely attached to the League since its inception, and which, in its limited sphere, has made every effort to uphold the authority and prestige of the Geneva institution.

The world is to be rebuilt. It is a difficult task: on all sides there are conflicting economic interests, discordant social structures, unrelenting hatreds, memories of painful moments, a lack of good feeling throughout the world and a certain distrust of international programmes, declarations and pacts which are not in themselves capable of establishing real and lasting relationships between peoples and, above all, there is the fear felt by States which have not the advantage of being strong.

The common aspiration of all the peoples who are conscious of their mission to fashion human

existence in their own way and to be masters of their destiny and of their soul was the main factor in the resistance which a so-called new order, based upon imperialistic conceptions and ignoring the force of national feeling in the lives of the peoples, stirred up among all freedom-loving nations which lay claim to a progressive and distinctive culture. This aspiration underlies the attitude that cannot be termed a purely neutral one which certain countries were able to maintain during the dramatic moments of the war. Portugal, the faithful ally of Great Britain, indeed honoured her century-old alliance as has so often been recognised — and was again recognised a few days ago — by the great British nation.

The Acting Secretary-General's Report has been commended in the highest terms by various speakers, together with the work accomplished during its lifetime by the League which had its optimistic and sometimes rather romantic moments, as well as its melancholy phases of abnegation. M. Paul-Boncour, who has so brilliantly embodied the spirit of the League, recalled its history in splendid, noble, and moving words. But let us look to the future instead of dwelling on the past.

Can we already perceive the definite outline of the future order of things which will spring from a soil devastated by war? The war has thrown such a shadow across the earth that, notwithstanding the time which has elapsed since the end of hostilities, the image of peace and the hopes naturally centred upon it are still vague and obscure. The Great Powers themselves live anxiously, entrenched in a system based solely on force. If all do not remain at peace, all will be at war. In the times in which we live, when we see that peace too has its cruelty for certain countries, when it is to be feared that the peace treaties which we are awaiting can do no more than confirm the legal termination of the war — which is very little — let us express the hope that the new world, in the sense of a higher and more generous form of international life and human solidarity, may develop beyond its present form and advance towards the supreme values of peace and justice. To-day the peoples can no longer choose, as Disraeli thought, between complete friendship and complete solitude. All frontiers in the world are contiguous. There are no more solitary nations or isolated continents.

We must put our faith in the men of goodwill who are now striving laboriously to settle the world situation; but above all we must put our faith in idealistic values, as was pointed out yesterday by M. Beelaerts van Blokland, the distinguished delegate of the Netherlands.¹

The burning question that arises in a country like mine is to know what will ultimately be the legal and political status of the small European States. The tendency to organise large vital spaces and a system of hierarchy among the States according to the importance of their mission and responsibilities; the development of military technique based on motorisation; the apparent diminution of distances through aviation; the difficulty, and even the impossibility, in the modern world, of solidly establishing a so-called national economic autonomy—will not all these factors end by triumphing over the principle of the right of peoples to dispose of themselves? But Europe will not live—or at least we shall have a diminished Europe—if we do not maintain respect for all nations really worthy of the name, that is to say, nations which have a strongly marked personality, a time-honoured culture, sufficient economic resources, traditions and a historical background, and which have thus justified their claim to existence. In conclusion, I repeat, let us put our faith in the men upon

¹ See page 38.

whom devolves the formidable task of rebuilding the world and let us likewise trust that the idea, the great idea of Geneva, as M. Petitpierre put it so eloquently when he spoke with the authoritative voice of democratic Switzerland, will subsist and develop in a much wider and stronger framework. I fully share the hope expressed by M. Petitpierre in connection with the League's technical activities—namely, that they may continue to be carried on without interruption within the framework of the United Nations, and also the hope that those States which are not members of the United Nations but which have proved their attachment and loyalty to international judicial institutions may be allowed to adhere at the earliest possible moment to the new International Court of Justice.

At a moment when one international organisation is about to disappear and another appears on the horizon, let us pay tribute to the one that is departing and address a word of faith and hope to the one that is new-born.

The President. — M. Aghnides, first delegate of Greece, will address the Assembly.

M. Aghnides (Greece):

Translation: All that it was necessary to say on the occasion of this final session of the Assembly has been said, and well said, by persons of authority, such as our distinguished President, M. Hambro, Lord Cecil, M. Paul-Boncour and other speakers.

Indeed I felt certain scruples about addressing you and if I have decided to ask your attention for a few brief moments it is because it would be incomprehensible if the representative of Greece were to remain silent on such a solemn occasion.

For no country has maintained closer relations with this organisation than Greece. It will not be forgotten that my country was represented on the Committee entrusted with the drawing up of the Covenant; nor that later Greece played a decisive part in the preparation of another memorable document—the Geneva Protocol. At the Preparatory Commission of the Disarmament Conference, which was referred to by M. Paul-Boncour, at the Disarmament Conference and on many other occasions, my country participated in the creation of a modern international law and a jurisprudence which it will be to the advantage of the United Nations to take into account.

It has been the rule of conduct of my Government to reject solutions imposed by force and to submit all its international problems to the arbitration of the League and its organs. Greece has thus incurred a heavy debt to this organisation which has, on various occasions, helped her to settle questions—questions often of a delicate nature, such, for example, as the occupation of Corfu by the Fascists. Thanks to the intervention of the Council and the Assembly, the "Pearl of the Adriatic" was freed from Mussolini's grip and restored to Greece, in consideration—it is true—of the payment of an indemnity which was imposed upon us in order to save the face of the Roman dictator. I should like, if I may, to recall that in those dark hours we received the unqualified support of two great men, Fridtjof Nansen and Lord Cecil. I take this opportunity to offer a fervent tribute to the memory of the great Norwegian and to tell Lord Cecil how high a place he has won in the hearts of my fellow-countrymen. His presence among us serves to enhance our faith in the future of international collaboration and the eloquent speech which he pronounced moved us deeply.

Greece's attitude in the past will serve as a guarantee of the line of conduct that she will follow in the future. As in the past, we intend demonstrating our faith in the new organisation which was set up at San Francisco by men of

goodwill. We will serve this new organisation faithfully and conform to its principles.

I am well aware that the world is suffering from a certain uneasiness, and that the ill-success of the League of Nations serves to temper the exuberance of our faith and confidence in the new organisation; yet this wave of scepticism must be resisted, and we must transfer to the new institution all the loyalty we feel for the League. Does not the very creation of the United Nations Organisation constitute the most striking tribute to the League of Nations? In the measure, therefore, in which we are faithful to the League ideal we must pledge our faith to the United Nations Organisation.

We are in fact dealing, not with a rival organisation, but with a development of the same organisation—a development which is quite natural and which history can explain, even though it may be unable wholly to justify certain particularities, such as the right of veto. However, Rome was not built in a day, and the Charter which is already fully adequate for the maintenance of peace and international collaboration is in addition capable of being perfected, as its Article 108 testifies. Instead, therefore, of giving ourselves up to vain lamentation over lost opportunities and over the failures and errors of the past, let us follow the counsel of Thucydides and transform the aberrations of the past and the tentative gropings of youth into advantages for the future by extracting from them the lessons they afford.

I should be sorry to leave this rostrum without making a brief reference to the men who have served this institution so well during the tragic and difficult years through which we have just passed: in particular, I have in mind M. Hambro, the distinguished President of this Assembly, a wise and talented man, and his colleagues on the Supervisory Commission, and also our Secretary-General, Mr. Sean Lester, who, ably supported by a band of faithful colleagues, has held high the torch of that ideal to which all of us without exception pay homage. I would like to remind Mr. Lester of the anxious hours we spent together, during which we fought the good fight.

It is impossible not to evoke also the great figures to whom the world owes so much: Balfour, Léon Bourgeois, Branting, Briand, Nansen, Henderson, Hymans, Politis and others who have since vanished from the scene. And how can we forget the immense services rendered to the cause of peace by President Beneš, Field-Marshal Smuts, M. Litvinov, Lord Cecil, M. Paul-Boncour, Sir Eric Drummond and many others?

I should like, too, to say a last word to this city, which extended its hospitality to the League, to its inhabitants and indeed to Switzerland as a whole—a country which has been a forerunner of the League ideal and has so successfully put into practice the principles of international collaboration and of mutual assistance among men.

All those who have spent long years, as I have done, among this honest and courageous people must surely be conscious, as I am, of a deep sentiment of gratitude and admiration, not only for all that they have done to make our stay in their midst an agreeable one, but for the constant example of good citizenship, charity and solidarity they have set in good days as in bad.

Generous ideas cannot perish; you cannot destroy them; at most, you can postpone the day when they will blossom and come to full fruition. Let us therefore transfer our faith in the League of Nations to its younger sister, the United Nations Organisation.

It is in keeping with the precepts of Greek humanism to put one's faith far more in men than in institutions. The new instrument set up at San Francisco is adequate for its purpose, as was the Covenant of the League of Nations. Let us hope that statesmen will this time be

equal to their responsibility and by their wisdom and courage rectify possible omissions in the Charter and thus ensure for the world a long era of peace.

The President. — M. Moreno Quintana, first delegate of the Argentine Republic, will address the Assembly.

M. Moreno Quintana (Argentine):

Translation: The Argentine Republic could not remain aloof from the twenty-first and last Assembly of the League of Nations. From the beginning, it has taken part in its deliberations in a spirit of idealism which no one has disputed. It was at that memorable Assembly held in this very city of Geneva in November 1920 that Dr. Honorio Pueyrredón, the Minister for Foreign Affairs who at that time was the head of the Argentine delegation, formulated proposals designed to ensure the definite accession of our country to this institution: the admission of all independent States recognised by the international community, the establishment of a democratic system of election by rotation to seats on the Council and the creation of an International Court of Justice with compulsory jurisdiction. In other words, he proposed amendments to the Covenant of the League which were of outstanding importance for the perfecting of that organisation. The aim of the first proposal was to make the League more nearly universal by the admission of all independent States, whether victors or vanquished in the tragedy of 1914-1918. The purpose of the second was to render its principal organ more democratic by introducing the system of the majority vote for determining its composition and by abolishing the distinction between permanent and non-permanent Members; and the aim of the third was to establish an appropriate juridical instrument for the final settlement of international disputes.

The Government of the country which I have the honour to represent has not, as it did then, made its adherence to the new international body which has just been created, the United Nations Organisation, contingent on the acceptance of similar proposals. Too much time has passed since that epoch and a more realistic policy reigns throughout the world, especially since a new war has demonstrated the inadequacy of certain juridical institutions when they are not upheld by force of arms. If, however, such is the solution required to-day, I do not doubt but that a quarter of a century hence all will be convinced that the Argentine did, in fact, express at the right time the need for the establishment of an international order founded on justice.

It is indeed with a certain emotion that we, the delegates of thirty-four nations, have come here to liquidate the League of Nations and to hand over its activities, its functions and its assets. We are putting an end to the existence of an institution which, in spite of serious structural defects, has rendered great services to mankind. For while its political activities may in general have lacked effectiveness, its achievements in the economic and social spheres cannot be gainsaid. It has been a remarkable instrument of progress and civilisation.

The League system gave expression to an organisation of the world at the close of the war of 1914-1918, on the basis of the principles formulated in the Covenant. It rested on three main ideas which are to be found in the Preamble: pacifism, the essential basis of its existence; world interdependence which is the essential condition of its activity; and international co-operation which is the consequence of that activity. It upheld, even if only in theory, the essential principles of the political independence, the territorial integrity and the juridical equality of the various

States. These ideas and principles appeared to impregnate with idealism this institution established as a result of the war. Has it in reality been itself to blame for the comparative inefficacy of its decisions, or was it the States composing it which failed to display the firmness required to ensure their application? That is the question which was asked with incomparable authority in his opening speech by one of this Assembly's most distinguished figures, our President, the Norwegian statesman, M. Carl Hambro. The most laudable intentions have been frustrated by bitter reality, and to-day there stands to the credit of the League, apart from its fine building and its appurtenances, nothing but its technical work which has been embodied in an impressive mass of documentation.

A study of the annals of the League from its foundation up to the present day would show the extent of the Argentine's contribution to its work—a contribution characterised by a deeply-rooted tradition of law and a sense of international responsibility. In the political meetings and in the technical and economic conferences of the League, as well as in its committees of enquiry and specialised organisations, the Argentine has constantly endeavoured to maintain a certain criterion not only in matters of international law or policy but also in questions of economic organisation and social welfare.

Now we have reached the final stage. The general report of the Supervisory Commission on its work during the period of crisis from 1940 to 1946¹ has been submitted to the Assembly for examination. Tribute should indeed be paid to the loftiness of purpose with which in the midst of innumerable difficulties this body was able to resolve questions as delicate and as important as those relating to the general organisation of the League, its constitution, the Permanent Court of International Justice and the League's financial situation. We are proud of the accomplishment of that meritorious task and we would lay stress on the efforts displayed as the outcome of inflexible purpose.

It is not without sadness that my country contemplates the end of this noble institution. We should have wished to see the League achieve in full the objects for which it was founded, thus serving the cause of humanity and avoiding, perhaps, the scourge of the Second World War. We bow, however, before the *fait accompli* in the certainty that the new organisation will be able to learn the lesson of a bitter experience. To-day the League of Nations belongs to the past; the United Nations organisation looks towards the future.

I must now refer to a purely national event, the elections which took place in my country on February 24th last for the reappointment of all public authorities, and which afforded proof of its essentially democratic nature.

Our country has been the scene of a profound political, economic and social transformation. A vivifying spirit is permeating all classes in the Argentine. We thus find ourselves identified, so to speak, with the principles and the objects of the Charter of the United Nations, and that fact constitutes for the future a guarantee of our international co-operation through the intermediary of that institution, just as in the past our contribution to the League of Nations corresponded to the essence of the juridical tradition of the Argentine.

May the end of the activities of the League of Nations and the creation of the United Nations organisation prove propitious for the aspirations of the world, and may there thus be preserved while there is yet time the glorious heritage of Western civilisation.

¹ See Annex 4, page 149.

The President. — M. Pastoriza, delegate of the Dominican Republic, will address the Assembly.

M. Pastoriza (Dominican Republic). — The Report of the Acting Secretary-General is without any doubt a highly revealing document. One cannot go through its pages without realising that the supreme challenge of our time and the only hope for the happiness of man is the organisation of human effort on an international level. It is this recognition of an international society as the imperative social evolution of our age that the document proves beyond all doubt. At this moment, when a new international era is emerging from the chaos and horror of the recent war, the message contained in this report is one which has for us an important signification and provides an encouragement in the task of the new international organisation which has just been created.

The record of the League of Nations must not always be the subject of melancholy reflections. In fact this report demonstrates that, in many fields of humanitarian, cultural and economic endeavour, a definite advance in world solidarity was accomplished. We can in all propriety say that, in this field of international action, our performance was marked by a progressive consciousness of our duties to all mankind.

To-day no one denies that the League of Nations rendered a useful service to humanity and largely contributed to the creation of a spirit of active co-operation for the promotion of human rights, for a cultural exchange amongst the nations, for the satisfactory solution of international judicial disputes, for the advancement of the interests of labour, for the control of dangerous drugs and for the exchange of useful information in the field of health and in connection with certain economic and financial questions. It is also obvious that the importance of the various activities of a humanitarian character performed during the six years of war cannot be passed over in silence. For this accomplishment, the members of the Supervisory Commission and all the officials who co-operated so faithfully and efficiently deserve our gratitude.

Speaking for a small nation which has always desired to show to all countries a spirit of kindness and humanity in international relations, and which in the war that has just ended has given all possible co-operation in the humanitarian endeavour of U.N.R.R.A. and in the solution of the refugee problem, the delegation of the Dominican Republic is deeply gratified to join with those who have extolled here all that the League of Nations has accomplished for the common good of mankind. And so, as we approach the end of our deliberations, let us do so in a spirit of cheerfulness and hope that in the years to come we may further the high ideals to which this organisation was dedicated. Long live the United Nations!

The President. — M. Padilla-Nervo, first delegate of Mexico, will address the Assembly.

M. Padilla-Nervo (Mexico). — In the name of the Mexican delegation I want to express our high appreciation of the valuable work done during the war years by the Acting Secretary-General and the staff of the Secretariat and by the Chairman of the Supervisory Commission and the President of the Council.

This is the last session of the Assembly of the League of Nations. The last task that we have to perform here is the transfer to the United

Nations of those activities and functions which constitute our best assets, in order that they may be continued and strengthened and developed by the new organisation. Once that task is performed, the session will be closed and the League will have ceased to exist.

At this moment, when for the last time a delegate of Mexico has the honour to address the Assembly, I must say that I feel no regret or sorrow; the emotion which I feel is a firm conviction that the ideals which moved and brought together the nations of the world remain with us. We are turning a page of errors and sins against the Covenant, but the spirit of that Covenant is alive and stronger than before in the Charter of the United Nations, and its signatories have taken our pledge "to promote international co-operation and to achieve international peace and security... by the maintenance of justice and a scrupulous respect for all treaty obligations".

Mexico has been a faithful Member of the League of Nations. Regardless of the complications and difficulties of the international political situation, we have always raised our voice against aggression and have pleaded with the League to go to the aid of those countries, Members of this organisation, that one by one were being attacked. During the last Assembly held before the war, in 1938, which I had the honour to attend, we stated that Mexico's "sole aspiration has been her desire to work in harmony with the other Members, ready to shoulder her share of the responsibility and of the sacrifice entailed by the struggle to bring about a better world through the strong permanent and final establishment of law" and that she was convinced "that there is no easier or safer way for all the Powers, great

and small, than the path of justice". That is our position to-day.

The work done by the League in all the non-political activities and functions that it undertook will endure. We are encouraged, moreover, by the firm belief that, in the political field, the United Nations will always have the faithful support of its Members which is indispensable to its success and without which humanity and civilisation will not survive. May all the peoples of the world join their hearts and their efforts and their will towards the same end—in the words of the Charter, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of nations large and small".

24. — CLOSE OF THE GENERAL DISCUSSION: COMMUNICATION BY THE PRESIDENT

The President. — There are no more speakers on my list; I accordingly declare closed the general discussion on the work of the League during the war.

The Credentials Committee and the Second Committee should meet immediately; the First Committee will meet at 3.15 this afternoon and the Supervisory Commission will meet at 5.30 this afternoon.

SIXTH PLENARY MEETING

Thursday, April 18th, 1946, at 11 a.m.

CONTENTS:

25. CREDENTIALS OF DELEGATES.
Second Report of the Committee on Credentials.
26. MANDATE OF THE ACTING SECRETARY-GENERAL
27. DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.
Report and Resolution.
28. COMMUNICATION BY THE PRESIDENT.

President: M. HAMBRO (Norway).

25. — CREDENTIALS OF DELEGATES: SECOND REPORT OF THE COMMITTEE ON CREDENTIALS.

The President:

Translation: I call upon the Chairman of the Committee on Credentials, M. Costa du Rels.

M. Costa du Rels (Bolivia), Chairman of the Committee on Credentials:

Translation: The Committee appointed by the Assembly to report on the credentials of delegates met again on April 12th at 12.30 p.m. in order

to examine further documents received by the Secretary-General and communicated to the Committee.¹

The Committee has examined the credentials of the delegation of Iran which were received on April 12th, 1946. It noted that these credentials were issued by the Minister for Foreign Affairs at Tehran, and therefore satisfied the requirements of Rule 5, paragraph 2, of the Rules of Procedure of the Assembly.

The full powers issued by the Ministers for Foreign Affairs of the countries concerned, the despatch of which had been notified by the delegations of Ireland, New Zealand and the Republic of Czechoslovakia, have now reached the Secretariat.

As regards the delegate of Panama, whose powers had merely been conferred *ad referendum*, the Minister for Foreign Affairs of Panama has in a further telegram withdrawn the reservation constituted by the *ad referendum* clause.

The President:

Translation: If there are no observations, I shall regard the report as adopted.

The report was adopted.

¹ For the first report of the Committee on Credentials, see page 25.

26. — **MANDATE OF THE ACTING SECRETARY-GENERAL**

The President. — The second item on the agenda relates to the mandate of the Acting Secretary-General. Delegations will have received document A.31.1946¹. The first part of the resolution recommended by the General Committee reads as follows :

"The Assembly, in accordance with paragraph 2 of Article 6 of the Covenant, appoints Mr. Sean Lester Secretary-General of the League of Nations as from September 1st, 1940."

To the members of the General Committee it is a pleasure as well as a duty to present this resolution to the Assembly and to render tribute to the way in which Mr. Lester during these years has carried on as head of the Secretariat of the League of Nations.

I should like also this morning to express the gratitude which States Members of the League must feel towards the President of the Council who, fortunately for the League, was present at Geneva in the critical days and could take an active part in acquiring the services of Mr. Sean Lester — who assumed responsibility at that time.

Many delegations have voiced their approval and rendered their tribute to the Acting Secretary-General. We are glad to see him now confirmed in his position with the full powers, responsibilities and rights of Secretary-General.

If there are no observations and if no delegate wishes to speak, I shall take it that the resolution is adopted by the Assembly.

The resolution was adopted.

The President. — The Secretary-General will address the Assembly.

The Secretary-General. — On May 25th, 1937, before the Council of the League of Nations I took the following oath :

"I solemnly undertake to exercise in all loyalty, discretion and conscience the functions that have been entrusted to me as an official of the Secretariat of the League of Nations, to discharge my functions and to regulate my conduct with the interests of the League alone in view and not to seek or receive instructions from any Government or other authority external to the Secretariat of the League of Nations."

I have tried to live up to this declaration during the past nine years. I shall try in the same spirit to serve you and your representatives on the Board of Liquidation during the coming months. I am grateful to the Assembly for the decision that has just been taken. I want particularly to thank the delegations for the generous references that have been made to my report and to myself during the general discussion at the beginning of our meetings. May I add, however, that if I have been able to fulfil my duties to the satisfaction of the Assembly, it is in the first place due to my colleagues of the Secretariat ?

The President. — The General Committee also recommends to the Assembly, acting in its capacity as Council, the following resolution :

¹ See Annex 14, page 213.

"The Assembly also approves the appointment of Mr. Seymour Jacklin as Under-Secretary-General as from January 1st, 1944."

As delegates will have seen from the reports of the Supervisory Commission, the Secretary-General made this appointment, subject to final approval, in 1944. It is with the fullest and most hearty support of the Supervisory Commission that the Assembly is recommended to adopt this resolution.

If there are no observations, and if no delegate wishes to speak, I shall take it that the resolution is adopted, in full recognition of the signal services rendered by the Treasurer of the League.

The resolution was adopted.

27. — **DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: REPORT AND RESOLUTION**

The President. — The next item on our agenda is the consideration of the report and resolution submitted by the First Committee regarding the dissolution of the Permanent Court of International Justice¹.

I invite the Chairman and Rapporteur of the First Committee to come to the platform.

(The Chairman of the First Committee (M. Bourquin) and the Rapporteur (Professor Bailey) took their places on the platform.)

The President. — I call on the Rapporteur of the First Committee to address the Assembly.

Professor Bailey (Australia), Rapporteur. — I have the honour to present the unanimous report of the First Committee on the dissolution of the Permanent Court of International Justice. It has been the desire of this Assembly that what is of permanent value in the League's work should be carried on into the future. So far as concerns the Permanent Court of International Justice, its work has been of permanent value and it will be carried on into the future by the new International Court of Justice which has already commenced its functions in the Peace Palace at The Hague.

On behalf of the Committee, I draw the attention of the Assembly particularly to paragraphs 3 and 4 of the Committee's Report. It is fitting that the Assembly should at this moment pay tribute to the achievements of the Court. In the opinion of the First Committee, there can be no two views as to the success of the work done in the realm of international law by the Permanent Court of International Justice. Its judgments have contributed not only to the development of the doctrines of international law, but, more fundamentally, to the extension of the rule of law in international affairs. The League may take pride in having inaugurated the first successful experiment, after many attempts in this field had failed in the past, to establish a regular world tribunal for determining disputes between States. The First Committee expresses the conviction that the International Court of Justice will maintain the high traditions of its predecessor.

Without more ado, I present to the Assembly the Committee's report, pointing out that the adoption of the report will include the adoption of the resolution which appears on its second page, a resolution which, after setting out the facts which have led to the substitution of the International Court of Justice for the Permanent

¹ See Annex 25, page 256.

Court, terminates with the resolve that the Permanent Court of International Justice is for all purposes to be regarded as dissolved, with effect from the day following the close of the present session of the Assembly, but without prejudice to such subsequent measures of liquidation as may be necessary.

The President. — The Assembly has heard the resolution concerning the dissolution of the Permanent Court of International Justice. Before putting it to the vote, I wish to remind delegates that the General Committee of the Assembly invited the last President of the Permanent Court of International Justice, Dr. Guerrero, to address the Assembly, but his duties at The Hague have prevented him from coming here as the new International Court of Justice is at this moment being officially and solemnly inaugurated. Dr. Guerrero has sent to the General Committee of the Assembly the speech he would have made and it has been distributed to the delegates as document A.30.1946.¹

I should like to read the final paragraphs of his speech :

"But, the institution has merely changed its name. Its soul remains unaltered, its structure has not changed, its mission is similar and, finally, its Statute has only been slightly modified. We may even say that it is in order to emphasise the continuity of the work that the Judges elected by the General Assembly and by the Security Council of the United Nations have appointed as President of the new Court the man who had the signal honour of being the last President of the old Court.

"Whatever transformations may be effected now or in the future, the glory of having given the world an institution such as the Court and the merit for all the progress which it represents in the realm of law belong exclusively and incontestably to the League of Nations.

"I beg leave to express to-day the fervent gratitude felt towards the League of Nations by all those who have devoted their energies to the work of the Permanent Court of International Justice and who have established its prestige."

After consultation with the General Committee of the Assembly, I sent last night the following telegram to the new Court :

"To His Excellency Dr. Guerrero, President of the International Court of Justice. — In my capacity as President of the last Assembly of the League of Nations, I present you, Mr. President, and the new International Court of Justice, heartiest congratulations and best wishes for the success of the new International Court of Justice, worthy successor of the Court whose place it takes and of which you are the honoured President. — Hambro."

I feel sure that all delegations will desire to associate themselves with the words of gratitude to the Court and to all the Judges of the Court as expressed in the report submitted by the First Committee and by the Rapporteur.

All those distinguished Judges who served the cause of international justice at the call of the Assembly and of the Council of the League of Nations have performed work which will be a landmark in the history of international relations, and it is impossible for us here to-day, before we take the solemn decision to dissolve the Permanent Court of International Justice, not to bear in mind also the men who have served that Court—its first Registrar, M. Hammarskjöld, who rendered such great services to the League of Nations and to the Permanent Court of Interna-

tional Justice, and his successor, M. Lopez-Oliván, whose unselfish services and whose dignity and tact whilst carrying out his work at the Court during all the years after he succeeded M. Hammarskjöld have been of real value to the League of Nations and to all those who were responsible for the work of the League during these years and for the liquidation of the Court. Their names, like the names of the eminent Judges, will be preserved, not only in the annals of the international institution to which they belonged, but also in the annals of mankind.

As no delegate has expressed a desire to address the Assembly on the subject of the resolution, I consider the resolution regarding the dissolution of the Permanent Court of International Justice as adopted.

The report and the resolution were adopted.

28. — COMMUNICATION BY THE PRESIDENT

The President. — There will be a meeting at 3 o'clock this afternoon at which we shall take the following questions :

Report of the First Committee (document A.33.1946) ;

Report of the Second Committee (document A.32.1946.X) ;

Resolution concerning the Dissolution of the League of Nations (document A.32.1946.X, page 12).

Rule 14 (a) of the Rules of Procedure of the Assembly provides that reports must be circulated to the delegations twenty-four hours before being brought up in plenary session. I am afraid that these reports will not have been in the hands of all delegations for quite as long as that ; but, as all delegations have been represented on the committees, I feel sure that delegations will not object to their being considered at the meeting this afternoon.

I have been informed by the two committees that they have unanimously decided that they do not consider that a discussion of their reports in plenary session is necessary. So far, no delegation has asked to open a discussion on either report. Should this still be the case this afternoon, we shall follow the procedure of Rule 14 (a) ; the reports will be explained by the Rapporteurs and the resolutions which are proposed will be put forthwith to the vote.

The resolution concerning the dissolution of the League of Nations has been distributed to all delegations. It is printed on page 12 of document A.32.1946.X. The resolution has no doubt been carefully studied by every delegate. It is long and full of technical details. I propose, after consulting the General Committee of the Assembly, to read this afternoon the preamble and the essential paragraph, No. 1, and to explain briefly the duties of the Board of Liquidation and the separation from the League of the International Labour Organisation and to indicate the purpose of the technical details in the paragraphs that follow. I shall then read the pertinent paragraphs, Nos. 20 and 21, after which I shall invite Mr. Myrddin Evans, the Chairman of the Governing Body of the International Labour Office, to address the Assembly, and any other delegates who may wish to speak will then be called upon.

Lastly, I shall, as President, address some remarks to the Assembly before declaring the twenty-first and last Assembly of the League of Nations closed. The meeting will begin punctually at 3 o'clock in order to enable certain delegations who have arranged to leave Geneva this evening to do so.

¹ See Annex 19.II, page 225.

SEVENTH PLENARY MEETING

Thursday, April 18th, 1946, at 3 p.m.

CONTENTS :

29. REPORT OF THE FIRST COMMITTEE.
Resolutions.
30. GENERAL REPORT OF THE SECOND COMMITTEE.
Resolutions.
31. DISSOLUTION OF THE LEAGUE OF NATIONS.
Resolutions.
32. CLOSURE OF THE SESSION.
Speech by the President.

President : M. HAMBRO (Norway).

29. — REPORT OF THE FIRST COMMITTEE : RESOLUTIONS

The President.— The first item on our agenda is the Report of the First Committee (document A.33.1946). I invite the Chairman and Rapporteur of the First Committee to come to the platform.

(M. Bourquin, Chairman of the First Committee, and Professor Bailey, Rapporteur, took their places on the platform.)

The President.— As we decided this morning, we are applying Rule 14(a) of the Rules of Procedure of the Assembly. I ask the Rapporteur to introduce his report and to read the resolutions.

Professor Bailey (Australia), Rapporteur. — I have the honour to present the report which was unanimously adopted by the First Committee, and which proposes to the Assembly five resolutions which are set out in annexes at the end of the Report.

From the commencement of our deliberations, the Assembly has adopted without question the view that it is the duty of the League to take steps now for its orderly dissolution, but the Assembly has been anxious that this should be done in such a fashion as will make possible the continuance of all the work of permanent value that the League has been doing, in such form as may be found acceptable to the new international organisations that are already in the field or are being brought into the field.

A great deal of valuable preliminary work has been done in anticipation of the present session of the Assembly. Discussions have been carried on in the United Nations itself and between bodies representing the United Nations and bodies representing the League, and, in addition, the First Committee desires to make special mention of the fact that the delegation of the United Kingdom prepared for this Assembly a series of resolutions covering the whole field of this Committee's work. Without the preliminary preparation that has been made for the work of this Assembly, it would not have been possible for it to complete its labours in so very short a time.

The matters which were referred by the Assembly to the First Committee, for the preparation of the necessary formal resolutions, are set out

in the fourth paragraph on page 1 of the Report, and I shall not read them.

The first of those matters has already been dealt with by the Assembly on a separate report by the First Committee this morning, namely the dissolution of the Permanent Court of International Justice.¹

The second is the assumption by the United Nations of certain functions, powers and activities of the League. Here the fundamental fact is that the United Nations has decided not to assume the functions, activities and powers of the League of a technical and non-political character *en bloc*, but to decide function by function, activity by activity, which it will continue. The rôle of the League, therefore, has been to take the necessary decisions and to provide the necessary facilities on its part for the assumption of those functions and activities which the United Nations will decide to continue. For that purpose, the First Committee recommends the resolutions set out in Annex A and in Annex B of its Report. In obedience to the President's request, I will read these resolutions.

The first resolution, Annex A, is a resolution on the assumption by the United Nations of functions and powers hitherto exercised by the League under international agreements, and is as follows :

" The Assembly of the League of Nations,

" Having considered the resolution on the assumption by the United Nations of functions and powers hitherto exercised by the League of Nations under international agreements, which was adopted by the General Assembly of the United Nations on February 16th, 1946 :

" Adopts the following resolutions :

" 1. *Custody of the Original Texts of International Agreements.*

" The Assembly directs that the Secretary-General of the League of Nations shall, on a date to be fixed in agreement with the Secretary-General of the United Nations, transfer to the Secretariat of the United Nations, for safe custody and performance of the functions hitherto performed by the Secretariat of the League, all the original signed texts of treaties and international conventions, agreements and other instruments, which are deposited with the Secretariat of the League of Nations, with the exception of the Conventions of the International Labour Organisation, the originals of which and other related documents shall be placed at the disposal of that Organisation.

" 2. *Functions and Powers arising out of International Agreements of a Technical and Non-political Character.*

" The Assembly recommends the Governments of the Members of the League to facilitate in every way the assumption without interruption by the United Nations, or by specialised agencies brought into relationship with that Organisation, of functions and powers which have been entrusted to the League of Nations, under international agreements of a technical

¹ See page 55.

and non-political character, and which the United Nations is willing to maintain."

The President.— As no delegate has asked to speak, I shall consider this resolution as adopted.

The resolution was adopted.

Professor Bailey (Australia), Rapporteur. — I wish now to read Annex B, the second resolution proposed by the First Committee, which deals with those functions and activities of the League which belong to it otherwise than under specific international agreements, and which provides for the discharge by the League of the same auxiliary rôle as Resolution A provided for with respect to the other types of activity.

Members of the Assembly will notice on page 2 of the Report, in the fifth paragraph, the record of a statement by the Secretary-General which showed that the administrative preparations have already been made for the continuation of the necessary functions and activities by the League until such time as provision could be made for their assumption by the United Nations or other bodies.

The resolution is :

"The Assembly directs the Secretary-General of the League of Nations to afford every facility for the assumption by the United Nations of such non-political activities, hitherto performed by the League, as the United Nations may decide to assume."

The President.— As no delegate has asked to speak, I shall consider the resolution as adopted.

The resolution was adopted.

Professor Bailey (Australia), Rapporteur. — I draw the Assembly's attention now to pages 3 and 4 of the Committee's Report and to the resolutions which are relevant to that page. The Assembly comes now to three major activities of the League, which as activities of the League will, of course, from now on be brought to their termination. That does not mean, however, that the activities themselves as international activities will come to an end. It means rather that they will be continued in some other form.

The League can recall these three matters with interest and with some pride, for in these spheres it has itself been a pioneer in the field of international organisation. I refer to the mandates system, international assistance to refugees and the work of the International Institute of Intellectual Co-operation.

Though the immediate process on which the Assembly is engaged is a process of technical dissolution, it is only part of an essentially constructive and continuing process in the work of international organisation. It is neither necessary nor appropriate for me to add more than a word to what is said in the body of the report, but the Assembly may desire to be reminded of the achievements of the League and, in particular, of the Permanent Mandates Commission as regards the international supervision of the administration of certain dependent territories; and likewise of the work begun by Dr. Nansen, and continued through the League's organisation, for the international protection

and assistance of refugees down to the time of the present High Commissioner for Refugees who has been with the Assembly these last few days.

The Assembly may wish to recall the work of the International Institute of Intellectual Co-operation, and to join in the thanks that are offered by the First Committee to that Institute, and to the Government of France, which fostered and supported the work of international intellectual co-operation in such distinguished fashion and for so many years.

I will read one by one the three resolutions proposed by the First Committee, which deal with the three matters I have referred to.

The first is Annex C, dealing with Mandates :

"The Assembly,

"Recalling that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilisation :

"1. Expresses its satisfaction with the manner in which the organs of the League have performed the functions entrusted to them with respect to the mandates system and in particular pays tribute to the work accomplished by the Permanent Mandates Commission ;

"2. Recalls the rôle of the League in assisting Iraq to progress from its status under an 'A' Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, the Lebanon and Transjordan, which have, since the last session of the Assembly, become independent members of the world community ;

"3. Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League ;

"4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers."

The President.— The first delegate of Egypt wishes to make a statement. Mahmoud Mohamed El Darwiche Bey will address the Assembly.

Mahmoud Mohamed El Darwiche Bey (Egypt). — The terms of Article 22 of the Covenant of the League of Nations, referred to in the preamble of the resolution under consideration, provide that the system of mandates was meant for peoples not yet able to stand alone in the strenuous conditions of the modern world. Palestine, after the last war, was considered to be a territory coming under this provision. The opinion of my Government is that Palestine has intellec-

tually, economically, and politically reached a stage where it should no longer continue under mandate or trusteeship or whatever other arrangements may be considered. Palestine is not behind the countries the independence of which has lately been admitted, and to which reference is made in the resolution; she is not behind Iraq, Syria, the Lebanon or Transjordan. I therefore feel that I have to make all reservations in the Assembly, as I did in the Committee, with regard to the fourth paragraph of the resolution, whereby the Assembly

"Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them . . . in accordance with the obligations contained in the respective Mandates . . ."

It is the view of my Government that mandates have terminated with the dissolution of the League of Nations, and that, in so far as Palestine is concerned, there should be no question of putting that country under trusteeship. I have not chosen the procedure of submitting a formal resolution whereby the Assembly expresses the wish that the independence of Palestine shall be declared; I chose in the Committee, and I intend here, simply to abstain from voting on this resolution.

The President.— The Assembly will take note of the declaration made by the delegate of Egypt, which will no doubt be studied by the competent authorities of the United Nations before the General Assembly in September.

If no other delegate wishes to speak, I shall consider the resolution as adopted, with Egypt abstaining.

The resolution was adopted, Egypt abstaining.

Professor Bailey (Australia), Rapporteur.— With regard to international assistance to refugees, the First Committee unanimously recommends the Assembly to adopt the resolution prolonging the term of office of the High Commissioner for Refugees until the end of the present year, if required. The text of that resolution, however, is not attached to the First Committee's Report, but, as stated in the third paragraph under the heading "International Assistance to Refugees", it is incorporated in the general resolution for dissolution arrangements, which is being reported to the Assembly separately.

I now pass to Annex E, at the very end of the Committee's Report, and I will read the resolution concerning the International Institute of Intellectual Co-operation. The First Committee proposes that the Assembly shall resolve as follows:

"1. The Assembly thanks the International Institute of Intellectual Co-operation (Paris) for the valuable collaboration which, since 1925, it has given to the League of Nations as the organ for the execution of the decisions and recommendations of the International Committee on Intellectual Co-operation.

"2. The Assembly,

"Being desirous of facilitating by all the means in its power the continuity of the work of intellectual co-operation;

"Considering that paragraph 7 of the letter of December 8th, 1924, from the French Government to the President of the Council of the League of Nations provides that, in the event of the abolition of the Institute, any articles and, in particular, the archives and

collections of documents deposited in the premises by the Governing Body, as well as any property which has been acquired by the Institute during its period of operation, shall remain the property of the League of Nations:

"Resolves to transfer the right of property mentioned above to the United Nations;

"Instructs the Secretary-General of the League of Nations to take in due time, in conjunction with the Directorate of the Institute, the necessary measures for the execution of the present resolution."

The President.— As no delegate has expressed a wish to speak, I invite the Assembly to adopt the whole of the report of the First Committee and the resolutions proposed therein.

The report and the resolutions were adopted (Annex 24, page 250).

The President.— The Assembly will no doubt desire its President to express the gratitude of all delegations to the Chairman and the Rapporteur of the First Committee, who have done such excellent work and who, as we know, have laboured under very great strain, which has allowed them very little rest. We know that the entire staff, not only those helping the First Committee but quite as much the staff which has been aiding the Second Committee in its work, have had a very hard time and have been forced to work day and night during the present Assembly. We all appreciate their efforts and wish to express our gratitude for what they have done for us.

I feel sure that the Assembly, having adopted the important resolution proposed in the General Report of the First Committee, will desire to express its recognition to the members of those international committees and commissions which made it possible for the work of the technical and non-political organs of the League to proceed. I refer, in particular, to all the members of the Opium Committee and of the other Committees working on the problem of dangerous drugs, the members of the Health Committee, of the Financial Committee, of the Economic Committee, of the Fiscal Committee, and of all those other committees which for so many years have done such admirable work. And at this particular moment I should like to say that, as mentioned already by the Rapporteur, it is fitting that we should stress our gratitude to the members of the Permanent Mandates Commission for the way in which they have carried out their very difficult and delicate task. The success of the work of the League in regard to the application of the mandates system has to a very large extent been due to the competence, impartiality and high moral authority of the eminent men and women who were members of the Mandates Commission. We should like also to express our gratitude to the members of the other commissions who have worked for the League during all these years.

30. — GENERAL REPORT OF THE SECOND COMMITTEE: RESOLUTIONS

The President.— We now come to the second item on the agenda: General Report of the Second Committee (document A.32(1).1946.X). I invite the Chairman and the Rapporteur of that Committee to come to the platform.

(Sir Atul Chatterjee, Chairman of the Second Committee, and Mme. Kluyver, Rapporteur, took their places on the platform.)

The President. — Proceeding under Article 14(a), I would ask the Rapporteur to introduce the report and present the resolutions we are going to adopt.

Mme. Kluyver (Netherlands), Rapporteur :

Translation: The report I have the honour to submit on behalf of the Second Committee, which this year has assumed the functions of the Finance Committee, contains a number of points which, at previous Assemblies, were embodied in the report of the Fourth Committee. Moreover, the present report is of an exceptional nature in that it deals, in addition, with the vital question of the dissolution of the League. Whereas, on former occasions, the Fourth Committee had not only to investigate past events and the situation as it appeared at the time of the Assembly but in addition to submit budgetary and other proposals with regard to future work, this report contains hardly anything in respect of the future. It merely contains provisions regarding the activities of the Board of Liquidation for a very limited period.

One of the most important factors in the administration of the affairs of the League is the great change which has taken place in the functions of the Supervisory Commission. In normal times this was a well-known organ of the Fourth Committee, but the other Committees knew very little about its existence except when it placed any restrictions on the work which they considered desirable. As a result of the war, the activity of the Supervisory Commission has extended beyond the sphere of the Fourth Committee. In recent years it has been the executive organ of the League. Invested with exceptional powers, it has been responsible during the darkest hours of the war for ensuring the continuity of the League of Nations. Consequently its reports constitute, together with the reports of the Secretary-General, the historical narration of the life of the League of Nations during the Second World War.

In the Finance Committee, tribute was paid on many occasions to the excellent work of the Supervisory Commission in co-operation with the Secretary-General of the League of Nations, the Director of the International Labour Office, the Registrar of the Permanent Court of International Justice and the Treasurer of the League. In my capacity as Rapporteur, I wish to repeat that tribute from this platform.

I do not want to dwell for the moment on the various chapters of the report which are about to be submitted separately to the Assembly; I wish only to say a few words now about the last chapter, which deals with the most important question—that of the dissolution of the League.

The liquidation of the League is a very simple problem compared with that of liquidating the war, which at the present time occupies the attention of so many statesmen. If it is much easier to start a war than to establish organised peace, the liquidation of war is on the other hand by far the more difficult task.

This reflection will prevent us from over-estimating the importance of the work which has been accomplished here, but we can nevertheless note with satisfaction that the work of dissolution and liquidation, so carefully prepared by the Supervisory Commission, has been carried out in this Assembly not only in conformity with constitutional rules but also in a dignified and harmonious way.

The final work of liquidation will devolve on a new organ, the Board of Liquidation, the composition and functions of which are described in the report and the resolutions that we are submitting to you.

Allow me to express the hope, Mr. President, that this Board, which will be the heir of our last Assembly, will not meet with unforeseen difficulties in the fulfilment of its task and that it will be able to complete its work in the same spirit as that which has prevailed in our meetings—a spirit of co-operation and goodwill.

The President. — We will now deal with Chapter II, which is concerned with the activities and general recommendations of the Supervisory Commission.

Mme. Kluyver (Netherlands), Rapporteur :

Translation: I wish to draw attention to the fact that Chapter II embodies three resolutions.

The first of these resolutions approves and confirms the decisions taken during the period of emergency by the Supervisory Commission and expresses the appreciation of the Assembly for the work accomplished by that Commission in co-operation with the competent authorities.

The third resolution refers to various questions of a technical character as to which I have no observations to make.

I should like, however, to draw your attention to the second resolution, dealing with the hospitality and co-operation enjoyed by the League in the United States during the war. The Finance Committee attaches great importance to this resolution. If you will allow me, Mr. President, I should like to read it. It is as follows :

“ The Assembly :

“ 1. Expresses its warmest appreciation of the offer of hospitality which was extended in June 1940 to the technical services of the League on behalf of Princeton University by its President, Dr. Harold W. Dodds, on behalf of the Institute for Advanced Study by its Director, Dr. Frank Aydelotte, and on behalf of the Rockefeller Institute for Medical Research by Dr. Carl Ten Broeck, Director of the Institute's Department of Animal and Plant Pathology, an offer which was accepted by the Secretary-General in respect of a mission of the Economic, Financial and Transit Department ;

“ 2. Expresses its warmest thanks :

“ To the Institute for Advanced Study for the accommodation and working facilities it has accorded to the mission of the Economic, Financial and Transit Department during its stay in Princeton ;

“ To Princeton University for the faculty privileges, including the use of the University Library, extended by it to the members of the mission, and for the valuable work carried out for the League of Nations by its Office of Population Research ;

“ And to the Rockefeller Foundation for the generous financial aid which it has granted to the Economic, Financial and Transit Department for many years past.”

The President. — As no delegate has asked to speak, I shall consider the resolutions contained in Chapter II of the Report of the Second Committee as adopted.

The resolutions contained in Chapter II were adopted (Annex 26, page 258).

The President. — We now come to Chapter III, financial position of the League and contributions in arrears.

Mme. Kluyver (Netherlands), Rapporteur :

Translation: In connection with Chapter III, I should like first to call your attention to the note at the foot of page 4, which contains several communications concerning the payment of contributions. In this chapter, the Committee recommends that the Assembly should ratify the arrangements made with certain governments for the settlement of their arrears of contributions.

If satisfactory results have been obtained as regards the payment of contributions in arrears, it is thanks to the efforts made by yourself, Mr. President, as Chairman of the Committee on Contributions, and to the untiring devotion of the League Treasurer.

The President. — As no delegate has asked to speak, I shall consider Chapter III of the Report of the Second Committee as adopted.

Chapter III of the report was adopted (Annex 26, page 261).

The President. — We now come to Chapter IV, which is concerned with staff questions.

Mme. Kluyver (Netherlands), Rapporteur :

Translation: Chapter IV which is entitled "Staff Questions" deals with two different matters. The first relates to judgments pronounced by the Administrative Tribunal, which, according to the opinion expressed by the Supervisory Commission and by the Secretary-General, should not be carried out. Since opinions in the Finance Committee were divided on the matter, a sub-committee was appointed. The report of the Sub-Committee, which is in the same sense as the opinion of the Supervisory Commission, is reproduced in its entirety in the chapter now under discussion including the arguments put forward by several delegates who were not able to accept the conclusions of the report. By sixteen votes for and eight against with four abstentions, the Finance Committee adopted the report of its Sub-Committee. Consequently, effect will not be given to these judgments of the Administrative Tribunal.

The second matter is the complaint of certain former officials of the Governing Commission of the Saar Territory. There again a sub-committee was appointed and you will find the text of its report in the document which I am laying before you. After a prolonged exchange of views, the Finance Committee recommended that the Assembly should take no further action in the matter.

The President :

Translation: The delegate of Belgium has asked permission to make a statement. I call upon M. Kaeckenbeek.

M. Kaeckenbeek (Belgium) :

Translation: At the moment when the report of the Second Committee is before the Assembly, the Belgian delegation desires to recall that during the meeting held on the afternoon of April 13th¹, it stated why it felt obliged on grounds of principle to oppose the adoption of the report submitted by the Sub-Committee on the question of the judgments pronounced by the Administrative Tribunal of the League of Nations. This report was nevertheless adopted by the Second Committee. Speaking alike for the Belgian delegation and for the delegations of Denmark, Iran, Luxemburg, the Netherlands, Sweden, and

Switzerland, which have asked me to speak on their behalf also, I must express our regret that one of the last acts of the League of Nations should be the refusal to execute a judgment pronounced against it by a tribunal created by it, when in our opinion there is no unavoidable necessity for so doing.

The delegations on whose behalf I have the honour to speak represent countries which are desirous of intensifying judicial methods in the international field and which fear the consequences of such a precedent. Furthermore, the report adopted by the Second Committee is based on certain considerations which closely affect the constitution and legal foundations of the whole international organisation.

By this declaration the delegations of Belgium, Denmark, Iran, Luxemburg, the Netherlands, Sweden and Switzerland, desire to express formal reservations on behalf of their Governments in respect alike of the decision and of several of the considerations on which it is based.

The President :

Translation: The Assembly will take note of the declarations which have been made, and I shall consider Chapter IV of the Report of the Second Committee as adopted, subject to these reservations.

Chapter IV of the report was adopted, subject to the above reservations (Annex 26, page 262).

The President :

Translation: We now come to Chapter V, on the dissolution of the League of Nations.

Mme. Kluyver (Netherlands), Rapporteur :

Translation: The problem of the dissolution of the League has been dealt with, as you are aware, not only by the Second Committee but also by the First Committee. The resolution presented by the United Kingdom delegation which has already been referred to by the Rapporteur of the First Committee also formed the basis of discussion in the Finance Committee. As Rapporteur of the Finance Committee, I merely wish to emphasise certain aspects of this great problem which is dealt with as a whole in the resolution to be found at the end of my report but which figures separately in our agenda. The Finance Committee dealt first with the payment of indemnities to the staff, then with the Staff Pensions Fund and the Judges' Pensions Fund, then with the liquidation of the Nansen Office, then with the disposal of League assets and the scheme of distribution and, finally, with the appointment of a Board of Liquidation and other measures with a view to liquidation. Those are the five headings which will be found enumerated at the beginning of this chapter¹.

In conformity with the Common Plan which was established after discussion between the Supervisory Commission and the Committee appointed by the Preparatory Commission of the United Nations—a plan approved by the General Assembly of the United Nations on February 12th, 1946—it is proposed that the material assets of the League of Nations should be transferred to the United Nations, their value being estimated at cost price. When the scheme of distribution was being discussed, the Finance Committee appointed a sub-committee to examine the question as to whether the Union of Soviet Socialist Republics might be included amongst the Powers participating in the liquidation of the assets of the League of Nations. The Finance Committee unanimously adopted the report presented by the Sub-Committee, the full text of which will be found in the report now under discussion. In accordance with that report

¹ See Minutes of Second Committee, page 130.

¹ See Annex 26, page 265.

the Finance Committee recommends that the Assembly should adopt the following resolution:

"The Assembly desires to place on record its recognition of the fundamental contribution of the Union of Soviet Socialist Republics to the overthrow of the Fascist enemies of civilisation and to the triumph of freedom, and to welcome the collaboration of the Soviet Union in building, on the foundations so successfully laid, the new edifice of international solidarity."

In my general introduction I have already mentioned the Board which will be entrusted with the liquidation of the League of Nations. If the Assembly agrees to adopt the recommendation now submitted to it, the Board of Liquidation will be composed of the following members:

M. Emile CHARVERIAT (France);
 Sir Atul CHATTERJEE (India);
 M. F. T. CHENG (China);
 M. Adolfo COSTA DU RELS (Bolivia);
 M. Carl Joachim HAMBRO (Norway);
 Mr. Seymour JACKLIN (Union of South Africa)—from August 1st, 1946;
 Sir Cecil H. KISCH (United Kingdom);
 Dr. Jaromir KOPECKÝ (Czechoslovakia);
 M. Daniel Secrétan (Switzerland).

I do not think that it is within the competence of the Rapporteur of the Finance Committee to discuss in greater detail the merits of the question of the dissolution of the League of Nations. I will therefore confine myself to the few observations which I have presented and, according to established usage, I will now submit to the Assembly the following resolution:

"The Assembly approves the Report of the Finance Committee and adopts the resolutions and decisions proposed therein."

It is of course understood that this approbation does not extend to the resolution for the dissolution of the League of Nations which, as you know, is to be presented separately by the President of the Assembly.

The President:

Translation: As no delegate wishes to speak, I shall consider that the Rapporteur's proposals are adopted.

The resolutions and decisions proposed in the report were adopted (Annex 26, pages 258-268).

The President. — I am glad to express to the Chairman of the Second Committee and to the Rapporteur the appreciation of the Assembly for the good work which they have accomplished. The task of the Rapporteur has been unusually burdensome and heavy, but she has discharged her duties with the experience of many years going back to first Assembly of the League of Nations, and with a talent appreciated by all her former and present colleagues on the Finance Committee. All the delegations feel a great debt of gratitude to the Bureau of the Second Committee for the way in which they have expedited our work.

31. — DISSOLUTION OF THE LEAGUE OF NATIONS: RESOLUTION

The President. — We now come to the third and last item on our agenda, the resolution on the dissolution of the League of Nations (Annex 26, page 269). As was decided this morning, the relevant parts of the Assembly resolution will

be read.¹ They are as follows:

"The Assembly of the League of Nations,

"Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong;

"Desiring to promote, so far as lies in its power, the continuation, development and success of international co-operation in the new form adopted by the United Nations;

"Considering that, since the new organisation has now commenced to exercise its functions, the League of Nations may be dissolved; and

"Considering that, under Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter within the sphere of action of the League;

"Adopts the following resolution:

"Dissolution of the League of Nations

"1. (1) With effect from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

"(2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2.

"2. (1) The Assembly appoints the persons named in the Annex to form a 'Board of Liquidation', hereinafter called the Board, which shall represent the League for the purpose of effecting its liquidation. Subject to the provisions of this resolution and other relevant decisions taken by the Assembly at the present session, the Board shall have full power to give such directions, make such agreements and take all such measures as in its discretion it considers appropriate for this purpose.

"(2) Vacancies on the Board shall be filled by co-option. Provided that the number of members be not reduced below five, the Board may refrain from filling particular vacancies.

"(3) The Board shall elect a chairman and vice-chairman and adopt rules of procedure. Five members shall form a quorum and all decisions shall be taken by a majority.

"(4) The members of the Board shall be entitled to travelling and subsistence allowances on the scale at present in force for members of the Committees of the League and shall draw fees for their services at the rate of 3,000 Swiss francs per month for the Chairman and 2,000 Swiss francs per month for the other members of the Board.

"(5) The members of the Board, in the exercise of their functions, and the staff referred to in paragraph 4(1) below shall be deemed to be officials of the League within the meaning of Article 7 of the Covenant.

"(6) The expenditure incurred by the Board for the year 1946 shall be met from the Budget of the Secretariat for that year and, if the Board continues to function subsequently, it shall adopt a Budget and make appropriations to meet the expenditure involved

¹ For full text of this resolution, see Annex 26, pages 269-272.

from the Guarantee Fund or other funds of the League.

“Working Capital Fund.”

“20. Subject to maintenance of the existing rights to repayment of the States which own shares therein, the whole balance of the Working Capital Fund shall be transferred to the International Labour Organisation for use as working capital.

“Final Article.”

“21. On the completion of its task, the Board shall make and publish a report to the Governments of the Members of the League giving a full account of the measures which it has taken, and shall declare itself to be dissolved. On the dissolution of the Board, the liquidation shall be deemed to be complete and no further claims against the League shall be recognised.”

The President. — The entire resolution providing for the dissolution of the League will now be put to the vote, in accordance with the provisions of Rule 20 of the Rules of Procedure of the Assembly.

The names of the States present at the Assembly whose credentials have been declared by the Credentials Committee to be in order will be read out and the first delegate of each delegation will reply “Yes” or “No” or “Not voting”.

(A vote was taken by roll-call.)

States voting in favour:

Afghanistan, Union of South Africa, Argentine Republic, Australia, Belgium, Bolivia, United Kingdom, Canada, China, Cuba, Denmark, Dominican Republic, Egypt, Ecuador, Finland, France, Greece, India, Iran, Ireland, Luxemburg, Mexico, Norway, New Zealand, Panama, Netherlands, Poland, Portugal, Sweden, Switzerland, Czechoslovakia, Turkey, Uruguay, Yugoslavia.

The resolution was adopted unanimously by the thirty-four States taking part in the voting (Annex 26, pages 269-272).

The President. — I now invite Mr. Myrddin Evans, Chairman of the Governing Body of the International Labour Office, to address the Assembly.¹

Mr. Myrddin Evans, Chairman of the Governing Body of the International Labour Office. — I am very grateful to have the opportunity of saying a few words on behalf of the Governing Body of the International Labour Office at this the final session of the Assembly of the League of Nations. For over twenty-five years the League of Nations and the International Labour Organisation, in their respective spheres, but in complete harmony and with the closest co-operation, have pursued their common ideals in the cause of peace, justice, humanity, progress, the liberty of the individual and the dignity of the human soul. Between them they have contributed much to the sum of human happiness.

Now that this partnership is coming to an end we in the International Labour Organisation would like to say that we feel that it is in no small measure due to the friendly co-operation of

¹ See also Annex 16, page 216.

the League that the International Labour Organisation finds itself to-day firmly established and able to face with confidence the immense tasks which lie before it in the aftermath of the war which has recently ended.

We shall never forget the assistance given to us without stint and ungrudgingly during these twenty-five years, nor the consideration, and even generosity, with which our interests have been treated up to the end by all sections of the League of Nations, by the Assembly, by the Council and above all by those to whom our special gratitude is due—the Chairman and members of the Supervisory Commission, the Secretary-General and the members of the Secretariat.

May I add at this final Assembly of the League of Nations that we salute a noble ideal and a great experiment in human advancement? We are confident that this meeting marks the passing of a name, and probably not even that, for the name of the League of Nations will for ever be associated with this first great phase in the concerted international effort to maintain peace.

The purpose for which the League of Nations was established and the ideals which it embodies will live on and must prevail, for if they do not, not only liberty but mankind itself will perish from this earth.

The President. — I feel certain that all the delegates in the Assembly, like myself, feel a certain regret that the first time that the Chairman of the Governing Body of the International Labour Office has addressed the Assembly of the League of Nations should also be the last time. We all ask him to take back to his colleagues on the Governing Body and to the Acting Director of the International Labour Office our most heartfelt good wishes for the future.

We are glad and proud to know that one of the autonomous organisations of the League of Nations will continue its independent and very vital life, equally respected and honoured by Governments, labour and employers in all the countries that constitute the membership of the International Labour Organisation. Our good wishes will follow the work that is continuing and which we hope will constantly grow in importance.

I now call on Mr. Noel-Baker, first delegate of the United Kingdom.

Mr. Noel-Baker (United Kingdom). — Throughout the years of war the Government of the United Kingdom paid its full contribution to the League of Nations. The decision to do so was taken when we stood alone against the Nazis—in July 1940, six years ago. It was taken by a Coalition Government to which every party in the State belonged. I am here on behalf of another Government which lately came to power. Last week, Lord Cecil was that Government's spokesman, as for thirty years he had been the spokesman of the British people on the subject of the League.¹ It was in 1916, as he listened to the thudding of the guns across the Channel in his Sussex home, that he wrote the first memorandum for the Foreign Office about the making of the League. It was last week that he put in its true historical perspective the result of thirty years of unremitting toil.

¹ See page 28.

My task to-day is simpler than his; I am speaking after our formal roll-call to show that my Government is still doing what it did throughout the war, that it supports the League right to the very end.

My first duty is to voice our thanks to the Government of Switzerland and to the lovely city of Geneva, where our work has been done. How right you were, Monsieur le Conseiller fédéral, to say that Geneva has a claim to greatness that no one now or ever will be able to dispute. Geneva has been the first seat of the international parliament of the world. And how powerfully did your Swiss parliamentary leaders help to form that great Assembly, to mould its thinking, to build up its practice and procedure and, above all, to set its moral values on the highest plane. As it has been in the past, Monsieur le Conseiller fédéral, so may it be in times to come!

What can I say about Geneva? Not everybody wanted to come to Geneva when President Wilson made his great decision in the Hotel Crillon after the long and more than animated debate. But now, looking back to the first dark weeks of that November of 1920, or remembering our experience of the last ten days, who can deny that Geneva, with this incomparable building, has been a splendid centre for international work?

There is something else that I want to say. Those who have come to know Geneva have learnt to love it. During twenty years the Secretariat lived here. Their children were born on Geneva's hospitable soil. Those children have been scattered like the chosen people by the tides of war. Wherever I travel, in whatever continent, I find them now, and always I find them longing almost with a nostalgic passion to go back. They are longing for the beauty of Geneva; they are longing for the order and tranquillity of its life; they are longing to renew their memory of their happiness in the International School; above all, they are longing to touch again the inspiration of the work on which their parents were engaged—their parents, the Secretariat of the League.

The League leaves much behind it for the United Nations, but above the rest I rank the fact, the traditions, the men, of the first international civil service of the world. I remember how one night in the Hotel Crillon Hymans expressed his doubts and fears. "I understand the Assembly", he said; "that is like the Conference at The Hague. I understand the Council; it is like the Concert of the Powers. But the Secretariat! How can men and women of forty different nations work together beneath a single roof? It will be not only a Tower of Babel but a Bedlam too."

Well, the Secretariat did it; and I want, if the Assembly will allow me, to write a paragraph in the testament that the Secretariat leaves behind it. I worked in it as a humble member in its earliest days. I also worked in four Government Departments in London between the wars. I am as proud of our British Civil Service as any man could be, but I can say with truth that in none of our Departments did I find a higher standard of technical efficiency, a higher level of personal and official probity, a greater industry and devotion to their cause, than I found in the Secretariat as I knew it then.

After some evil days, the members of that Secretariat have kept their qualities and their loyalty to the very end. Their work in this Assembly has shown us what efficiency and experience can mean; and they have kept their spirit. I was talking to one of them the other day—not a Genevese or a Swiss—and I said, "How wonderful the weather has been this week; what luck we have had!" He looked at me almost with indignation: "Usual Assembly weather", he replied.

Has any service had more exactly the leader required? Calm, patient, unambitious, resolute and brave, our Secretary-General had every quality that was needed. I like to think of him in 1940, when he assumed his charge, his staff scattered across the oceans, his budget cut by 75%, a few scores of helpers beside him in this once busy place, the enemies of the League with the Continent already at their feet, the Nazis, preparing to storm the last stronghold of liberty and peace, their armies across the Lake, on the Salève, ten minutes up the road towards the Jura. I like to think of Sean Lester at that moment, and, when I do, the words of Seneca come into my mind: "With nothing to hope for, he despaired of nothing." The Assembly and the United Nations have justified his great courage and his hope.

One other man has helped in outstanding fashion to make this last Assembly what it ought to be. Mr. President, I know your country and your people, and I know you. I know that, like all Norsemen, you hate compliments, even when they are most deserved. But I cannot help it; the Assembly would never forgive me unless I told you what we have been saying behind your back. We have been saying that in the Supervisory Commission and in the presidential chair, M. Hambro has rendered undying service to the nations of the world. His name will go down with those of Wilson, Cecil, Nansen and Briand and the others whom Lord Cecil mentioned as among the great architects of the system of lasting peace which we are going to build.

In his admirable speech on the report, Mr. Hume Wrong of Canada said it was salutary, desirable and necessary to be disillusioned.¹ M. Paul-Boncour also talked about illusions,² and I say to him: "Oui, mon cher Président, vous avez raison. L'expérience de Genève a tué les chimères que vous avez si justement dénoncées dans votre discours magistral. Et j'ajoute: Mon Gouvernement — c'est pour cela que j'ai demandé la parole aujourd'hui — est d'accord avec votre analyse modérée, pénétrante et claire de l'expérience de Genève."

We know now that secret diplomacy does not bring understanding, that understanding comes from discussion in the light of day. "Publicity is the life-blood of the League", said Lord Cecil many years ago. "Public debate", said my Prime Minister in the General Assembly of the United Nations, "is the foundation of democracy and a sure guarantee of liberty and justice against oppression". And as we look back, we see that the history both of the rise and the fall of the League of Nations proves that that is true. We now know, mon cher Président, that frontiers however

¹ See page 40.

² See page 35.

strong are no protection. We know that alliances do not keep the peace. We know that national armed forces cannot make a nation safe. We know that we who stood for the collective system were always right, and that our opponents who attacked and ridiculed us were fatuously, fantastically, but catastrophically wrong.

Yes, mon cher Président, we know the World War began in Manchuria fifteen years ago. We know, as you so justly said, that we could easily have stopped it if we had taken the sanctions against Mussolini that were obviously required, if we had closed the Suez Canal and stopped his oil. I add that in those fateful days of 1935 my Prime Minister proposed those sanctions in the House of Commons, and it is in part because he did so that he is Prime Minister to-day, and we know how near we came then to full success.

Another Prime Minister, whose name will never be forgotten, Mr. Winston Churchill, wrote to Lord Cecil in 1944 that this war could easily have been prevented if the League of Nations had been used with courage and loyalty by the associated Governments.

Forty years ago Norman Angell killed the first great illusion, the illusion that conquest could be made to pay. Manchuria, Abyssinia, Munich, have killed another great illusion, the belief that appeasement, seeking the national interest at the expense of others, individual action, secret bargains, could bring us peace. In the solidarity of the Covenant and the Charter under rules of universal law there lay between the wars, and there still lies now, the only hope of peace.

Mr. President, some of us have spoken as though our resolution were the end of some great enterprise in which for a season we have been privileged to take part. An end! An end of what? Is it more an end than what is happening in many countries at the present time? By our resolution one written constitution will be no more; one set of institutions will cease to be; but already a new constitution, new institutions in the same society for the same end have taken their place. A new Assembly has already held a meeting and a spokesman of the great United States, whose help we welcome from the bottom of our hearts, Mr. Vandenberg, the Republican leader of the Senate, called that first new Assembly a phenomenal success and it has since dealt successfully with most difficult and even dangerous post-war international disputes. The old Court of Justice, as our Polish colleague said the other day, became a beacon light to all international lawyers; to them it became the juristic conscience of the world. We all resolved that in the new Court a wider, obligatory jurisdiction shall play a greater part than ever before. Already it is meeting; already there are cases waiting to be heard.

The Economic and Social Council recommended by the Bruce Committee in 1939 will hold its second meeting at the end of May. The International Labour Organisation is more vigorous than ever it was before. A Conference is being held now in Mexico and the Governing Body is to meet shortly at Montreal. Health, refugees, human rights—we call it that instead of minorities—in every field of the League's action the work has started once again, and in every case

the work has started where the League left off, but with a new drive and a new impulsion, a new resolve to use the experience and to avoid the errors of the past. To-day no honest man denies that Lord Cecil is right, that it is because the League existed that the United Nations still exists, and that the United Nations starts with a far brighter prospect than anyone could have hoped for a quarter-of-a-century ago.

Let us remember what was said by Montesquieu: "*Le succès de la plupart des entreprises dépend de savoir combien il faut de temps pour réussir.*"

When the true history of our generation has been written half-a-century from now, the tale will not be told in the terms of the tawdry and conflicting interests about which politicians quarrelled in the periods between the wars or of the small ambitions and the small achievements of which they thought. It will be written in terms of great world movements and the movement from international anarchy to order, from meaningless chaos and division to conscious and intelligent co-operation. It will be written in terms of the growth of those permanent international, political institutions through which that new order and new co-operation will be evolved, and across the pages of that story the names of the League of Nations and its leaders with their successes and failures will be written large.

Our work is not ended. It has only just begun. We start again, and this time not peoples only but Governments understand the problem. This time both Governments and peoples are resolved not to struggle only but at last to win.

The President :

Translation: I call upon the Federal Councillor M. Petitpierre, first delegate of Switzerland.

M. Petitpierre (Switzerland) :

Translation: In the course of the general discussion, at the Committee meetings and again at the present meeting, several speakers have expressed themselves in very kind and friendly terms with regard to Switzerland and Geneva, where the League has spent the twenty-six years of its existence. The Swiss delegation much appreciates the words which have been uttered and wishes to thank the speakers.

At the moment when the League of Nations in the form in which it existed here is to disappear, I desire on my part to express on behalf of the Federal Council and of the Genevese authorities the pleasure afforded to us by the consistently courteous and pleasant character of the relations which we have entertained with the League of Nations—with those who directed or represented it in the past at Geneva and with those who direct and represent it to-day. I desire also to express very simply our gratitude for the enrichment which the international life that has developed here during a quarter of a century has meant for Switzerland.

We are being deprived to-day of the material presence of the League of Nations but—and it is that which is of importance to us and to you all—the deep conviction of the necessity of collaboration between all countries with a view to the establishment and maintenance of peace subsists and is more firmly rooted to-day than ever. May it inspire the activity of statesmen—on which the fate of the world largely depends—and serve to-morrow as a guiding star for the destiny of all peoples!

The President. — I call on Dr. Lone Liang, first delegate of China.

Dr. Lone Liang (China). — At this eleventh hour, when we are about to part, I should like to make a few observations as representative of a country which has long been associated with the work of the League, and which was one of the first nations to sign—on January 1st, 1942—the declaration of the United Nations, which is to-day the rightful heir of the League of Nations.

China was also one of those countries which Lord Cecil called the pioneers of the Covenant. Our delegate, Dr. Wellington Koo, was one of the members of the Drafting Committee of the Covenant, and we may therefore regard China as one of the founders of the League.

Mr. Noel-Baker, in his speech, alluded to the Manchurian question as being one of the first errors of the League. I think he is right. After the speeches and observations made in this Assembly during the last ten days, we are definitely convinced that the Manchurian question was the touchstone by which the League as an effective and useful international organisation was to be tested.

I was one of those who attended the extraordinary session of the Assembly in 1932. On that occasion a number of speeches were made in which the importance of this question was emphasised, but I am sorry to say that all those well-meant speeches came to naught and as a result the League suffered a fatal blow from which it has never recovered.

The failure of the League to stop the Japanese invasion of Manchuria undoubtedly led to the Abyssinian adventure and to the Munich *débâcle*. It was argued then by some people that the League had no teeth. But I would recall that Article 16 of the Covenant did provide the teeth; failure was due to the fact that the nations did not wish to use the power they had under that article.

I do not wish to dwell unduly on the history of the League; we all know that it is no use crying over spilt milk. On leaving this Assembly I think all of us have a mixed feeling—a feeling of sadness and at the same time of hope. The League was first of its kind in the long chain of human endeavours to organise international life politically. Looking back at the quarter-of-a-century of the League's existence, with the vicissitudes of its life and all the disappointments and disillusionings, we cannot help retaining memories of frustrated hopes. But of one thing we are certain, that is that this great experiment has taught us a lesson—namely, that you cannot make a half-hearted effort and expect success. Man can only learn by experience, and I hope that all nations will have learned a lesson from the League, so that we may now go forward in the direction of constructing an international edifice on a sounder foundation.

I should like to associate myself with the tribute paid by Mr. Noel-Baker to our President, whose sagacity and wisdom have made this last Assembly of the League such a great success. It is true that the success is only negative, seeing that our work consisted in the dissolution of the League. But we are all grateful to M. Hambro for his able guidance in the work of winding up the League with dignity.

I should further like to associate myself with the tribute paid by Mr. Noel-Baker to Switzerland, the country where the League has carried on its labours for a quarter-of-a-century. Switzerland is the only country in which the principle of a League of Nations is being put into practice, a country in which we find persons of many national origins and differing in language, race and religion co-operating with each other in peace and good will, and if Switzerland was chosen by the founders of the League as its seat, it was largely on account of this fact, although the country's beautiful mountains and lakes, its climate and its physical situation must also have been taken into account when the founders made their choice. If we have to leave Geneva and this magnificent Palace of Nations, it is not for reasons of geography. We are only passing the Olympic torch of international co-operation from one post to another. Let us, therefore, turn our eyes from Geneva to New York. In leaving Geneva we are not dispersing never to meet again but separating temporarily in order to gather new strength and confidence and to prepare ourselves for a new start on the journey towards a better future as regards the organisation of the life of the family of nations.

The President:

Translation: I now call on M. Paul-Boncour, first delegate of France, who will be the last speaker before the closing speech.

M. J. Paul-Boncour (France):

Translation: I had not intended to address the Assembly again, as I said all that I wanted to say in the general discussion on the report of our Secretary-General. You listened to me with too much consideration for me to wish to repeat what I said then.

Yet I cannot let pass the moving speech by Mr. Noel-Baker, my friend Noel-Baker, without assuring him of my profound gratitude—gratitude which is more than personal since it is that of my country—for his clear recognition of the complete agreement between our two countries as to the analysis of the causes of the failure of the League of Nations and as to our common determination—is that not so?—to repair our errors and to avoid them in the future by putting more energy and decision into the application of the rules of international law.

I also feel great emotion when I think that such complete agreement between our two countries on the day, melancholy as it must be, on which we hold the last Assembly of the League of Nations takes us back to the very beginning—Lord Robert Cecil, whose valued presence here recalls our first origins, will, I am sure, clearly remember it—to those days when in the bare and austere Salle de la Réformation Léon Bourgeois, whose sight was already failing, made his entry on the arm of Lord Balfour and all those who were present rose to acclaim the two countries which with the aid of the United States had liberated Europe from the first German aggression.

And since I have evoked the memory of these illustrious dead let me at this eleventh hour, as the delegate of China said just now, refer to the others, all the others: Titulesco and Politis whose invaluable collaboration in disarmament questions I referred to in my last speech; Hymans, the Belgian delegate, who did such splendid work in the early days of the League in helping to settle the acute conflicts which arose as a result of the peace treaties; M. Marinkovitch, the Yugoslav Minister for Foreign Affairs, who succeeded in keeping his country true up to the last to the system of collective security; and Dr. Nansen, explorer of the Pole, whose tall figure gave animation to our meetings and who

attached his name to a magnificent work. Mr. Noel-Baker, who was one of his collaborators, reminded us the other day in the First Committee of his eminent services.

And then you must allow the French delegation to turn its thoughts to the memory of dear Briand—Briand who indeed gave the whole of the end of his life to the work of international organisation and of collective security.

"Away with the cannon and the machine-guns!" he cried on a day of enthusiasm. Alas! the cannon, the machine-guns, the bombs and the aeroplanes resumed their offensive and the League of Nations was powerless to arrest it.

But, my dear colleagues—and this will be my last word—the voice of these dead does not invite us to be discouraged. It invites us to continue their task.

"*En avant, par delà les tombes*" was said by a great poet.

Onwards, beyond the graves of those who died on the hard path which leads to peace.

Onwards, beyond the grave in which we are to-day burying the League of Nations, in melancholy indeed and with great dignity.

A great hope is born at the very moment when we announce its end, when we have voted its dissolution. The United Nations takes over its principles and we leave to it the incomparable triple legacy of our assets, our archives—in which it will find advanced studies that will be indispensable to it for the reconstruction of a world yet more shaken by war than the world reconstructed by the League of Nations—and finally our experience of twenty years, our attempts at international collaboration which were, alas! sometimes too weak and fragile but which were at least proof of our desire to maintain it.

I may indeed say that the United Nations will only achieve success by taking over our methods, our principles and our traditions.

Let us form ardent wishes for its success—which will be our success, since the majority of the nations that were Members of the League of Nations are Members of the United Nations and the others, I hope, will soon rejoin them and labour with us at that task of securing peace in which we have for so many years been associated.

32. — CLOSE OF THE SESSION: SPEECH BY THE PRESIDENT

The President. — Fellow delegates, our work has come to an end. With the greatest eloquence and the fullest insight the first delegate of the United Kingdom a few minutes ago expressed the thanks of his delegation to Switzerland, to Geneva, and to the Secretariat of the League of Nations. He did not speak only for his own delegation, he spoke for all the delegations present in this Assembly, and as your President I can only associate myself with all the justified and eloquent words he spoke.

It was with some apprehension that we discussed in the midst of the war in London, Mr. Jacklin and myself, and later Mr. Lester and myself, with Mr. Noel-Baker, the idea of calling the last Assembly of the League to meet in Geneva. Events have justified our belief that it was the only correct and dignified way of terminating the active existence of the League.

On behalf of the League, I want to express our gratitude to all the Governments here represented for the keen interest they have taken in the work of the League, and for their desire to make of the last Assembly of the League a memorable feat

worthy of the august occasion we are participating in.

Permit me to thank, most particularly, those Governments that have sent delegations from far across the seas to this last meeting of the Assembly, Australia, New Zealand and the Argentine, which has sent such a brilliant full delegation to this last Assembly; the Members of the League will register the interest that has been testified by all the Governments which have sent such distinguished delegates to the last Assembly.

We have been glad and proud to see among our colleagues some of those who participated in the very first Assembly of the League, in the delegations of the Netherlands, of New Zealand and of Switzerland, but let me say most particularly we have been gratified to see in the delegations of the two major Powers in the League Lord Cecil and President Paul-Boncour. In their names and in the memorable speeches they have delivered to this Assembly we have seen embodied the whole chain of traditions of the League of Nations, and we have seen passing in review before our minds those inspired statesmen and those ardent supporters of the League and spokesmen of their nations who were mentioned by M. Paul-Boncour a moment ago—Hymans, Balfour, Branting, Nansen, Briand, whose memory is so dear to all of us, Sir Austen Chamberlain and Henderson. And, fellow delegates, let us not forget at this last moment in the active history of the League the name of President Woodrow Wilson which will be perpetuated in Geneva.

Our thoughts also go out to some of those who are still fortunately living among us but who have been unable to attend this last session of the Assembly, and first of all to that great statesman of South Africa, Marshal Smuts, who was so active in all the work which made the League of Nations possible. And then to Dr. Beneš, the President of Czechoslovakia, who presided over this Assembly with so much dignity and in so capable a manner that a special vote of thanks was rendered to him when he was elected by his country to the high office which prevented him from continuing to preside over the Assembly.

It has been said in a memorable book by one of the parents of the League of Nations that the League was a great experiment. It has been something far more—not only an experiment, not only an experience, it has been an accomplishment and an achievement, and we have heard this underlined in the speeches we have listened to this very day. We have heard it in the message from the President of the new International Court of Justice, testifying that only the name has been changed, that the League has done something that could never be forgotten. We have heard it in the words of greeting spoken by the Chairman of the Governing Body of the International Labour Office. And, as Mr. Noel-Baker has just reminded us, the Economic and Social Council of the new organisation carries on from where the nucleus of the Central Committee of the League started its work in February 1940. We have heard it as we have been discussing the Mandates. And indeed in every field of international activity and endeavour the traditions of the League mean a lasting gain to the efforts of mankind. Perhaps only those who have been given the duty of trying to help to transfer League activities and immaterial assets to the new organisation can fully realise how much has been accomplished, how much has been prepared for the years to come and what a debt of gratitude all the nations owe to this great experiment.

So, we may look back without compunction, but with some sadness—a longing and wistful sadness such as we may feel when we look back on days gone by when our hopes were younger and brighter, when our ambitions soared higher and when our eyes held no shadows caused by memories of lost horizons.

We look at the past as we look to the future, with calm and patient confidence. We may have lost some of our illusions, but we have kept our ideals. The League as such was only an instrument created for the use of Governments of nations. A better and a stronger instrument has been forged and placed in the same hands, but it has been moulded with the machinery which we have tried to perfect. All our tools go into the workshop of the future, and no effort made has been made entirely in vain. It will be bread thrown upon the waters which will return after many days.

Even this building will continue to serve its purpose. It will not be an impressive grave for mourned and regretted ideas; we hope that it will soon be teeming with life, a centre of fruitful and creative activity. Should a time ever come when the Palace of the League of Nations is left as a derelict monument to the faded ideals of an age more unsophisticated than ours, any visitor to this place, and any person of any of our nations reflecting on the history of the present and the past, would certainly feel that at night the empty corridors were full of forms of fear, that

this place was haunted by the ghosts of forlorn hopes and unfulfilled aspirations.

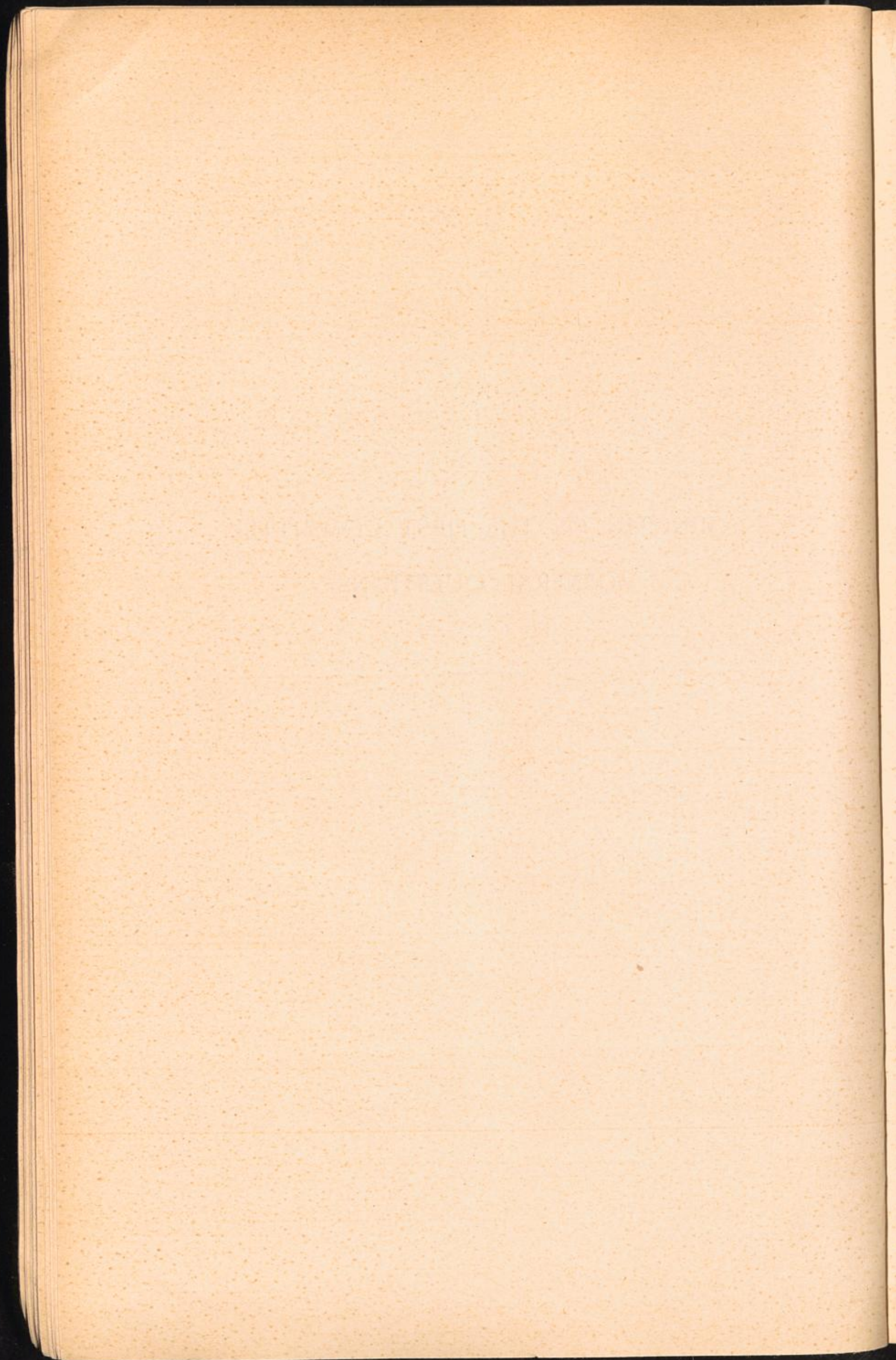
To-day we have decided to hand it over to the new organisation wielding greater power and possessing even broader responsibility than we ever had. It is a moment of parting but not a day of sorrow.

The great annual celebration at the colleges and universities of the United States is called "Commencement Day". It is the day of leave-taking; the students have finished their university career, their time of preparation is over, they are commencing a new life.

For all of us this is a "Commencement Day". Our session here is terminated, but we start on a new task. From now on we owe to the United Nations all our loyalties and all our services. Many of us have already been participating in its work; what we may have gained in experience, what lessons we may have learned in the League of Nations, we bring to the new organisation, the new edifice of international co-operation. Our disappointments and disillusionments may be turned to use in cementing the structure of a new system of world security. We part as we have met, delegates of Governments, servants of a great idea; and as we break up from the last meeting of the League we all know that "its soul goes marching on".

I now declare the last meeting of the twenty-first and last ordinary session of the Assembly of the League of Nations closed.

MINUTES OF THE FIRST COMMITTEE
(GENERAL QUESTIONS)



LIST OF MEMBERS OF THE FIRST COMMITTEE

Chairman: M. Maurice BOURQUIN (Belgium).

Vice-Chairman: His Excellency Professor Dr. José CAEIRO DA MATTA (Portugal).

- Afghanistan:* M. Islam Bek KHOUDOJAR Khan.
- Union of South Africa:* His Excellency Mr. Leif EGELAND.
Mr. Donald Bell SOLE (Substitute).
Mr. Bernhardus Gerhardus FOURIE (Substitute).
- Argentine Republic:* His Excellency M. Lucio M. MORENO QUINTANA.
Dr. Francisco BELLO (Substitute).
- Australia:* Professor K. H. BAILEY.
Mr. A. H. BODY (Substitute).
- Belgium:* His Excellency Count CARTON DE WIART.
His Excellency M. Georges KAECKENBEECK (Substitute).
M. Roland LEBEAU (Substitute).
- Bolivia:* His Excellency M. Adolfo COSTA DU RELS.
His Excellency M. Alfredo FLORES (Substitute).
- United Kingdom of Great Britain
and Northern Ireland:* The Right Hon. Philip J. NOEL-BAKER, M.P.
The Right Hon. Sir Hartley SHAWCROSS, M.P.
Sir Charles WEBSTER (Substitute).
Mr. H. MCKINNON WOOD (Substitute).
- Canada:* Mr. H. Hume WRONG.
Mr. Alfred RIVE (Substitute).
- China:* His Excellency Dr. Lone LIANG.
M. Yone Ming LEE (Substitute).
M. Pao-hsien CHU (Substitute).
- Colombia:* M. Daniel HENAO HENAO (Observer).
- Cuba:* His Excellency M. Guillermo DE BLANCK.
M. Luis VALDES-ROIG.
- Czechoslovakia:* His Excellency Dr. Jaromir KOPECKÝ.
- Denmark:* M. William BORBERG.
M. Axel SERUP (Substitute).
- Dominican Republic:* His Excellency M. Andres PASTORIZA.
- Egypt:* His Excellency Mahmoud Mohamed EL DARWICHE Bey.
M. Moharram HAMMAD (Substitute).
- Ecuador:* M. Alejandro GASTELÚ.
- Finlande:* His Excellency M. Johan HELO.
His Excellency M. Tapio VOIONMAA.

- France :* His Excellency M. J. PAUL-BONCOUR.
M. Georges SCELLE (Substitute).
M. Henry HAUCK (Substitute).
- Greece :* His Excellency M. Thanassis AGHNIDES.
M. Jean PAPAYANNIS (Substitute).
- India :* Sir Atul CHATTERJEE.
Khwaja Sir NAZIMUDDIN.
Mr. R. S. MANI (Substitute).
- Ireland :* Mr. F. T. CREMINS.
- Luxemburg :* His Excellency M. Antoine FUNCK.
M. Jean STURM (Substitute).
- Mexico :* His Excellency M. Luis PADILLA-NERVO.
M. Jorge DAESSELE SEGURA (Substitute).
- Netherlands :* His Excellency Jonkheer F. BEELAERTS VAN BLOKLAND.
Professor J. P. A. FRANÇOIS.
- New Zealand :* Mr. C. A. KNOWLES, C.B.E.
Mr. G. R. LAKING (Substitute).
- Norway :* His Excellency M. R. I. B. SKYLSTAD.
- Panama :* M. Alejandro DE ALBA.
- Poland :* M. K. DOROSZ.
M. S. E. NAHLIK (Substitute).
- Portugal :* His Excellency Professor Dr. José CAEIRO DA MATTA.
His Excellency Dr. Antonio DE FARIA (Substitute).
Dr. João de Deus BATTÁGLIA RAMOS (Substitute).
- Sweden :* His Excellency M. Axel Erik Mathias SJÖBORG.
M. Ostën LUNDBORG (Substitute).
- Switzerland :* His Excellency M. Max PETITPIERRE.
His Excellency M. Paul RUEGGER (Substitute).
- Turkey :* His Excellency M. Yakup Kadri KARAOSMANOGLU.
M. Fethi DENLI (Substitute).
- Uruguay :* His Excellency M. Julián NOGUEIRA.
- Popular Federative Republic of
Yugoslavia :* His Excellency M. Mato JAKŠIĆ.
M. Milan RISTIC (Substitute).
- * * *
- Austria :* Dr. Johannes SCHWARZENBERG (Observer).
- * * *
- High Commissioner for Refugees :* Sir Herbert EMERSON.
- Representative of the Director of the International Institute of Intellectual Co-operation :* M. ESTABLIER.
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FIRST MEETING

Monday, April 8th, 1946, at 4 p.m.

Chairman : M. BOURQUIN (Belgium).

1. — ELECTION OF THE VICE-CHAIRMAN

M. DA MATTA (Portugal) was unanimously elected Vice-Chairman.

2. — ELECTION OF THE RAPPORTEUR

Professor BAILEY (Australia) was unanimously appointed Rapporteur.

3. — PUBLICITY OF THE MEETINGS

It was agreed that the Committee should meet in public unless otherwise decided.

4. — ADOPTION OF THE AGENDA

The provisional agenda was adopted (Annex 2, page 145).

5. — DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The Chairman reminded the Committee briefly that the Permanent Court of International Justice, set up in 1920 by the League of Nations, had already been replaced in fact by the International Court of Justice, the Statute of which was annexed to the United Nations Charter. The fifteen judges of that Court had already been elected, early in February, by the General Assembly and the Security Council of the United Nations, and they had themselves elected their President and Vice-President and the Registrar of the Court. Further, the Judges of the old Court had resigned. The substitution had thus already taken place, but it still remained to make formal recognition of that fact, the Permanent Court of International Justice having been set up by the League of Nations under Article 14 of the Covenant. Document A.18.1946.V¹ contained part of the Report of the Preparatory Commission of the United Nations and ended with an appeal, as follows :

"The Preparatory Commission further declared in this resolution, and informs the General Assembly, that it would welcome the taking by the League of Nations of appropriate steps for the purpose of dissolving the Permanent Court of International Justice."

It was for the Committee to answer that appeal. The following draft resolution to that effect had just been tabled by the Governments of the Union of South Africa, France, the United Kingdom, Luxemburg, Mexico and Norway :

"The Assembly of the League of Nations,

" 1. Considering that by Article 92 of the Charter of the United Nations provision is made for an International Court of Justice which shall be the principal judicial organ of the United Nations and shall be open to States

not Members of the United Nations on terms to be determined by the United Nations ;

" 2. Considering that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice shall be taken in as simple and expeditious a manner as possible.

" 3. Considering that the Court was established in accordance with Article 14 of the Covenant of the League of Nations ;

" 4. Considering that the Preparatory Commission of the United Nations, in a resolution of December 18th, 1945, has declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that this resolution records the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether members of the League of Nations or not ;

" 5. Considering that the Assembly has been informed that, under the terms of the peace treaties at present intended to be made with them or in some other appropriate form, those States parties to the Protocol of Signature of the Statute of the Permanent Court of International Justice but not members of the League which have been or still are at war with certain of the Members of the United Nations have been or will be required to assent to any measures taken to bring the Permanent Court to an end ; and

" 6. Considering that all the Judges of the Permanent Court have resigned :

" Resolves :

" 7. That the Permanent Court of International Justice shall be deemed to be dissolved and shall cease to exist on [date to be fixed] without prejudice to such subsequent measures as may be necessary for the liquidation of its affairs."

Under the rules of procedure, no vote could be taken on a proposal until the day after that on which it was distributed, but the proposal could be discussed forthwith. He suggested accordingly that the meeting should be suspended for half-an-hour, to enable members of the Committee to study the text.

Mr. Fourie (Union of South Africa) thought the Committee might proceed to discuss the draft resolution at once, without adjourning.

Mahmoud Mohamed El Darwiche Bey (Egypt) suggested that a brief suspension of the meeting would suffice.

The Committee decided to adjourn for a short time, to enable the delegates to study the text of the draft resolution.

¹ See Annex 18, page 221.

On the resumption of the meeting, **the Chairman** enquired whether the Committee accepted the draft resolution as a basis for discussion.

Sir Hartley Shawcross (United Kingdom) moved the resolution, with an amendment which the time for reflection afforded by the short adjournment had led him to suggest. Paragraph 5 involved securing the consent of certain Powers which were not members of the League or of the United Nations. It might conceivably give rise to various complicated and obscure legal problems which need not be discussed, and he suggested that the resolution might usefully confine itself to a bare recital of the facts. If the other Powers sponsoring the resolution agreed, he would ask leave to delete paragraph 5 and to amend paragraph 6 by the addition, after the words "have resigned", of the words "and that on the dissolution of the League no machinery will exist for the appointment of new Judges and that the Court has in fact ceased to exist". It was with that fact that the Committee was mainly concerned, and nothing would be gained by having a lengthy discussion of the various legal problems that might be raised.

There might be differences of opinion as to the degree of success that had attended the League of Nations, but there was no difference of view as to the great value and success of the work done in the realm of international law by the Permanent Court of International Justice. The best evidence of that was the fact that the United Nations had set up a new Court based essentially on the same Statute and the same principles as the old. Everyone would hope that the new Court, rising as it did phoenix-like from the ashes of the old one, would make a most important contribution to re-creating and maintaining the supremacy of the rule of law in international affairs.

Mr. Fourie (Union of South Africa), as the representative of a delegation associated with the original resolution, wished to support the amendment now suggested. The South-African delegation had felt somewhat uneasy about the possibilities of paragraph 5 in its original form. The suggested amendment to paragraph 6, on the other hand, described in a very few words the position as it actually existed, and the real merit of that paragraph was to rule out any arguments that might be advanced on perhaps frivolous legal grounds.

M. Skylstad (Norway) desired to support the United Kingdom proposal for the amendment of the draft resolution, of which the Norwegian delegation was a sponsor.

Count Carton de Wiart (Belgium) associated himself with the proposal just submitted. He also paid a tribute to the Permanent Court of International Justice, whose work his own country, like so many others, had had an opportunity of appreciating.

M. da Matta (Portugal) wished to submit to the Committee certain considerations regarding the draft resolution.

That draft offered no guarantee to countries which were not members of the United Nations, as their admission to the International Court of Justice depended on the very vague formula contained in Article 93 of the United Nations Charter, reading as follows :

" A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

That provision implied that non-member States were denied the possibility—without any immediate guarantee—of having recourse to the Court. Furthermore, the draft resolution did not take into account the necessity of defending and guaranteeing the right of pacific States to apply to the Court; there was the risk that access to the Court might be subordinated to political considerations by the General Assembly of the United Nations. The question should have been given careful consideration.

In the political Constitution of the Republic, the Portuguese State had embodied principles which formed the basis of the United Nations Charter, such as the pacific settlement of international disputes, an affirmation that national sovereignty was limited by morality and law and the further principle of respect for the rights of man and the fundamental liberties of all. The Constitution proclaimed also that it was the duty of the State to collaborate with other States in the preparation and adoption of solutions serving the interests of peace between the peoples and the progress of humanity. Portugal had always regarded the existence of a tribunal such as the Permanent Court of International Justice as an indispensable guarantee against injustice; it would thus be a matter of regret should it prove impossible for her to defend her rights before such a tribunal. The Portuguese Government ventured to direct attention to the matter, by reference to the principles of justice and international law embodied in Article 1¹ of the United Nations Charter. At the same time, faithful as always to the principles which should govern international life and convinced that international solidarity was now more than ever a supreme necessity, Portugal would not decline to vote in favour of the proposal just submitted.

The Chairman, after enquiring whether there were any further observations on the draft resolution as amended, reminded the Committee that a vote could not be taken until the following meeting.

¹ Article 1 reads :

" The purposes of the United Nations are :

" 1. To maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace ;

" 2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace ;

" 3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ; and

" 4. To be a centre for harmonising the actions of nations in the attainment of these common ends."

SECOND MEETING

Tuesday, April 9th, 1946, at 3.15 p.m.

Chairman : M. BOURQUIN (Belgium).

6. — DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE (continuation)

The Chairman invited the Committee to resume its consideration of the draft resolution and amendment regarding the dissolution of the Permanent Court of International Justice, together with the amendment proposed by the United Kingdom delegation.¹

Mahmoud Mohamed El Darwiche Bey (Egypt) suggested that the insertion of the words "no machinery will exist for the appointment of new Judges" as proposed by the United Kingdom delegation was superfluous, in view of the statements made elsewhere in the draft that the Judges had resigned and that the Court had ceased to exist. The insertion of these words might create the impression that the Court had ceased to function because Judges could not be appointed.

Sir Hartley Shawcross (United Kingdom) did not think the words made any material difference. If the Committee went through the text word by word, it might be found that the great majority of the words were unnecessary and that only paragraph 7 was required. The words in question linked up the dissolution of the Court with the dissolution of the League, but were of no real operative effect.

M. Scelle (France) thought that it would not affect the meaning of the text if the Egyptian proposal for deletion was accepted. He would have textual amendments to submit at the proper time.

The Chairman said that he intended to suggest the establishment of a drafting committee to deal with purely formal points.

Professor Bailey (Australia), Rapporteur, strongly supported the suggestion for the appointment of a small drafting committee and pointed out that, while paragraph 6 stated that the Court had ceased to exist, paragraph 7 declared that it would cease to exist. Such details could be dealt with by the proposed drafting committee, and the adoption of a definitive text could follow after that committee had reported.

The Chairman noted that the Committee was prepared to vote on the draft resolution and amendment, in substance, subject to possible textual alterations.

*The Committee adopted the draft resolution regarding the dissolution of the Permanent Court of International Justice as amended, subject to drafting.*²

¹ See pages 73 and 74.

² For final text, see Annex 25, page 256.

7. — ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE : FUNCTIONS AND POWERS BELONGING TO THE LEAGUE UNDER INTERNATIONAL AGREEMENTS

The Chairman reminded the Committee of the documents relating to this item, namely : Powers and Duties attributed to the League by International Treaties (document C.3.M.3.1944.V), List of Conventions with Indication of the Relevant Articles conferring Powers on the Organs of the League (document C.100.M.100.1945.V) and Decisions of the United Nations concerning Certain Functions, Powers and Activities of the League (document A.13.1946, Section I).¹

He pointed out that Section I of the last-named document covered three specific questions, the first of which concerned the custody of the original texts of international agreements. The United Nations decision on this subject read :

"The General Assembly declares that the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations."

The First Committee could approve the provisions of that resolution by adopting the following paragraph which formed part of a draft resolution proposed by the delegates of the United Kingdom, Canada, Denmark, New Zealand, Portugal and Sweden :

"The Assembly directs that the Acting Secretary-General of the League of Nations shall, on a date to be fixed in agreement with the Secretary-General of the United Nations, transfer to the Secretariat of the United Nations for safe custody and performance of the secretarial functions associated with their custody all the original signed texts of treaties and international conventions, agreements and other instruments, which are deposited with the Secretariat of the League of Nations, with the exception of the Conventions of the International Labour Organisation, the originals of which and other related documents shall be placed at the disposal of that Organisation."

Sir Hartley Shawcross (United Kingdom) moved the adoption of this passage. It was, he thought, self-explanatory and, in view of the Chairman's explanation, he had nothing to add.

*The Committee unanimously adopted the above text, subject to drafting.*²

The Chairman said that the second question referred to in Section I of document A.13.1946 concerned Functions and Powers under International Agreements of a Technical and Non-political Character.

The requirements arising out of the decision of the General Assembly of the United Nations on

¹ For document A.13.1946, see Annex 18, page 221.

² For final text, see Annex 24, page 253.

that issue were met by the following text,¹ which was proposed by the same delegations :

"The Assembly recommends the Governments of the Members of the League to facilitate in every way the assumption by the United Nations, or by specialised agencies brought into relationship with that organisation, of functions and powers which have been entrusted to the League of Nations, under international agreements of a technical and non-political character, and which it is desirable to maintain."

M. da Matta (Portugal) said that he was, of course, in agreement with the draft text which had been sponsored by the Portuguese delegation itself. But he hoped that his country would continue to belong to certain technical organisations in which it was interested and to which it had always offered its faithful and constant collaboration; among those organisations was the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, which had constituted an admirable instrument for the establishment and enforcement of narcotics control, and also the Permanent Central Opium Board. Everyone knew the efforts displayed by Portugal in the campaign against the drug traffic. It would not be possible to ensure the success of the system of information which formed the essential basis of the Advisory Committee's work without the participation of all States, including those which were not members of the United Nations. The collaboration of all States must therefore be ensured. The following passage occurred in the Acting Secretary-General's Report:² "... it is necessary that there should be no break or hiatus in the work of the Board and Supervisory Body... No interval should be allowed to elapse and no alterations should take place in the work of these two bodies..."

The report added that "Governments appreciated the necessity not only for maintaining intact the internal control system, but also for keeping both international supervision and collaboration in working order".

Portugal was very much concerned about the opium problem. He was glad to inform the Committee that the opium monopoly had recently been abolished in Macao. One passage in the Secretary-General's report should therefore be amended.³ Portugal was one of the countries which had fought hardest against the opium traffic, and that aspect of her collaboration in the problems under consideration by the Committee should be borne in mind.

The Chairman pointed out that the Acting Secretary-General's Report had been drawn up in October and that this explained why the statement regarding opium-smoking in the Portuguese Colony of Macao did not correctly describe the present state of affairs in that territory.

Sir Hartley Shawcross (United Kingdom) said he did not wish to explore the future of the various specialised and technical bodies which had performed such valuable functions in the past and in which many States, including Portugal, had played so important a part. The United Kingdom adhered to the view that in one form or another those functions would continue, and that was the view also of the Economic and Social Council of the United Nations, which laid particular emphasis on continuity in regard to those matters and especially in regard to the question of narcotics. At no time had it been suggested that States which were not at present members of the United Nations would be in any way excluded from

participation in the new arrangements for continuing the functions which had been so well discharged in the past. He hoped that a very large degree of continuity would be achieved and that facilities would exist for the participation in those functions of those who had hitherto taken part in them.

M. da Matta (Portugal) thanked the United Kingdom delegate for his remarks, with which he was in complete agreement.

Dr. Lone Liang (China) referred to the position of territories under mandate and to the position which would arise on the dissolution of the League, in view of the fact that the Trusteeship Council of the United Nations had not yet been appointed and was not likely to be set up for some time. The Chinese delegation wished to submit a resolution recommending that the mandatory Powers should continue to submit annual reports on the mandated territories to the United Nations and that they should agree to inspection by the latter, pending the constitution of the Trusteeship Council.

The Chairman thought that the question raised by the Chinese delegate could be discussed later,¹ but for the moment they must confine themselves to examining the resolutions of the United Nations in the order in which they appeared in document A.13.1946. The General Assembly of the United Nations had certainly not had the question of the system of trusteeship in mind when it drafted its resolution on functions and powers under international agreements of a technical and non-political character.

Dr. Lone Liang (China) accepted the Chairman's explanation.

M. Sjöberg (Sweden) said he would like to know which were the agreements or conventions referred to in Section I, B. Document C.100. M.100.1945.V classified the various conventions under four different chapter-headings: it would appear that conventions of a technical nature (Chapter I of the latter document) were referred to in Section I, B, of the former and that, on the other hand, conventions of a political nature (Chapter III) were not. But the case of conventions relating to the peaceful settlement of disputes (Chapter II) was more doubtful. Were these conventions to be considered as falling within the categories covered by Section I, B?

The Chairman said he was not qualified to interpret resolutions of the United Nations; it was, however, his personal opinion that the powers provided by the conventions relating to the peaceful settlement of disputes were not of a technical nature. In any case, the question had been referred to the Economic and Social Council and it could be assumed that, in the opinion of the General Assembly, these conventions did not involve any technical functions.

Mr. Sole (Union of South Africa), speaking as a member of the United Nations Preparatory Commission, said he was in a position to confirm the Chairman's interpretation.

M. Ruegger (Switzerland) proposed that the words "without interruption" should be added at the end of the draft. It was desirable to emphasise that the economic and social work of the League and the remarkable results it had achieved in health matters should not be interrupted. Moreover, this notion of the necessary continuity of work recurred frequently in the

¹ For final text, see Annex 24, page 253.

² Document A.6.1946, pages 89 and 96.

³ *Ibid.*, page 99.

¹ See page 78.

decisions of the United Nations which had been submitted to the Committee; it was appropriate that this idea should also be introduced into the resolution to be adopted by the Committee.

Professor Bailey (Australia), Rapporteur, said that he fully agreed with the intention of the Swiss proposal, but it seemed to raise some difficulty in its context. The resolutions of the General Assembly of the United Nations fell into different categories, but all of them were covered by the preliminary resolutions.¹ It appeared that the United Nations would be willing to assume *en bloc* the functions pertaining to a secretariat (Section I, A, of document A.13.1946), but it could not be assumed that the same was true of the functions and powers mentioned under Section I, B, and he had been intending to ask what was meant by the last words of the draft now under consideration: "which it is desirable to maintain". The League in that matter was in the hands of the United Nations and he suggested that those words should be amended to read, "which the United Nations is willing to maintain". He would like the Chairman to rule whether such an amendment was one of substance, to be discussed by the Committee, or whether it should be referred to the drafting committee.

Speaking as delegate of Australia, he could support the Swiss amendment, if the words "without interruption" were added after the words "the assumption". That, with the amendment he had suggested, would give effect to the desire that there should be no breach of continuity, while facing the fact that the United Nations would itself determine which functions to take over.

M. Ruegger (Switzerland) thanked the Rapporteur for his observations and supported his proposal. The Committee would, he said, be giving the Economic and Social Council indirectly an indication of the importance it attached to the element of continuity in the work of certain bodies.

Sir Hartley Shawcross (United Kingdom) was willing that the suggested amendments should be referred to the drafting committee. He thought the point raised by the Rapporteur was implicit in the draft resolution as it stood.

In effect, that draft resolution advised the Governments to facilitate the assumption by the United Nations of certain functions—namely, those functions which it was desirable to maintain. Desirable—in whose opinion? Clearly, in the opinion of the United Nations, which was the only body that could assume those functions. He therefore saw no need for the Australian amendment, but would accept the Swiss amendment if it came at the end of the resolution.

He gave notice of his intention at a later stage to make a statement relating to one of the functions of the League under international agreements—namely, the appointment of trustees for the public loans issued with the assistance of the League of Nations.

The Chairman put to the vote the draft resolution as amended by the Swiss delegation.

*The draft resolution, as amended, was unanimously adopted, subject to drafting.*²

The Chairman said that the third question dealt with in Section I, C, of document A.13.1946 was Functions and Powers under Treaties, Inter-

national Conventions, Agreements and Other Instruments having a Political Character.

He explained that, while the General Assembly of the United Nations had taken a decision in principle, subject to reservations, in the case of certain technical functions, the cases covered by the paragraph now under consideration were cases which would be settled by the General Assembly when a request was submitted to it. The Committee was not required to consider any proposal by the United Nations and need not take any decision on that point.

8. — **ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE (continuation): NON-POLITICAL FUNCTIONS AND ACTIVITIES OF THE LEAGUE OF NATIONS OTHER THAN THOSE MENTIONED IN I OF DOCUMENT A.13.1946**

The Chairman read the resolution adopted by the General Assembly of the United Nations under this heading¹ and commented on the various paragraphs. It was clear from the text that no proposal was laid before the Committee. Paragraph 12 (b) of the Annotated Agenda of the Assembly² stated, however, that "the Assembly may wish to give instructions to the Acting Secretary-General in order to facilitate such assumption" (*i.e.*, the assumption of certain activities of a non-political character). That suggestion might be approved by the Committee, which would thus give the Acting Secretary-General instructions to facilitate the assumption of the activities concerned.

The Acting Secretary-General said that the League Administration had already taken certain steps to facilitate the assumption by the United Nations of activities and of staff, in anticipation of the decision of the Assembly. With regard to the assumption of activities, they were still awaiting and must await information from the United Nations. That also affected the question of how long the League staff would be required at the League and when, under the resolution to which the Chairman had referred, they could be available for the United Nations. The Second Committee had been informed that notice of dismissal had been given to the entire staff for July 31st, but it had also been arranged that, should the United Nations be in a position to take over activities earlier, facilities would be given for the staff engaged on such activities to become available. Should the date fixed by the United Nations for the assumption of activities be later, the League Administration would re-engage such staff as were necessary on short-term contracts, so that the activities would not be interrupted. That was one of their principal concerns, and it seemed to be the concern both of the General Assembly of the United Nations and of the Assembly of the League.

The Chairman thanked the Acting Secretary-General for his explanations and asked the members of the Committee if they had any observations to submit. He understood that the Committee accepted the resolution requesting the Acting Secretary-General to give the United Nations every facility for assuming certain non-political activities hitherto performed by the League.³

¹ See Annex 18, page 221.

² For final text, see Annex 24, page 253.

¹ See Annex 18, page 221.

² See Annex 1, page 143.

³ For final text, see Annex 24, page 254.

THIRD MEETING

Friday, April 12th, 1946, at 3.30 p.m.

Chairman : M. BOURQUIN (Belgium).

9. — ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE (continuation): LOANS UNDER LEAGUE AUSPICES

The Chairman invited Sir Hartley Shawcross to make the statement referred to at the last meeting concerning loans issued under the auspices of the League of Nations.¹

Sir Hartley Shawcross (United Kingdom) thanked the Chairman for giving him the opportunity to make a short statement on the subject of various loans issued under League auspices after the last war. In his speech to the Assembly, M. Paul-Boncour had referred to the great part played by the League in the financial reconstruction of certain countries after the last war and in the resettlement of refugees. For these purposes, nine loans had been issued during the nineteen-twenties to various European countries which had suffered particularly from the last war.

The League of Nations had taken no direct financial responsibility in regard to these loans, but in most cases arrangements for their issue and subsequent administration had been worked out under the auspices of the Council of the League. The Council had undertaken, under the instruments governing the loans, a number of functions, most of which had subsequently disappeared. There was one, however, which remained and that was the appointment of trustees. This function was vested in the Council and the occasion might arise in future to exercise it. In one case there was only a single trustee left, and the time might arise when others would have to be appointed. The trustees had responsibilities towards the bondholders and there would have to be some arrangement for the appointment of new trustees where necessary.

The Preparatory Commission of the United Nations had made no recommendation on the matter, thinking that it might properly be brought before the Economic and Social Council should occasion arise by any interested Government. It was the view of the United Kingdom Government that those Governments particularly associated with the issue of these loans should be responsible for ensuring that the dissolution of the League should not significantly alter the rights and interests of the parties to the loans. It took the view that the function of the League in appointing trustees could best be discharged by the Economic and Social Council. It was therefore the intention of the United Kingdom Government, if the occasion arose, and after due consultation with other interested Governments, to raise the question at the next meeting of the Economic and Social Council, so that the necessary machinery might be provided for dealing with this function of the Council of the League.

¹ See page 77.

The Chairman thanked the United Kingdom delegate for his remarks, which would appear in the Minutes.

M. Scelle (France) agreed with the suggestion made by the delegate of the United Kingdom, but asked what practical shape it was intended that the suggestion should take.

Sir Hartley Shawcross (United Kingdom) said that his remarks were merely intended to indicate the intention of his Government and that no resolution was required. He thought therefore that it would be sufficient to include a passage on the question in the report.¹

10. — ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE (continuation): MANDATES SYSTEM

The Chairman invited the Chinese delegate to speak on the following draft resolution on the question of mandates submitted by the Chinese delegation :

" The Assembly,

" Recalling that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilisation :

" 1. Expresses its satisfaction with the manner in which the Council, assisted by the Permanent Mandates Commission, has performed the functions of the League with respect to the mandates system ;

" 2. Recalls the rôle of the League in assisting Iraq to progress from its status as an A Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, the Lebanon, and Transjordan, which have, since the last session of the Assembly, become independent members of world community ;

" 3. Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League ;

" 4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers."

Dr. Lone Liang (China) recalled that he had already drawn the attention of the Committee to the complicated problems arising in regard to mandates from the transfer of functions from the

¹ See Annex 24, page 251.

League to the United Nations. The United Nations Charter in Chapters XII and XIII established a system of trusteeship based largely upon the principles of the mandates system, but the functions of the League in that respect were not transferred automatically to the United Nations. The Assembly should therefore take steps to secure the continued application of the principles of the mandates system. As Professor Bailey had pointed out to the Assembly on the previous day, the League would wish to be assured as to the future of mandated territories. The matter had also been referred to by Lord Cecil and other delegates.

It was gratifying to the Chinese delegation, as representing a country which had always stood for the principle of trusteeship, that all the Mandatory Powers had announced their intention to administer the territories under their control in accordance with their obligations under the mandates system until other arrangements were agreed upon. It was to be hoped that the future arrangements to be made with regard to these territories would apply in full the principle of trusteeship underlying the mandates system.

The Chinese delegation had pleasure in presenting the draft resolution now before the Committee, so that the question could be discussed by the Assembly in a concrete form and the position of the League clarified.

Sir Hartley Shawcross (United Kingdom) formally seconded the resolution on behalf of his Government. It had been settled in consultation and agreement by all countries interested in mandates and he thought it could therefore be passed without discussion and with complete unanimity.

Mahmoud Mohamed El Darwiche Bey (Egypt) made all reservations on behalf of his Government with regard to Palestine.

M. Scelle (France) supported the resolution submitted by the Chinese delegation, and wished to stress once more the fact that all territories under the mandate of his Government would continue to be administered in the spirit of the Covenant and of the Charter.

Professor Bailey (Australia), Rapporteur, speaking as delegate of Australia, welcomed the initiative of the Chinese delegation in moving the resolution, which he supported. The Australian delegation had made its position clear in the Assembly—namely, that Australia did not regard the dissolution of the League as weakening the obligations of countries administering mandates. They regarded the obligation as still in force and would continue to administer their mandated territories in accordance with the provisions of the mandates for the well-being of the inhabitants. Over and above that, Australia recognised obligations under the Charter which she had already assumed as a Member of the United Nations and others which she would assume in bringing the territories under the international trusteeship system.

The Chairman put the draft resolution to the vote.

*The draft resolution was adopted unanimously, subject to drafting, the Egyptian delegate abstaining.*¹

II. — APPOINTMENT OF A DRAFTING COMMITTEE

The Chairman recalled that the Committee had agreed to nominate a drafting committee. He proposed that the Committee should consist of the following members :

Professor BAILEY (Australia) ;
Sir Hartley SHAWCROSS (United Kingdom) ;
M. SCELLE (France) ;
Dr. LONE LIANG (China) ;
M. RUEGGER (Switzerland).

The Chairman's proposal was approved.

12. — DISSOLUTION OF THE LEAGUE OF NATIONS

The Chairman invited the Committee to consider the following draft resolution on the dissolution of the League of Nations submitted by the delegation of the United Kingdom.¹

“ The Assembly of the League of Nations,

“ Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong ;

“ Desiring to promote, so far as lies in its power, the continuation, development and success of international co-operation in the new form adopted by the United Nations ;

“ Considering that, since the new organisation has taken up its functions, the League of Nations may be dissolved ; and

“ Considering that, under Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter within the sphere of action of the League :

“ Adopts the following resolution :

“ *Dissolution of the League of Nations.*

“ 1. (1) As from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

“ (2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2.

“ 2. (1) The Assembly appoints the persons named in Annex 1 to form a ‘ Board of Liquidators ’, hereinafter called the Board, which shall represent the League for the purpose of effecting its liquidation. Subject to the provisions of this resolution (and other relevant decisions taken by the Assembly at the present session), the Board shall have full power to give such directions, make such agreements and take all such measures as in its discretion it considers appropriate for this purpose.

“ (2) Vacancies on the Board shall be filled by co-option. Provided that the number of members be not reduced below three, the Board may refrain from filling particular vacancies.

“ (3) The Board shall elect a chairman and vice-chairman and adopt rules of procedure. Three members shall form a quorum and all decisions shall be taken by a majority.

“ (4) The members of the Board shall be entitled to travelling and subsistence allowances on the scale at present in force for members of the Committees of the League and shall draw fees for their services at the rate of 2,000 Swiss francs per month.

¹ For final text, see Annex 24, page 254.

¹ For final text, see Annex 24, page 269.

" (5) The members of the Board, in the exercise of their functions, shall be deemed to be officials of the League within the meaning of Article 7 of the Covenant.

" (6) The expenses of the Board for the year 1946 shall be met from the budget of the Secretariat for that year and, if the Board continues to function during the year 1947, it is authorised to meet its expenses from the Guarantee Fund.

" 3. The Acting Secretary-General shall be responsible to the Board. He shall retire from office on the completion of the liquidation. If for any reason he should cease to act, the Board shall appoint another person to carry out his duties.

" 4. (1) The staff of the Secretariat shall be discharged as rapidly as possible, in accordance with the applicable Regulations, having regard (a) to their rights under their terms of engagement and (b) to the desirability of maintaining the departments and services of the Secretariat in operation to the extent necessary to enable the United Nations, under the best possible conditions, both to assume those activities hitherto exercised by the League which it expresses the desire to assume and to take over the material assets which are to be transferred to it.

" (2) The Board may employ professional assistance from outside the Secretariat and in doubtful matters should obtain the best professional advice.

" 5. The Assembly approves and directs that effect shall be given in the manner set out in the Report of the Finance Committee (document A.8.1946.X)¹ to the 'Common Plan for the Transfer of League of Nations Assets' (document A.8.1946.X, pages 3 and 4), which was drawn up jointly by a United Nations Committee and the Supervisory Commission, acting respectively on behalf of the United Nations and the League of Nations, and was approved by the General Assembly of the United Nations on February 12th, 1946.

" 6. Nothing in this resolution shall relieve any Member or former Member of the League of Nations from any pecuniary liability incurred by it towards the League of Nations, whether under the budget for 1946 or under previous budgets or in virtue of agreements with the League of Nations or in any other manner whatsoever; but the Board may, where in its discretion it considers this course to be justifiable, make a composition with any debtor Government for a lesser sum than is due, on condition that such a sum or the agreed instalments thereof shall be paid as promptly as possible. The report provided for in paragraph 20 shall give particulars of the debts which have been collected in full, those in regard to which a composition has been made and those, if any, towards which no payment has been made. If any amounts due in respect of the International Labour Organisation remain unpaid at the date of the completion of the liquidation, such amounts shall be recoverable by that Organisation.

" 7. Any cash balance resulting from the liquidation shall be divided among the Members of the League in the manner set out in the Report of the Finance Committee.

" 8. The Auditor of the League shall remain in office until he has audited the final closed accounts of the League of Nations and of the

Board of Liquidators and drawn up a report thereon for communication to the Members of the League. If for any reason he should be unable to act, the Board shall appoint another Auditor.

" 9. The Board shall every three months make interim reports on the progress of its work and shall take into consideration any observations thereon made by Members of the League.

" International Labour Organisation.

" 10. The present resolution shall not in any way prejudice the continued existence of the International Labour Office or the measures taken or to be taken by the International Labour Organisation to make in its Constitution such changes as may be required as the result of the dissolution of the League.

" 11. The amount collected for the expenses of the International Labour Office in the budget of 1946 shall remain available for that purpose down to and after the end of the year.

" 12. The Board shall in due course transfer to the International Labour Organisation its appropriate share in the Renovation Fund and any other fund in which it may have an interest.

" 13. An agreement to cause the full ownership of the land and buildings at present occupied by the International Labour Organisation to vest in that Organisation shall be concluded between the Acting Secretary-General of the League and the Acting Director of the International Labour Office and all the steps which under the law of the Republic and Canton of Geneva or of the Swiss Confederation are necessary to give effect to the agreement shall be taken as soon as possible.

" Administrative Tribunal.

" 14. The following amendments are hereby made in the Statute of the League of Nations Administrative Tribunal:

" (1) Wherever the words 'League of Nations Administrative Tribunal' occur in the Regulations, they shall be replaced by the words 'International Labour Organisation Administrative Tribunal'.

" (2) Paragraph 1 of Article 3 shall read as follows:

" (i) The Tribunal shall consist of three judges and three deputy judges who shall all be of different nationalities.

" (ii) Subject to the provisions set out at (iii) below, the judges and deputy judges shall be appointed by the appropriate organ of the International Labour Organisation.

" (iii) The terms of office of the judges and deputy judges who were in office on January 1st, 1940, shall be deemed to have expired simultaneously on [date of new appointments by Assembly] and for the period of one year from the latter date and thereafter until otherwise decided by the organ mentioned at (ii) above the judges and deputy judges shall be the persons appointed as such on the latter date by the Assembly of the League of Nations.

¹ See Annex 26, page 273.

" (3) As from October 31st, 1946,¹ but subject always to sub-paragraph (4) below, the Administrative Tribunal shall have no jurisdiction in regard to (a) complaints of non-observance of the terms of appointment of officials of the Secretariat or of the Secretariat's Staff Regulations, (b) disputes concerning the compensation provided for by Articles 45 or 70 of the Secretariat Staff Regulations or (c) complaints of non-observance of the provisions of Article 1 of the Staff Pensions Regulations, in so far as that Article provides for persons who have been appointed as officials of the Secretariat or the Registry of the Permanent Court becoming subject to those Regulations, but the Tribunal shall otherwise retain its existing jurisdiction under its Statute and under Article 26 of the Staff Pensions Regulations.

" (4) Complaints already transmitted to the Registrar of the Tribunal shall be heard and determined notwithstanding the provisions of sub-paragraph (3).

" (5) In order to enable the International Labour Organisation to make by action of its appropriate organ the changes in the Statute necessitated by sub-paragraphs (1) and (2) above and such other amendments as it may from time to time consider desirable, the third paragraph of Article 12 of the Statute is amended to read as follows :

" 'The present Statute shall remain in force during the pleasure of the General Conference of the International Labour Organisation. It may be amended by the Conference or such other organ of the Organisation as the Conference may determine.' "

" Staff Pensions Fund.

" 15. (1) Subject to the agreement of the International Labour Organisation, the following measures shall be taken in regard to the Staff Pensions Fund :

" (a) Liability for making the contributions due from the League under Article 7 of the Staff Pensions Regulations, and, subject to (c) below, the guarantee given by the League under Article 13 of the Regulations, shall be assumed by the International Labour Organisation.

" (b) The accumulated assets of the Fund (including any amount added by the Assembly at its present session) shall be transferred to the International Labour Organisation for application in accordance with the Regulations.

" (c) Retired officials of the Secretariat and the Registry of the Permanent Court and their widows and children shall continue to receive the benefits due to them from the Fund, but, if the payment of these benefits involves a deficit for the Fund which has to be met by additional contributions from the International Labour Organisation, the amounts involved shall be divided

¹ Note: This date is selected as giving sufficient time for adjudication of any disputes which may arise out of the notices of dismissal which have been given to the officials of the Secretariat and which take effect on July 31st, 1946. In the unlikely event of a dispute between the Administration and those officials who remain in service after July 31st, who will be on a purely temporary basis, the Board of Liquidators may be trusted to find a just and equitable solution.

among and form part of the contributions of those Members of the Organisation which were Members of the League at the date of the present resolution in the proportions in which those Members contribute to the other expenses of the International Labour Organisation.

" (d) In order to enable the International Labour Organisation to amend the Regulations of the Fund and, in particular, to make the changes rendered necessary by the dissolution of the League and the Permanent Court, the last sentence of Article 31 of the Regulations is amended to read as follows :

" 'The Regulations may be amended by the appropriate financial authority of the International Labour Organisation.'

" This amendment shall not take effect until the agreement of the International Labour Organisation to the provisions of the present sub-paragraph has been secured.

" (2) If the International Labour Organisation's agreement is not secured to the provisions of sub-paragraph (1) above, the Board of Liquidators shall make the best provision that it can for giving effect to the rights of the beneficiaries of the Fund and shall have power for that purpose to amend or annul all or any part of the Regulations.

" 16. Any surplus remaining after the discharge of all claims upon the Staff Pensions Fund shall belong to the International Labour Organisation, if it has accepted the task of administering the Fund.

" Pensions Fund for the Members of the Permanent Court of International Justice.

" 17. (1) The Regulations for the Administration of the Pensions Fund for the Members of the Permanent Court of International Justice are hereby abrogated.

" (2) If the International Labour Organisation consents, responsibility for the administration of the Fund, as augmented by the Assembly during the present session, and the responsibility for paying the pensions shall be transferred to the Organisation on the understanding that (a) if the Fund is inadequate for its purpose, those Members of the Organisation which are at present League Members shall contribute to make good the deficiency, which shall be divided among them and form part of their contributions in the proportions in which those Members contribute to the other expenses of the International Labour Organisation and (b) any surplus remaining after pensions to the Judges have ceased to be payable shall belong to the International Labour Organisation.

" (3) Failing such agreement, the Board shall make such other provision for the administration of the Fund and payment of the pensions or for the purchase of annuities for the Judges as it may find it possible to arrange.

" Financial Regulations.

" 18. (1) As from the entry into force of the present resolution, the Regulations for the Financial Administration of the League of Nations shall apply only in so far as they concern the International Labour Organisation or are considered by the Board to be relevant to the liquidation.

" (2) Article 51 of the Regulations is hereby amended to read as follows :

"These regulations may be amended by the appropriate financial authority of the International Labour Organisation."

"Working Capital Fund."

"19. Subject to maintenance of the existing rights to repayment of the States which own shares therein, the whole balance of the Working Capital Fund on..... shall be transferred to the International Labour Organisation for use as working capital."

"Final Article."

"20. On the completion of its task, the Board shall make and publish a report to the Governments of the Members of the League giving a full account of the measures which it has taken, and shall declare itself to be dissolved. On the dissolution of the Board, the liquidation shall be deemed to be complete and no further claims against the League shall be recognised."

He explained that a considerable part of the document concerned financial and administrative questions which fell within the competence of the Second Committee. He thought that only the preamble and paragraph 1 were concerned with general matters which fell within the competence of the First Committee. He suggested therefore that the preamble and paragraph 1 should be examined and that the document should then be passed on to the Second Committee for an examination of the remainder of the text.

Sir Hartley Shawcross (United Kingdom) said that, since the original resolution had emanated from the United Kingdom delegation, he would like to say a word about the circumstances in which it came to be drafted.

The United Kingdom Government had for some time been devoting considerable study to the complicated question of how the League should be finally wound up and its functions transferred to the United Nations and to this end had circulated a short note to all the Member Governments explaining their general point of view on the matter. Their proposals had met with considerable approval from those to whom they had been submitted, and it was thought useful to embody them in a draft resolution as a basis for discussion. This was only intended as a rough draft to enable the members of the Committee to focus their attention on particular matters with which they would have to deal. The final resolution would have to be examined by both Committees and finally by a joint drafting committee of the two Committees before being submitted to the Assembly.

It was not necessary to stress the importance of winding up the League successfully and of determining the exact moment when the technical and political functions of the League should come to an end. It seemed that the best method would be for the Assembly to pass a resolution that as from the day after the last sitting the League should be deemed to have ceased to exist except for the purpose of winding up. A Board of Liquidation should be appointed consisting of people familiar with the finances of the League, which would be responsible for dispersing staff and for transferring the assets and liquidating the affairs of the League as quickly as possible. The Board would then report, not to the League of Nations, which would have ceased to exist, but to the individual Member States. Once the report was drawn up, the Board and the League would disappear into history.

The Chairman thanked the United Kingdom delegate for his explanation and the United Kingdom delegation as a whole for their valuable work, which would considerably lighten the task of the Committee.

M. Nablik (Poland) asked why the Committee should be competent to deal only with the preamble and paragraph 1. The Board of Liquidation whose appointment was the subject of paragraph 2 would not deal only with financial problems. He felt, therefore, that the First Committee ought at any rate to consider paragraph 2, since it was they who should be called upon to appoint the members of the Board of Liquidation.

The Chairman suggested that the Committee should read through the whole text in order to ascertain which points fell within its competence.

The preamble to the draft resolution was approved subject to submission of the text to the Drafting Committee.

Paragraph 1 of the draft resolution was approved in substance.

The Chairman asked the Committee to consider whether paragraph 2, sub-section 1, fell within its competence.

Mahmoud Mohamed El Darwiche Bey (Egypt) asked what were the functions of the Board of Liquidation.

The Chairman thought that the functions of the Board were purely administrative and financial.

M. Nablik (Poland) thought that the Board could not confine itself to administrative and financial questions, since it would be the only body capable of dealing with matters hitherto handled by the organs of the League, and paragraph 3 provided that the Acting Secretary-General should be responsible to the Board. The institution of the Board and its composition were therefore general questions.

Sir Hartley Shawcross (United Kingdom) pointed out that, although the Acting Secretary-General was responsible to the Board, his functions and responsibilities would in practice be confined to the financial and administrative matters connected with the winding up and liquidation of the League and the transfer of its assets to the United Nations. Nothing in the resolution contemplated the continued functioning of any of the League's activities, whether political or technical, except for the purpose of their transfer or liquidation. The Acting Secretary-General would have no other duties with regard to such matters, and he would merely be responsible to the Board for the work of transfer or liquidation.

He suggested that the Committee might approve in principle the general constitutional questions involved in the setting up of the Board, leaving to the Second Committee all details concerned with the efficient operation of the liquidation scheme from the financial and administrative point of view. After the First and Second Committees had each studied those parts of the resolution with which they were respectively concerned, a joint drafting committee could be set up to put the resolution into its final form for submission to the Assembly.

Sir Atul Chatterjee (India) agreed with the suggestion made by the United Kingdom delegate that the resolution should ultimately be discussed by a joint committee. He pointed out, however, that many of the questions raised in this document

had already been discussed by the Second Committee. It would save time if the First Committee could agree to paragraph 1 and possibly part of paragraph 2, and then hand the rest of the document over to the Second Committee. Both Committees derived their authority from the Assembly and, as the matter would have to come before the Assembly ultimately, this would expedite the proceedings.

Mahmoud Mohamed El Darwiche Bey (Egypt) supported the suggestion of the delegate of India, particularly as all the matters referred to appeared to be administrative and financial.

Mr. Wrong (Canada) said he was in general agreement with the procedure suggested. He felt they should all be grateful to the United Kingdom delegation for their work in preparing the draft resolution on the question the solution of which was their main object in coming to Geneva.

He felt there was one more paragraph which fell within the competence of the First Committee; that was paragraph 10 concerning the continued existence of the International Labour Organisation as a body separate from the League. This was not purely an administrative question.

M. Nahlik (Poland) thanked the other members for their explanations. He felt that, since the question of the liquidation of the League had been placed on the agenda of the First Committee, the least they could do was to express their wishes as to the institution and the composition of the Board of Liquidation.

The Chairman felt that it was not possible to establish too rigorous a discrimination as to the competence of the two Committees. The Assembly was waiting for their proposals. It was not very important whether questions were discussed in one Committee or the other since every country had delegates on both Committees.

The Committee had already approved the preamble and paragraph 1 and the Chairman of the Governing Body of the International Labour Office might perhaps be invited to attend the meeting when paragraph 10 was discussed.

Dr. Lone Liang (China) asked whether, in view of the difficulty of separating the questions of concern to each of the Committees, it would not be possible for the two Committees to hold a joint meeting.

Professor Bailey (Australia), Rapporteur, directed attention to the general allocation of work under the Annotated Agenda of the Assembly.¹ Item 15, Dissolution of the League, was accompanied by an explanatory note: "The Assembly may wish to appoint a Liquidation Board and give it the necessary instructions". That item had been referred to the First Committee and Item 14—Financial and Administrative Questions—to the Second Committee. It would seem that the Assembly wished to be advised by the First Committee on the general plan of liquidation, the creation of a Board of Liquidation, its functions and so forth, while the detailed financial and administrative matters dealt with in paragraphs 14 to 20 would come within the Second Committee's competence, under Item 14. He proposed, therefore, that the First Committee should deal with the clauses of the resolution down to paragraph 13 inclusive, the remaining paragraphs being regarded as coming within the Second Committee's province.

¹ See Annex 1, page 143.

Sir Atul Chatterjee (India) could not accept the suggestion that the first thirteen paragraphs of the draft resolution should be discussed by the First Committee rather than by the Second Committee. Paragraphs 6 to 9 all referred to an item which the Second Committee must discuss. His own proposal had been designed to expedite the proceedings; it was undesirable that the same subjects should be discussed in the two Committees, both of which had to report to the Assembly. With the exception of paragraph 1, the whole resolution could most properly be discussed by the Second Committee. Paragraph 10, concerning the International Labour Organisation, should perhaps be left to the Assembly to discuss. Some consideration should be given to the appointment of the persons who would constitute the Board of Liquidation; the names might be suggested by a small joint committee of the First and Second Committees.

M. Nogueira (Uruguay) referred to the Chinese delegate's proposal that the two Committees should hold a joint meeting. His own view was that it might be wise to transfer all the questions arising out of the draft resolution to the Second Committee. All the delegations were represented on that Committee and, should a question of a general nature come up for discussion, members of the First Committee could be asked to present the views of their delegations.

Sir Hartley Shawcross (United Kingdom) suggested that the Committee should dispose of paragraph 2 to the extent of approving the general principle of the appointment of a Board of Liquidation, leaving the detailed arrangements to the Second Committee; that it should approve the general provisions of paragraph 4 (1), again leaving the details to the Second Committee; and that it should approve paragraph 9 regarding interim reports and, finally, paragraph 10 regarding the continued existence of the International Labour Organisation. He moved formally that the First Committee should deal with those four points covered by the resolution and with no others.

M. Nogueira (Uruguay) endorsed the United Kingdom delegate's proposal.

The proposal of the United Kingdom delegate was adopted.

The Chairman invited the Committee to proceed with the discussion of paragraph 2 of the draft resolution.

Paragraph 2 of the draft resolution was approved in principle.

M. Costa du Rels (Bolivia) was in favour of supplementing the United Kingdom delegate's proposal by adopting the suggestion of the delegate of India to appoint a small joint committee of the First and Second Committees to fix the number and to select the names of the members of the Board of Liquidation.

Sir Atul Chatterjee (India) proposed that two persons should be appointed by the First Committee to form the sub-committee along with two persons from the Second Committee.

The Chairman suggested that that point should be discussed at a later stage of the meeting. He invited the Committee to discuss paragraph 4 (1)

relating to the staff of the Secretariat and the date of its discharge.

Sir Atul Chatterjee (India) understood that practically the entire staff of the Secretariat had already been given notice that their services would terminate on July 31st. He was not clear how the paragraph under discussion would affect that decision.

The Chairman said that it might be necessary to re-engage temporarily some of the staff to carry on the work of the League that was eventually to be taken over by the United Nations.

Sir Atul Chatterjee (India) thought it might be better to leave the decision on that point to the Board of Liquidation.

The Chairman enquired whether the delegate of India wished to delete or to modify paragraph 4 (1).

Sir Atul Chatterjee (India) thought that authority in the matter should be given to the Board of Liquidation. Paragraph 4 (1) would appear to conflict with the action which had already been taken by the Acting Secretary-General in giving notice to all members of the staff that their services would terminate on July 31st. Was the paragraph in question intended to apply to those officials who were re-engaged, or would such officials simply continue at their posts until they were taken over by the United Nations?

The Acting Secretary-General said that the Administration had a mandate to keep those services which were to be transferred to the United Nations in full activity until the actual time of transfer. He referred more particularly to the important services dealing with statistical, economic and financial questions, health, transit, narcotics and commitments under international conventions. They must wait for the decision of the United Nations as to the date for taking over responsibility for those services. Preliminary arrangements had already been made by the League Administration on the assumption that the League Assembly would decide in favour of dissolution, and certain steps had been taken to comply with the regulations by arranging for notice to be given to the staff and ensuring that things should be in order as far as possible for an early transfer. July 31st was a speculative date, but in all probability the United Nations would be ready to take over about then. Should it not be in a position to do so, the necessary officials would be kept on on short-term contracts, to ensure that the activities would be continued. That would not, however, prevent the United Nations from taking over at an earlier date, by agreement with the League Administration. If the officials were taken over earlier by the United Nations, they would be freed by the League Administration. When the transfer of the services was completed, a very small staff would still be required for purposes of final liquidation, and such officials would be re-engaged as might be necessary.

Sir Atul Chatterjee (India) said that the Acting Secretary-General's explanations had resolved all his doubts and he was willing that paragraph 4 (1) should remain in the draft.

Mr. Rive (Canada) thought that some confusion had been caused by the phrase "The staff of the Secretariat shall be discharged as rapidly as

possible". Did that imply that the officials would not be discharged *en bloc*?

The Acting Secretary-General said it was not yet possible to say whether the plan to be arrived at between the two Administrations would mean an immediate transfer *en bloc* of the various activities. There might be advantages in such an arrangement, should it prove feasible, but they still had to ascertain the wishes of the United Nations in the matter. He thought the text of the draft resolution covered the requirements of the situation, so far as could be seen.

Paragraph 4 (1) of the draft resolution was approved, subject to submission to the Drafting Committee.

Paragraph 9 of the draft resolution was approved, subject to submission to the Drafting Committee.

The Chairman invited the Committee to discuss paragraph 10 of the draft resolution.

M. Hauck (France) expressed his satisfaction at the fact that the International Labour Organisation was to be in a sense the League's principal heir. The French Government had co-operated wholeheartedly in the founding of the International Labour Organisation in which Albert Thomas, the first Director of the International Labour Office, had played so distinguished a part. That Organisation had maintained its activities throughout the war and had adopted a number of measures in order to adapt itself to the present situation. At its forthcoming meeting, in September, it would probably supplement them. The French delegation hoped that the International Labour Organisation would quickly become associated with the United Nations and constitute a living proof of the continuity that existed between the League and the United Nations. It hoped also that the International Labour Organisation would extend its membership so as to include all the United Nations, and that it would continue the work which it had carried on for a quarter of a century in the cause of social justice.

Count Carton de Wiart (Belgium) said that the Belgian delegation wished to associate itself with all that the French delegate had said in praise of the work of the International Labour Organisation.

Sir Atul Chatterjee (India) associated himself and his Government with the remarks of the French and Belgian delegates. He was perhaps the only person present, he said, who had attended the first session of the International Labour Conference twenty-six years ago; for many years he had been closely associated with the International Labour Organisation—with which he still had some connection. The Government of India had always taken a very lively interest in the Organisation.

M. Ruegger (Switzerland) said that the Swiss delegation was particularly appreciative of the remarks of the French and Belgian delegates concerning the International Labour Organisation. As Switzerland would not be associated in the first instance with all the new international organisations, she specially rejoiced in the continuance of the highly useful activity of the International Labour Organisation.

Paragraph 10 of the draft resolution was approved, subject to submission to the Drafting Committee.

*The Committee decided not to discuss the other articles of the draft resolution but to refer them at once to the Second Committee.*¹

13. — **DISSOLUTION OF THE LEAGUE OF NATIONS (continuation): APPOINTMENT OF A JOINT SUB-COMMITTEE OF THE FIRST AND SECOND COMMITTEES ON MEMBERSHIP OF THE BOARD OF LIQUIDATION**

The Chairman recalled the suggestion which had been made earlier in the meeting as to the appointment of a sub-committee. Delegates would perhaps wish to discuss the question of the appointment to the sub-committee of members of the First Committee.

Sir Charles Webster (United Kingdom) thought that two members from each Committee was not enough. The matter should be discussed between the Chairmen of the two Committees before any further action was taken.

Dr. Lone Liang (China) supported the United Kingdom delegate's proposal and suggested that five members should be appointed from each Committee.

M. Nogueira (Uruguay) endorsed the United Kingdom delegate's proposal; he thought the nominations should be decided by agreement between the two Committees.

Sir Atul Chatterjee (India) suggested that the Chairmen of the First and Second Committees should discuss the matter and then lay proposals before their respective Committees.

M. Costa du Rels (Bolivia) thought it preferable not to have equal numbers from each Committee.

The Chairman noted that the Committee was not in favour of making the appointments immediately. He suggested that the President of the Assembly might be asked to preside over the proposed joint sub-committee. The question could be discussed at a joint meeting of the officers of the First and Second Committees.

Sir Charles Webster (United Kingdom) said it could not be taken for granted that the President of the Assembly would wish to serve in that capacity. If the joint sub-committee was to consist of an odd number of members—for convenience in voting—the Second Committee should perhaps be given the advantage, as it knew more about the type of people to be nominated, who must be chosen largely for their financial and administrative capacity.

The Chairman thought that the officers of the First and Second Committees might meet and submit proposals.

This suggestion was approved.

FOURTH MEETING

Monday, April 15th, 1946, at 10.30 a.m.

Chairman: M. BOURQUIN (Belgium).

14. — **WELCOME TO THE OBSERVER OF THE GOVERNMENT OF AUSTRIA**

The Chairman welcomed the representative of the Austrian Government who was attending the meeting in the capacity of observer. He thought he was voicing the sentiments of the members of the Committee in saying that he rejoiced at the liberation of Austria and was happy to welcome a representative of that country in the Committee.

M. Schwarzenberg thanked the Chairman for his friendly welcome and desired to express on that occasion the gratitude of the Austrian people for one of the most successful achievements of the League of Nations — that is to say, the rehabilitation, on two occasions, of Austrian finances.

15. — **DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE (continuation)**

Professor Bailey (Australia), Rapporteur, explained that the Drafting Committee had not made any change in the substance of the draft adopted by the Committee but had made only modifications in form in order to make the text simpler and more concise. It now read:

“The Assembly of the League of Nations,

“Considering that by Article 92 of the Charter of the United Nations provision is made for an

International Court of Justice which is to be the principal judicial organ of the United Nations and which is to be open to States not members of the United Nations on terms to be determined by the United Nations;

“Considering that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice shall be taken;

“Considering that the Preparatory Commission of the United Nations, in a resolution of December 18th, 1945, declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that this resolution records the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether members of the League of Nations or not;

“Considering that all the Judges of the Permanent Court have resigned and that on the dissolution of the League no machinery will exist for the appointment of new Judges:

“Resolves:

“That the Permanent Court of International Justice is for all purposes to be regarded as dissolved with effect from the day following the close of the present session of the Assembly, but without prejudice to such subsequent measures of liquidation as may be necessary.”

¹ See Minutes of the Second Committee, page 133.

The Chairman thanked the Rapporteur and the Drafting Committee for the excellent work they had done.

M. Nahlik (Poland) wished to pay a well-deserved tribute to the Permanent Court of International Justice on the occasion of its dissolution, not only on the part of the Polish Government but also on the part of the younger generation of jurists who had become accustomed to regard the work of the Court as the expression of the conscience of humanity. The judgments of that Court had largely contributed to the improvement of international law. Before the disappearance of the Court, it was incumbent upon them to express their gratitude for the very important part which it had played in this field and the hope that the new Court which would succeed it would carry on the same tradition.

Mahmoud Mohamed El Darwiche Bey (Egypt) was not entirely satisfied with the wording of paragraph 4 of the Drafting Committee's text. He considered that the emphasis should be laid on the dissolution of the League of Nations itself, the resignation of the Judges and the absence of any machinery for the appointment of new Judges being only the direct and obvious consequences of this dissolution. He therefore proposed that paragraph 4 should be worded as follows:

"Considering that the League of Nations is to be dissolved and that all the Judges of the Court have resigned...."

Sir Hartley Shawcross (United Kingdom) did not think that the amendment proposed by the Egyptian delegate was necessary. Indeed, paragraph 2 already referred to the dissolution of the League of Nations. Paragraph 4, on the other hand, mentioned a further fact: the absence of machinery for the election of Judges to the old Court.

He was glad of this opportunity to support the remarks of the Polish delegate with regard to the work of the Permanent Court of International Justice. The Court had earned the universal respect of all the countries of the world. It had played a most important part in developing the reign of law on an international plane. One of the highest tributes to the value of its work was the fact that the United Nations had decided to establish, under a slightly different name, a new Court based on almost identical principles. He hoped that the new Court would carry on the great traditions of the old one and that international law would become an even greater and stronger force in the relations between nations.

Mahmoud Mohamed El Darwiche Bey (Egypt) did not share the opinion expressed by the delegate of the United Kingdom in regard to the draft resolution. The fact to be emphasised in paragraph 4 was the resignation of the Judges. The rest of the paragraph regarding the lack of machinery for the election of new Judges was only an inevitable consequence of the dissolution of the League of Nations. He proposed therefore that paragraph 4 be adopted as originally drafted, or deleted.

M. Scelle (France) considered that the two divergent views expressed by the previous speakers might be harmonised. He therefore proposed, in order to reconcile the two points of view, that paragraph 4 should be worded as follows: "Considering that all the Judges of the Permanent Court have resigned...."

Professor Bailey (Australia), Rapporteur, said that, when studying the text of the draft resolution, the Drafting Committee had borne in mind the observations and decisions of the Committee. However, taking into consideration

the various opinions expressed, he proposed that paragraph 4 be drafted as follows: "Considering that the Judges of the Permanent Court have resigned, that the League is to be dissolved, and that there will then be no machinery for the election of new Judges..."

If that proposal were not accepted, the only thing to do would be to refer the text back to the Drafting Committee.

Mahmoud Mohamed El Darwiche Bey (Egypt), though wishing to be conciliatory, felt he could not agree to the proposal which had just been made by the Rapporteur. He saw no need to retain the last part of paragraph 4, and, for his part, agreed with the French delegate's proposal.

M. Scelle (France) thought that no useful purpose would be served by prolonging the discussion. It was obvious that, once the League of Nations had been dissolved, the Permanent Court no longer existed and that was why the Judges had resigned. He was therefore still in favour of the proposal which he had made with regard to the drafting of paragraph 4.

He wished to associate himself with the remarks made by the Polish delegate on the subject of the Court; it had done excellent work, not only from the point of view of relations between its Members, but also in the sphere of international jurisprudence.

Mr. Fourie (Union of South Africa) considered that the new text of the Drafting Committee represented an amendment of substance to paragraph 4, and not a mere drafting change; it appeared that account had not been taken of the Committee's decisions in that respect.

Mahmoud Mohamed El Darwiche Bey (Egypt) was of a contrary opinion.

The Chairman put to the vote the question whether the second part of paragraph 4, after the word "resigned", should be retained.

The voting was even, 14 being in favour and 14 against.

The Chairman then put to the vote the Egyptian and French amendment, to the effect that the second part of paragraph 4 after the word "resigned" should be deleted.

The Egyptian and French amendment was rejected by 14 votes to 13.

The whole of the draft resolution as revised by the Drafting Committee was unanimously adopted.¹

16. — ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE (continuation): DRAFT RESOLUTIONS

Professor Bailey (Australia), Rapporteur, said that hardly any change had been made in the resolutions approved in substance at the Committee's second meeting.

The first dealt with the custody of the original texts of international agreements. Here the only change had been to replace the words "secretarial functions" (which in the usage adopted by the United Nations had a rather limited meaning) by the words "functions hitherto performed by the Secretariat of the League".

In the second, the Drafting Committee had incorporated the Swiss amendment emphasising that the assumption of functions by the United

¹ For final text, see Annex 25, page 256.

Nations should, if possible, be without interruption. The text now read as follows :

“ The Assembly of the League of Nations,

“ Having considered the resolution on the assumption by the United Nations of functions and powers hitherto exercised by the League of Nations under international agreements, which was adopted by the General Assembly of the United Nations on February 16th, 1946:

“ Adopts the following resolutions :

“ 1. *Custody of the Original Texts of International Agreements.*

“ The Assembly directs that the Acting Secretary-General of the League of Nations shall, on a date to be fixed in agreement with the Secretary-General of the United Nations, transfer to the Secretariat of the United Nations, for safe custody and performance of the functions hitherto performed by the Secretariat of the League, all the original signed texts of treaties and international conventions, agreements and other instruments, which are deposited with the Secretariat of the League of Nations, with the exception of the Conventions of the International Labour Organisation, the originals of which and other related documents shall be placed at the disposal of that Organisation.

“ 2. *Functions and Powers arising out of International Agreements of a Technical and Non-political Character.*

“ The Assembly recommends the Governments of the Members of the League to facilitate in every way the assumption without interruption by the United Nations, or by specialised agencies brought into relationship with that organisation, of functions and powers which have been entrusted to the League of Nations, under international agreements of a technical and non-political character, and which the United Nations is willing to maintain.”

The First Committee had also discussed the assumption by the United Nations of those activities hitherto performed by the League which were not specifically under international agreements and had decided that the Secretary-General should be directed to provide all possible facilities to assist in the assumption of these activities by the United Nations. The Drafting Committee had been asked to prepare a short resolution giving effect to this intention, and this was as follows :

“ The Assembly directs the Acting Secretary-General of the League of Nations to afford every facility for the assumption by the United Nations of such non-political activities, hitherto performed by the League, as the United Nations may decide to assume.”

M. Ruegger (Switzerland) said that he wished to express warm support—not only as a member of the Drafting Committee but more particularly, and as regards the essence of the question, on behalf of the Swiss delegation—of the third of the draft resolutions just referred to.

The second resolution, which dealt with functions and powers arising out of international agreements of a technical and non-political character, appealed for the co-operation of the States Members of the League of Nations. That was very necessary, but it was important to emphasise also and more particularly the task incumbent in this respect on the Secretary-General, the administrative guardian of other activities hitherto performed by the League.

The adoption of this new resolution did not herefore involve in any sense a pleonasm.

Furthermore, in affirming repeatedly the interest which it felt in the continuance of technical and non-political activities, the Committee—and the Assembly—was keeping strictly within its rights. The League of Nations from the beginning had invested a considerable capital of effort in this nucleus of an international technical administration. The results which had been achieved remained. They had been obtained in part with the help of States which were not at present Members of the United Nations. Some of these States and, in particular, Switzerland, desired to continue in the future to follow very closely, in the new forms which might be adopted, the progress of technical organisations in whose work they had actively co-operated in the past.

The Committee had paid very careful attention to the resolutions adopted by the General Assembly of the United Nations, in the drawing up of which many Members of the League of Nations had given active and valuable help. The present Assembly might, for its part, include definite indications in its will. The present resolution was one such indication.

He drew attention to the fact that the Committee's Report to the Assembly would prove to the next General Assembly of the United Nations the very real and lively interest which States not at present members of the United Nations felt in the continuity, on a generalised basis and not in a closed circle, of the work of the technical organisations.

Count Carton de Wiart (Belgium) wished to support the suggestion of the Swiss delegate that the Assembly should leave some clear indication in its will as to the carrying on of the non-political activities of the League. Belgium had always taken an active part in these activities, particularly those concerned with child welfare.

The work of the League in this field had been a constant source of inspiration and had led to the introduction of reforms all over the world. He recalled in particular that the institution of children's courts in many countries had been due to the inspiration and initiative of the League. He would like to see the United Nations take over these important activities without delay. There was great need of them at the present time in Europe, where children had suffered so seriously from the effects of the war. On behalf of his country, he wished to give the warmest support to all efforts designed to secure the immediate assumption of these activities by the United Nations.

*The draft resolutions as proposed by the Drafting Committee were approved.*¹

17. — INTERNATIONAL ASSISTANCE TO REFUGEES

The Chairman invited Sir Herbert Emerson, High Commissioner of the League of Nations for Refugees, to take his place on the platform. Sir Herbert, he said, had earned the gratitude of all for his magnificent work carried out in extremely difficult circumstances but nevertheless with a considerable degree of success.

Sir Herbert Emerson, High Commissioner of the League of Nations for Refugees, thanked the Chairman for his kind words about the work which he and his colleagues had been able to do during the past seven years.

Owing to the war, he had had little opportunity to render an account of his stewardship to the

¹ For final text, see Annex 24, page 253.

Assembly, and he was very grateful for the present opportunity. He referred to his last annual report which had been circulated to delegates.¹ He did not wish to repeat material contained in that report but intended to confine himself to matters arising out of it.

The report was confined to matters relating to the two main categories of refugees included in his mandate as High Commissioner. These two categories were (1) Nansen refugees and (2) refugees from Germany and Austria, victims of Nazi persecution. It became apparent, however, within a few months of the beginning of the war that many new classes of refugees were being brought into being as a result of hostilities. With the warm approval of the Supervisory Commission, he anticipated what he believed to be the wishes of the Assembly in giving as much assistance as possible to refugees outside his strict mandate of High Commissioner. He had also been brought into direct relationship with other categories of refugees in his office of Honorary Director, which he had been invited to assume seven years ago, of the Intergovernmental Committee on Refugees. In that capacity he had gained knowledge and experience of various aspects of the general problems which were, strictly speaking, outside his purview as High Commissioner.

When a High Commissioner for Refugees was first appointed by a resolution of the Assembly in 1938, his first duty was stated to be: "To provide for the political and legal protection of refugees."

He would like to make some observations on the system of international protection. Apart from the formal protection represented by League conventions, there was an unwritten convention and understanding accepted by the various Governments that the League, as protector of refugees, had not only the right but also the duty to intervene through its competent officers and to make representations to the various Governments in any matter affecting the legitimate interests of the refugees under its protection.

During the past seven years he and his colleagues had made many thousands of such representations to the Governments of many countries, some of which were not members of the League, in regard to refugees scattered throughout the world—in Mauritius, Trinidad, Shanghai, the Philippines, Siam, East Africa, Union of South Africa, the West Indies, and so on. All these representations were not successful. Refugee work was full of disappointments and frustrations. One successful representation out of ten was as much as one could often hope for. But he had never received from any Government any challenge to his right as representative of the League to make such representations. This position was established by the efforts of the League and was one in which it might take a just pride.

It was also a position which he hoped would be maintained and consolidated by the international body which was to be recognised or established by the United Nations, and in regard to which international discussions were now proceeding in London within the Special Committee set up by the Economic and Social Council. He was convinced that the interests of refugees demanded that the international character and scope of the problem should be fully recognised, and that, while the international authority would be wise not to interfere unnecessarily in matters affecting

national Governments, the right to protect persons who had lost the effective protection of their own Governments was the essence of the system of international protection.

Among his other functions, he had been instructed to establish contact with private organisations dealing with refugee questions. He wished to take this opportunity to pay yet another tribute to the valuable work done by voluntary organisations and agencies. Within the framework of an international system of protection, a great deal of spade work had necessarily to be left to the voluntary organisations. It was they who had mainly to concern themselves with individual cases, and refugee work was concerned with individuals. The voluntary organisations had shown the utmost devotion and a very high standard of efficiency in dealing with this extremely difficult problem.

Speaking in Switzerland, he wished to pay a particular tribute to the organisations in that country. During the war, Switzerland had been a convenient centre for activities, both open and secret, through which assistance had been given to those under the yoke of the enemy and suffering the grossest hardship and persecution in enemy-occupied countries. A large part of the relief through underground channels afforded to victims of Nazi persecution emanated from this country. In caring for refugees, the voluntary organisations were emulating the example set by the Swiss Government itself, which throughout the war, and indeed before and after it, had shown the greatest solicitude for refugees.

His report contained some facts regarding the present position of the problem of German and Austrian refugees. He had estimated the problem as affecting 160,000 to 200,000 persons. That estimate had been made early in the year, and subsequent information suggested that the numbers involved were, in fact, rather smaller. Excluding those now in Germany and Austria, whose status as refugees was at least open to doubt, the present size of the problem might not be much in excess of 120,000. As pointed out in the report, however, even that figure tended to exaggerate the effective size of the problem. Among the 120,000 there were many in the United Kingdom, the countries of Western Europe, Sweden, Australia, Canada and elsewhere in regard to whom there were reasonable prospects of absorption. It might be hoped that they would be allowed to remain in those countries and would ultimately acquire citizenship. Many of the 120,000 were self-supporting. He did not think that at the present time there were more than 20,000 to 30,000, and those mainly the old and infirm and the young, who were being maintained either by governmental agencies or by private organisations.

He wished to mention in this connection the assistance given by the Intergovernmental Committee on Refugees towards the physical relief of this category. It had in operation programmes of relief in Spain, Portugal, France, Belgium, the Netherlands and Italy, and there was a project sanctioned to provide funds for the transportation to new countries of persons unable themselves to meet the expense.

If this problem stood alone, there would be no special reason for concern about the future. One might have anticipated that within a comparatively few years this particular problem would be solved. There would remain a nucleus of aged and infirm who would still require assistance, and there would remain the problem of the children until they reached an age when they would be able to earn their own living.

¹ See Annex 20, page 228.

The situation was similar as regards some aspects of the problem of the first category, the Nansen refugees. At the beginning of the war, most of them had been established in various European countries where they had the right of settled residence and certain rights under various conventions. Although there were still many thousands who had not been naturalised, the process of assimilation was proceeding. The war had affected that group very adversely in some countries. They had been displaced in large numbers from the various countries of Central Europe. Many of them were in the position that they were in twenty-five years ago. They were separated from their homes and families and could not return to their home country or country of settled residence, or were unwilling to do so.

There were about 20,000 to 25,000 such persons in the western zones of Germany and Austria. He was giving them what assistance he could. He was getting particulars of their qualifications with a view to assisting their permanent settlement elsewhere. He had several officers working there, assisting in such matters as the establishment of schools for children, providing work for the men so that they might be self-supporting, and so on. Many of them were not in camps or within the effective protection of U.N.R.R.A. They constituted a very urgent and important problem.

There were others who had infiltrated into Italy whose position was much the same. Those who were established in other countries, and particularly in France, although very few of them were displaced, were put in a difficult position as a result of the war. He was glad to say that those difficulties were now in process of settlement. Very great progress had been made with the cordial assistance and sympathy of the French Government, which had always taken a foremost part in promoting the principles and carrying out the practices of the system of international protection. Great progress had been made in restoring the position as it existed before the war.

So far as the German and Austrian refugees were concerned, they also came under the Intergovernmental Committee on Refugees, and their position was therefore protected. The Nansen refugees did not come under the mandate of the Intergovernmental Committee. There was therefore a troublesome interval of a few months before the international body to be recognised or established by the United Nations would take over responsibility for that group.

He would add a few necessarily tentative words about the prospects of this category coming under the protection of the new organisation. The General Assembly of the United Nations recommended certain principles to the Economic and Social Council and the latter had set up a Special Committee, containing representatives of twenty Governments, to examine in all its aspects the problem of refugees and displaced persons. That Special Committee had started its sittings a week ago. He had been invited to attend in a consultative capacity, and had attended the meetings for the first four days, when he had had to leave for Geneva. He thought the Committee would be interested in two facts which had already emerged. The early sittings of the Special Committee had naturally been devoted to a general discussion, and in particular to the very difficult question of defining who was to be included within the mandate of the new organisa-

tion when it was set up. During this general discussion it had been apparent how very important a part the past studies, research work and activities of the League would have to play in any future plan. There had been constant reference to the principles accepted by the League, to the exhaustive enquiries it had made into the facts and principles of statelessness and so on.

Secondly, he felt it could be assumed with some confidence that the categories with which the League had been particularly concerned, the Nansen and German and Austrian refugees, would be included in the unified system of protection and assistance which would eventually emerge. The prospects of that seemed very good.

He was very anxious that the transition from the old to the new should be smoothly effected, that there should be no break in the system of international protection and that the transference from one system to another should be automatic. He hoped that means would be devised by which the interests of the Nansen refugees, particularly of the 25,000 to 30,000 displaced Nansen refugees already mentioned, would be protected until they were transferred to the new international system. They would then become one category among the many that were requiring assistance—a small part of the total problem.

The war had created new problems. It was not yet clear whether they were problems of refugees or of displaced persons. It was a phenomenon unknown at the end of the last war, or at any rate not so prominent then as now. It had been customary to regard refugees as persons who could not return to their own country because their own Government was unwilling to have them back, but there were now many hundreds of thousands of persons unwilling to return to their own countries although their Governments were anxious to receive them.

It was with regard to this new class of refugee, as well as to the old categories, that the Special Committee was carrying on its deliberations in London. He could not say what the result would be, but he was confident that much practical help would be derived from the experience of the League and from the pattern which the League had set up for the protection of persons who had no one else to look after them.

Finally, he wished to thank the Assembly for having given him the opportunity of doing something for those unfortunate uprooted refugees, and for giving him the privilege of following, however humbly, in the footsteps of a line of very distinguished predecessors. It had been a great privilege to participate in the remarkable humanitarian work started by Dr. Nansen, who had set an example of devotion, imagination and practical achievement which set a goal for his successors that few of them would be able to rival or attain.

He further wished to thank the Supervisory Commission for the help it had given him during the past few years; and the officers of the League, in particular the Acting Secretary-General and the Treasurer, for their very valuable advice and practical assistance. He wished to acknowledge the long and devoted service given by the whole of his staff, both the staff at headquarters and the representatives in various countries. He had been very loyally served and was very grateful.

The Chairman thanked Sir Herbert Emerson warmly for his moving speech.

FIFTH MEETING

Tuesday, April 16th, 1946, at 10.30 a.m.

Chairman : M. BOURQUIN (Belgium).

18. — DISSOLUTION OF THE LEAGUE OF NATIONS (continuation) : APPOINTMENT OF A JOINT SUB-COMMITTEE OF THE FIRST AND SECOND COMMITTEES ON MEMBERSHIP OF THE BOARD OF LIQUIDATION (continuation)

The Chairman announced that the officers of the First and Second Committees had met to consider the establishment of a joint sub-committee on membership of the Board of Liquidation to be appointed by the Assembly. It was proposed that the joint sub-committee should consist of nine members, namely : the Chairmen of the First and Second Committees, three members (China, France and Canada) representing the First Committee, and four members (United Kingdom, Poland, Turkey and Uruguay) representing the Second Committee. The States concerned would select their individual representatives and the joint sub-committee would meet to discuss the membership of the Board of Liquidation, if this course was approved.

This proposal was approved.

19. — INTERNATIONAL ASSISTANCE TO REFUGEES (continuation)

Mr. Noel-Baker (United Kingdom) said that he had worked for many years as an assistant to Dr. Nansen, the first League High Commissioner for Refugees. He desired to propose an amendment to the draft resolution on the dissolution of the League of Nations¹ to repair what he thought was an obvious omission, adding after paragraph 9 a new paragraph 9(a) worded as follows :

" 9 (a) The present High Commissioner for Refugees shall remain in office until the end of the year 1946, or such earlier date as may appear desirable, and his expenses shall be met out of the provision made for this purpose in the budget of the Secretariat."

No one would ever forget the appalling misery of the refugees at the end of the last war, the flotsam and jetsam thrown up by the tide of disaster, who had remained without resources and in misery in most of the countries of the world. When the Council of the League asked Dr. Nansen to become its first High Commissioner, it was proposing a most adventurous, not to say hazardous, undertaking. No one but a man like Nansen would have accepted the grave responsibilities involved without knowing a great deal more about it. No one knew how many refugees there were, what their distribution was, whether any work could be found for them, or whether any money would be available for them. The

¹ See page 80.

refugees for the most part were in the direst need, with no papers and no specialised skill, and even if they found a job they had no means of getting to it. Dr. Nansen, with the help of the Secretariat, built up a system of offices in many countries which carried out the registration of the refugees and facilitated the movement of those with passports—they were sometimes accepted without passports—in groups or as families or as individuals. In due course, Dr. Nansen and his collaborators produced what the Governments decided to call the Nansen passport. The High Commission was able to raise some money, which it used with splendid effect ; the Nansen stamp, which was a great success, had produced two million francs from France in the past year. The same system could certainly be used in the future. Above all, the High Commission had invented the system, referred to by Sir Herbert Emerson at the previous meeting, of the legal protection by the League of individual refugees. The most striking thing in Sir Herbert's speech was the statement that he had made thousands of representations to Governments on behalf of refugees and that never once had his right to do so been challenged by any Government. The mere fact of possessing a Nansen passport often enabled refugees to settle themselves, and that was of the greatest advantage to all the Governments, representing as it did a substantial financial economy. Speaking of that great work, carried on over more than twenty years, it was right to mention the names of those who had acted as High Commissioner. Nansen was the first, and with every year his name grew greater. He was followed by Max Huber, formerly President of the Permanent Court of International Justice, and by Judge Hansson, of Norway, assisted by Sir Neil Malcolm and James MacDonald, of the United States, and lastly, by Sir Herbert Emerson, who had rendered such signal service. Sir Herbert had said that refugee work was full of frustration, and in addition to the normal frustration he had had to face all the appalling difficulties of the war years. Those men had earned the gratitude not only of great numbers of refugees, but of the Governments on whose territories the refugees were cast away, and perhaps their greatest service in the eyes of history would be that they had shown the Governments how the problem should be dealt with, what mistakes must be avoided, and what conditions must be fulfilled if success was to be obtained. One very grave problem resulting from the war was causing anxiety to a number of Governments, including His Majesty's Government. All were agreed that refugees should be persuaded as far as possible to return to their countries of origin, but the policy of compulsory repatriation was not only contrary to humanitarian principles but incapable of execution on any considerable scale. The matter had been debated at length in the General Assembly of the United Nations in London, which referred it to the Economic and Social Council, and the latter, in its turn, had set up a Committee which was now preparing a plan. The Council of U.N.R.R.A., representing forty-eight Governments—including most of those represented at the League Assembly

—had debated the matter at Atlantic City and had adopted a long resolution, the last paragraph of which read as follows :

"That, in view of the temporary nature of the assistance that can be given by the Administration with respect to all of the remaining displaced persons in all areas in which the Administration is authorised to operate, it is the recommendation of the Council that its members shall seek to do all in their power to expedite the early creation of a United Nations body capable of dealing in an effective manner with the problem, such as is contemplated under the resolution adopted by the General Assembly of the United Nations on February 12th, 1946, and, prior to the establishment of the United Nations body for this purpose, and, provided this does not delay its creation, to secure consideration of this matter by other intergovernmental agencies, and that efforts shall be made to devise ways and means to facilitate resettlement and otherwise to provide a solution to the problems which will confront the remaining displaced persons when the Administration's assistance comes to an end."

It was becoming clearer every day that the United Nations must carry on the work which the League of Nations had begun. The refugees could not be left in misery—that would be a grave social waste for all concerned. Some constructive means must be found of fitting them into new productive work for the world at large. There ought to be a single agency under the United Nations, set up if possible at the General Assembly of the United Nations in September next. That was the view of His Majesty's Government, and the United Kingdom delegate hoped it would be the decision of the United Nations Committee now meeting in London, of the Economic and Social Council which was to meet at the end of May and, finally, of the General Assembly in September. Everyone must agree that it would be absurd to have a gap in the work by allowing the High Commission to pass out of existence before the new organisation had been created. The United Kingdom delegate therefore moved the adoption of the new paragraph 9 (a) to be added to the resolution on the dissolution of the League.

M. Ruegger (Switzerland) said that, after the moving statements of Sir Herbert Emerson and Mr. Noel-Baker, he desired on behalf of the Swiss delegation to express his country's sincere thanks to the High Commissioner. The Swiss delegation was very appreciative of the references to the work of those organisations whose headquarters were in Switzerland, more particularly the International Committee of the Red Cross, and of what had been said concerning the assistance given by the Federal Government. Mr. Noel-Baker's tributes to M. Max Huber, now President of the International Committee, were equally welcome.

One passage in the High Commissioner's Report (page 5) was perhaps open to misinterpretation: "Switzerland has always made it clear that she could not absorb those to whom she had given asylum." Without further amplification, such a statement might convey the impression that Switzerland sometimes followed a restrictive policy towards refugees. Certain figures and a recent declaration by M. Petitpierre, Chief of the Federal Political Department, would make the position clear. The total number of refugees admitted into Switzerland during the war was upwards of 298,000 persons, of whom 115,000 were still in the country at the end of

the war. A stupendous effort had thus been required and he was glad to see there Dr. Rothmund, the representative in Switzerland of the High Commissioner and of the Intergovernmental Committee on Refugees, who had devoted himself so ungrudgingly to the work entrusted to him by the Federal Government and had acted throughout in accordance with its instructions and traditions.

Reverting to the declaration made by M. Petitpierre on April 4th, in the "Conseil National", he wished to quote a passage concerning the absorption of refugees which was to the effect that the legal provisions had always been applied in a somewhat elastic manner, and that exceptions had already been made to the regulation requiring individuals to leave Swiss territory in the case of many refugees for whom such an obligation would have been unduly hard, but that the expenditure devolving upon Switzerland as a country of transit was very high. By the end of 1945 the cost of maintenance of refugees received in Switzerland alone had totalled one hundred million francs and that expenditure would of course be borne entirely by the Swiss Confederation, which was glad to assume responsibility for it.

That recent governmental declaration threw a useful light on the situation. He was happy, in conformity with the traditions of his country, to support warmly the proposal submitted by the United Kingdom delegate. There must be no interruption in the work of the High Commission for Refugees. Switzerland would welcome the opportunity of co-operating actively and if possible without interruption in any new machinery set up under international auspices.

M. Skylstad (Norway) thanked the United Kingdom delegate for his tribute to the work undertaken by Dr. Nansen and continued more recently by another Norwegian, Judge Hansson, whose death had occurred during the war. He wished to associate the Norwegian delegation with the tribute paid to the activities of the present High Commissioner and his staff. The Norwegian delegation desired to support the United Kingdom proposal.

Mahmoud Mohamed El Darwiche Bey (Egypt) associated his Government with the tributes paid to the High Commissioner for Refugees. Egypt had always opened her doors to foreigners and had always had a special capacity for absorbing them. That had been the case for hundreds of centuries, and there were now in the country hundreds of thousands of foreigners sharing in the people's rights and responsibilities. During the war also Egypt had opened her doors to people fleeing from their own countries because of the ravages of war; she had deemed it her duty to do so, notwithstanding the fact that many of her provinces were over-populated—some with more than 2,000 inhabitants to the square mile—and that a good percentage of the people were underfed. That explained why she had been obliged to state, at the last meeting of U.N.R.R.A., that she was no longer in a position to keep the remainder of those refugees for any length of time.

One passage in the High Commissioner's report called for comment and reservations. In Section IV (d), large-scale or group settlement, it was stated that "Palestine alone has made a contribution of any size". Given good will, there was ample space for Jews everywhere in the world,

and he felt sure that the High Commissioner had not meant to prejudge the question, which was now in the melting-pot.

Sir Herbert Emerson, High Commissioner for Refugees, wished to clear up two misunderstandings. He must make it clear that his report referred only to those categories of refugees which came within the mandate of the High Commissioner. Section IV of his report dealt with the second large group, refugees coming from Germany and Austria, the majority of whom were Jews. The report gave an extract from a memorandum which he had submitted in a personal capacity to the Anglo-American Commission, and related to Jewish refugees from Germany and Austria only. Four methods were mentioned of settling the refugee problem and those were of general application, namely: the return of the refugees to their own country, absorption in the country of temporary asylum, individual migration to other countries, and large-scale or group settlement. Some account was given of the manner in which those methods had been used in helping to settle the problem of refugees from Germany and Austria. He had made it perfectly clear that individual migration was the method which had proved most successful. The individual got his own visa—to the United States, South America, Australia, Canada—travelled as an individual, and as an individual entered on his new life in another country. He had then referred to the fourth method, large-scale or group settlement, and had stated as a fact—and it was a fact—that the only country in which that method had proved successful was Palestine, but he did not suggest—to do so would have been to go outside his authority—that that was the only method of settling the problem of this particular group of refugees. He hoped his explanation would be acceptable to the Egyptian delegate.

There was another cause of possible misunderstanding arising out of a passage in the report (Section II, fifth paragraph) referring to certain Nansen refugees uprooted as a result of the war, which read:

“ They have been displaced from Yugoslavia, Czechoslovakia, Roumania and the Balkan States, and from their former places of residence in Germany and Austria.”

The word “ displaced ” had been used in the sense in which it was commonly used in recent years and meant a person who had been literally displaced or removed from his home. A variety of causes had led to such displacement and no attempt had been made to give any explanation—he himself did not know what the causes were as regards that particular group. The French text, in which the word “ displaced ” was rendered by “ chassés ”, might, he thought, imply an imputation on the Governments of the countries of origin which was certainly not intended. The English text should accordingly be taken as authoritative.

Mr. Fourie (Union of South Africa) expressed the South-African delegation's appreciation of the work of the High Commissioner, who had given a very clear picture of what would happen to the refugees coming under his jurisdiction if no further organisation was set up to continue that work. It could only mean untold hardship. Mr. Noel-Baker had given the Committee an indication of what was proposed by the United Nations, and the South-African delegation thought that the long-term policy could safely be left to the United Nations. The position was

different, however, as regards interim arrangements. There was an alternative: either the refugees must be left to their fate—which was unthinkable—or the Committee must adopt the proposal put forward by the United Kingdom delegate. The South-African delegation warmly supported that proposal, which recognised the fact that the work of the High Commissioner could not be continued indefinitely and fixed a time-limit at the end of 1946. That should, he thought, give the United Nations sufficient time to take up the work.

M. Nablik (Poland) expressed the Polish delegation's great appreciation of the High Commissioner's work, his report and his speech at the previous meeting. He would be grateful for information on three points. First, had the High Commissioner's activities ever been extended to categories of refugees other than those mentioned in his report—not only Nansen refugees and refugees from German-speaking countries—but others from countries whose Governments had during the war been prevented from actively helping them or intervening on their behalf? Secondly, were the High Commissioner's activities confined strictly to territories under the control of Members of the League, or had it sometimes been possible to extend them on occasion beyond such territories? And, lastly, what steps, if any, had been taken to eliminate from among the refugees war criminals and “ quislings ” who had left their countries during the final period of the war and had posed as refugees? While not claiming to be an expert in the matter, he was in possession of the facts relating to several such cases.

He desired to convey the Polish delegation's thanks to the Swiss Federal Government for the hospitality extended during the war to Polish civilian refugees and military internees. Having spent most of the war years in Switzerland himself, he knew how generously the Poles had been treated, and in spite of minor misunderstandings the feeling which prevailed among his countrymen was one of deep gratitude.

M. Paul-Boncour (France) said that he had read with great interest the remarkable report of the High Commissioner, which contained a detailed account of one of the most interesting fields of activity of the League of Nations. He was grateful for the tribute paid to his country for the help it had given to refugees and, without false modesty, he felt that this tribute was well deserved. In spite of very great material difficulties, France still harboured a larger number of refugees than any other country. She was giving refuge to 200,000 Spanish Republicans, 135,000 Nansen refugees, including those from the Saar as well as Russians and Armenians and 25,000 Jewish refugees from Germany and Austria. France was quite determined to continue giving assistance to these people despite all her material difficulties.

He wished in addition to associate himself warmly with the moving speech of the United Kingdom delegate. No one was better qualified to tell the story of the admirable work done by Dr. Nansen, since Mr. Noel-Baker had been personally associated with this work and with Dr. Nansen. Admiration for this remarkable work should be translated into a firm resolve to continue it, since the situation which had given rise to it had been repeated on a far more serious scale after the Second World War. France was firmly

determined to pursue this great humanitarian work with the utmost devotion.

He wished in addition to associate himself with the practical proposal made by Mr. Noel-Baker and to support the resolution calling for a continuation of the functions of the High Commissioner until the end of 1946, or until the work of the League of Nations had been transmuted into that of the United Nations. France had certain proposals to make in regard to the new organisation. There was need for greater unification.

There were at present two categories of refugees: on the one hand the Nansen refugees amongst whom the French had proposed to include refugees from the Saar; on the other hand there were the refugees from Germany and Austria. These refugees fell within the competence of two separate bodies: the Intergovernmental Committee and the High Commissioner of the League of Nations. It was true that the High Commissioner himself was also a Director of the Intergovernmental Committee. But, from both the material and the psychological point of view, this dual responsibility was undesirable. The Intergovernmental Committee was in possession of considerable funds, while the High Commissioner depended almost entirely on receipts from the sale of Nansen stamps. The French Government felt that this dual system, which was the result of historical circumstances, was no longer justified. As far as refugees in its own territory were concerned, it proposed to make no distinction and to apply the rights established under international conventions to all concerned.

M. Pastoriza (Dominican Republic) wished to associate himself with the proposal of the United Kingdom delegate. The Committee would all wish to offer their thanks to Sir Herbert Emerson, the members of the Intergovernmental Committee, and all who had collaborated with them in the successful work of the past seven years.

The position of the Dominican Government in regard to the problem of refugees was well known. As far back as 1938 it had announced that it would keep an open door for refugees, and in 1939 a Dominican Republic Settlement Association was organised in New York. Considerable numbers of refugees had come to his country, where they could live in freedom, free from prejudice or discrimination. Some of the refugees had gone to the cities and were earning their living in trade and industry. Others had gone to the universities and schools or lived as artists, each developing a way of living according to his own aptitude.

During the war, many thousands who had received visas were unable to come owing to lack of transport. Now that the war was over, the Government had created a committee to co-ordinate and facilitate the entry into the country of as many as could be absorbed in accordance with a plan that had been worked out.

The Dominican delegation at the United Nations Conference had presented a concrete proposal for the settlement in that country of larger groups and this proposal had been referred to the Economic and Social Council. The Dominican Republic was represented on the Committee of twenty countries which had been set up to study the problem. Its Government and people would do all in their power to help in the solution of this important problem.

M. Ristic (Yugoslavia) wished also to associate himself with the tributes paid to the work of the High Commissioner. He had two comments to make on the High Commissioner's report. The first referred to the French translation of the English expression "displaced" which might

have given rise to misunderstanding, but as to which the High Commissioner had already given a satisfactory explanation. The second question was one to which the Polish delegate had already referred. The refugee problem after the recent war was far more complicated than in 1918. There were among the refugees many persons who were genuinely unable to return to their countries for technical or other reasons. He was entirely in favour of giving assistance to these refugees.

But, after the recent war, there were also among the refugees a substantial number who belonged to the category of war criminals and traitors to their country. His Government would not agree that assistance should continue to be given to these persons. It had expressed clearly its view on this matter at the recent session of the United Nations in London.

Sir Herbert Emerson, High Commissioner for Refugees, said he would like to reply to the three questions put by the Polish delegate.

The first was whether the High Commissioner had given assistance to refugees other than those belonging to the categories included in his mandate. He had already mentioned that, when new groups of refugees came into existence as a result of the war, he had acted on the assumption that the Assembly would wish him to interpret his functions liberally. With the approval of the Supervisory Commission, he had, as far as possible, extended assistance to other groups. He had also advocated this policy in his capacity as Director of the Intergovernmental Committee. He had put forward a scheme which had been sanctioned and to which money had been contributed by the Governments of the United States and the United Kingdom for assisting underground agencies, largely operated from Switzerland, in helping Allied nationals to escape from enemy-occupied countries or to conceal themselves in those countries. He believed that a considerable number of Poles had been helped to save themselves in this way.

The second question was whether the High Commissioner had confined his assistance to refugees in countries which were Members of the League. He had interpreted his mandate as referring to persons falling within the defined categories in whatever part of the world they might happen to be. He had regarded it as his duty and right to make representations on their behalf, and although these representations had not always been successful, his right to make them had never been challenged.

The third question referred to the problem of war criminals, "quislings" and traitors. Certain principles had been adopted by the General Assembly of the United Nations for recommendation to the Economic and Social Council, which had in turn recommended them to the Special Committee now sitting in London. Although as High Commissioner he was not technically bound by those principles, he felt sure that the Assembly would wish him to conform to them.

He had referred in his report to a special class of refugees arising out of the late war who did not come under the definition of Nansen refugees but who had tried to obtain that status. He took the view that any person claiming to come under the clearly-defined category of a Nansen refugee must establish his claim. Although they might be deserving of consideration as coming under some other category, as High Commissioner he would not let his mandate be abused by giving protection to persons who were not covered by it.

Professor Bailey (Australia), Rapporteur, in his capacity as Australian delegate, fully supported the well-deserved tribute which had been paid

to the High Commissioner and all those whom he represented. The Australian delegation to the United Nations had associated itself actively with the plans for establishing effective international assistance for refugees, and he was glad to support the United Kingdom proposal that the High Commissioner should continue in office until other arrangements could be made.

A decision that the office of the High Commissioner should come to an end before the end of the year could only be a decision of the Board of Liquidation. He therefore suggested that the text proposed by the United Kingdom delegation should be amended so as to read :

"The present High Commissioner for Refugees shall remain in office until the end of the year 1946, or such earlier date as may appear to the Board desirable."

The Board would, of course, take all circumstances into consideration in making a decision. With this amendment he strongly supported the proposal.

Speaking as Rapporteur, he suggested that, in sending to the Second Committee the final text of this paragraph, they should inform the Second Committee that they did not wish to fetter the decision of that Committee in regard to the precise place in the comprehensive resolution which the paragraph should occupy.

Mr. Noel-Baker (United Kingdom) agreed with the Rapporteur on the latter point. With regard to the meaning of the word "desirable", he had interpreted it to mean that the High Commissioner should remain in office until the end of 1946 or such earlier date as might appear desirable to the General Assembly of the United Nations. Any date earlier than the end of 1946 could hardly be decided upon except as a result of a decision by the General Assembly of the United Nations. He was, however, quite prepared to accept the Rapporteur's amendment. It was unlikely that the Board of Liquidation would find itself in conflict with the General Assembly of the United Nations and, if it did, the Governments which it represented would find some way of dealing with the matter.

The text proposed by the United Kingdom delegation, as amended by the Rapporteur, was approved.¹

20. — DISSOLUTION OF THE LEAGUE OF NATIONS (continuation) DRAFT RESOLUTION (continuation)

Professor Bailey (Australia), Rapporteur, said that the Drafting Committee, having considered the text approved by the First Committee, together with suggestions made by the Supervisory Commission—which apart from a few verbal changes had been adopted in their entirety—proposed that the preamble and paragraphs 1, 4 (1), 9 and 10 of the draft resolution on the dissolution of the League should read :

"The Assembly of the League of Nations,

"Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong ;

"Desiring to promote, so far as lies in its power, the continuation, development and

success of international co-operation in the new form adopted by the United Nations ;

"Considering that, since the new Organisation has now commenced to exercise its functions, the League of Nations may be dissolved ; and

"Considering that under Article 3, paragraph 3, of the Covenant the Assembly may deal at its meetings with any matter within the sphere of action of the League :

"Adopts the following resolution :

"*Dissolution of the League of Nations.*

"1. (1) As from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

"(2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2.

"4. (1) The officials of the Secretariat having received notice of the termination of their engagements as from July 31st next, the Board shall employ such staff as it may require for the purpose of carrying out the liquidation and for maintaining in operation the departments and services of the Secretariat to whatever extent is necessary in order that the United Nations may, under the best possible conditions, assume those activities hitherto performed by the League which it decides to assume and take over the material assets which are to be transferred to it.

"9. The Board shall, as soon as possible after the transfer of the material assets, and every three months thereafter, make interim reports on the progress of its work and shall take into consideration any observations thereon made by Members of the League.

"10. The present resolution shall not in any way prejudice the continued existence of the International Labour Office or the measures taken or to be taken by the International Labour Organisation to make in its Constitution such changes as may be required as the result of the dissolution of the League."

The Drafting Committee had made only one small verbal change in the preamble and had incorporated the Supervisory Commission's suggestions in paragraph 4 (1). The Supervisory Commission wished to alter paragraph 4 (1) so as to make it clear that the staff in question should be employed only for the liquidation of the League.

Mr. Noel-Baker (United Kingdom) proposed the addition at the end of paragraph 10 of the words :

"or the enjoyment by the International Labour Organisation of the privileges and immunities provided by Article 7 of the Covenant, pending elaboration of and acceptance by the Members of the Organisation of other provisions dealing with this matter."

The object was to ensure that the International Labour Organisation would not be hampered in its work by being deprived of the privileges and immunities during the interval until new arrangements had been accepted by the United Nations. The General Assembly of the United Nations had drawn up a Convention on this matter which was waiting for the adherence of Members of the United Nations, and which would cover the International Labour Organisation as soon as a

¹ See Annex 26, page 270.

definitive relationship had been established between that Organisation and the United Nations.

M. Ruegger (Switzerland) gave his entire support to the proposal of the United Kingdom delegate. Switzerland had already negotiated an agreement with the International Labour Organisation, which she regarded as a body possessing its own legal personality. This agreement still required to be ratified by the Swiss Government and the International Labour Organisation. In recent negotiations the Swiss authorities were able to state that the privileges and immunities of the Secretariat of the League resulting from agreements in force at the present time would remain unaltered during the period of liquidation.

Mr. Wrong (Canada) said that Canada had only recently become closely concerned with the question of privileges and immunities raised in the amendment moved by the United Kingdom delegate, which he fully supported. An agreement had been negotiated with the International Labour Organisation when it moved to Canada in 1941, and this agreement would certainly remain in force as long as the International Labour Office remained in Montreal.

The proposal of the United Kingdom delegation was approved.

The preamble and paragraphs 1, 4 (1), 9 and 10 of the draft resolution, as amended, were approved.¹

SIXTH MEETING

Wednesday, April 17th, 1946, at 10.30 a.m.

Chairman : M. DA MATTA (Portugal), Vice-Chairman; later, M. BOURQUIN (Belgium).

21. — DISSOLUTION OF THE LEAGUE OF NATIONS (continuation) : INTERNATIONAL BUREAUX AND OTHER ORGANISATIONS PLACED UNDER THE DIRECTION OF THE LEAGUE OF NATIONS OR BROUGHT INTO RELATION THEREWITH : NOTE BY THE ACTING SECRETARY-GENERAL¹

The Chairman drew the Committee's attention to the suggestion regarding international bureaux appearing at the end of Section A of the note by the Acting Secretary-General, and asked whether it would be prepared to approve this suggestion.

The Committee approved the suggestion that the Assembly should thank the international bureaux in question for their collaboration with the League and inform them that they were no longer placed under its direction.

The Chairman (M. Bourquin) invited the Committee to consider the question of international institutes (Section B of the Note by the Acting Secretary-General). He pointed out that the international institutes connected with the League of Nations numbered three, but in actual fact two of them were no longer relevant to the deliberations of the Committee. One of them had been liquidated and the other had detached itself from the League of Nations. Consequently, there remained only the International Institute of Intellectual Co-operation.

The International Institute of Intellectual Co-operation was a contribution made by France to the League of Nations. It was meet, therefore, on that occasion to express gratitude to the French Government for this very valuable contribution. He knew from personal experience the great services which the International Institute of Intellectual Co-operation had rendered, and the successful work it had initiated

and carried out. He considered it indispensable that the Institute's work should continue.

In 1939, on the eve of the war, the financial basis of the Institute had been broadened by an Agreement². Under that Act the States signatories had undertaken to contribute to the budget of the Institute of Intellectual Co-operation. In consequence of world events, however, this Act had remained a dead-letter, and in actual fact the cost of the Institute had always up to now been borne almost exclusively by the French budget.

Now, however, the situation had changed. Last November an agreement had been signed in London laying the foundation of an organisation of the United Nations for the promotion of education, science and culture. The new organisation would be competent in the questions that were within the sphere of activity of the Institute of Intellectual Co-operation. They might hope, therefore, that the work of the Institute would develop on a larger scale and with more ample means than had been at the old Institute's disposal.

The Committee was now called upon to settle one specific and limited question. The note of the Acting Secretary-General stated that it was provided by the Agreements of 1924 concluded between France and the League of Nations that, "in the event of the abolition of the International Institute of Intellectual Co-operation, any articles and, in particular, the archives and collections of documents deposited in the premises by the Governing Body, as well as any property which has been acquired by the Institute during its period of operation shall remain the property of the League of Nations", whereas the land, buildings and equipment placed at the disposal of the Institute by the French Government will be handed back to the French State.

The Secretariat's note added : "In order that the work of intellectual co-operation may continue without interruption, the Assembly may perhaps decide to transfer to the United Nations the conditional right vested in the League of Nations over archives, collections of documents

¹ For the final text of this resolution, see Annex 26, page 269.

² See *Treaty Series*, Vol. CC, page 250.

¹ See Annex 21, page 238.

and any other property acquired by the Institute which has not to be handed back to the French State in the event of the abolition of the Institute."

The League of Nations therefore had a right to part of the assets of the Institute and the Committee was consequently only called upon to transfer that right to the United Nations in accordance with the suggestion contained in the Secretariat's note.

M. Costa du Rels (Bolivia) said that, being one of the few delegates in Geneva who had for many years represented a country at the Institute of Intellectual Co-operation in Paris and had had the honour of being a member of the Committee on Arts and Letters of the League of Nations, he could not allow the Institute of Intellectual Co-operation to disappear without making a brief reference to its work and paying it a warm personal tribute.

It was in Paris, which had always been and would always remain the intellectual capital of the world, that the French Government had extended to the Institute of Intellectual Co-operation a royal hospitality, royal in the sense that the Institute had been established in the Palais Royal, which was, after all, an artistic extension of the Louvre.

It would be well to recall in a few words the activities of the Institute of Intellectual Co-operation during the last fifteen years, under the able direction of M. Henri Bonnet, a former official of the Secretariat and at present French Ambassador at Washington. The Institute had in fact put into practice the motto which Paul Valéry had desired to see inscribed on the front of the League building—that the League of Nations was a league of minds—for in his opinion it was only on the intellectual plane and the spiritual plane that an understanding between men was easy and desirable. In order to promote this mutual understanding between peoples, "Conversations" and "Correspondence" had been instituted. The correspondence had been entrusted to eminent European, and indeed international intellectuals, among whom Paul Valéry, Focillon, Salvador de Madariaga, Garcia-Calderón should particularly be mentioned. The "Conversations" had been intended to bring the views of the intellectual élite into closer harmony and to facilitate the solution of certain questions concerning intellectual culture throughout the world in the cause of peace.

After these problems had been debated by men who formed the international intellectual élite, the Committee on Arts and Letters of the League of Nations had been founded. The first "Conversation" had been held in Geneva, where an eminent Frenchman and an eminent German had met for the first time—Paul Valéry and Thomas Mann. In that encounter, great minds had come close to each other and points of contact had been found which would make the solution of international problems possible.

The Institute of Intellectual Co-operation had subsequently dealt with the important problem of authors' rights, which had been the subject of long discussions and which the laws of the various countries had often interpreted in a somewhat exclusive and narrow manner. If this question had not yet been settled, that was due to the war, which had interrupted the efforts made in that direction. There would soon, however, be an international congress to settle this important question of authors' rights, for in certain circles there seemed unfortunately to be a tendency to "intellectual piracy".

The Institute had further organised exchanges of views and discussions of real value on secondary education and the social part to be played by libraries. These had been rather in the nature of technical conferences, but everybody knew how

important was the part played by libraries in the welfare and the intellectual improvement of the masses—a task which was being undertaken far more methodically than had formerly been the case.

The Institute of Intellectual Co-operation had carried out particularly fine work in the matter of the arts. Various conferences had been held on the arts and the manner in which museums should be co-ordinated. In this connection, the important and admirable art review *Mouseion* should be mentioned. It was a model of its kind.

Subsequently the Institute had dealt with the protection of works of art in time of war; alas! without any very satisfactory results, particularly after such a terrible war as the last. The Institute had also devoted special attention to the question of the international status of archaeological excavations and an international agreement had been arrived at to ensure their being carried out methodically and above all scientifically.

Then there had been conferences on higher international studies which had found a solution for certain international problems. The Conference on Collective Security and the Conference on Peaceful Change in particular deserved to be mentioned. A Conference which unfortunately had to be cut short owing to the events of 1939 had been held in Bergen before the war under the chairmanship of M. Hambro.

The field of activities of the International Institute of Intellectual Co-operation had also extended to the natural and exact sciences. The spirit of good understanding between scientists had been particularly noticeable in the field of magnetism and the application of calculations of probabilities. There had also been discussions on purely technical points which had shown how widespread had become the field of the Institute's researches.

Furthermore, the Institute had undertaken the publication of international editions of well-known books. For instance, it had published some excellent translations of books of various countries in an endeavour to extend beyond national boundaries a knowledge of all great literatures and all great books.

As regards Latin America, the Institute had published, for example, the works of the great Argentine writer Sarmiento, which were now widely diffused in Europe, as well as the letters of Bolívar, who, though far better known as a general than as a man of letters, nevertheless displayed in his correspondence some brilliant facets of that complex genius which made him not only a great warrior but also a great peace-maker and thus to some extent the father of the League of Nations.

Some great works of Brazilian literature had also been translated and published.

Now that the Institute was going to pass into other hands, although it would still be fostered by the French Government, it seemed desirable that the League should assist it in the transition from the world organisation which was ending to the new one which was beginning.

A Conference of the United Nations (U.N.E.S.C.O.) was held last November and there would be another one next December. Meanwhile the League should take steps to ensure that the Organisation of Intellectual Co-operation was not overlooked in the establishment of the new body. It seemed certain indeed that U.N.E.S.C.O. would, in the future, tend this flame of culture and intellect which could never be extinguished.

M. da Matta (Portugal) said that the International Institute of Intellectual Co-operation deserved everyone's thanks for the remarkable services it had rendered during the past years. He wished first of all to express his gratitude to the French Government.

The Portuguese Government, which, however modest its efforts, had been one of its most enthusiastic and faithful collaborators, wished

to take this opportunity of paying a tribute to this organisation and the admirable work it had accomplished.

The enterprise of the Institute in very varied fields, a subject which had been recalled by the Bolivian delegate, should not be forgotten. He might mention teaching problems, the scientific study of international relations, study of the social sciences, activities connected with arts and letters, historic monuments, modern methods of diffusion, university statistics, protection of authors' rights, libraries, museums and a score of others. To get a proper idea of the services and the extent of the work performed by the Intellectual Co-operation Organisation, whose fertile activity had been brought to an almost complete standstill by the war, he need only mention that great triumph of intellectual co-operation—namely, the session of the Permanent Conference on Higher International Studies held at Bergen in 1939.

Scientific co-operation was one of the best forms of international friendship. Faith in great and lasting political agreements between States was singularly weakened where the sense of mutual trust was lacking, without which agreements, however cleverly conceived and concluded, were of no practical value. Attention should be turned to the "league of minds". Indeed, the reconciliation and mutual understanding between peoples, the supreme importance of which was felt by all, could be achieved far better by education than by political means.

At the moment when this Organisation was about to disappear, there was every reason to welcome with enthusiasm the decision of the United Nations to call a meeting this year in London for the purpose of establishing the new organisation dealing with questions of education and culture.

M. Ruegger (Switzerland) was also anxious on behalf of the Swiss Government to pay tribute to the important work accomplished by the Institute of Intellectual Co-operation.

He was indeed happy to hear that a large part of its activities, to which M. Costa du Rels had so eloquently referred, would be taken up again by the great new organisation U.N.E.S.C.O. The moment had come to thank the Government of the French Republic, in particular, as M. da Matta had done, for the valuable encouragement it had always given to an institute set up under the auspices of the Committee on Intellectual Co-operation.

Their thanks would doubtless be expressed in the Committee's report.

He was happy to think that organised intellectual co-operation would continue in the future just as in the past, perhaps on an even greater scale and with added support.

M. Nogueira (Uruguay) associated himself with the words expressed by the delegates of Portugal and Switzerland and paid a tribute to the work accomplished by the International Committee on Intellectual Co-operation, more particularly by its Chairman, Professor Gilbert Murray.

He also paid a tribute to the work the Institute had accomplished in circumstances that were not always favourable. He had followed the Institute's activities very closely, especially during the period when it was directed with great competence and no less enthusiasm by M. Henri Bonnet, and he knew the many difficulties, both constitutional and administrative, it had had to surmount, due mainly to the dual nature of the Institute's administration over a period of years. A mere recapitulation of the numerous volumes published by it would suffice to justify this tribute to the International Institute of Intellectual Co-operation, which would soon become the nucleus of the new organisation, U.N.E.S.C.O., which was also to have its Secretariat in Paris.

M. Scelle (France) said that the French delegation was profoundly touched by the generous and affectionate tributes to his country in connection with the work achieved by the Institute of Intellectual Co-operation.

He particularly thanked the Chairman and M. Costa du Rels, whose remarkably vivid summary had offered them a veritable panorama of the Institute's work throughout the years that it had been established in France.

He also thanked the Swiss delegate for his kind words, as well as the representative of Uruguay and likewise his distinguished colleague, M. da Matta.

The work of the Institute, as M. Costa du Rels had truly said, had been twofold. In a certain sense it had been practical, though it never descended from the highest levels of human thought. This particular quality was well illustrated by the Conference on Peaceful Change at which the Chairman of the Committee, M. Bourquin, played a distinguished part. It also had a highly intellectual character, as could be appreciated from the fact that meetings of the Committee of Intellectual Co-operation were attended by Paul Valéry, Bergson, Mme. Curie, and many others whose names had been mentioned earlier.

But now perhaps they must prepare to descend a little from their dizzy heights. The organisation which was to replace the Institute of Intellectual Co-operation—U.N.E.S.C.O.—was to work from a possibly more practical standpoint, namely, that of direct understanding between peoples through the intermediary of their teaching staffs; and by teaching staffs should be understood not merely teachers on the level of higher education or even of secondary education, but also those in direct contact with the masses—i.e., teachers in primary schools.

France was extremely proud that she had been entrusted with the responsibility for the work of U.N.E.S.C.O. She was also extremely proud that the Organisation had its headquarters in Paris and fully realised the obligation she incurred thereby. She would nevertheless endeavour, as M. Léon Blum had declared in his speech on this subject in London in November last, to show herself worthy of the fresh responsibility with which she had been entrusted. In the same spirit she gave her fullest assent to the suggestion outlined in the note by the Acting Secretary-General and to the report which would be submitted to the Assembly.

The suggestion for the transfer of the conditional right vested in the League of Nations which was put forward in the note appeared to him perfectly equitable provided that by the term "United Nations" was understood "U.N.E.S.C.O.". The uninterrupted employment of international institutions for the particular purposes for which they were established was an important principle of public law recognised in all countries. It might then be supposed that, bearing in mind the spirit in which the note was drafted, the term "transfer to the United Nations" was equivalent to the "transfer to U.N.E.S.C.O."

As regards the extremely kind and generous suggestion of M. Costa du Rels at the end of his speech, they would appreciate that France could not well take sides in the matter. But the French Government wished to thank him for the generosity and friendliness of his tribute to France.

France would always endeavour to serve as the great intellectual link between the various countries for which French culture and the cultivation of the mind in general was both a tradition and a glory.

M. Pastoriza (Dominican Republic) added his tribute to the Institute to those already expressed by previous speakers and was glad to be able to state in his capacity as a delegate to the last U.N.E.S.C.O. Conference that this new organisation would continue the work of the Institute.

Mr. Noel-Baker (United Kingdom) said that he would not like the occasion to pass without a word from a spokesman of the United Kingdom for a special reason. In a speech to the Assembly in 1922, Lord Balfour had remarked that the six delegations of the British Commonwealth had never voted together in the Assembly except in opposition to intellectual co-operation. The attitude of the British delegations had changed since 1922. They had a new approach to many subjects and not the least to intellectual co-operation. It was their desire that in the future, as in the past, intellectual co-operation in the domains of education, science, culture and intellectual effort of all kinds should play an important part in the field of international relations.

He wished to express his appreciation of the previous speeches, particularly those of the delegate of France and of M. Costa du Rels, who, as President of the Council, had rendered such distinguished service to the League of Nations during the crisis of 1940 and in the difficult years that followed.

He was convinced that U.N.E.S.C.O. would have an extremely important part to play in the future. He knew that the French delegation would agree with the view of his Government on the importance of constructing the new international organisations on common principles and integrating them as closely as possible with the general system of the United Nations institutions. He hoped that the budget of U.N.E.S.C.O. might form part of the budget of the United Nations and that members of its staff might become members of a common civil service. He hoped, further, that U.N.E.S.C.O. would work in close contact with the Department of Public Information of the United Nations and that that Department would have greater resources at its disposal than the Information Section of the League had had and that it would become a powerful force in world affairs.

He was particularly happy to hear the voice of France again in international affairs. He welcomed the leadership of France in the field of intellectual co-operation and would be glad to follow it.

He felt that in education lay the great hope of peace in the future. Sir Norman Angell, in one of his works, had referred to unanalysed conceptions accepted by the ordinary man and woman without thinking as the real destroyers of peace. He had called them the "unseen assassins". It was those unseen assassins which had to be killed. It was too late to kill them in the minds of the present generation. But in the minds of the generation to come they could be killed. Intellectual co-operation could play a tremendous part in this task, and if it succeeded it would be because of the foundations built in years gone by by the League of Nations.

Professor Bailey (Australia), Rapporteur, speaking as delegate of Australia, said that the reference to the remark of the late Lord Balfour—which he hoped was not supported by past records of the League—brought him to his feet to express his warm agreement with everything said by the other members of the Committee in support of the proposal before it.

Mr. Rive (Canada) said that he too wished to join in the general recantation. The work of intellectual co-operation, now to be carried on under a new title, was becoming increasingly important. Canada, which had inherited the intellectual traditions of two great cultures, hoped

to receive a great deal from it and to contribute what it could to it.

The Chairman felt that the last speeches expressed the unanimous view not only of the British Commonwealth but of the whole Committee.

M. Scelle (France) thanked Mr. Noel-Baker for his charming speech. He rejoiced to hear that the heart of the British Commonwealth was still beating in unison, but this time in favour of intellectual co-operation. He was greatly touched by what had been said about the rôle of his country both in the old and in the new organisations. He was confident of the success of the new organisation since it had been placed in the charge of so distinguished a director as Dr. Julian Huxley, who came from a family which was greatly respected in France.

He wished to pay a tribute to the extremely valuable work of Mr. Noel-Baker at the U.N.E.S.C.O. Conference in London, which had been presided over by Miss Ellen Wilkinson.

The Chairman asked the Committee whether they were prepared to agree that the right of property vested in the League of Nations should be transferred to the United Nations.

The Committee approved the suggestion that the contingent right possessed by the League of Nations over certain assets of the International Institute of Intellectual Co-operation should be transferred to the United Nations.

The Chairman drew attention to the passages relating to the Nansen Office and the International Relief Union in the note by the Secretary-General. He did not think the Committee would need to take any decision in regard to these, since the Nansen Office was in process of liquidation and the International Relief Union was never actually under the direction of the League within the meaning of Article 24 of the Covenant. Its accounts were audited by the League auditor in accordance with Article 19 of the Statute annexed to the Convention by which the International Relief Union was established. He did not think the dissolution of the League would affect the actual functions of the Union, even though the League auditor could no longer continue to audit its accounts.

M. Ruegger (Switzerland) entirely agreed that there was no need for the Committee to take any specific decision on these bodies. He felt, all the same, that the International Relief Union should not go without mention in their report. He understood that the Economic and Social Council was examining the question of attaching the Union to the new organisation. The International Relief Union had been established by a Convention signed nineteen years ago by thirty States.¹ It therefore had a full legal basis and, although its activities had hitherto been somewhat restricted, the functions for which it had been created still existed.

During the war, the Union and its secretariat had received valuable help from the Red Cross. At the present time, when international activities of all kinds were being resumed, his delegation hoped that renewed activity would be possible also for the International Relief Union, whose establishment in 1927 had received the support of the majority of Member States of the League of Nations which had signed the Convention.

¹ See *Treaty Series*, Vol. CXXXV, page 247.

Mr. Noel-Baker (United Kingdom) said that, if the High Commissioner for Refugees had been present, he would have liked to ask him whether he thought the liquidation of the Nansen Office was still the right course. As the High Commissioner was not present, he would ask his delegation at the Refugee Committee, now sitting in London, to raise the question and to consider whether there were still functions that the Office might undertake under the new United Nations organisation.

He agreed with the delegate of Switzerland that the International Relief Union was a particularly interesting body. He believed it was one of the very few international institutions possessing a legal personality and capable of having funds of its own. If these funds had been larger, it might have been able to perform a very useful function.

The international scene contained a large number of different international organisations, some created in the nineteenth and some in the twentieth century before the First World War, and others in the interval between two world wars. These were all operating in isolation and for this reason were unable to function satisfactorily. It was essential that they should be brought into closer contact with the main system of international institutions, and he therefore agreed with the suggestion that the Economic and Social Council should consider whether the International Relief Union could not be brought into closer co-operation with the new international organisations.

Professor Bailey (Australia), Rapporteur, wished to impart to the Committee some anxiety which he felt about the consistency of these proposals with the general procedure of work which the Committee had adopted. He agreed with the Chairman that it would not be appropriate for the Committee to pass any specific resolution relating to the Nansen Office or the International Relief Union. The general resolutions already adopted covered these institutions, and had directed the Acting Secretary-General to provide the necessary facilities for the assumption by the United Nations of the functions in relation to these bodies hitherto exercised by the League. If a particular resolution were to be adopted in relation to one of the organisations concerned, it might imply that similar resolutions would be needed in respect to all others. It was better to leave it to the Acting Secretary-General to bring to the notice of the United Nations all such functions of the League in respect to international organisations which the United Nations might wish to take over.

He suggested, therefore, that the Committee should merely take note of the passages relating to the Nansen Office and the International Relief Union in the note by the Acting Secretary-General and not pass any specific resolution on them.

This proposal was approved.

22. — DRAFT REPORT TO THE ASSEMBLY¹

The Chairman thanked the Rapporteur for his extremely valuable and expeditious work, which had enabled a draft text of the first part of the report to be ready for circulation at the

¹ For final text of the Report, see Annex 24, page 250.

current meeting. For the purposes of this meeting, the English text should be regarded as the only valid one.

M. Nahlik (Poland) expressed gratitude to the Rapporteur for his excellent report. He drew attention to one or two technical points in the French text. He also asked whether the tributes which he and other delegates had paid to the Permanent Court of International Justice could be incorporated in the passage relating to that institution.

Mr. Noel-Baker (United Kingdom) suggested the deletion of the words "the Permanent Court of International Justice, though established in accordance with Article 14 of the Covenant of the League, was not an organ of the League" in the passage relating to the dissolution of the Court. He thought that this contention was intellectually, juridically and legally difficult to accept. The Permanent Court had been established under Article 14 of the Covenant, its Statute had been drawn up by the Assembly, the Judges had been appointed by the Assembly, the conditions of service, salaries and functions had been proposed by the Council, the budget of the Court was part of the budget of the League, and he thought that the staff operated under the Staff Regulations of the Secretariat. Under Article 14, the Assembly and the Council had the right to ask the Court for an advisory opinion. The Court was an organ of the League in the sense that it was part of a general system which in the early days it had been hoped would become the international government of the world.

He quite understood, however, the Rapporteur's intention, which had been to stress the independent status of the Court and to imply that there was no political body which could interfere with its work. The intention was right and he entirely agreed that there should be a separate resolution on the dissolution of the Permanent Court, but he thought it politically desirable that the drafting of the sentence to which he had referred should be amended.

Professor Bailey (Australia), Rapporteur, thanked the Chairman and all who had helped him in the preparation of the report. He was very grateful for the suggestions which had been made, and would be glad to receive any further suggestions. He would be glad to eliminate the inaccurate suggestion in the passage on the dissolution of the Court, as proposed by the United Kingdom delegate. He would incorporate the technical suggestions of the Polish delegate, but, with regard to his second point, he had deliberately omitted from this section of the report the tributes paid to the work of the Permanent Court because a separate report on the dissolution of the Court was to be presented to the Assembly, and this would afford a better opportunity for expressing the tributes paid by the Committee to the valuable work of the Permanent Court.

Mr. Noel-Baker (United Kingdom) asked that the word "slavery" should be inserted before the words "child welfare" in the second paragraph of the section on the assumption by the United Nations of Certain Functions, Powers and Activities of the League. Slavery had been a special concern of the United Kingdom delegation, and especially of Lord Cecil.

SEVENTH MEETING

Wednesday, April 17th, 1946, at 5 p.m.

Chairman : M. BOURQUIN (Belgium).

23. — **DRAFT REPORT TO THE ASSEMBLY¹**
(continuation)

The Chairman invited the Committee to continue its discussion of the draft report to the Assembly.

M. da Matta (Portugal) proposed an amendment to the eighth paragraph of the section on the assumption by the United Nations of Certain Functions, Powers and Activities of the League, which related to Portugal's co-operation in the technical organs of the League.

The amendment of the Portuguese delegation was adopted.

Professor Bailey (Australia), Rapporteur, said that the Swiss delegate had handed in the text of an amendment to the same paragraph, relating to Switzerland's contribution to the League's technical activities. That amendment would fit in perfectly, forming a new paragraph after the Portuguese amendment.

The amendment of the Swiss delegation was adopted.

M. Nahlik (Poland), referring to the last paragraph of the passage on international assistance to refugees, said that the Polish and Yugoslav delegates were more interested in the practice than in the theory and they had been anxious to know whether the High Commissioner for Refugees had any practical means of distinguishing between genuine refugees and displaced persons on the one hand and war criminals, "quislings" and traitors on the other.

Professor Bailey (Australia), Rapporteur, suggested the wording : "... enquired whether the High Commissioner was in practice able to draw a distinction...".

This proposal was adopted.

The first part of the draft report to the Assembly down to the end of the section on the assumption by the United Nations of Certain Functions, Powers and Activities of the League, as amended, was adopted, together with Annexes A and B.

(The meeting was suspended from 5.30 to 6.10 p.m.)

Professor Bailey (Australia), Rapporteur, moved the adoption of a revised text of the draft resolution on mandates (Annex C), embodying one grammatical amendment and an amendment to the first paragraph, submitted by the delegate of Norway, which preserved the substance of the original paragraph but was couched in more diplomatic terms as follows :

"... expresses its satisfaction with the manner in which the organs of the League

¹ For final text of the Report, see Annex 24, page 250.

have performed the functions entrusted to them with respect to the mandates system, and in particular pays tribute to the work accomplished by the Permanent Mandates Commission."

This proposal was approved.

Professor Bailey (Australia), Rapporteur, suggested that the words "The delegations of those countries which, at the time, displayed the greatest scepticism with regard to the French initiative, did not refrain from associating themselves with this expression of thanks" (second paragraph of the section on the International Institute of Intellectual Co-operation) should be amended to read "... were not slow to associate themselves...". This would correct the somewhat severe impression conveyed regarding States whose early scepticism in regard to intellectual co-operation had been succeeded by enthusiastic support.

Mr. Laking (New Zealand) thought it might be better to omit the sentence altogether. While New Zealand may have displayed some scepticism concerning the Institute of Intellectual Co-operation, the fact that she was a member of U.N.E.S.C.O. showed clearly enough her present attitude. The sentence as it stood implied a conviction of error which was unnecessary.

Sir Charles Webster (United Kingdom) and M. Scelle (France) supported the New Zealand delegate's remarks.

Professor Bailey (Australia), Rapporteur, said that he readily accepted the deletion.

The second part of the draft report to the Assembly, as amended, was adopted, together with Annexes D and E.

Professor Bailey (Australia), Rapporteur, understood that he would be free to make any changes of a sub-editorial character that might be necessitated by the haste with which the report had been prepared.

24. — **DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE**
(continuation) : **DRAFT REPORT TO THE ASSEMBLY¹**

Professor Bailey (Australia), Rapporteur, said that the draft report relating to the Permanent Court of International Justice was a short one, introducing the resolution for the dissolution of the Court and paying a tribute to its work. He had attempted to embody in a few paragraphs the substance of what had been said in the Committee about the work of the Court. He regretted that he had not had more time to do justice to the occasion and the subject.

¹ For final text, see Annex 25, page 256.

Sir Charles Webster (United Kingdom) suggested replacing the word "hope" in paragraph 4 by "conviction", the sentence to read: "The First Committee expresses the conviction that the International Court of Justice will maintain the high traditions of its predecessor."

The proposal of the United Kingdom delegate was approved.

The draft report to the Assembly on the dissolution of the Permanent Court of International Justice, as amended, was adopted.

25. — CLOSING REMARKS BY THE CHAIRMAN

The Chairman congratulated the Committee on its unanimous adoption of the general report and of the report on the dissolution of the Permanent Court of International Justice.

He continued as follows: "We have now reached the end of our labours. They have been carried out in an atmosphere which may cause us legitimate satisfaction and I thank you all for the spirit of collaboration with which you have approached them. I desire, in particular, to thank our Vice-Chairman, M. da Matta, and our Rapporteur, Professor Bailey, together with M. Vigier (Secretary of the Committee) and the members of the Secretariat, for the efficacious help which they have afforded us. You will allow me also to address a special word of thanks to the United Kingdom delegation. It was responsible for drafting most of the proposals which we have discussed. By so doing it rendered us great service and I am happy to express our gratitude to it.

"Among the ideas which have been expressed from the tribune of the Assembly, there is one which had been taken up by almost all speakers and which has become, as it were, the *leit-motif* of this session—the idea that the League of

Nations is disappearing only in order to reappear in a new form. I desire to take it up, in my turn, and to adopt it as the conclusion of our debates.

"We are liquidating a great enterprise with which many of us have been intimately associated and which we cannot see come to an end without a certain feeling of melancholy. This feeling, natural and legitimate as it may be, is not, however, our dominating feeling at this moment. We are dominated, on the contrary, by a hope, a constructive determination, which, while not oblivious of the past, is essentially directed towards the future.

"The work goes on with the same object, with the same ideal and under the influence of the same necessities; it is to that work that we must bring the contribution which it demands of us.

"The Charter of 1945 succeeds the Covenant of 1919. In order that it should be possible to pass from one to the other the ground had to be cleared. It was that thankless task which fell to our lot. We have accomplished it conscientiously.

"The proposals on which we have agreed must not, therefore, be regarded as an act of abandonment but rather as a modest participation in the great effort at international organisation which is being displayed throughout the world.

"There is a sentence of Jaurès which comes to my mind; I regard it as so admirable and so consonant with our thoughts that I should like to quote it before resuming my seat: '*C'est quand il coule vers la mer que le fleuve reste fidèle à sa source.*'

"It is by bringing to the United Nations our faith and our experience that we shall be true to the League of Nations."

26. — CLOSE OF THE SESSION

After the usual expressions of thanks, **the Chairman** declared the session closed.

MINUTES OF THE SECOND (FINANCE) COMMITTEE

LIST OF MEMBERS OF THE SECOND COMMITTEE

Chairman: Sir Atul CHATTERJEE (India).

Vice-Chairman: His Excellency Dr. Jaromír KOPECKÝ (Czechoslovakia).

- Afghanistan:* M. Islam Bek KHOUDOJAR Khan.
- Union of South Africa:* His Excellency Mr. Leif EGELAND.
Mr. Donald Bell SOLE (Substitute).
Mr. Bernhardus Gerhardus FOURIE (Substitute).
- Argentine Republic:* Dr. Francisco A. BELLO.
- Australia:* Professor K. H. BAILEY.
Mr. A. H. BODY (Substitute).
- Belgium:* His Excellency M. Georges KAECKENBEECK.
M. Roland LEBEAU (Substitute).
- Bolivia:* His Excellency M. Adolfo COSTA DU RELS.
His Excellency M. Alfredo FLORES (Substitute).
- United Kingdom of Great Britain
and Northern Ireland:* Mr. Glenvil HALL, M.P.
The Right Honourable Sir Hartley SHAWCROSS, M.P. (Substitute).
Sir Charles WEBSTER (Substitute).
Mr. D. B. PITBLADO (Substitute).
- Canada:* Mr. H. Hume WRONG.
Mr. Alfred RIVE (Substitute).
- China:* His Excellency Dr. Lone LIANG.
M. Daniel Ying DAO (Substitute).
- Cuba:* His Excellency M. Guillermo DE BLANCK.
M. Luis VALDES-ROIG (Substitute).
- Czechoslovakia:* His Excellency Dr. Jaromír KOPECKÝ.
- Denmark:* M. Finn T. B. FRIIS.
M. Axel SERUP (Substitute).
- Dominican Republic:* His Excellency M. Andres PASTORIZA.
- Ecuador:* M. Alejandro GASTELÚ.
- Egypt:* M. Aly GRITLY.
M. Sayed H. ISMAIL (Substitute).
- Finland:* His Excellency M. Tapio VOIÓNMAA.
His Excellency M. Johan HELO (Substitute).
- France:* M. Emile CHARVERIAT.
M. Jean WATTEAU (Substitute).
M. Henry HAUCK (Substitute).
M. Georges PEISSEL (Substitute).
- Greece:* His Excellency M. Thanassis AGHNIDES.
M. Georges AFENDOULIS (Substitute).

- India*: Sir Atul CHATTERJEE.
Mr. R. S. MANI (Substitute).
Mr. W. B. ENGLAND (Substitute).
- Iran*: M. Abol-Hassan HEKIMI.
- Ireland*: Mr. F. T. CREMINS.
- Luxemburg*: M. Jean STURM.
M. Jean-Pierre KREMER.
His Excellency M. Antoine FUNCK (Substitute).
- Mexico*: His Excellency M. Luis PADILLA-NERVO.
M. Julio OCADIZ ARNAUD (Substitute).
M. Jorge DAESSLE SEGURA (Substitute).
- Netherlands*: Professor J. P. A. FRANÇOIS.
Madame C. A. KLUYVER (Substitute).
- New Zealand*: Mr. C. A. KNOWLES, C.B.E.
Mr. G. R. LAKING.
- Norway*: His Excellency M. R. I. B. SKYLSTAD.
- Panama*: M. Alejandro DE ALBA.
- Poland*: M. Jan ROSNER.
- Portugal*: His Excellency Professor Dr. José CAEIRO DA MATTA.
His Excellency Dr. António DE FARIA (Substitute).
Dr. João de Deus BATTÁGLIA RAMOS (Substitute).
- Sweden*: M. Sven Hjalmarsson GRAFSTRÖM.
M. Östén LUNDBORG (Substitute).
- Switzerland*: M. Robert GRIMM.
M. François PERRÉARD (Substitute).
- Turkey*: M. Nihad ERIM.
M. Siret HALULU (Substitute).
- Uruguay*: His Excellency M. Julián NOGUEIRA.
- Popular Federative Republic of Yugoslavia*: His Excellency M. Mato JAKŠIĆ.
- * * *
- Austria*: Dr. Johannes SCHWARZENBERG (Observer).

FIRST MEETING

Monday, April 8th, 1946, at 4 p.m.

Chairman: Mr. Hume WRONG (Canada).

1. — **CHAIRMANSHIP OF THE FIRST MEETING**

The Committee agreed that Mr. Hume Wrong (Canada), one of the Vice-Presidents of the Assembly, should take the Chair at its first meeting in the absence of the Chairman, Sir Atul Chatterjee, who had been unable to reach Geneva in time to do so.

2. — **PUBLICITY OF THE MEETINGS**

It was agreed that the Committee should meet in public, unless otherwise decided.

3. — **EXAMINATION OF THE GENERAL SUMMARISED REPORT OF THE SUPERVISORY COMMISSION ON ITS WORK DURING THE PERIOD OF EMERGENCY, 1940-1946**¹

(a) STATEMENT BY THE ACTING SECRETARY-GENERAL

The Chairman said that, in accordance with the long-established tradition of the Finance Committee of the Assembly, he proposed to ask first the Acting Secretary-General and then the Chairman of the Supervisory Commission to make statements on the annual reports of the Commission and those of the Special Committee on Contributions for the years 1940 to 1945, and on the various questions raised in them.

The Acting Secretary-General. — I think on this occasion I can confine myself to a few points, as you will find that the Chairman of the Supervisory Commission will, in his statement, cover all the major questions, dealing with the reports of the Commission and the Contributions Committee and the policy that has been followed. There is one point in my *Report on the Work of the League during the War*² to which I would draw attention: it relates to the League Budget and the Staff of the Secretariat.

In 1939, the Secretariat expenditure was 12.5 million Swiss francs. In 1940, we had to bring it down to 5.5 millions. In 1941, it came down to 2.7 millions and last year it was 2.2 millions.

Taking this expenditure and our income for all these six years, the Secretariat has spent 81,000 Swiss francs less than the share of the income it actually received.

These figures speak for themselves and indicate what I have shown in my report—that we have indeed “cut our coat according to our cloth”. There have been deficits during these years, but they related to the Staff Pensions Fund, where it was necessary to pay 100% of the credit in the Budget to the Pensions Fund, even when the contributions received represented only about two-thirds of that credit. These deficits have in

part been met by making provision for their restoration in subsequent budgets, but the Working Capital Fund, from which they had to be met, had in cash at the end of last year less than 60% of its nominal value.

The Secretariat Budget for 1946 is 4.4 million Swiss francs. This is considerably higher than last year, but 1.27 millions relate to a special credit to meet contractual liabilities resulting from the winding up of the League, and we have also had to increase the provision for the Assembly. On page 6 of the Budget¹ you will see where those increases have occurred. The provision for General Services and Salaries is actually less than for 1945.

You will recall that in my telegram to States Members of September 20th, 1945, I indicated that as the date of the transfer of certain technical services to the United Nations was uncertain, the 1946 Budget would provide for the maintenance of these services throughout the full year and that the contributing States would be credited with any unused part of their contributions appropriated for those services when transferred. To-day, I am not much nearer certainty with regard to the date of the assumption of these services by the United Nations, but we expect that it will take place in a few months. As regards the staff employed on what we call the technical work, this staff will be discharged. It has been arranged that, if the United Nations desires to continue their employment, it will enter into new engagements with each individual official and there will therefore be no question of the formal transfer of staff.

As regards income for this year, the Treasurer has informed me that we have received contributions up to 22% of the expenditure budget. This is already a much higher percentage than is usually received at this early date in the year, and it is due in part to the payment of arrears. The Special Committee on Contributions has been authorised to make arrangements for the liquidation of the debts of States in arrear, and you will see from its report² that progress has already been made in that direction.

It is most important that these arrears should be cleared, both in the interest of the League and in the interest of the States concerned, before the final distribution of the League's assets.

About the transfer of land, buildings and equipment to the United Nations—which will be one of the questions to be decided by the Committee and by the Assembly—you will see in the Report of the Supervisory Commission on this point³ a schedule of the value of this property. That value was taken at cost price; but the property which will be transferred includes many

¹ Document C.102.M.102.1945.X.

² Document C.10.M.10.1946.X (Annex 11, page 195).

³ Document A.8.1946.X (Annex 17.I, page 217).

¹ Document A.5.1946.X (Annex 4, page 149).

² Document A.6.1946.

gifts, as well as equipment bought from donations, for which no figure has been placed in our estimated cost. It would seem appropriate to recall that no less than twenty-two Governments, as well as the Woodrow Wilson Foundation and various private donors, have presented works of art and craftsmanship to these buildings. These gifts—it is proposed by the Supervisory Commission—should be transferred as gifts from the League to the United Nations.

May I venture another statement: there is as yet no building in the world so well adapted and equipped for the holding of international conferences as this. It has been maintained in perfect readiness for use and planned to secure the greatest possible convenience, efficiency and economy for an international organisation.

In my report to the Assembly on the work of the League during the war, I have given a summary of the measures taken in regard to the staff since the outbreak of the war. I would only remind the Committee of the heavy retrenchments that had to be made at that time. Before the war, there were 650 officials in service whose annual salaries amounted to eight million francs. By January 1st, 1943, they had fallen to 100, whose annual salaries were less than 1½ million francs. These retrenchments entailed hardships for many devoted and competent officials who were obliged prematurely to leave the service of the League. It was a painful duty for me to be forced, through pressure of circumstances, to apply these measures.

While more than 500 officials accepted the position so created, there were, as I have informed the Assembly by a special document,¹ twelve officials with life contracts who lodged with the Administrative Tribunal a complaint concerning the conditions under which they were discharged. It was a question of the period of notice for the termination of their contracts which was changed by the Assembly Resolution of December 14th, 1939, from six months to one month. The Administrative Tribunal has considered that this resolution was wrongly applied to these officials and has decided that they should receive full payment. The Assembly will have to take a decision on this point.

Since 1943 the technical activities of the League have been regularly increasing, and some former officials have been reappointed, so that the staff before the Assembly was due to meet was 130.

The impending winding-up of the League, however, will entail the termination of the contracts of all the present staff and, in accordance with the opinion of the Supervisory Commission, I have already informed all officials that their contracts will come to an end on July 31st, 1946, it being understood that short-term appointments may then be made in order to meet the requirements of the service after that date.

This procedure will enable all questions of pensions and indemnities to be concluded at an early date and will enable the final position of the Pensions Fund, and the calls to be made on other funds during the process of liquidation, to be ascertained before the end of the year.

On this occasion of the last meeting of the Assembly, I would like to take an opportunity—and, indeed, I feel it my duty—to express my warmest thanks to the officials. It is due to them that I have been able to carry out the duties entrusted to me throughout the war and that the international work entrusted to the League never broke down during those dark years. I hope that these faithful servants of the League will be given the opportunity to continue their

international careers and that the United Nations will be able to take advantage of their special knowledge and their experience.

There are a few upon whom the heavier responsibilities and burdens have fallen—notably the Treasurer, Mr. Jacklin—and I am happy to take another opportunity to declare publicly that it would not have been possible to keep this organisation alive as a working machine without him.

There was Mr. Loveday, who headed the mission sent to Princeton and during the war years was responsible for the notable accomplishments of that mission. His reputation is well earned and I am sorry his health led to his resignation a few months ago.

M. Stencek was a pillar of strength to me in administrative procedure when in 1940 I had to pull together into working shape a Secretariat that was so drastically reduced as to be very much disorganised.

There are many others—M. Vigier, for example, whose judgment and character remained poised and unaffected by the tragic and discouraging situation we had to face. I cannot mention all by name but I would like to repeat my personal gratitude to them, to those of all ranks, and thus echo, I am sure, the opinion of the States Members whom they were serving.

Co-operation between the League organisations has been close and entirely satisfactory. Mr. Phelan has cabled from Mexico, where a conference of the International Labour Organisation is in progress, his deep regret at being unable to be present, but he is represented here by the Assistant Director and the Legal Adviser. M. López-Oliván has shared our fortunes in Geneva and until a decision elsewhere decided the fate of the Permanent Court of International Justice did all that was necessary to keep the centre of its administration in existence.

Finally, you will be aware from the reports of the Supervisory Commission what its tasks and responsibility have been. Such international duties are heavier and more difficult in times of war when the machine which in normal times runs smoothly has to be constantly adjusted to new tasks and special problems. The control and supervision of the Commission covered details as well as broad policy, financial and administrative, and in all our difficulties we received from the Commission wise and sympathetic guidance.

In the unusual circumstances of the last meeting of this Committee, may I be forgiven for expressing my admiration for the public-spirited and disinterested service so constantly rendered to the League by the Commission and more particularly by the Chairman, M. Hambro, and the Rapporteur, Sir Cecil Kisch.

(b) STATEMENT BY THE CHAIRMAN OF THE SUPERVISORY COMMISSION

M. Hambro, Chairman of the Supervisory Commission. — It has been customary for the Chairman of the Supervisory Commission to review the activities and the recommendations of the Commission as an introduction to the work of the Finance Committee. I feel a little reluctant to do it, because you will have among you for the whole duration of your session our Rapporteur, Sir Cecil Kisch, who, better than I can, will be able to answer any questions and give you all

¹ Document A.16.1946 (Annex 23, page 245).

information, and you have at hand the Treasurer of the League, with a fuller knowledge and a greater authority than anybody else in all matters relating to our financial dispositions. The Acting Secretary-General, in his otherwise very good and touching speech, embarrassed me a little by violating one of the sacred traditions of this Committee and a resolution of which I was the author many years ago, which stated that on the Finance Committee all compliments should be suppressed. But after all these years, it will naturally be required that the Chairman should give an account to this Committee, as the time has come at last when the Supervisory Commission is able to hand back to the Assembly of the League the special powers which it has exercised since September 2nd, 1939. On that day, the President of the Assembly declared a state of emergency to have arisen which necessitated the bringing into force of a resolution that had been adopted by the Assembly in the previous year with just such a circumstance in view.

The resolution is reproduced in the Commission's reports which have been distributed to you, but, as the Commission has now to render account to the Assembly of its stewardship, it will not be out of place for me to quote once again the words which have provided the basis of all our work in the past six and a-half years.

On September 30th, 1938, the Assembly decided that—¹

"Until the next ordinary session of the Assembly, the Secretary-General and, as regards the International Labour Organisation, the Director of the International Labour Office, acting with the approval of the Supervisory Commission, which may take all decisions by a majority vote, shall have power in their discretion to take any exceptional administrative or financial measures or decisions which appear necessary (including the amendment of administrative or financial regulations) and such measures and decisions shall have the same force and effect as if they had been taken by the Assembly."

This resolution was confirmed and prolonged by the Assembly which met in December 1939.² Indeed, the Assembly then added to the special powers already conferred on the Commission those normally exercised by the Council under the League's Financial Regulations.

Those of you who were not present at the Assembly either in 1938 or 1939 and had therefore no chance of knowing at first hand the circumstances then prevailing may be surprised to learn that there was no very precise text, nothing even in the minutes of the Assembly or the Fourth Committee's debates, on which the Commission could rely for guidance as to the way in which we were expected to exercise our special powers or even as to the objectives which we were expected to hold in view. Looking through the records of the two sessions of the Assembly, all that I can find on the subject is a brief reference by the Chairman of the Fourth Committee in 1938, Count Carton de Wiart, to the desire of certain delegates to see some precautionary measures taken regarding the League's financial and administrative work in the interval before the next Assembly's meeting. And the minutes of the Assembly are equally silent on a point which, as the members of the Commission soon came to

see, was of paramount importance to us in the performance of our task. For we had been entrusted with the discharge of powers that belonged to two sovereign bodies—the Assembly and the Council of the League—without our having been consulted first of all, and it was only because of the urgency of the situation that we accepted them without more ado.

In the circumstances obtaining in the second half of 1940 and still more in the circumstances of 1941, it was therefore essential for us as a commission to try to arrive at a definition of our task. The Assembly had entrusted us with power to take in its name any exceptional administrative or financial measures which might appear necessary. But it did not say necessary to what end or with what object in view.

This, then, was our first difficulty, and the conclusion at which, after much reflection and consultation, we arrived is given in paragraph 8 on page 2 of our report for 1941—document C.53.M.50.1941.X. It was, we considered, the duty of the Commission to preserve intact the structure of the League of Nations and to provide for the continued existence of each of its different institutions, even if financial exigencies were to compel a contraction in the scale of their operations. And why did we reach this conclusion? Because, as the same report states, we agreed that it was of the greatest importance for the future to keep up the framework of the League and not to lose the accumulated experience of more than twenty years of international co-operation and administration. We believed that the ideals for which the League had been created were bound to survive the catastrophe of war, even of a war on a wider and more disastrous scale than that of 1914-1918, and that our duty was to ensure the continuance of all those activities of the League which will form as essential a part of the programme of the United Nations as of the old organisation now about to disappear.

In our report for 1942—document C.L.11.1942.X, Annex II—we were able to record with satisfaction the confirmation of our policy by the Atlantic Charter. The Charter laid down the principles which should govern the relations of States in the realisation of economic and social progress, and thus seemed to justify our decision to provide for the continuance of the League's non-political work and of the organs in charge of that work. For, although at that time it was of course impossible to foresee what form the post-war organisation would take, we never doubted that the machinery set up by the League, and the work of its special and technical organisations, would prove invaluable to international co-operation after the war. It was one of the authors of the Atlantic Charter, Winston Churchill, who remarked that, in the tasks of future co-operation, "we must take as our foundation the lofty conception of freedom, law and morality which was the spirit of the League".

With this striking recognition of the value of the League's services to mankind, we felt encouraged to continue on the lines which we had adopted in 1941, and on page 2 of the report for 1943 (document C.23.M.1943.X), you will find a rather fuller definition of our aims than is contained in our previous reports; and it will perhaps be convenient if I read out the

¹ See *Official Journal*, Special Supplement No 183, pages 97 and 140.

² See *Records of the Twentieth Ordinary Session of the Assembly*, December 11th to 14th, 1939, *Plenary Meetings*, pages 21 and 45.

six short paragraphs in which they are summed up:

1. To "preserve intact the structure of the League of Nations and to provide for the continued existence of each of its different institutions, even if financial exigencies compel a contraction in the scale of operations".

2. To provide the necessary credits; to promote the collection of contributions; to enforce economies in administration; and generally to watch developments affecting the League.

3. To ensure the continuance of essential technical work—the social, economic and health work of the League, the control of opium and other narcotic drugs and the refugee organisation—as well as to maintain the various offices of the League concerned with these technical duties; to ensure the regular functioning of the International Labour Organisation; and the maintenance in being of the Permanent Court of International Justice.

4. To ensure the continued and regular collection of information, records and reports, so that the latest material should be available to Member States in the several offices of the League.

5. To provide for study and the preparation of work in connection with post-war reconstruction.

6. To ensure that the League faithfully meets each and every one of its financial obligations.

There is, I imagine, no need for me to deal in detail with any of the subjects in the paragraphs which I have just read out except those in No. 2: "To provide the necessary credits; to promote the collection of contributions; to enforce economies in administration; and generally to watch developments affecting the League".

The other questions are fully covered by the report of the Acting Secretary-General, which will be discussed in plenary session of the Assembly.

I should like first, however, to refer briefly to certain constitutional decisions which we felt it imperative to take in order to make sure that the conduct of our business might not be seriously hampered, or perhaps even suspended, by the hazards of the war.

On page 4 of document A.5.1946.X,¹ you will see lists of the members of the Commission in 1940 and at the present date, and a third list of persons who served on the Commission at different periods during the war. As you will observe, the membership is now ten, although the Financial Regulations of the League stipulate for only seven. Two, however, of the members of the Commission in 1940 were unable, owing to the occupation of their countries, to give effective service. Accordingly, to ensure that the attendance at meetings might be sufficiently numerous to give full authority to the decisions taken, we co-opted, as early as our meeting in Portugal in September 1940, an additional member, M. Costa du Rels, the President of the Council. This practice we continued and somewhat extended in subsequent years, as you will see from our annual reports for 1941 and 1942 and for 1944 (document C.27.M.27.1944.X).

¹ See Annex 4, page 152.

I should like here in passing to pay a tribute to the memory of two members of the Commission who died during the war—Dr. Colijn, of the Netherlands, who for so many years took such an active part in the League's work, and Sir Frederick Phillips, of the United Kingdom, who for years was a member of the Contributions Committee and of the Supervisory Commission. We owe them a debt of gratitude for eminent and devoted services in one capacity or another.

You will allow me to say that for those of us who co-operated with them during those years they became not only colleagues but also personal friends. Some of us will never forget the journey we had in the early days of the war when we went by car with Dr. Colijn from The Hague to Geneva for the last meeting of the Supervisory Commission in Geneva before the end of the war. Nor shall we forget the last meeting we had at The Hague in February 1940. At that meeting we constituted the Central Committee, which had been set up by a unanimous Assembly Resolution of 1939, and as Chairman of the Central Committee we elected Dr. Colijn. An extensive programme of work was drawn up, but owing to the events of the war, it never materialised. I think, however, that we may be allowed to say that without the Central Committee the Economic and Social Council of the United Nations would never have been called into existence, because it is built on exactly the lines drawn up in the report which was adopted by the League in 1939.

During the earlier years of the war, Sir Frederick Phillips always came when he was asked to come. He crossed the Atlantic a number of times and when he died as a result of overwork all his friends and colleagues felt it as a personal loss.

Another resolution which we took in 1940, with the object of preventing delay in the dispatch of business due to the war, was one providing that valid decisions might be reached by letter or telegram. That some such arrangement was indispensable was made abundantly clear at our meeting in Estoril, which neither the Acting Secretary-General nor the Treasurer, nor I, myself, as Chairman, was able to attend, even though the two former gentlemen did manage to get through the unoccupied zone of France and reach the Spanish frontier. I was sitting in New York. I had booked my passage by plane to Lisbon but for twelve days no planes left the United States because of magnetic storms and disturbances. Finally, it was arranged that I could participate by telephone. We could only use the telephone from New York to Lisbon during a few hours of the day, because for the rest of the day and night communications to Lisbon went by way of Rome or Berlin. By telephonic operations, the Chairman was able to keep in touch every day with the Rapporteur and Vice-Chairman, Sir Cecil Kisch, who had the responsibility for conducting the business transacted in Lisbon, which was of fundamental importance for the League.

As we look back on those years, I should like you all to realise the difficulties of the administrations of the League, and particularly of the Treasurer, who had to spread his activity over a number of continents. We had the seat of the League at Geneva. We had to move the Treasury to London. The International Labour Office was transferred to Montreal in Canada. The Opium Supervisory Body and the Permanent Central Opium Board were transferred to Washington, D.C. The Economic, Financial and

Transit Department of the Secretariat had moved to Princeton, New Jersey. And we had at all times to make sure of a quorum of the Supervisory Commission either in England or in America. The Treasurer and the members of the Commission had often to travel by air, and they saw a lot of places in which they never thought they would be interested. We have gone the northern way via Iceland, Greenland and Labrador. We have been a number of times to Newfoundland. We have had to cross to Bermuda, Porto Rico and Trinidad. We have been to Natal, Belem, Dakar, Lisbon, Foynes. At no time did the Treasurer or any of the members refuse to take any of the risks; sometimes they went by air and sometimes by sea, but always they arrived safely, and we were able to conduct our business.

You will have also observed scattered throughout our annual reports references to decisions taken varying or suspending one article or another of the Financial Regulations. Thus the report for 1940 mentions the authority conferred upon the Secretary-General to approve, upon the Treasurer's recommendation and subject to the approval of the Chairman of the Supervisory Commission, the withdrawal of moneys from the Guarantee Fund and other funds not normally available for meeting current expenditure, in case the contributions received from States Members should prove inadequate and, of course, provided the Working Capital Fund had first been exhausted.

Again, our reports for 1942, 1943, 1944 contain a mention of the action we took to vary Article 38 (a) of the Financial Regulations relating to repayments to the Working Capital Fund. In order to lighten the burden of contributions as much as possible, a burden which I may observe in passing was mainly borne during the most critical years of the war by a small group of States, we decided to spread the repayment of withdrawals from the Fund over a period of years, from 1942 to 1945. In this way we were able to make good a great part of the deficit in the Fund without making undue calls upon the good-will of Members.

Other temporary modifications of the Financial Regulations which were necessitated by circumstances concerned Articles 21 (5), 22 and 33 (b). As they are only of minor significance, I do not propose to say more about them here. Those interested will find all the necessary information on page 16¹ of the report for 1944—document C.27.M.27.1944.X.

There is, however, one other constitutional matter on which I ought perhaps to say a few words. As you know, the 1939 Assembly invested the Supervisory Commission with the financial and administrative powers of the League Council. The Assembly's resolution, however, limited this measure to the year 1940. At our Estoril meeting in September that year, we felt that, in the circumstances of the time, the date of the Council's next meeting must be regarded as indefinitely postponed. It was therefore necessary for us to extend the validity of the Assembly's resolution and we agreed to a decision maintaining the authority which had been conferred on us in December 1939 to exercise the powers in question "unless and until the Assembly should decide otherwise". You will find the relevant passage on page 11 of document C.152.M.139.1940.X. It will be for the present Assembly to decide by whom these powers should be exercised in future. If you decide to set up, as has been suggested, a special body for the liquidation of the League and its assets, you will probably wish to transfer these powers to it.

¹ Page 14 in the reprinted English edition.

During the war years, the non-political activities of the League have been maintained, although on a reduced scale. It will save much time if you would take a look at the table showing the estimates as voted and the actual expenditure in parallel columns in Annex A to our General Summarised Report, pages 12 and 13 of document A.5.1946.X.¹ This table shows that, from a vote of 32,200,000 Swiss francs and an actual expenditure of 28,190,000 francs in 1939, the Budget of the League was cut to a vote of 9,650,000 francs and an actual expenditure of 7,800,000 francs in 1942, with slight increases again in 1943 and 1944.

I should like here to mention what you will find more fully in the Acting Secretary-General's Report. Meetings of great importance have been going on. The Fiscal Committee of the League met twice in Mexico during the war and had very successful sessions, resulting in a number of conventions being adopted by countries in South America. The Financial and Economic Committees of the League met in joint session at Princeton, with delegations from twenty-two countries, and the programme drafted there served as a basis for much of the work done to prepare the work of the United Nations and was also useful to U.N.R.R.A. Meetings of the Opium Supervisory Body and the Permanent Central Opium Board have been held in London. We have even succeeded in standardising penicillin and in carrying on the work of international standardisation not only of sera but also of vitamins. In every field where it was humanly possible, the Acting Secretary-General and his officers have continued to carry out the work entrusted to them.

The reduction in expenditure was achieved despite the fact that there were certain items, among them the large annual appropriation to the Staff Pensions Fund, in which little or no reduction could be made. As appears from the tables which you have before you, the annual amount voted for the Staff Pensions Fund between 1940 and 1945 is round about 1½ million Swiss francs. In order to enable the League to comply with its obligations towards the Fund, these credits were paid to the Fund in full each year, notwithstanding the shortfall in the contributions received from States Members. But the punctual discharge of this obligation involved for the League Budgets the deficits which you will find recorded in the table on page 6 of the same document. As you will see, for the six years in question, these make up a total of 2,730,000 francs.

But there is another point in connection with the Staff Pensions Fund to which I should like to invite your attention for a moment. As you will remember, the Assembly in 1939 approved certain measures which the Supervisory Commission had proposed for a considerable retrenchment to meet the exigencies of the emergency.² A great number of League officials were called up for national duty. Others wanted to go into the armed forces of their home countries; at the same time, it was necessary to meet the probable financial consequences of a world crisis. So the Staff Regulations were altered to make it possible for functionaries to leave without the six months' notice and for the League to terminate contracts. Among those affected were many young officials whose career was thus being interrupted or terminated and who would in the ordinary course have continued to serve until they were 60 years

¹ See Annex 4, page 159.

² See *Records of the Twentieth Ordinary Session of the Assembly, December 11th to 14th, 1939, Plenary Meetings*, pages 21 and 45.

of age. In 1940, we were apprised of the effect of these measures on the Pensions Fund. The Fund was that year obliged to face a call for some 16 million francs, a possibility which, naturally, could not have been foreseen at any time before the emergency actually arose. The early retirements and the consequent heavy inroads on the Fund seriously affected its solvency, and it was decided to transfer the whole of the Reserve Fund, amounting to over 11 million francs, to the Pensions and Provident Funds.

Another consequence of the decision which we had to face during the four years 1940 to 1943 was that of making provision in the Budget each year for the payment of the indemnities to officials who left the service on the terms laid down by the resolution of the 1939 Assembly. Under that resolution, these payments were to be spread over a period of four years. The total number of officials involved was 344, and the total amount arising out of this commitment of the Assembly was 3,400,000 francs. Of this sum, one million had to be provided in 1940 and a second million in 1941.

From 1941, too, we had to make provision for the gradual reimbursement of the Working Capital Fund, upon which the Treasurer was forced to make heavy calls. Moreover, from 1942 onwards, we had to make provision not only for the maintenance of old work, but also for new work, mainly connected with post-war reconstruction, on the part both of the Secretariat and more especially of the International Labour Office.

The most drastic cut in expenditure was, naturally, that made in the Budget of the Secretariat, which was reduced in 1942 to just over 21.2% of the 1939 Budget, as against 29.9% for the League Budget as a whole.

I should not, however, like you to suppose that the apparently favourable difference, which you will have remarked in the table I have just mentioned, between the amounts voted and the amounts actually spent represented an effective surplus. To imagine anything of the kind would be to ignore the true and sad facts of the position, for which I would ask you to turn to the table on page 6 of the same paper. From this table, you will see that, except for a small surplus of 370,000 francs in 1944, there has been a heavy deficit in each of the war years from 1940 onwards. The reasons for these deficits are probably known to most of you, but I shall have a few words to say on the subject when I come to deal with the work of the Contributions Committee.

For the moment I should like to confine my remarks to saying that, from the beginning of the emergency, the Commission was impressed with the necessity for the League organisations to cut their coat according to their cloth, if I may use a homely English saying. In other words, means had to be found to make sure that expenditure would be commensurate not with the amount voted each year, but so far as possible with income actually received. In this task we had the loyal and unwavering support of the Acting Secretary-General, the Acting Director of the International Labour Office and the Treasurer to whose co-operation and spirit of understanding

the Members of the League owe a heavy debt of gratitude. The measure of the success we attained in limiting expenditure to income over the war years is shown in the last column of the table before you.

These reductions were obtained mainly by solid cuts in the salaries budgets of the different organisations. It was a task of great perplexity for the Acting Secretary-General and the Acting Director of the International Labour Office to decide just how these heavy economies could be made without excessive interference with all those activities which, for the reasons I have already stated, we had decided to maintain in the interest of the future work of international co-operation.

So far as the Secretariat is concerned, the task may have been simplified by the obvious fact that its political activities would remain in abeyance until the end of the war. But the Secretariat, too, had a heavy burden to carry, not only for the maintenance of its non-political work, which had always represented by far the greater part of its expenditure, and the discharge of duties arising out of Conventions and Treaties, but also because its Budget has to meet certain special expenses, such as the common Treasury service for the collection of income and its distribution to the various League organisations, the Library—part of whose expenses are, however, borne by the Rockefeller Endowment Fund—and the heavy cost of the maintenance of the building in which we are now meeting.

If you will turn to our report for 1944—document C.27.M.27.1944.X—you will find in Annex D a most informative statement by the Acting Secretary-General on the expenditure of the Secretariat in the years 1941 to 1944. The tables given there are the most striking evidence possible of the efforts at compression made by the Acting Secretary-General and his colleagues. From the table in paragraph 2, you will see that, whereas in 1944 the League Budget as a whole still amounted to 31.25% of the 1939 Budget, that of the Secretariat had been cut to 19.3%. And, if you will look next at the last table in paragraph 3, you will notice that the Secretariat's actual expenditure in 1942 and 1943 fell to round about 19.6% of expenditure in 1939.

The most impressive testimony to the economies effected by the Secretariat is perhaps that contained in the tables in paragraph 5 of the same Annex. These show the reduction in salaries expenditure—40.8% in 1940 and 17.4% in 1942 of the 1939 figures—and in the number of officials remaining in the Secretariat's employ, the figure for 1943 being only 19.3% of that for 1940 and as low as 15.1% of that for 1939.

In the subsequent passages of his memorandum, to which I should like to call your particular attention, Mr. Lester describes the difficulties which these drastic compressions caused in the maintenance of the Secretariat's non-political activities. He shows that, in certain cases—the work of the Health Department, for instance—they resulted in real detriment to a vital service and then goes on to say how, by a redistribution of the continuing burden among the remaining members of the staff, these inconveniences were largely, though not wholly, overcome and how the Secretariat was able in the later years of the war even to take up new tasks, especially in connection with post-war reconstruction.

And here it is perhaps necessary that I should say a word about the generous assistance given by such institutions as the Institute for Advanced Study in Princeton, New Jersey, Princeton University, and the Rockefeller Institution for Medical Research to the economic and financial work of the Secretariat.

I need not describe the circumstances in which, in response to an offer of hospitality from those institutions, the Economic and Financial Department, under the direction of Mr. Loveday, was transferred to the friendly soil of the United States and enabled not only to continue but even to develop its work and to assume fresh tasks. Without this timely help, it would hardly have been possible to maintain, still less to add to, that impressive series of publications on economic and financial questions which have been such an invaluable adjunct to workers both in official and in unofficial circles.

Throughout our reports from 1941 onwards, you will find passages recording our grateful acceptance of generous grants from the Rockefeller Foundation and other American bodies for the work of the Economic and Financial Department, the Health Department, the Permanent Central Opium Board and other League organisations.

The economies effected by the International Labour Office were only a very little less impressive than those of the Secretariat. As the Assistant Director of the Office is here in person to describe the way in which, despite heavy cuts in expenditure and substantial reductions of staff, the Office, the greater part of which was transferred to Montreal in 1940, has been able to maintain its essential work and to add new and important tasks to its programme, there is no need for me to go into detail on this subject. If you will look once again at the tables on pages 12 and 13 of the General Summarised Report—document A.5.1946.X—you will see how the Budget of the International Labour Organisation was cut from nearly 8½ million Swiss francs in 1939 to 6,350,000 in 1940 and reached its lowest figure, just over 3 millions, in 1942. The corresponding figures for expenditure are 8,300,000 francs in 1939, 4,350,000 in 1940 and less than 3 millions in 1942. This is surely an effort worthy of all praise. If in the Budgets for 1945 and 1946 the Commission has felt constrained to agree to substantial increases for the International Labour Organisation, making a credit of 8½ millions for 1945 and slightly more for 1946, that is solely due to our desire to avoid hampering the revival of the I.L.O.'s normal activity, since the Governments appear to have agreed that such a revival was of vital importance in the tasks of reconstruction.

As regards the Permanent Court of International Justice, I would draw your attention to Chapter III on page 9 of our report for 1945—document C.118.M.118.1945.X. Section 2 describes the decision at which the Commission arrived in 1940 that, having regard to the remote probability of the Court's being able to sit, it would be appropriate to cut the credit normally voted for the Judges' salaries. The paragraphs marked capital A, B, and C explain how this matter was finally regulated this year in agreement with the Judges.

I take this opportunity of thanking the Registrar on behalf of the Supervisory Commission for his spirit of good understanding and his

untiring patience with our sometimes rather blunt demands for drastic cuts which he has always borne with equanimity and good grace.

The figures for the Budget votes and the actual expenditure of the Court in the years 1939 to 1945 are given in the tables in the Annex to our General Summarised Report, and there is perhaps no need for me to say more on the subject. I shall, however, have something to say on other matters affecting the finances of the Court when we come to deal with the big question of the action to be taken for its dissolution, more especially on the subject of the Judges' Pensions Fund.

Of the Budgets and expenditure during the war years of the other special organisations of the League—the Permanent Central Opium Board and the Office of the High Commissioner for Refugees—there is no need for me to speak, except to say that we effected such small economies as were possible having regard to the comparatively insignificant amounts involved. The figures will be found in the tables in Annex A to document A.5.1946.X.

As regards the special funds, the position is set out clearly and succinctly in the table on page 9 of the document I have just mentioned. And, to what is said in the "Remarks" column of the table, I should like to add the following observations on certain points.

First, the Working Capital Fund. The table shows that the amount in this Fund, which was 4,340,000 Swiss francs in 1939, was 3,870,000 at the end of 1945. The position on March 31st this year was 2,479,000 francs. But a large sum which will be recovered in 1946 was advanced from the Fund to pay the agreed portion of the arrear salaries of the Judges of the Court. You will remember that the Working Capital Fund was instituted with the object of enabling the League organisations to tide over the periods, normally at the beginning of the League's budgetary year, which starts on January 1st, when cash is short owing to the fact that the contributions of most States Members are not received until the year is a few months old. It is restored by contributions from States through the annual budgets and remains the property of the subscribers. Thus, a State which has left the League is entitled to reimbursement of the amount of its contributions to the Fund.

Our General Summarised Report—document A.5.1946.X—contains on pages 7 and 8 a succinct statement of the position on December 31st last year, from which you will glean all the essential facts as well as the Commission's views as to the distribution of the cash in the Fund among the States Members.

I need not detain you with a detailed description of the position of the other special funds mentioned in the table on page 9 of our General Summarised Report, but I would point out that the difference between the total amounts of the funds belonging to the League at the end of 1939 and 1945 is almost exactly equal to the amount of the League Reserve fund, which, as I have already said, was made over by the Assembly to cover the obligations of the Staff Pensions Fund.

Those of you who are interested in the history of the League Wireless Station and its purchase by Radio-Suisse will find all the details in Section J on page 8 of our report for 1941—document C.53.M.50.1941.X—and Section L on page 8 and

Annex E on page 15 of the report for 1942—document C.L.II.1942.X. Annex II.

As regards the Building Fund, you will find in Section P on page 12 of the report for 1943—document C.23.M.23.1943.X—a succinct account of the claim made by the contractors, the *Entreprise du Palais des Nations*, against the League and of the settlement finally reached after seven years' negotiations in 1942.

I have tried to explain the many financial problems with which we have been faced and I have gone into some of the constitutional difficulties we have had to meet. You will understand that, without the intimate co-operation of the Acting Secretary-General, the Acting Director of the International Labour Office, the Registrar of the Court and the Treasurer of the League, it would have been impossible for any Supervisory Commission to discharge the duties laid upon it by the Assembly and the Council. The very text of the Assembly resolution which I quoted in my opening remarks presupposed a full agreement between the Secretary-General, the Director of the International Labour Office and the Commission in any action taken. And I am glad to say that, during these years, no friction has ever been allowed to disturb the co-operation between the competent heads of the Administration and the Supervisory Commission. We all fully realised that, without complete agreement on every issue, the thin ice might break on which we were trying to skate. Much was demanded of Mr. Lester and Mr. Phelan, both initiative and resignation. Mr. Lester took over the functions of Secretary-General at a time of great confusion in the affairs of the Secretariat. How he took charge of the ship and enabled it to weather the storm is described throughout the pages of our annual reports. During the most difficult years he was obliged to stay in Geneva. We could communicate with him only by wire and sometimes by letter. And it is thanks to his loyalty and devotion and the mutual trust which inspired our work that no misunderstandings were allowed to disturb the work. He was a lonely man, exposed to many dangers and difficulties, and I pay the highest tribute to his spirit of loyalty and helpfulness.

Mr. Phelan's task has been hardly easier than that of Mr. Lester, but in spite of ill-health he has displayed a steady devotion to the interests of the International Labour Organisation and an admirable comprehension of the too-often-unwelcome activities of the Supervisory Commission. With untiring energy and unswerving vision, he has continued to develop the institution of which he had charge, winning for it the ardent support of Governments, employers and labour. I must also express our gratitude to the two chairmen of his Governing Body and the representatives of the Employers' and Labour Groups, who have taken a helpful and active part in our deliberations.

And, in this Finance Committee, I must pay the highest tribute to the unfailing loyalty, the resourcefulness and sagacity of the Treasurer of the League, Mr. Seymour Jacklin. I fully associate myself with the words spoken by Mr. Lester and I can say that without his untiring competence, his authority with Governments and his far-seeing wisdom in all our financial problems, the difficulties of the Supervisory Commission would have been immeasurably greater.

Having said these words of more than well-deserved praise of the men who did the work, I have to pass to a chapter that is less agreeable, on the question of contributions. I am treading on awkward ground and for the moment I shall limit myself to a few observations:

I would refer you specially to the Report of the Special Committee on Contributions of December 13th, 1944 (document C.88.M.88.1944.X), which, in addition to the annual statement on contributions paid and in arrear and the statistical information which experience has proved States Members find useful, sets out the steps taken since the inception of the League to induce States Members to meet their financial obligations and the circumstances which prevented the League from applying any effective sanctions against defaulters.

In a subsequent report (document C.10.M.10.1946.X),¹ the Committee has brought all the statistics up to the end of last year and has reported upon the arrangements made with certain States for the settlement of their arrears.

The Committee found that, as a general rule, States which are behindhand in the payment of their contributions expressed a desire to settle their debts before the dissolution of the League. This would enable them to discharge their just obligations and would at the same time entitle them to participate in the distribution of the assets on final liquidation. The Committee will continue its efforts to arrive at a settlement of debts on the fairest basis, taking into account the financial position of the States concerned and making allowance, as the League has always done in the past, for those States which have met with disaster.

I should now like to say something in explanation of our report for 1945—document C.118.M.118.1945.X—and of the Budget which the Commission approved for 1946. As we state in our introductory remarks on page 2, we had at one time hoped that the Assembly would be able to meet in 1945, not only to pass the 1946 Budget proposals, but also and more especially to relieve the Commission of the heavy burden which we have carried throughout the war years. But, as we observe in the last paragraph on page 3 of our report, the necessity for co-ordinating arrangements for the meeting of the League Assembly with those of the United Nations and the desire to have only one meeting of the Assembly, instead of the two which would have had to be called if one were held in 1945, led to a decision by the President of the Assembly to postpone our meeting until 1946. Meanwhile the Secretariat, the International Labour Organisation and other organisations had to be provided with credits to enable them to carry on in 1946 and the Commission had therefore to meet once again on its emergency footing and pass the votes required for the present year.

Though the Commission met late in the year and its session was spread over the months of October and November, there were many unknown factors in the situation ahead of us at that time. The Preparatory Commission of the United Nations had not met and it was not until December 18th that it set up a Committee to discuss questions of transfer with the Supervisory Commission, which had been given special authority for this purpose. There was therefore at the time of our meeting only one sure factor on which we could rely as regards the future, the continuance of the International Labour Organisation throughout 1946. The Permanent Court of International

¹ See Annex II, page 195.

Justice, we could assume, would give place to the new Court set up at San Francisco. But, as regards the Secretariat, it was impossible to foresee the date or dates on which the United Nations would be prepared to take over those non-political activities which we had so carefully, if economically, fostered during the war.

The conclusion at which we arrived, as you will see from the paragraph at the bottom of page 2 of our report, was that the estimates, in addition to making provision for statutory and contractual obligations, should be based on a full year's working, but that an adjustment should be made with the contributing Governments in case of transfers to the United Nations effected during the year. I hasten to add that the amount involved in any such adjustment will represent a very small proportion of the total League Budget, since the Budget includes both the credits for a full year's working of the International Labour Organisation and credits connected with the dissolution of the Court and various other liabilities arising out of the liquidation of the Secretariat, all of which have to be met punctually upon the dissolution of the League.

In view of the exceptional position in which the Secretariat would find itself this year, we decided to provide two Budgets for that organisation, an Ordinary Budget and a Special Budget. The Ordinary Budget, at 3,122,000 Swiss francs, is slightly less than that voted for 1945. The Special Budget, which amounts to 1,278,000 francs, is designed to meet the contractual liabilities which the League must face if the work of the Secretariat is transferred to the United Nations or concluded. Finally, to finance the present meeting of the Assembly, we decided that the simplest method would be to cut the lump-sum reduction in Chapter I of the Budget, which is headed: "Assembly, Council, Conferences and Committees", by 200,000 francs.

The total expenditure of the International Labour Organisation, as passed by the Governing Body, amounts to rather more than 11½ million francs. But not all this sum is payable by the League Members, since a sum of 3 millions is due from States which have adhered to the International Labour Organisation without joining the League. The amount due from the League States in 1946 is therefore 8,618,000 francs, involving a net increase of some 766,000 francs over the 1945 Budget. But, as you will see from the last paragraph on page 8 of our report, this increase is due to the fact that a Member State which appeared as contributing only to the International Labour Organisation in 1945 is shown as contributing to the whole League Budget in 1946.

For the Court, as for the Secretariat, we thought it expedient to provide a special as well as an ordinary Budget. The Ordinary Budget amounts to some 746,000 Swiss francs as compared with 471,000 for 1945. This apparently heavy increase is due to the resumption of certain annual liabilities suspended or paid only fractionally during the emergency. An account of these liabilities appears in the paragraphs bearing the letters small (a), (b) and (c) at the top of page 9 of our 1945 report.

The Special Budget consists of two credits, one of 1,990,000 francs to cover the agreed proportion of arrears of salary to Judges. I have already

dealt with this matter in an earlier passage of my remarks. The other credit is a small one of 192,000 francs to meet contractual liabilities arising out of the dissolution of the Court.

Finally, there is a special credit of 85,000 francs for the repayment of money advanced from the Guarantee Fund. Particulars of this transaction are given in the paragraph at the bottom of page 9 and top of page 10 of the report.

Of the other credits voted, the detail of which is given in the table on page 10, I need refer only to that for International Assistance to Refugees. This appropriation is more than double that for 1945 and the war years generally. The increase is due, as the report explains, to the resumption of the High Commissioner's work in France and Belgium and the reimbursement of an advance made from the Guarantee Fund for the same reason in the course of last year.

The total Expenditure Budget for the present year thus amounts to 17,880,000 francs, an increase of 3 millions over that for 1945. But, as is explained in the paragraph at the bottom of page 10, this increase is more than accounted for by the special credits voted for the Secretariat and the Court. This has unfortunately involved a rise of 8.66% in the value of the contribution as compared with 1945, but you will realise that this was unavoidable if the League was to be placed in a position to pay its obligations in full at the moment of its dissolution.

I would conclude my remarks on our report for last year by drawing your attention to the valuable memorandum on the Secretariat's publications during 1944. You will find the memorandum in Annex D on page 17. The account of the work of the International Labour Organisation in 1945 given on page 6 also contains much interesting information in a succinct form.

To what I have just said concerning our work in the past year, I am now able to add that the Supervisory Commission has passed the Audited Accounts of the Secretariat and the Permanent Court for 1945. For our statement on this subject, I would refer you to our report numbered A.19.1946.X.¹

The Auditor of the League, with the rest of the officers concerned in the Treasury, has had to expand his geographical knowledge to an extent he never imagined before. He has had to do his auditing on various continents, wherever we had establishments of the League, as we wanted, when we met, the last Assembly of the League to be in a position to state that no step had been overlooked that had to be taken to meet in the ordinary way all the obligations which have always been imposed upon the Treasury of the League. The Auditor has not yet been able to audit the accounts of the International Labour Office for last year, but those accounts have been provisionally audited by the Chief Accountant of the League, and as soon as this Assembly has done its financial work, we are going to send the Auditor by the quickest aircraft we can find to conclude his work at Montreal.

As we already then cast our eyes towards the future, I should like to draw your attention to a passage in one of our earlier reports, that for 1944—document C.27.M.27.1944.X—which deals with certain questions of the financial organisation of international administrations. It would take me too long to give you even a brief summary of the considerations and recommendations developed

¹ See Annex 6, page 166.

in that report for the benefit of the successors of the League. But if you will take the trouble to read what we have said in the passage beginning at the first paragraph on page 4 and continuing to the end of Section A, I hope that you will find much food for thought on a subject which is vital to the good ordering of an international organisation such as the League. In it we have tried to condense all the financial experience of the Organisations of the League during more than twenty years of its existence.

You will be asked to settle many questions in connection with the dissolution of the League, and the disposal of its assets and staff. So far as the staff are concerned, I would draw your attention to the fourth, fifth, sixth and seventh paragraphs of Section A of the Report on our Ninety-ninth Session—document A.14.1946.X¹—and likewise to Section B, headed "Indemnities to Staff", of the same report. Throughout the war years these officials have given the League good and faithful service and many of them have assumed part of the burden cast down by those who left at the call of national duty in the early years of the war.

I am confident that you will feel the same concern as we do for the interruption of the careers of these officials, arising as it does out of circumstances for which they are in no way responsible. The amount involved when we give them similar treatment to that accorded by the Assembly's resolution in 1939 is 660,000 Swiss francs. They have all been given their notice of dismissal, because we do not want to keep any unnecessary factors of the institution in existence after the Assembly is over. We realise that it is the idea of the League alone which lives and that the rest, like the Phoenix, must be reborn in the new organisation.

As regards the disposal of the League's assets, you have received the Commission's report on its negotiations with the Committee set up by the Preparatory Commission of the United Nations for this purpose—document A.8.1946.X.² This paper should of course be read in connection with the report of the United Nations Committee itself, which is reproduced in document A.9.1946. As we shall have later on opportunity of debating all the points raised in these papers and in parti-

cular the Common Plan printed in the Annex to document A.8.1946.X, I do not propose to say more on the subject at the present moment, except to commend these two reports to your earnest study. On these and other questions related to the dissolution of the League, the Commission has attempted to suggest in one or another of its most recent reports the solutions which it thinks the Assembly might adopt. We have done so in order to lighten the burden of discussion so far as possible, but I need hardly say that there are still many matters outstanding on which the Commission will be glad to give you such advice as it can when the time comes.

With these observations, I conclude my long account of the Commission's work in the past six and a-half years. Ours has not been an easy task, but we have undertaken it gladly and done our best, never failing in our belief throughout the darkest days of the war that, even if the League as such were to disappear, its ideals and many of its activities and methods must survive, if there was to be any hope at all for the future of mankind.

And we have had one compensation—the wonderful loyalty of the great majority of States Members of the League. No single country has ever raised any objection to the possible irregularities in procedure that events may have forced upon us. No Government has ever told us that our work was futile and that the League should be left to die an obscure and unregretted death. If we have met once more in a League Assembly and can discuss the future in full dignity and the knowledge that our organisation is financially sound and solvent and that our activities have continued to be of great service to mankind, it is not due to our efforts but to the courage and the wisdom of those Governments which throughout these years have given to the League ideas their unswerving support. And most particularly to that group of States which, under the pressure of their own hardships, sacrifices and sufferings and in spite of their financial difficulties, have promptly paid their contributions to the League they had created. Our gratitude should go to these States, and it is for their delegates to say whether we have faithfully discharged the onerous duty you laid upon us in September 1939.

SECOND MEETING

Tuesday, April 9th, 1946, at 3.15 p.m.

Chairman: Sir Atul CHATTERJEE (India).

4. — ELECTION OF THE VICE-CHAIRMAN AND THE RAPPORTEUR

By acclamation, the Committee elected M. Jaromír Kopecný (Czechoslovakia) as Vice-Chairman and Mme. C. A. Kluyver (Netherlands) as Rapporteur.

5. — ADOPTION OF THE AGENDA

The provisional agenda was adopted (Annex 3, page 146).

¹ See Annex 5, page 160.

² See Annex 17, page 27.

6. — GENERAL SUMMARISED REPORT OF THE SUPERVISORY COMMISSION ON ITS WORK DURING THE PERIOD OF EMERGENCY, 1940-1946: GENERAL DISCUSSION

The Chairman having noted that no delegate wished to speak on this question, declared the discussion closed. All that the Committee was required to do, therefore, was to take note of the report, it being understood that a draft resolution would be submitted later on.

He would like, on behalf of the Committee, to thank the Supervisory Commission, and especially

¹ Document A.5.1946.X (Annex 4, page 149).

its Chairman, M. Hambro, and its Rapporteur, Sir Cecil Kisch, as well as the Acting Secretary-General, the Acting Director of the International Labour Office, the Registrar of the Court and the Treasurer of the League for the way in which they had administered the League's finances and safeguarded its interests during the war.

The Committee took note of the reports on the work of the Supervisory Commission during the emergency period.

7. — **FINANCIAL POSITION OF THE LEAGUE AS AT MARCH 31st, 1946, AND REPORT OF THE SPECIAL COMMITTEE ON CONTRIBUTIONS FOR 1946**¹

The Chairman pointed out that these two reports should be taken together, and called attention to Chapter G of the Report of the Supervisory Commission on the Work of its Ninety-ninth Session² and Chapter E of the Report of the Supervisory Commission on the Work of its One-hundredth Session.³

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said that the Committee would find the latest picture of the League's financial position in the Report of the Special Committee on Contributions which was dated March 27th, 1946. That report had now been accepted and approved by the Supervisory Commission in the Report on its One-hundredth Session. The figures in the Report of the Contributions Committee went up to December 31st, 1945, and steps had been taken to give a complete picture of the progress of events for the whole period up to March 31st, 1946. Valuable information on the financial situation of the League would be found in document A.20.1946.X.

It would be seen from Appendix I of the Report of the Contributions Committee that a little over 90% of the annual budgets had been received, something under 4½% cancelled, and about 1½% consolidated, and that arrangements had been made for payment over a number of years. About 4% was still due to the League. A statement of the contributions which had been paid in the current year (1946) would be found on page 3.

The Contributions Committee had given constant attention to the question of the collection of the contributions due to the League, which had never been more important than at the present time, when the League had to contemplate the cessation of its existence and when in order to clear up its debts and meet its commitments, it naturally required the prompt payment of contributions.

The Chairman of the Contributions Committee, who was also the Chairman of the Supervisory Commission, had given very great personal attention to this matter, both in London and in Geneva, and it was largely due to his efforts that the position was as satisfactory as it was. During the course of the current session, contributions were expected from various States whose payments at present consisted in promises which it was hoped would shortly be realised in cash. Since the end of March, payment had been received from Finland of more than half the amount due under the arrangement reached with that country, and an ex-Member of the League, Honduras, had paid up the whole of its consolidated contribution. The Treasurer had been given

assurances that various other payments were on the way, and the Second Committee would be kept informed of the position.

The only other report he wanted to mention was that of the Supervisory Commission on its Ninety-ninth Session, in which the Commission had re-examined the subject of arrears at the latest possible date before the Assembly: the position up to the end of March had already been presented to the Committee.

Arrangements had been made, details of which were contained in the Report of the Contributions Committee, for adjusting the payments of certain States whose position was somewhat exceptional. The reasons for these reductions would be found in the report. Some of these States had been in enemy occupation during the war, and it was obvious that if a realistic attitude were to be adopted, special steps would have to be taken to bring their payments within their capacity, seeing that they needed to spend large sums on their own reconstruction.

It was believed that in making these arrangements, justice had been done to the claims of the League. In the many discussions that had taken place with representatives of the States, a genuine desire had been manifested to liquidate debts to the League, and it was hoped that promises would be translated into hard cash. States did understand that the League's debts were just moral obligations. They had a natural desire to discharge all commitments before the League passed out of existence. They did not wish—many of them were already in the new organisation—to have any stain on their financial record when they joined it. They were also sensible of the fact that the clearance of debts was a necessary factor in the distribution of any assets available when the liquidation of the League reached its final stages.

M. Aly Gritly (Egypt) said that it gave him great pleasure to inform the Committee that the Egyptian Government had asked him to express its intention of liquidating in full its outstanding financial obligations to the League. The settlement of these outstanding arrears would, however, depend on the availability of Swiss francs, Egypt's quota of that currency being fixed under certain arrangements in the sterling area.

M. Rosner (Poland) announced that the Polish Government had accepted the proposals for an arrangement which appeared on page 4 of document C.10.M.10.1946.X. It would take the necessary steps to settle its debt in spite of all the currency difficulties which Poland was at present experiencing.

M. Nogueira (Uruguay) announced that in execution of the terms of the arrangement concluded in London between the Uruguayan Embassy and the Treasurer of the League, the President of the Uruguayan Republic, the Minister for Foreign Affairs and the Minister of Finance had signed an order for the payment of arrears. A cheque would therefore arrive at any moment.

M. Dao (China) said he had pleasure in informing the Committee that the terms of the arrangement with China had been carried out by the Chinese Government. Steps had been taken to pay the sums concerned and a letter had already been sent to the Chairman of the Supervisory Commission.

The Treasurer said that none of the remittances had been received as yet, but he believed they were on the way. He had had assurances from

¹ Documents A.20.1946.X (Annex 12, page 209) and C.10.M.10.1946.X (Annex 11, page 196).

² Document A.14.1946.X (Annex 5, page 160).

³ Document A.19.1946.X (Annex 6, page 166).

certain other States and would report on the position later.

The Report on the Financial Position of the League as at March 31st, 1946, and the Report of the Special Committee on Contributions for 1946, together with Chapter G of the Report of the Supervisory Commission on the Work of its Ninety-ninth Session and Chapter E of the Report of the Supervisory Commission on the Work of its One-hundredth Session were approved.

8. — TERMINATION OF THE LEAGUE: MEASURES TO BE TAKEN WITH REGARD TO THE STAFF¹

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, drew attention to the Supervisory Commission's views (page 2 of the document) with regard to the indemnities to be paid to the staff of the League on the termination of their contracts.

The Commission had not had occasion to deal with the case of those permanent officials whose contracts entitled them to compensation on the abolition of their office. It had had, however, to deal with a number of categories of officials whose contractual position did not entitle them to compensation. It had examined the position from the point of view of the financial practicabilities of the League and also of the equities which the officials concerned were entitled to expect from their employer.

The League was facing a very unusual and unprecedented position—the compulsory termination of the engagements of a large number of people who had been collected from different parts of the globe and whose discharge would take place, as a general rule, outside their home land, so that they would have to re-establish themselves in the national life of their country. In the country of which he knew most, there had been various cases of what might be called "lump abolition" of office, and such cases had always been regarded as meriting very different treatment from cases of individuals who for one reason or another lost their posts.

In the case of the League, there were other considerations of great importance. In most cases—at any rate those which were financially more substantial—the officials concerned would normally have had permanent contracts. But the Supervisory Commission had always had in mind the uncertain future of the organisation, and at a relatively early stage of the war it had impressed upon the Secretary-General the importance of keeping contracts in such a state, wherever possible, that they could be terminated without prolonged notice and excessive obligations. The result was that a number of people who, in the ordinary course, would have received seven-year renewable contracts received only five-year contracts, although they had been in continuous service from a date preceding the war.

The Supervisory Commission felt that it was not fair to treat these people otherwise than they would have been treated had their service been made to conform to the ordinary practice of the League: the length of their service justified that. The Commission considered that, on the termination of their employment, indemnities should be authorised on the same terms as those accorded to permanent officials. It was felt that on the occasion of the winding-up of the League somewhat artificial distinctions should not debar them from the rights and privileges they would have had in the ordinary way. In this

¹ Document A.14.1946.X, Chapters B and D (Annex 5, pages 161 and 162).

matter, the Commission had conformed as closely as possible to the treatment given by the Assembly of the League when officers were discharged under the conditions of crisis of 1939 and shortly afterwards.

In the case of a small number of re-engaged officials (see page 3 of the document), it was suggested that they should, on discharge, be given one month's salary for each completed year of service since their re-engagement. The total cost of indemnities to temporary officials appointed since the war, including those re-engaged after the termination of their contracts, was estimated at not more than 50,000 Swiss francs.

The Commission's proposals would seem to be in accordance with justice and to be the minimum due to officials whose careers had been terminated through circumstances entirely outside their control. They had given loyal service to the organisation—in numerous cases for many years—and had seen the work to which they had devoted their lives break down in their hands. They required a certain amount of cash to re-establish themselves in new walks of life. Members of the Committee would realise that that was not an easy task at the present time for people who had been out of touch with affairs in their own countries for so long.

There was one difference which the Commission proposed with regard to the payment of indemnities. In 1939, in order to husband the resources of the League, which were gravely threatened, it was necessary to arrange for the payment of indemnities over a period of four years. It was now proposed to return to the usual practice of paying them in one sum.

The Committee approved the action recommended by the Supervisory Commission under Chapter B of its Report and took note of Chapter D.

9. — COMPLAINT OF CERTAIN FORMER OFFICIALS OF THE GOVERNING COMMISSION OF THE SAAR TERRITORY: REPORT OF THE SUPERVISORY COMMISSION¹

The Chairman pointed out that the Supervisory Commission had expressed the view that these officials had received more than generous treatment from the League. It had advised the Acting Secretary-General to take no further action in this matter.

The Acting Secretary-General said that the case had come before the Committee partly because the Permanent Court of International Justice had gone out of existence and it was not possible to carry out the Council's request for an advisory opinion. He had that day received a letter from the representative of the officials, claiming that any new arrangements for a settlement should be made by agreement between the complainants and the League and stating that he was available if a new method of settlement, such as arbitration, were accepted.

M. Lebeau (Belgium) said that M. Kaeckenbeeck, the Belgian delegate on the Committee, who was prevented from attending the meeting, desired to make a statement on this matter in which he was specially interested. The Belgian delegation would therefore be grateful if the Chairman would give him an opportunity to do so at a later meeting.

M. Charveriat (France) suggested that, as the Belgian delegate wished to make a statement, this item of the agenda should be adjourned.

This proposal was adopted.

¹ Document A.15.1946.V (Annex 22, page 241).

THIRD MEETING

Thursday, April 11th, 1946, at 3.15 p.m.

Chairman: Sir Atul CHATTERJEE (India).

10. — COMPOSITION OF DELEGATIONS

The Chairman announced that he had received a letter from Mr. Noel-Baker, first delegate of the United Kingdom, asking for his permission to appoint the Attorney-General, Sir Hartley Shawcross, as a substitute United Kingdom delegate on the Second Committee, in the absence of the Financial Secretary to the British Treasury, Mr. Glenvil Hall, who had not yet reached Geneva. He took it that there would be no objection to this.

11. — STAFF PROVIDENT FUND, STAFF PENSIONS FUND AND JUDGES' PENSIONS FUND¹

The Chairman proposed that these questions should be taken together.

The Staff Provident Fund would be liquidated during the present year, so that no decision was called for on the part of the Committee.

As regards the Staff Pensions Fund, the Committee was asked to approve in principle the Supervisory Commission's recommendations. Once this approval had been given, consequential amendments would have to be made to the Staff Pensions Regulations. A formal resolution on the subject would be submitted later by certain delegations.

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said that the principal preoccupation of that Commission had been to ensure that the security of the pensioners continued absolute, and that no one found his interests prejudiced in any way.

The problem was not one that could be passed over to the United Nations. The question arose whether it would be more convenient and perhaps more economical to arrange for these responsibilities to be taken over by an outside private body; but the International Labour Office, with its substantial number of members of the Fund, was going on, and the members had the right to continue under the rules established by the League. Furthermore, if they tried to divide the Fund and deal with the League staff apart from the others, there would be undesirable disparities. However excellent an outside insurance concern might be, nothing could compare in security with the guarantee of a large group of powerful States pledged to see that those who had subscribed to the Fund received, when their service was over, the pensionary privileges due to them. The Supervisory Commission had therefore come to the conclusion, both on realistic grounds and on grounds of economy, that it was desirable that this Fund should, after the disappearance of the League as such, be managed by another international organisation which would take the administrative work in its stride, where

there would be no question of private profit, and where any ultimate surplus would inure to the Fund or to the States which had made such large contributions. Moreover, the International Labour Organisation comprised the States represented in the League, and for all these reasons the Supervisory Commission proposed that the Fund should be managed by that Organisation, if it was willing to accept the duty on the conditions indicated.

The Fund, allowing for the world upheaval, was in a highly satisfactory position, according to the rules under which it had been set up. These rules were not quite suitable for new entrants, and it was intended to have the Fund re-examined by the Actuary. If the Actuary recommended that any further grant should be made to the Fund before transfer, the Supervisory Commission expressed the opinion in its report that the question should be favourably considered by whoever was responsible for undertaking the liquidation of the League, in the light of the available resources.

No additional charge was imposed on the League by what was proposed, but Member States would still be called on to fulfil the same obligations as before, as was only just and reasonable.

The Supervisory Commission had done its best to see that the Fund was in a thoroughly solvent condition and for this purpose had transferred to it the League Reserve Fund. It was therefore in a more satisfactory position than could possibly have been expected six years ago.

As regards the Judges' Pensions Fund, this was not an insurance fund; there were too few members to have any basis of averages. All that the League did was to concentrate such resources as it could from year to year with a view to equating the likely burden on the League's budget as judges passed from active service on to the pension list. There were only eleven members drawing pensions, and three who might become pensionable. The Supervisory Commission thought the proper course was to invite the International Labour Office to carry out the administrative work involved on the same basis as had hitherto prevailed inside the League, the States having the same responsibilities as before, so as to ensure that no judge whose service had entitled him to a pension should at any stage find himself deprived of his rights.

The reports of the Administrative Board of the Staff Pensions Fund were very valuable documents, and the Supervisory Commission had been in close sympathy with the views of the Board. He wished to acknowledge the debt that not only the Supervisory Commission but all the members of the Staff Pensions Fund owed to the work of Mr. Cremins, who had been re-elected Chairman, and of his colleagues.

Mr. Cremins, Chairman of the Administrative Board of the Staff Pensions Fund. — I have pleasure in presenting the Tenth and Eleventh Reports of the Administrative Board of the Staff

¹ Documents A.3.1946.X, A.4.1946.X, A.8.1946.X, A.12.1946.X, and A.25.1946.X [Annexes 9 (page 181), 10 (page 182), 17.1 (page 217), and 7 (page 174).]

Pensions Fund¹ and the Actuarial Valuation of the Fund.² These reports cover the period 1939 to 1946. I should also draw attention to the Reports of the Supervisory Commission on the Work of its One-hundredth and Hundred-and-first Sessions³ and to paragraph 6, page 2, of the Report of the Supervisory Commission on discussions with the representatives of the United Nations on questions of the transfer of League assets.⁴ In paragraph 6 of the Common Plan annexed to that Report, it is mentioned that the League shall make arrangements, independently of the United Nations, with regard *inter alia* to the continued administration of the Staff Pensions Fund.

At the present moment it is more important to look to the future of the Fund now that the League is being dissolved, but it is perhaps desirable that I should draw the special attention of the Committee to a few of the points set out in the Board's reports, and give up-to-date information regarding membership and pensions.

The Tenth Report gives, on page 4, the total number of active members of the Staff Pensions Fund, which was 197 as at December 31st, 1944. As at December 31st, 1945, their number was 189, distributed as follows:

Secretariat	70
International Labour Office	108
Permanent Court	11
Total	189

The number of pensions paid as at December 31st, 1945, was:

Retiring pensions	117
Widows' pensions	21
Orphans' pensions	7
Invalidity pensions	15
Total	160

The 70 officials of the Secretariat and the 11 officials of the Registry of the Permanent Court will be leaving the Fund, which will then be composed of 108 members, all officials of the International Labour Office. If all these Secretariat and Permanent Court officials should choose payment of capital sums, the amount payable out of the Fund would be for the Secretariat a little over 4 million and for the Court a little under one million Swiss francs.

Since the last actuarial valuation of the Fund in 1939, an interim report was made by the Consulting Actuary in May 1940 and a further valuation as at December 31st, 1944. These valuations were examined by the Board, which concluded that, on the actuarial basis originally adopted, the solvency of the Fund was unquestioned, but that certain factors affecting its financial situation had arisen, particularly as regards the rate of interest on investments.

As regards new admissions to the Fund, the Board in its Tenth Report urged that in granting any contracts of employment to new appointees entitling them to admission to the Fund, the organisations of the League concerned should at the same time make provision for additional contributions in respect of such members adequate for the benefits to which those members would be entitled. In making this recommendation, the Board had particularly in mind the fact that the interest earnings on the Fund's investments are considerably lower than the figure of 4¼% which

was taken as a basis of calculation in drawing up the existing regulations. The Board's recommendation having been accepted by the Supervisory Commission, the Board decided that the recommendation should be applied as from a date not later than November 20th, 1945.

It will be observed that the Board at its first meeting after the war recorded its high appreciation of the zeal and efficiency shown by the officials in carrying on the work of the Fund during the period of extreme difficulty resulting from the international situation, more particularly during the summer of 1940. After the bulk of the work involved in the discharge of a large number of the members of the Fund had been concluded that year, the Secretary and Assistant-Secretary of the Fund undertook a hazardous journey, bringing to London records indispensable for the continuance of payment of pensioners. They were thus enabled to open an office in London where the work of the Fund was proceeded with. It was principally owing to this arrangement that the Fund was able to pay all pensions regularly and promptly throughout the whole period of the war. The fact that members retiring from the Fund were paid their full benefits with negligible delay, although payments of more than fifteen million Swiss francs were involved, and the pensioners were widely scattered, speaks highly for the efficiency and ingenuity of the Board's secretariat.

I should like in this connection to pay a tribute to the Treasurer of the League for the arrangements which, in the stress of his multifarious duties involving difficulties and dangers, he never failed to initiate. It is not the first time by any means that the Fund and its members have owed a debt of gratitude to Mr. Jacklin.

As regards the future of the Pensions Fund, I should explain that up to now the Fund has been administered by the League, and members have had the guarantee of the League Member States as to the fulfilment of the pensionary conditions attaching to their service, this guarantee being written into the Pensions Fund Regulations in Article 13 as follows: "The League of Nations guarantees the payment of all annuities or capital sums falling due under the present Regulations." The Fund applies to the Secretariat, to the official of the Permanent Court and to the International Labour Office. The pensioners of the Secretariat and of the Registry of the Permanent Court will disappear in the process of years, but the International Labour Office is a continuing organisation.

It will be seen from paragraph 6, page 2, of document A.8.1946.X that it has been suggested, as explained by Sir Cecil Kisch, as the most convenient arrangement for the future administration of the Fund, that such administration should be taken over by the International Labour Office, and that States Members of the League which are also Members of the International Labour Organisation should continue to be responsible for implementing the pensionary conditions of retired officials of the Secretariat and of the Permanent Court. States Members of the International Labour Organisation would, of course, hold themselves responsible for the due discharge of obligations to officers of that Organisation.

It is understood from the Supervisory Commission's Report¹ that although the Governing

¹ Documents A.4.1946.X and A.12.1946.X (Annex 10.I and II page 182).

² Document A.7.1946.X (Annex 10.III, page 187).

³ Documents A.19.1946.X, Chapter F, and A.25.1946.X (Annexes 6 and 7, pages 169 and 174).

⁴ Document A.8.1946.X (Annex 17.I, page 218).

¹ Document A.25.1946.X (Annex 7, page 174).

Body of the International Labour Office has not yet met to take a decision, it is believed that the International Labour Organisation will agree to accept responsibility for the future administration and financing of the Staff Pensions Fund, it being understood that States Members of the League who are also Members of the International Labour Organisation will maintain their existing guarantee.

It will of course be a condition of transfer that the Fund should first be placed in a position to meet all its financial obligations. It is the intention that, if the proposed transfer is agreed to, a report from the Actuary on the state of the Fund at the latest possible date will be obtained, in order that, if necessary, such financial provision as circumstances indicate can be made from League funds before transfer is effected.

Finally, I do not anticipate any difficulty as regards the Supervisory Commission's suggestion that the Board should remain in being with its present membership until such time as the Fund is taken over by the International Labour Organisation.

The Chairman expressed the thanks of the Committee to Mr. Cremins for his admirable statement and for the difficult and hazardous work he had carried on with his colleagues of the Sub-Committee during the past few years. He was sure that the Committee had been pleased to hear that the Board was willing to carry on its work after the dissolution of the League until a satisfactory new basis had been reached.

Mme. Kluyver (Netherlands), Rapporteur, said that she wished in the first place to express appreciation on behalf of the Netherlands delegation of the work accomplished during the war years by the Supervisory Commission, the Treasurer and the Administrative Board of the Pensions Fund.

The Netherlands delegation had, generally speaking, always showed willingness to accept any proposals put forward by those authorities. To-day, however, she felt a certain amount of hesitation and she desired first to ask for certain additional information.

Sir Cecil Kisch had stated that the Fund was in a very satisfactory state. It would seem, however, that it had come up against certain difficulties, as was shown by the documents submitted to the Committee, in particular the Actuarial Valuation.¹ Apart from the question of the rate of interest, which had already been discussed by Mr. Cremins, there had been a fall in mortality, very frequent cases of retirement and a reduction in the membership of the Fund. The Supervisory Commission would also seem to have anticipated such difficulties, judging from the last two paragraphs of the first part of the Annex to its Report on the Work of its Hundred-and-first Session.² It was stated there that "if any future actuarial examination should show that further fortification of the Fund is required, the necessary financial provision will be made...". Further on, mention was made of a possible augmenting of the resources of the Fund "in the light of the available resources of the League...". These somewhat vague indications were distinctly contrary to the traditions of the Fourth Committee, and delegations were in the habit of knowing in respect of what figures they had to vote. She desired that certain information should be supplied in one way or another with regard to the figures in question. In the Tenth Report of the Administrative Board of the Fund it was stated in paragraph 15, page 2,³ that "the Consulting

Actuary has been asked to calculate the amount of the shortage between the rate of 4¼% on which benefits are based and the prospective future interest of 2 or 2½%...". Further, in the Eleventh Report of the Administrative Board it was stated in paragraph 3, page 2,¹ that the Administrative Board would re-examine the position of the Fund "in the light of a further report of the Actuary". She believed that this further report had not yet been submitted. It would perhaps be more in conformity with the traditions of the Assembly that, before a vote was taken even in principle on the proposals which had been made, further information should be made available with regard to the figures and the financial liabilities—information which could be supplied either by the Supervisory Commission or by some other authority.

In the Actuarial Valuation already referred to it was stated in paragraph (b), page 3, that "the accumulated fund would suffice, in the event of complete and immediate liquidation of the Pensions Fund, to pay all retiring members the lump sums due to them". As regards the possibility of a liquidation of the Fund, she said that she realised the risk of unpopularity involved in suggesting that the Fund should not be simply handed over to the International Labour Office. But she wondered whether it would not be advisable to examine that suggestion (which had already been put forward) more closely before rejecting it. The Rapporteur of the Supervisory Commission appeared to think that the majority of those concerned would prefer a Government guarantee to a "private" guarantee. This idea would appear to deserve investigation now or on some other occasion.

In conclusion, the Netherlands delegation would prefer not to accept the present proposals until they had received further information and had examined the possibility of the other solution.

M. Lebeau (Belgium) expressed the appreciation of the Belgian delegation for the manner in which the Pensions Fund had been administered during recent years. He expressed gratitude to the Administrative Board and its Chairman, Mr. Cremins, to the Supervisory Commission and its Rapporteur for the wisdom, prudence and far-sightedness which they had exhibited, and to the secretariat of the Pensions Fund. He desired in this connection to render homage to the memory of Mme. Juncker-Rohde whose accidental death grievously affected them all. Finally, he thanked and congratulated the Treasurer for the courage, energy and competence with which he had carried out his task in the circumstances with which all were acquainted. It was thanks to him that all the officials of the Secretariat, the International Labour Office and the Court had been able to receive the full amount due to them in all sorts of countries and regions.

He would now submit certain observations with regard to the actual administration of the Pensions Fund.

(1) Sir Cecil Kisch had referred to the transfer to the Pensions Fund of the Reserve Fund of the League, that was to say, a sum of approximately eleven millions. In this connection, page 3 of the General Summarised Report of the Supervisory Commission on its Work during the Period of Emergency² contained the following paragraph: "The retrenchments in respect of large numbers of the staffs of the Organisations..... involved great inroads on the Pensions Fund, the solvency of which was seriously affected, and it was accordingly decided that the Reserve Fund of the League should be transferred to the Staff Pensions Fund."

¹ Document A.7.1946.X (Annex 10. III, page 187).

² Document A.25.1946.X (Annex 7, page 177).

³ Document A.4.1946.X (Annex 10.I, page 183).

¹ Document A.12.1946.X (Annex 10. II, page 186).

² Document A.5.1946.X (Annex 4, page 151).

These words seemed to suggest that the transfer in question constituted, as it were, an act of generosity on the part of the League, but that was not exactly the case. The League was under a series of obligations towards the Fund: (a) to make good the initial deficit of the Fund; (b) to make good as quickly as possible the losses suffered in 1939 and 1940 in consequence of premature departures; (c) to make good losses of interest consequent upon the investment practice which had been followed; (d) to guarantee in general the payments of the Fund in accordance with the Regulations.

It could not, therefore, be said that the Fund was no longer solvent in 1940, but it was not in possession of adequate liquid assets, and the Supervisory Commission and the Treasurer had very rightly decided that available resources should be mobilised by the transfer of the Reserve Fund of the League to the Pensions Fund.

(2) The transfer of the Pensions Fund, with its assets and its obligations, to the International Labour Organisation was dealt with in the Report of the Supervisory Commission on the work of its Hundred-and-first Session.¹ The Belgian delegation was in complete agreement with this solution, which was a logical one, provided that it was accepted by the Governing Body of the International Labour Office and provided also that the Treasurer and the Rapporteur of the Supervisory Commission gave certain explanations in reply to the remarks of Mme. Kluver.

The same applied to the suggestion made in the Report, namely that the guarantee of the League as regards the payments of the Fund should be replaced by a guarantee of the International Labour Organisation, the liabilities arising out of this guarantee being consequently assumed by the States Members of the League which were also Members of the Organisation.

(3) As regards the admission to the Fund of new members, the Belgian delegation warmly welcomed the proposals of the Administrative Board, and the approval by the Supervisory Commission, to a new regime of admission. It would not be normal that, in the same international institution, there should be officials enjoying rights provided for by the existing Fund while other officials were not benefiting thereby. During the war, that state of affairs had existed owing to the force of circumstances, and perhaps also to an excess of prudence in administration, but the situation could not continue. The Belgian delegation would be happy to see a regime adopted which would enable the Director of the International Labour Office to insure all his officials by means of the Pensions Fund, thanks, if necessary, to the resources of the Fund being augmented, as the Actuary's report appeared to recommend.

(4) All the officials of the League had received notice of termination of contract. According to the Regulations of the Fund, the amount due in respect of pensions would have to be paid to them when their term of service came to an end. In the case of many officials, this settlement would involve considerable sacrifice inasmuch as they had not reached the age of 60, the age at which the maximum benefits were payable. While not wishing to put forward a definite proposal, he wondered if a regime could not be contemplated by the Administrative Board under which officials whose contracts were terminated in this way were not required to accept immediately a settlement of their pension rights, but might (a) either remain members of the Fund and continue to pay their contributions so as to be entitled to receive at the age of 60 the total payments due to them under the Regulations; (b) or cease to pay their contributions, the sum

to be paid to them remaining in the Fund, and continuing to increase with compound interest until they reached the age of 60.

No doubt this system had not been foreseen by the Fund, but nor had the Fund been established on the hypothesis of the departure of a great many officials under the age of 60. It would perhaps be desirable to make provision for a more liberal and generous regime. The Belgian delegation would be happy if suggestions on these lines could be examined by the Supervisory Commission and by the Administrative Board of the Fund.

Sir Charles Webster (United Kingdom) associated himself with the thanks expressed by the Belgian delegate to certain officials. He assumed that at the appropriate moment the Committee would record in a resolution its gratitude to them and to the Supervisory Commission.

More than one delegation shared the uneasiness expressed by Mme. Kluver about the rather vague character of the League's obligations. The problem was, however, a very difficult one. The League must ensure that its officials should have their contracts fully carried out; and such would not be the case if they were forced to accept a lump sum. If the Rapporteur of the Supervisory Commission could give some estimate of these obligations—which would throw a great responsibility on the Board of Liquidation and which would have considerable effect on the whole question of the division of the liquid assets—it would very much help the Committee to accept them.

He agreed that the Supervisory Commission's suggestion to take advantage of the continuation of the International Labour Office should receive the support of the Committee.

M. Grafström (Sweden) said that the Swedish delegation, for its part, agreed with the Belgian delegate.

Mr. Sole (Union of South Africa) expressed the hope that the International Labour Organisation would be able to accept the proposed commitment in regard to the Judges' Pensions Fund. He had been a member of the United Nations Committee which had negotiated the Common Plan with the Supervisory Commission. For reasons of policy, the United Nations Committee did not feel able to accept a suggestion that the United Nations should undertake the administration of the Judges' Pensions Fund, but it had felt that this was placing the Supervisory Commission in a difficult position, and he was glad that such an admirable solution had been found.

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, associated himself with the tribute paid to Mme. Juncker-Rohde.

Replying to the various remarks that had been made, he noted that all the members of the Committee agreed that the obligations entered into *vis-à-vis* the staff should be faithfully carried out. A point that ought to be thoroughly appreciated was that the Fund was reported on extremely favourably in the actuarial valuation. The Fund was in a position, if called upon to do so, to undertake immediate and complete liquidation, but of course those who preferred a pension were entitled to have it. As regards the vagueness of certain references, this was due to the fact that no serious lacunæ had been revealed. A new actuarial valuation was being made because it was desired to hand over the Fund to the International Labour Office in the soundest possible condition. Nothing would happen as a result of this transfer, which would not have happened had the League continued to be in charge.

As regards the question of making over the Fund to a private authority, while they were great believers in private enterprise in his country, it

¹ Document A.25.1946.X (Annex 7, page 174).

must be remembered that the Fund had been established and guaranteed by all the Governments, and however well managed and stable private insurance institutions might be, there could be no question that the guarantee of financially-powerful States was more valuable than an undertaking by one or more private companies. The United Nations being out of the picture, the only solution was to try and persuade the International Labour Office to step into the shoes of the League.

As regards new officials of the Office, they must be taken in on a basis which fully covered the risks, and he personally considered that the best solution would be to close the existing Fund and open a new one.

While he had some sympathy with M. Lebeau's idea of allowing retiring officials of the League to remain in some way in the present Fund, this question had not yet been fully considered by the Administrative Board. The retiring officials would be scattered all over the globe and the certainty of regular contributions under the conditions hitherto prevailing would not continue. He personally considered the difficulties insuperable.

Mme. Kluyver (Netherlands), Rapporteur, thanked the Rapporteur of the Supervisory Commission for his explanations. There was still some difference of opinion between them on certain points, perhaps because she was more pessimistic: the Actuary's Report did not seem to her to be quite so reassuring as Sir Cecil Kisch suggested. However, in view of the assurance given by him and of his suggestion that the present Staff Pensions Fund might be closed and a new Fund started for new personnel, the Netherlands delegation would not oppose the adoption of the solution recommended by the Supervisory Commission. The members of the Second Committee would appear to accept it unanimously.

The Chairman hoped that the points raised had been covered by the Rapporteur of the Supervisory Commission to the satisfaction of all members. He asked the Committee to approve in principle the recommendations made by the Commission. At a later stage certain resolutions would be put forward for additions and amendments to the Staff Regulations.

The recommendations of the Supervisory Commission were approved in principle.

M. Friis (Denmark) said that the Danish delegation would like to express its gratitude to the Belgian delegate and to the Rapporteur of the Supervisory Commission for their references to the work of Mme. Juncker-Rohde and for the tribute paid to her memory. Both her compatriots and her former colleagues would find in her example a confirmation of something that was very essential to any international secretariat—the proof that an ardent and active patriotism might very well be combined with the effective and loyal performance of one's duties as an international official.

12. — **FINANCIAL POSITION OF THE LEAGUE AS AT MARCH 31st, 1946, AND REPORT OF THE SPECIAL COMMITTEE ON CONTRIBUTIONS FOR 1946** ¹ (continuation)

M. Nihad Erim (Turkey) said he was glad to inform the Committee that the Turkish Government, in execution of the arrangement reached with regard to its contributions in arrears,

¹ Documents A.20.1946.X (Annex 12, page 209), and C.10.M.10.1946.X (Annex 11, page 195).

had paid the total sums due from Turkey to the Swiss National Bank.

The Treasurer said that he had great pleasure in informing the Committee that he had received the Turkish contribution amounting to 2,179,000 Swiss francs.

13. — **ADMINISTRATIVE TRIBUNAL: JUDGMENTS GIVEN ON FEBRUARY 26th, 1946, WITH REGARD TO CLAIMS OF CERTAIN FORMER OFFICIALS** ¹

The Chairman said that he wished to consult members of the Committee on the procedure to be followed in examining this item.

The report of the Supervisory Commission on the Work of its Ninety-ninth Session ² contained the following statement:

"As an acceptance of the findings of the Administrative Tribunal would put its decision above the authority of the Assembly, the Supervisory Commission could not take the responsibility of advising the Acting Secretary-General and the Acting Director of the International Labour Office to apply the judgments of the Administrative Tribunal. It has accordingly advised the two Administrations to take no action on them pending consideration of the whole question by the Assembly."

The Commission had therefore not found it possible to follow its usual course of expressing a clear and definite opinion and had left the whole matter to the Assembly.

The subject was one of great complexity, and progress would be more rapid if it were studied in advance by a small and carefully selected sub-committee. Every opportunity would be given for a full discussion after the sub-committee had made its report.

The Chairman's proposal to set up a sub-committee was adopted.

The Chairman proposed that the sub-committee should consist of the following delegates: M. Kopecky (Czechoslovakia), Vice-Chairman of the Second Committee; Sir Hartley Shawcross (United Kingdom); M. da Matta (Portugal); M. Nihad Erim (Turkey); M. Watteau (France); M. Padilla-Nervo (Mexico); Professor Bailey (Australia).

The Chairman's proposal was adopted.

The Chairman suggested that M. Kopecky should act as Chairman of the Sub-Committee.

This proposal was adopted.

14. — **DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: CONTRACTUAL LIABILITIES ARISING OUT OF THE DISSOLUTION OF THE COURT** ³

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, referred the Committee to Chapter C of the Report of the Supervisory Commission on the Work of its Hundred-and-first Session. ⁴

Two points had arisen with regard to the claims of the Carnegie Foundation for liabilities connected

¹ Documents A.14.1946.X, Chapter C, and A.16.1946.X (Annexes 5 and 22.I, pages 162 and 241).

² Document A.14.1946.X (Annex 5, page 162).

³ Documents C.118.M.118.1945.X, Chapter F, Section III, Sub-Section 3; and A.14.1946.X, Chapter A, paragraph 9 (Annex 5, page 161).

⁴ Document A.25.1946.X (Annex 7, page 175).

with the Permanent Court of International Justice. The first concerned the amortisation of certain annual payments to cover alterations in the Peace Palace premises to suit the convenience of the Court. These payments had been amortised over a number of years and the Carnegie Trustees had agreed that as very little use had been made of the Palace during the war they should be pushed forward, claims in respect of the war years not being pressed. Instead they would come at the end of the cycle, when the premises had passed into the hands of the United Nations, who had established the new Court at The Hague. That matter, therefore, had been satisfactorily disposed of.

There remained the question of the annual payments for maintenance charges during the war years. Owing to circumstances beyond the control of the Court—the war and the occupation of the Netherlands by the enemy—there was no possibility of making adequate use of the premises, though some use had been made of them by one of the Judges who was Dutch and who had done a certain amount of valuable work there.

The Supervisory Commission was therefore anxious to induce the Carnegie Trustees to recognise that the League was entitled to some abatement of the standard charges. These charges were based on a complicated set of documents. One was a contract which provided for the payment of 20,000 florins a year; another was a letter from the Secretary-General promising to make that sum up to 40,000 florins. The payments had continued for many years. They were apparently designed to defray the expenses of running that part of the Peace Palace which was devoted to the Permanent Court of International Justice.

During the war, the Carnegie Trustees were able to reduce their expenses on certain items, such as personnel. On the other hand, they had had additional expense owing to the need for insuring the Peace Palace against war damage and so on.

The Supervisory Commission had tried to arrive at a compromise. It had sent a delegation to The Hague to discuss the matter. They came away without results. An individual who happened to be going there and who was well known in the Netherlands also came back with empty hands.

The Supervisory Commission felt that though a difference of view still subsisted, it could not press the matter further. There was an adequate case for meeting the claim, inasmuch as the premises had been held at the disposal of the Court. After much thought, therefore, it had decided to recommend the payment to the Carnegie Foundation of 240,000 florins, covering a period of six years.

Sir Charles Webster (United Kingdom) said he was sure the Supervisory Commission had done all that was possible and there seemed to be no alternative but to accept its recommendation. He quite understood that every institution must maintain its rights. At the same time, he could not help regretting that the Trustees had not shown some disposition to agree to a compromise. Clearly the Commission thought the League was entitled to a reduction for that part

of the building which could not be used during the war, and *prima facie* that would seem to be the case. He must therefore express regret that it had not been found possible to obtain at least some small reduction in what appeared to be a very considerable sum.

The recommendation of the Supervisory Commission was adopted.

M. François (Netherlands) said that he had some remarks to make with regard to the observations of the Rapporteur of the Supervisory Commission and Sir Charles Webster. As a Trustee of the Carnegie Foundation, he had attended all the negotiations to which reference had been made, and he would like to remove a misunderstanding with regard to the attitude adopted by the Foundation.

There had been no reduction in the maintenance charges of the Palace because the Court had been unable to meet during the war. It had always been at the disposal of the Court, and the Acting President, as well as the Netherlands staff of the Registry, had continued their work. The small savings it had been possible to make had been greatly exceeded by the increase in maintenance charges, which were far higher than before the war.

No Government represented at The Hague had asked for any reduction in the rent of an Embassy or Legation which had remained empty during the war. The Court of Arbitration, also a tenant of the Foundation, had claimed no reduction in its contribution, but it would no doubt ask to be treated on the same footing as the League of Nations if the latter succeeded in obtaining a reduction.

The League and the Court of Arbitration having suspended payment, the Foundation had been compelled to touch its capital, and if the arrears were not paid, it would be obliged to increase considerably the annual payment of future tenants of the Palace.

The balance of the Andrew Carnegie Donation, after the construction of the buildings had been completed, had not been sufficient for the maintenance of the Palace and the Library. That was why the Foundation was obliged to ask its tenants for annual payments which were very carefully calculated and included no reserves. Any considerable reduction in interest on capital would therefore have to be met by an increase in rent.

The United Nations, however, would not agree to any increase in rent which might become necessary if the Foundation were unable to obtain satisfaction from the League. In these circumstances, the Foundation, which was not inspired by any desire for gain but solely by the desire to accomplish the mission entrusted to it, could not agree to make any concession, however much it might wish to display generosity.

The Chairman pointed out that a decision had already been taken and he did not see the need for further discussion.

He was not sure whether M. François had been speaking as a delegate or as a Carnegie Trustee; but the Committee could only—he thought—take into consideration remarks coming from members speaking as national delegates.

FOURTH MEETING

Friday, April 12th, 1946, at 12.30 p.m.

Chairman: Sir Atul CHATTERJEE (India).

15. — COMPLAINT OF CERTAIN FORMER OFFICIALS OF THE GOVERNING COMMISSION OF THE SAAR TERRITORY¹ (continuation)

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said that the Commission had made a full report on this subject, which had engaged its close attention throughout the war period. The officials in question had no legal claim, the sums they had already received being in the nature of compassionate grants. As would be seen from the Commission's report, they had only served for a comparatively short period and had received substantial payments. After a thorough examination of the legal and moral claims put forward, the Commission recommended that no further action should be taken in the matter.

M. Charveriat (France) observed that this question had been before the League for a long time. It should also be borne in mind that the League was on the verge of liquidation and ought not to leave any matters outstanding without having at any rate made an effort to clear them up. Rightly or wrongly, the complaint of these officials had been accepted and fully considered and the case had even been thought worthy of submission to the Permanent Court of International Justice. Possibly the delegates might feel that certain technical aspects of the case, though in actual fact straightforward enough, should still be examined within the Committee. In view of the technical nature of these legal questions and the unimportance of the case, a small committee of three or four legal experts might be asked to examine it and inform the Committee what, in their view, were the arguments involved.

M. Kaeckenbeek (Belgium) had intended to make a similar proposal to that put forward by the French delegate. He seriously doubted the advisability of merely letting the complaint of the Saar officials drop seeing that arrangements had been made for its submission to the Permanent Court. The fact that the latter no longer existed, and that circumstances beyond the control of the League had prevented the Court from dealing with the question while it was still in existence, did not strike him as a conclusive argument for doing nothing more about it. Undoubtedly several jurists were of opinion that the League had every right to believe that legally it had no financial responsibility in this matter. When it decided to ask for an opinion from the Permanent Court, it was mainly anxious to get a precise definition of the limits of its financial responsibility. Though, so far as the League was concerned, this aspect of the case had lost much of its importance since the League was about to be liquidated, there were nevertheless other aspects which were of some importance.

There could be no doubt that from the point of view of the complainants an extremely unfortunate impression would be created if the League were to take advantage of the disappearance of the Permanent Court to avoid a decision. It was desirable that an endeavour should be made

to avoid this impression and to clear the matter up before the League was finally liquidated.

Actually the Committee was dealing with a lawsuit which had been acknowledged as such, had passed the initial stages, and could not be dropped without being settled in some way or other. There were several ways to choose from. Some other court might be selected in place of the Permanent Court, or it could be cleared up during this Assembly; no doubt many of the delegates would prefer not to have this case dragging on any longer. Consequently, some of the eminent jurists present might be asked to study the dossier and deliver a judgment or at any rate an opinion as to whether some further compensation remained to be assessed, or whether the case could be considered, from a legal viewpoint, closed. Or again the Assembly might, after a study of the dossier, itself take the responsibility of giving judgment on what it regarded as the established facts in the case, but that would be rather a difficult task for delegates to undertake in view of the mass of documentary evidence involved.

For these various reasons, he was in favour of the solution suggested by the French delegate.

Sir Charles Webster (United Kingdom) supported the proposal of the Belgian and French delegations. A sub-committee of three legal experts would certainly be able to give an opinion promptly and dispose of the question in a way which would satisfy everybody.

The proposal of the French delegation was adopted.

The Chairman suggested that the sub-committee should consist of M. Nihad Erim (Turkey), M. François (Netherlands) and M. Kaeckenbeek (Belgium), and that it should report on the following day.

M. Kaeckenbeek (Belgium) thanked the Chairman for having put forward his name. Some years ago, however, he had been asked by the League to give an advisory opinion on the question, which he had done. His opinion on the matter was therefore known and appeared in the file. The small sub-committee which it had just been decided to appoint would be in the nature of a judicial body. In the circumstances he was obliged to decline the invitation, as the rôle of judge would be incompatible with that of counsel which he had been formerly asked to accept.

The Chairman felt, on the contrary, that M. Kaeckenbeek would have been particularly well qualified to be a member of the sub-committee in view of his knowledge of the case. At any rate in Anglo-Saxon countries, a judge of the original court was often also a member of the appellate court. Perhaps Sir Hartley Shawcross might be willing to be appointed in place of M. Kaeckenbeek.

Sir Charles Webster (United Kingdom) said that Sir Hartley Shawcross was at the moment too busy with other duties. He proposed Mr. Egeland (Union of South Africa).

The Chairman said the sub-committee would then consist of Mr. Egeland, M. Nihad Erim and M. François.

¹ Document A.15.1946.V (Annex 22, page 241).

FIFTH MEETING

Saturday, April 13th, 1946, at 10.30 a.m.

Chairman: Sir Atul CHATTERJEE (India).

16. — REFUGEE QUESTIONS: LIQUIDATION OF THE NANSEN OFFICE¹

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said there was very little to add to the statement in Chapter B of the Report of the Supervisory Commission on the Work of its Hundred-and-second Session.²

The question of the liquidation of the Nansen Office had engaged the attention of the Supervisory Commission from time to time, and they had recently been in correspondence with the Liquidator. Certain delays had arisen out of the difficulty of communications during the war, and the Supervisory Commission was unfortunately not in a position to place a final solution of the matter before the Second Committee. It could only recommend that it be remitted to the Board of Liquidation which it was proposed should be set up on the dissolution of the League.

The recommendation of the Supervisory Commission was approved.

17. — AUDITED ACCOUNTS FOR THE TWENTY - SEVENTH FINANCIAL PERIOD (1945) AND THE RELEVANT PASSAGE IN THE REPORT OF THE SUPERVISORY COMMISSION

The audited accounts for the twenty-seventh financial period (1945) and Chapter C in the Report of the Supervisory Commission on the Work of its Hundredth Session³ were approved.

18. — TERMINATION OF THE LEAGUE OF NATIONS: MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE ASSETS

(a) SCHEME OF DISTRIBUTION

The Chairman opened the discussion on Chapter F of the Report of the Supervisory Commission on the Work of its Hundred-and-first Session.⁴ He pointed out that at its meeting on April 12th, the First Committee had discussed a draft Assembly Resolution for the Dissolution of the League of Nations⁵ which had a bearing on the same subject. It had been remitted to the Second Committee for consideration and report. If there was no objection, the two documents might be taken together, so that all the relevant questions could be discussed at the same time.

The Chairman's suggestion was approved.

The Chairman said that the First Committee had agreed, subject to the approval of the Second Committee, that the Chairmen of the two Committees should meet to make proposals concerning the membership of a small committee to go

into the question of appointing a board of liquidation. They had as yet had no opportunity of meeting, and he would therefore ask that the matter be left open for the time being.

The Committee approved the procedure proposed.

The Chairman invited the Rapporteur of the Supervisory Commission to comment on the opening passage of Chapter F of the Report of the Commission—Measures to be taken for the Disposal of League Assets—which should, he said, be taken together with paragraph 1 of the draft Assembly Resolution.

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said that as a result of the discussion between the representatives of the League and of the United Nations, it was agreed on both sides that the League Assembly should, at its current meeting, deal with the question of the distribution of the assets of the League in accordance with percentages to be laid down by the Assembly.

It would be appreciated that in 1946 contributions would continue to be received and commitments to be discharged. It was therefore not possible, at the present stage, to give a precise schedule of percentages. For this reason, it had been necessary to state the nature of the scheme in general terms only. A provisional schedule of the contributions of the Member States in relation to the total contributions received by the League had been worked out and could be produced if required, but it would have to be modified when the liquidation was virtually completed.

In this way effect had been given, he thought, as far as was humanly possible, to the agreement between the representatives of the two organisations.

The first three paragraphs of Chapter F of the Supervisory Commission's Report, together with paragraph (1) of the draft Assembly Resolution, were approved.

The Chairman invited the Rapporteur of the Supervisory Commission to open the discussion on the Scheme of Distribution proposed by the Commission. He pointed out that paragraphs 6, 7 and 8 of the draft Resolution remitted to the Second Committee by the First Committee dealt with the same questions.

The Supervisory Commission had suggested a new text for the last few lines of paragraph 6 which would be found in the Report of the Supervisory Commission on the Work of its Hundred-and-second Session.¹

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said he hoped the Scheme of Distribution was quite clear and would not give rise to much dispute or criticism. The simplest procedure would be for him to run through it, paragraph by paragraph.

Paragraph (1), on the payment of contributions, both arrears and current, called for no comment.

On paragraph (2)—Participation in the Assets of the League—he thought he should say, for the sake of completeness, that the Supervisory Commission had received, through the Acting

¹ Document A.19.1946.X, Chapter D (Annex 6, page 168).

² Document A.28.1946.X (Annex 8, page 180).

³ Documents C.15.M.15.1946.X; and A.19.1946.X (Annex 6, page 168).

⁴ Document A.25.1946.X (Annex 7, page 176).

⁵ For final text of this resolution, see document A.32(c).1946.X (Annex 26, page 270).

¹ Document A.28.1946.X (Annex 8, page 180).

Secretary-General, a letter from a State which was no longer a Member of the League—which had left the League after discharging all its debts—asking whether its claim to a share of the assets could be revived. The view of the Supervisory Commission was succinctly expressed in its Report. The recommendation they made was that only States at present Members of the League should share in the assets.

Paragraph (3) dealt with the method of participation. That had been carefully considered with the United Nations. It had been arranged in full agreement with the representatives of that organisation—which was the heir of the material assets of the League—that credits should be given to States Members for their share of the material assets of which a valuation was to be established by the two organisations. The Supervisory Commission proposed that the allocation as between League Members should be in proportion to the contributions paid during the whole period of the League's existence. The same practice would naturally be followed with regard to the liquid assets. That made it possible to work out a percentage table, and the States which had made the largest contribution would be entitled to a larger share in the value of the assets. For this purpose, the material assets were to be valued on a cost price basis. If this proposal commended itself to the Members of the Assembly, the United Nations might be congratulated on acquiring at cost price assets which, if they were constructed or acquired under present conditions, would cost a great deal more than the charge they were being asked to accept—and which they had expressed their readiness to accept.

In addition, the gifts which were being presented to the United Nations—most valuable gifts given by many Member States, artistic treasures which would be regarded with admiration in ages to come—would be handed over without cost.

Under paragraph (4) it was proposed that arrears should be brought into account before the final division of the assets was settled. That would probably commend itself to Members, especially those who had no arrears.

Paragraph (6) required some explanation. It dealt with the position of Members of the League who would not be Members of the United Nations on December 31st, 1946. It was hoped that in the process of time—the shorter the time the better—the United Nations would become a universal association. But the Supervisory Commission had had to take account of the possibility that when the liquidators came to divide the assets, there might be some Members of the League who were not yet in the United Nations. In order, as far as possible, to equate the treatment of all, it was suggested that their share in the material assets of the League should be held in suspense or otherwise dealt with under arrangements to be made by the liquidating authorities in agreement with the States concerned.

Should it become necessary to give non-members of the United Nations but Members of the League cash instead of credits in the books of the United Nations—and for this purpose cash and credits in the books of the United Nations were equal to one another—the Treasurer might be faced with excessive demands for cash payments. In that case there would be no alternative but to make *pro rata* adjustments.

As stated in paragraph (7), it was proposed that non-material assets be distributed in cash when the final calculations had been established, that was to say, when all the debts had been discharged

and all the contributions collectable at the date at which the liquidation was undertaken had been brought into account.

In order to keep everybody on a parity in regard to the material and liquid assets, the disposition of these matters under paragraph (8) would not become fully effective until the liquidation authorities were in a position to present final audited accounts.

There was no doubt that whoever was responsible for carrying through this important financial transaction would require to have the final computations duly audited. That would not take long, but it was a necessary preliminary to a businesslike winding-up of any institution.

Paragraph (9) provided that if there were any unforeseen matters with which the liquidation authority was called upon to deal, it might take whatever decisions it deemed most expedient, provided the Scheme of Distribution was adhered to.

M. Pastoriza (Dominican Republic) drew the Committee's attention to the proposal of the President of the Dominican Republic with regard to the transfer of the assets of the League.¹ In doing so, he ventured to recall the old dreams of unity and peace and the common dedication of the nations to the cause of mankind. This cause had never been surrendered through all the hours of hope and disappointment.

The President of the Dominican Republic asked that three-fourths of the existing cash assets of the League should be made as a grant in favour of the humanitarian objects of U.N.R.R.A. and the remaining fourth contributed to the Columbus Lighthouse Memorial Fund for a monument to commemorate the discoverer of America, as well as the spirit of international co-operation.

He also asked that the landed property of the League be presented to the Government of the United States for the purpose of setting up the World Health Office which that Government was desirous of establishing.

These suggestions were in accordance with the intentions for which the League was created. If they were approved, the melancholy task of winding up the Organisation would be transformed into a generous act which would bring relief and hope to mankind.

The Chairman asked whether any delegation wished to second the Dominican proposal.

There being no seconder for this proposal, it was rejected.

Mr. Glenvil Hall (United Kingdom) said he was delighted to have arrived in time to take part in the discussion on the disposal of the League assets and to comment on the plan set forth by the Supervisory Commission.

Their task must have been a very difficult one. But he, for one, believed they had produced a plan which would be generally acceptable. It followed the line of common sense and seemed fair and just to all concerned. He was glad to think the Commission had realised that the new organisation was following the present organisation and that although the League was coming to an end, many of its tangible assets and some of the gifts which were presented to it would find a place in the rooms and council chambers of the United Nations. He commended the scheme to his fellow delegates as one they should accept.

¹ Document A.II.1946 (Annex 17.II, page 220).

M. Charveriat (France) said he had one observation to make on paragraph (2) of the Scheme of Distribution. A case arose which was outside the sphere of book-keeping. It was that of the Union of Soviet Socialist Republics. There was no need for him to recall that the Soviet Union had left Geneva in circumstances quite different from those in which any other State had withdrawn. The French delegation thought that at the time of its dissolution the League would be acting equitably if it were to consider the possibility of allowing the Soviet Union, which had played so great a part in the war, to participate in the assets.

The Chairman asked whether any delegation wished to support the French proposal.

There being no seconder for this proposal, it was rejected.

Mr. Glenvil Hall (United Kingdom) said he would like to make a few observations on the matter raised by the French delegate.

The Chairman said he was sorry but he had already declared the matter closed.

The Scheme of Distribution, together with paragraphs 5, 6, 7 and 8 of the draft Resolution on the Dissolution of the League as amended by the Supervisory Commission, were approved.

(b) WORKING CAPITAL FUND AND OTHER FUNDS¹

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, said that the Working Capital Fund was in a different position from the other funds administered by the Treasurer inasmuch as it did not belong to the League as a whole, but was the property of individual Members in a certain proportion according to their contributions. This Fund served a very valuable purpose as a kind of cushion which was available while subscriptions were coming in; it had been used for financing the Secretariat, the International Labour Office and the Court, pending the receipt of contributions. Any drafts on it were made good in subsequent budgeting. When the League ceased to exist, there would still be need for the International Labour Organisation to have such a fund. It was therefore proposed that the balance of this Fund should be made over to the International Labour Organisation on the understanding that it would be used in the same way as hitherto, and would continue to remain the property of the various States.

As regards the Reserve Fund, the whole amount would be recovered before the liquidation was completed, and it was suggested that it should be paid over to the Staff Pensions Fund. It had been lent to the Staff Provident Fund. Mme. Kluyver had drawn attention to the possibility that the Pensions Fund would want a little stiffening, and the proposed transfer would give it that stiffening.

It was proposed to apply the same procedure in the case of the Fund to cover Exchange Losses.

Full explanations would be found as regards Extra-budgetary Accounts in Chapter IV of the Annex, and it was proposed that so far as possible those funds should continue to serve the purposes for which they were established.

Mr. Knowles (New Zealand) asked why the Supervisory Commission had decided to transfer not a part but the whole of the Working Capital Fund.

The Treasurer said that the Working Capital Fund was divided proportionately among the

three organisations, but during the war a large proportion of the Fund was used to cover the deficit, and it now amounted to 3 millions out of a nominal fund of 6½ millions. The position, however, was that the States which were in arrears owed the League more than it owed them from the Working Capital Fund. The balance in the Fund was about 3 millions, and that was the proportion to which the International Labour Organisation was entitled. If this sum was paid over to the Organisation, it would be enabled to keep its contract with each State which was in good standing with the League.

There being no further comments, the proposals contained in the Annex to document A.19.1946.X were approved.

19. — COMPLAINT OF CERTAIN FORMER OFFICIALS OF THE GOVERNING COMMISSION OF THE SAAR TERRITORY (continuation): REPORT BY THE SUB-COMMITTEE¹

M. Nihad Erim (Turkey), Rapporteur of the Sub-Committee, explained that the Sub-Committee had examined the case submitted to it from three standpoints. Firstly, had the League any legal or financial obligation towards the complainants? Secondly, should the complainants be granted a further *ex gratia* payment? Thirdly, how was the case affected by the Council's decision of 1939?

As regards the first point, the Sub-Committee had sought to ascertain whether there had been a contract between the League and the complainants. Neither in the Treaty of Versailles, nor in the Covenant, nor in the Staff Regulations, had it been able to discover any provision which might place the League under a legal or financial obligation towards them. It had therefore concluded that no such obligation existed.

As regards the second point, it had noted that the League had already made the complainants an *ex gratia* payment.

As regards the third point, it had taken into consideration the fact that in 1939 the Council had decided to consult the Permanent Court of International Justice. In view, however, of its conclusion on the first point, it seemed to the Sub-Committee that it would now be quite superfluous to ask for an advisory opinion because there was no obligation towards the complainants. Though the Council had decided to obtain expert legal opinion, the Sub-Committee did not feel, now that the Permanent Court had disappeared, that it could recommend to the Assembly any fresh consultation of jurists or arbitral. In its view, it was for the Second Committee to take a decision in the matter.

The Chairman thanked the Sub-Committee and its Rapporteur for the promptitude and efficiency with which they had performed their task. As regards paragraph 3 of their Report, he reminded the Committee that by an Assembly decision the Assembly now had all the powers which the Council of the League used to have, and as the Second Committee's report would go to the Assembly, that body could take any action which might be necessary.

Mr. Egeland (Union of South Africa) feared that paragraph 3 of the Sub-Committee's report was a rather negative and unhelpful one. The reason was that the Sub-Committee was not unanimous on the question whether, in spite of the findings under paragraphs 1 and 2, the petitioners should

¹ Document A.19.1946.X, Appendix (see Annex 6, page 169).

¹ For text of this report, see document A.32(1). 1946.X (Annex 26, page 264).

be deprived of the right to resort to the independent opinion of an outside tribunal. His own view was that it was not desirable to resort to such a tribunal, but the Sub-Committee was not unanimous and felt that the decision should be left to the full Committee.

M. Kaackenbeeck (Belgium) said that until he had heard the explanation relative to paragraph 3 of the report, he had wondered whether that paragraph was not to some extent contrary to the purpose for which the Sub-Committee was established, namely, the substitution for the Permanent Court of International Justice of some other authority to give a decision on a legal issue. The explanations furnished by the Rapporteur and Chairman of the Sub-Committee had shown that any contradiction was one of form rather than of substance and in those circumstances the Belgian delegation had no further question to raise.

M. Charveriat (France), referring to the points mentioned by the delegate of South Africa, wondered whether the third point of the Sub-Committee's Report should not be interpreted as indicating that it was for the Second Committee to suggest the appointment of some authority to settle this question, either a single arbitrator or a panel of three. Though the case was not a particularly serious one, it was not wholly unimportant, since it had been submitted to the Permanent Court.

Quite apart from the merits of this particular case, they had to consider the general question which might possibly, at some later date, be raised in similar form before the United Nations. In the opinion of the French delegation, it was extremely important that, in terminating its work, the League should dispel any impression that it had appointed a judge but that the case had never been tried.

M. François (Netherlands) said the Netherlands delegation agreed with the Supervisory Commission that the former officials of the Governing Commission of the Saar had been treated more than generously. Consequently, in his opinion, this question need not have been raised again, had it not been for the Council's decision in 1939 to submit it to the Permanent Court. The reason the Council made that decision was that it felt the League ought not to be judge in its own cause. Because the officials who felt themselves injured by that decision had no other means of redress, the Council declared its willingness to submit the matter to the Permanent Court.

The fact that the Permanent Court had now disappeared was no justification for reversing the Council's decision of principle to allow an appeal to an impartial tribunal. The Netherlands delegation could not accept the argument that the changed situation since 1939 warranted any deviation by the League from the line of conduct adopted by the Council. In any organisation, whether national or international, continuity in the direction of affairs must be regarded as extremely important and the Council's decision should be respected by its successors in the conduct of the League's affairs. In these circumstances, the Netherlands delegation would be prepared to grant the complainants the right to appeal to arbitration on the points which would have been submitted to the Permanent Court.

M. Friis (Denmark) stated that on grounds of principle the Danish delegation shared the opinion of the French and Netherlands delegations.

The Chairman said that there had been no proposals as to who should be the arbitrator and how the arbitration should be conducted. He suggested that the Rapporteur should refer in his report to the Assembly to the fact that there was a proposal for the appointment of an arbitrator, and it should be for the Assembly to decide whether to appoint an arbitrator or not. The Second Committee had done the best it could. It had appointed a sub-committee consisting of three jurists who were in no way connected with the Supervisory Commission but absolutely independent, and they had given their opinion that there was neither a moral nor a legal ground for this claim.

The Chairman's proposal was adopted.

20. — **GRANT OF A WINTER ALLOWANCE TO THE LOWER CATEGORIES OF THE GENEVA STAFF**

Chapter E of the Supervisory Commission's Report on the Work of its Ninety-ninth Session¹ was adopted without discussion.

21. — **INTERNATIONAL LABOUR ORGANISATION BALANCES FOR 1941, 1943 AND 1944**

Chapter F of the Supervisory Commission's Report on the Work of its Ninety-ninth Session¹ was adopted without discussion.

22. — **VOLUNTARY CONTRIBUTION OF THE STAFF**

The Committee took note of Chapter D of the Supervisory Commission's Report on the Work of its Hundred-and-first Session.²

23. — **INDEMNITIES TO EMPLOYEES**

Chapter E of the Supervisory Commission's Report on the Work of its Hundred-and-first Session² was adopted.

24. — **TERMINATION OF THE LEAGUE OF NATIONS: MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE ASSETS (continuation)**

M. Rosner (Poland) submitted the following draft resolution on behalf of the Polish and Czechoslovak delegations:

"The Second Committee,

"Considering that the circumstances in which the Union of Soviet Socialist Republics was led to cease to be a Member of the League of Nations cannot be compared with those which have led any other State to withdraw from the League;

"Considering that it would be equitable to associate with the final settlement a nation whose contribution to the victory of the free countries and to the constitution of the new world has been fundamental;

"Decides to appoint a sub-committee for the purpose of studying in what form the Union of Soviet Socialist Republics might be included amongst the Powers participating in the liquidation of the assets of the League of Nations."

On the proposal of M. Kopecký (Czechoslovakia), Vice-Chairman, the Committee decided to study this draft resolution at its next meeting.

¹ Document A.14.1946.X (Annex 5, page 163).

² Document A.25.1946.X (Annex 7, page 176).

SIXTH MEETING

Saturday, April 13th, 1946, at 4 p.m.

Chairman: Sir Atul CHATTERJEE (India).

25. — WELCOME TO AUSTRIAN OBSERVERS

The Chairman welcomed two observers appointed by the Austrian Government in accordance with the Assembly's resolution.¹

M. Schwarzenberg thanked the Chairman for his welcome on behalf of the Austrian Government and the Austrian people, who were conscious of their obligations to the principles which had guided the League of Nations and would guide the United Nations in the future.

26. — ADMINISTRATIVE TRIBUNAL: JUDGMENTS GIVEN ON FEBRUARY 26th, 1946, WITH REGARD TO CLAIMS OF CERTAIN FORMER OFFICIALS (continuation): REPORT OF THE SUB-COMMITTEE TO THE SECOND COMMITTEE²

Sir Hartley Shawcross (United Kingdom), Rapporteur of the Sub-Committee, said that although he was a lawyer he approached this matter on the broad basis of what was politic and right rather than on the basis of what might be strictly in accordance with the law. There was in fact no law which applied to a case like this. There was no other institution like the League of Nations; there was no precedent for such a problem, and there were few basic principles of law which had any direct application to its solution. Fortunately, however, lawyers were not always compelled to look at matters with complete disregard of the principles of common sense. If the Committee tried to apply some strict rule of law, it would doubtless get an infinite variety of opinion and endless debate. Hence he hoped that the matter would be discussed from the broadest point of view.

The real problem was whether the Assembly, by the decision which it took in the grave emergency of December 1939 to reduce the staff and to dismiss a large number of officials, with a shorter notice than that to which they were entitled under the Staff Regulations existing at that time, acted outside its powers. If the League of Nations were a troupe of travelling actors or a tramway company, or a municipal corporation, there would be no doubt at all that this action was contrary to law. But the League of Nations was an organisation of the sovereign States of the world, and as such it had an entirely peculiar status and the matter must be dealt with on that basis.

Although the League of Nations established the Administrative Tribunal which eventually gave a decision in favour of the officials who had been dismissed, there was no doubt that the League could have abolished that Tribunal without regard to the existing contracts of the League's officers. In fact, in 1927 the League had taken almost precisely similar action by doing away with the officials' right of appeal to the Council.

¹ See page 49.

² For the text of this report, see document A.32.(1).1946.X (Annex 26, page 261).

The League of Nations was a sovereign body, not being subject to the control of any superior body or any definite courts. Whether the Administrative Tribunal existed or not, no decision given against the League could be enforced. The conclusion was that the Assembly was entitled, by way of legislative act, to take such decisions in relation to its staff as it thought right.

This power was no novelty to municipal law, for in every country of the world the State had an inherent power to disregard the contracts into which it had entered if, in the interests of the State, this appeared desirable. It could pass a law to say particular contracts were no longer obligatory, and it could do so without regard to vested rights and interests. This power would not of course be used in normal circumstances, and the safeguard against abuse was the political safeguard: no Member State would allow a derogation of the rights of employees unless circumstances made it necessary. In 1939, circumstances did necessitate this, and the Sub-Committee felt that the Assembly had power to take that decision, and the Administrative Tribunal was bound by the Assembly's decision.

The Administrative Tribunal had based its decision on two grounds. In the first place, it maintained that it was entitled to disregard the decision of the Assembly because the Assembly had no right to arrive at that decision. The Sub-Committee thought this fundamentally wrong and considered it a matter of importance that the status of the Assembly should be maintained. But in the second place the Tribunal fortified itself with a conclusion of fact to the effect that the resolution passed by the League in 1939 was not intended to apply to those officials in whose cases its application would have involved a breach of contract. The Sub-Committee most emphatically held the view that here the Tribunal was absolutely wrong. The resolution adopted by the League in 1939 was perfectly clear in its terms and the only possible conclusion was that the Tribunal felt that its decision on the legal aspects was so open to question that it had to fortify itself on the decisions of fact.

The Chairman thanked the Sub-Committee for its prompt and careful report on a very difficult and complicated question, and particularly Sir Hartley Shawcross for the lucid explanation he had given.

M. Kaeckenbeeck (Belgium) said that, whilst admiring the luminous statement made by Sir Hartley Shawcross, he had been greatly struck by several arguments in the Sub-Committee's report with which he could not agree. First of all, there was the constitutional and legal aspect of the relations which existed, on the one hand, between two organs of the League of Nations—namely, the Assembly and the Administrative Tribunal—and, on the other, between the League and its officials.

It would seem to follow from the report that, according to the Sub-Committee, the Assembly, the organ of one of the parties to a dispute, had the right to oppose the execution of a judgment of which it did not approve. That was a principle which appeared to be absolutely contrary to the notion of law and the sovereignty of law. In his

opinion they should ask themselves whether the Assembly, taking the view that certain of the Tribunal's interpretations were inaccurate, had the right to oppose the execution of a judgment of the Administrative Tribunal.

The Assembly might, as Sir Hartley Shawcross had observed, have abolished the Administrative Tribunal, but advantage could not be taken of a hypothesis which had not come to pass in order to refuse to execute a judgment rendered by the Tribunal. If they were prepared to do that, there had been no object in establishing an Administrative Tribunal, and they might as well have left the League of Nations and its officials to settle matters among themselves. When the Administrative Tribunal was established, the power of interpreting questions of law and of determining the legal relations between the League and its officials, which had previously been attributed to the Council, a political organ, had been transferred to the Tribunal, a judicial organ. If, therefore, the Tribunal was invested with the power of interpretation, it followed that its interpretations were operative.

In paragraph 5 of the report, the problem did not appear to have been stated as it ought to have been. The question was not whether the Assembly was competent to render operative a judgment of the Administrative Tribunal, but whether the Assembly was competent to prevent the execution of a judgment of the Tribunal when the said judgment had been rendered in a matter in respect of which the competence of the Tribunal was not contested.

By refusing to execute a judgment which displeased it, the League of Nations would be gravely violating the rules of law and of the sovereignty of law and such action would have extremely serious repercussions in an international organisation in which constant efforts had been made to substitute law for force. The intention in transferring to the Tribunal the former judicial powers of the Council had, in fact, been to substitute judicial decisions for decisions of a political nature.

Sir Hartley Shawcross had expressed the view that, within the framework of the League of Nations, there was not really any law governing the case. That statement did not seem to be accurate, inasmuch as the contract entered into between the League of Nations and its officials constituted a legal relationship and the Assembly had established a judicial organ competent to interpret that contract — namely, the Administrative Tribunal.

It would be absurd to agree to execute only those judgments which were rendered in favour of the League of Nations; yet that would be the result if it were admitted that the Assembly had the right and the power to decide that judgments should not be executed because it did not approve the reasons invoked by the Tribunal.

Sir Hartley Shawcross and the Sub-Committee had attached great importance to the fact that the Assembly of the League of Nations might be compared to a legislative assembly which, within a State, had the power, in certain circumstances, to modify contracts. That analogy, however, was not quite pertinent, for the Assembly was not a legislative assembly and it could not be compared with the legislature of a State. In a State there were a legislative power, a judicial power, and the subjects of the State. In the case of the international organisation, the organs of the League were dealing with persons who were strangers to them, with whom they concluded a contract which gave rise to a legal relationship. The officials of the League of Nations were not the subjects of the international organisation but co-contracting parties.

Even in States possessing sovereign rights which it was impossible to attribute to the As-

sembly, no court had the right, when the legislative power modified contracts, to interpret those modifications retrospectively, unless the new law contained express provisions to that effect.

As the Administrative Tribunal had not been prepared to apply the modifications of the contract retrospectively, the Assembly, according to the Sub-Committee, was entitled to refuse to execute the judgment. To admit that argument would be the negation of law. It was a conception which the Belgian delegation could not accept.

The question, which was very complex, had arisen largely out of a sort of conception of necessity. Necessity, however, could not be invoked at the present time even if, at the moment when the Assembly took its decision, it was extremely important to effect economies.

In conclusion, he drew the attention of his colleagues to the very serious consequences which might follow from the adoption of the principles he had criticised.

After it had constituted a Secretariat which had done excellent work and at a moment when a new organisation of States was being created, was the League of Nations going to run the risk of disregarding every legal rule by adopting principles which no State would adopt and which it would be impossible to enforce in any State without the general public gaining the impression that the standpoint of law was being completely abandoned in favour of political arbitrariness? The Belgian delegation could not vote in favour of the report submitted to the Committee.

M. Grafström (Sweden) said that he desired to state that the Swedish delegation was in complete agreement with the views of the Belgian delegation.

M. François (Netherlands) stated that, in the opinion of the Netherlands Government, the League of Nations was bound to carry out the Administrative Tribunal's decision. International jurisdiction, indeed, made no provision for sanctions, but it was to the credit of the international community that States, almost without exception, had accepted judicial or arbitral decisions, and that very few of them had refused to bow before a final award. It would be extremely regrettable if the League of Nations, at the moment when it was about to disappear, were to figure among those exceptions. The Sub-Committee was of opinion that the Tribunal's decision was at fault, but that argument could not be advanced, because one of the first principles of justice was that nobody could be at the same time judge and party to litigation. Fortunately, the Sub-Committee had refrained from invoking the argument that the Tribunal was not competent, for incompetence had always been invoked by States which wished to escape a decision unfavourable to themselves. The Sub-Committee was further of opinion that the action taken by the Secretary-General was justified by a decision of the Assembly and that being so the Tribunal should have dismissed the claim. It was not for the Committee to examine the merits of the award, for the League of Nations, even if it were sovereign, was itself a party to the dispute. An appeal might have been lodged if the Statute provided for such recourse, but, in the circumstances, it only remained for the League to bow to the decision of the competent judges. The execution of the judgment would be a heavy burden on the League, but it was better to lose money than to injure not only the prestige of the League but also the cause of international jurisdiction.

If it contented itself with carrying out the Tribunal's decision, the League would keep strictly within the limits of the award, that is to say, it would pay the prescribed compensation

to those to whom the decision applied. With regard to the others, the League of Nations, refraining from expressing an opinion as to the merits of the decision, was under no obligation—not even a moral one—to grant them the same treatment.

The Netherlands delegation took the view that good sense should be applied in settling international affairs, but it was precisely good sense which demanded that an organisation like the League of Nations should set an example in the matter of respecting an award, even if it considered the decision unjustified.

M. Watteau (France) said he had little to add to the very strong arguments advanced by Sir Hartley Shawcross. Those arguments were entirely in conformity with the opinion expressed by the French delegation in the Sub-Committee. If the Administrative Tribunal's decision was recognised as being valid, equity would demand that its application should be extended to officials who had not lodged a complaint and, *a fortiori*, to officials still in the service, who might lodge a similar complaint. If that were done, it would involve very important financial consequences and that fact constituted a subsidiary justification for the commonsense attitude recommended by Sir Hartley Shawcross. Legally, the Tribunal's judgment should not be recognised as valid. Practically, a decision to the contrary would entail consequences which it would be difficult to entertain.

Nevertheless, if, as the Report suggested, the Supervisory Commission were to consider the granting of their expenses to officials who had lodged a complaint in good faith, that solution would seem to be entirely reasonable to the French delegation.

M. Kopecky (Czechoslovakia), Vice-Chairman, stated in his capacity as Chairman of the Sub-Committee that the fundamental question seemed to him to be the following. The Administrative Tribunal had declared itself competent to pass judgment even on decisions of the Assembly. On the other hand, it might be maintained that the Assembly had never intended to confer such a power on the Tribunal. The fact that the Statute contained no definite clause on that subject could not be interpreted in the way the Tribunal had interpreted it.

He had followed closely the statement made by the Belgian delegate, in whose view the Tribunal was competent to give judgment upon a dispute between the League and its officials, but he himself thought that the matter should be put otherwise. It was the duty of the Tribunal to deliver judgment on disputes between the Administration of the League and officials. In point of fact, the Tribunal had been constituted by the Assembly for the purpose of watching over the exact execution of its decisions. He and his colleagues on the Sub-Committee held that the competence of the Tribunal could not be extended to cover the decisions of the Assembly itself. The Assembly could change the constitution of the Tribunal and could even abolish it. The Tribunal was therefore subordinate to the Assembly and could not bind it by invoking a decision which it had taken at an earlier date. For the reasons he had given, he was able, in all conscience, to support the legal view put forward by the Rapporteur of the Sub-Committee, whilst regretting that the desires of some officials would not be satisfied.

Sir Hartley Shawcross (United Kingdom), Rapporteur of the Sub-Committee, replying to the previous speakers, said that the Sub-Committee fully recognised the importance of conferring on international officials a measure of security at least equal to that enjoyed by members of national services. The conclusion reached by the Sub-Committee did not carry the consequence that an international official had no contractual

rights, but merely that the League of Nations possessed residuary powers which were supreme, that was to say, that in the last resort it was the League and not the Tribunal which was the master. But this power ought not to be exercised, and obviously would not be exercised, so as to set aside rights and vested interests, except in extreme circumstances such as those which existed in 1939. The question as to when it should be exercised was a matter of policy and not of legal power.

If he had been arguing this case in a local county court, he would have been in complete agreement with all the propositions advanced by his colleagues. But this was not the case, and he thought they were in danger of falling into the error of judging this matter by ordinary canons of municipal law as enforced in ordinary municipal courts. Such principles were largely inapplicable to a case of this kind unless the Assembly was content to place itself on the same basis as an ordinary municipal corporation. Such a basis would be contrary to the law and to the facts. The Assembly corresponded more to the sovereign body than to the ordinary commercial trading corporation, and it was in that field of law that this matter had to be considered.

It was the inherent right of every sovereign legislature that somewhere in the Constitution there should exist the power to disregard contracts which turned out to be contrary to the interests of the State. If this were not so, some private vested right could stand in the way of the interests of the people and the State.

The Belgian delegate had said that the law to be applied was the law of the contract between the League of Nations and its officials. But the law of contract was interpreted differently in every country. If this contract had been concluded in Britain, it would certainly have been overridden in the circumstances which had prevailed.

Another question was that of the other officials who had not appealed. When this decision was taken by the Assembly in 1939, it affected several hundred people, of whom all but twelve had loyally accepted it. They had no doubt done so in the belief that it would apply equally to all. If the Committee took the view that the twelve or thirteen officials who had challenged the decision were to be paid this considerable sum of money, it would be very difficult in equity to refuse the claims, although legally they were out of time, of the hundreds of officials who stood by the League in the times of emergency of 1939: it would cost some four million francs but it could be done and ought to be done.

The Committee was, however, concerned not only with justice to these individuals but also with the status of the Assembly. It was of profound importance to uphold the legal and diplomatic immunity acquired both for the League and for the United Nations and to maintain their high and special status.

Professor Bailey (Australia) said that at the conclusion of a long and close discussion in the Sub-Committee, he had found it necessary to reserve the position of the Government of Australia. For that reason, he had thought it proper not to participate in the discussion in the full Committee.

M. Kaeckenbeeck (Belgium) said that he would like to clear up a passage in his previous statement which seemed to have been misinterpreted. In the course of his remarks he had said that Sir Hartley Shawcross had expressed the view that within the framework of the League of Nations, there was not really any law governing the case. His reply to that was that there was a law, and that law was the contract. Sir Hartley had then spoken of the law of the contract. That would, however, be the law according to which the contract must be interpreted. What he had

meant to say was that the legal relationship in question was a contractual relationship. That was, in fact, what was said in the report of the Committee of Jurists which had considered in 1932 the right of the Assembly to make a unilateral reduction in the salaries of the officials.

M. de Blanck (Cuba) thought that the two views were already sufficiently known. They might still be discussed at length. It was time to take a vote.

The Chairman fully approved the suggestion. He asked the Committee whether it was prepared to accept the recommendations made by the Sub-Committee. He drew particular attention to paragraph 10 of the report. If the report was adopted, the suggestion contained in that paragraph might be carried out by the Board of Liquidation, the setting-up of which was contemplated.

The vote would be taken by roll-call at the request of the Belgian delegate.

The result of the voting was as follows:

4 delegations were absent (Afghanistan, Dominican Republic, Ecuador, Panama);

16 delegations voted in favour of the adoption of the report (Union of South Africa, Argentine, Bolivia, United Kingdom, Canada, China, Cuba, Egypt, Finland, France, India, Ireland, Mexico, New Zealand, Czechoslovakia, Turkey);

8 delegations voted against the adoption of the report (Belgium, Denmark, Luxemburg, Netherlands, Poland, Sweden, Switzerland, Uruguay).

5 delegations abstained from voting (Australia, Greece, Norway, Portugal, Yugoslavia).

The report was adopted.

27. — **TERMINATION OF THE LEAGUE OF NATIONS: MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE ASSETS (continuation): DRAFT RESOLUTION SUBMITTED BY THE DELEGATIONS OF POLAND AND CZECHOSLOVAKIA¹ (continuation)**

The Chairman said that he did not intend to open a discussion on the merits of the proposal of the Polish and Czechoslovak delegations, as he

thought members of the Committee should have time to consider it. It would be discussed at the next meeting, but in the meantime he would be willing to allow any delegation who wished to do so to make a short statement.

M. Helo (Finland) said that the Finnish delegation supported the draft resolution. In view of the circumstances, it hoped that this proposal would receive favourable consideration.

M. Charveriat (France) stated that the French delegation supported the Polish and Czechoslovak proposal.

M. Jaksić (Yugoslavia) said that the Yugoslav delegation fully associated itself with the draft resolution. He had been detained elsewhere when, at the morning meeting, the delegate of France had made his proposal. He hoped that the Committee would unanimously support the draft resolution—the more so as, during the proceedings of the Assembly, many distinguished speakers and the President himself had paid tribute to the Russian and other peoples of the Soviet Union whose enormous efforts and sacrifices had made it possible for all the delegations to sit that day in peace.

M. Grimm (Switzerland) raised a point of order. The Committee had before it a draft resolution which was general in scope and which related to questions that were not confined to those before the Second Committee. The First Committee had decided, on the previous day, to propose the setting up of a joint committee to consider problems connected with liquidation. In M. Grimm's opinion, the draft resolution should be referred to that joint committee. The latter would decide one way or the other, but the discussion of the matter did not seem to come within the province of the Second Committee, which was limited in its scope.

The Chairman thought that the consideration of M. Grimm's suggestion, in favour of which much might perhaps be said, might be adjourned to the next meeting, jointly with the discussion of the question as a whole.

SEVENTH MEETING

Monday, April 15th, 1946, at 3.30 p.m.

Chairman: Sir Atul CHATTERJEE (India).

28. — **DRAFT ASSEMBLY RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS²**

The Chairman announced that he had received the following letter from the Chairman of the First Committee:

"The First Committee, which has had before it the draft resolution on the dissolution of the League of Nations presented by the British delegation, has decided to examine only the Preamble and Articles 1, 4 (1), 9 and 10 of the draft, since the other articles fall within the competence of the Second Committee.

"The First Committee will communicate

to you as soon as possible the revised text of the Preamble and of the articles examined by it. It refers the other articles at once to the Second Committee."

(The Committee then proceeded to examine paragraphs 11 to 19 of the draft Resolution item by item, bearing in mind the amendments suggested by the Supervisory Commission in its Report on the Work of its Hundred-and-second Session.¹)

Paragraphs 11, 12, 13 and 14 (1), and sub-paragraphs (i) and (ii) of 14 (2) were adopted without observations.

PARAGRAPH 14 (2), SUB-PARAGRAPH (iii)

Mr. Glenvil Hall (United Kingdom) pointed out that this sub-paragraph made no provision for the appointment of new judges to fill any va-

¹ See page 129.

² For the final text of this resolution, see document A.32(1).1946.X (Annex 26, page 269).

¹ Document A.28.1946.X (Annex 8, page 180).

cancies that might occur. He suggested that such vacancies might be filled by the Board of Liquidation.

On the Chairman's proposal, it was agreed that the United Kingdom delegation would submit an amendment on this subject later. (See below.)

Paragraph 14 (3), (4), (5) and paragraph 15 (1) (a) were adopted without discussion.

PARAGRAPH 15 (1) (b)

Professor Bailey (Australia) pointed out that at a previous meeting the Committee had decided that the Reserve Fund and the Fund to cover Exchange Losses should be transferred to the Pensions Fund.¹ He suggested that these were measures of liquidation which belonged to this resolution, and should be mentioned here.

The Working Capital Fund had already been dealt with in paragraph 19 but some mention should also be made in the resolution of the decision taken regarding extra-budgetary accounts.

It was agreed that these suggestions should be taken into account by the Rapporteur.

Paragraph 15 (1) (b) was adopted on this understanding.

Paragraphs 15 (1) (c), (d) (as amended by the Supervisory Commission), 15 (2), 16, 17 (1), 17 (2) (as amended by the Supervisory Commission), 17 (3), 18 (1) and (2), and 19 (with a slight drafting change) were adopted without discussion.

PARAGRAPH 2 (1)

The Acting Secretary-General said that the Administration had been giving the closest attention to the problems involved in a rapid liquidation of the League, not only during the past few weeks but for more than a year. The Assembly had already solved most of the major problems, but this solution consisted in taking broad general decisions and laying down the principles which must be followed. When the Assembly resolution was passed, the old League would cease to exist and its political and general duties would disappear. But the main work of liquidation would still remain to be done, and for months to come the present activities of the Secretariat would have to be carried on until the United Nations and the League had made the necessary joint plans for the proper transfer of all the activities which the former was prepared to take over. The activities that were not taken over would have to be liquidated.

Within the next couple of weeks, for example, there would be a meeting of the Permanent Central Opium Board and the Opium Supervisory Body, with the consequent necessary secretariat work. Special studies were now in hand in the Financial, Economic and Health Sections. The ordinary publications and statistics of the Health and Economic organs must continue to appear in order to maintain the continuity required. Then there were special studies that were almost ready for the printers, some of which would be very useful for work about to be undertaken by the United Nations or its specialised agencies. It was also intended to complete the *Treaty Series* and to hand over a neat and finished job in that important field. The staff, except for those engaged for the Assembly period, would largely continue its activities.

¹ See page 123.

That was a picture of the work in front of the Secretariat and would be one of the elements to be studied by the Board of Liquidation, which would have to keep in the closest touch with this kind of technical work. It was now necessary to consider some means of nominating that Board. The Supervisory Commission, which had been doing this work for so long, would cease to exist that week. It had carried the burden through the war and the Governments had shown complete confidence in what it had done in the most difficult circumstances. Its work was now going to be handed over to the Board of Liquidation, and he believed that a considerable degree of continuity between the personnel of the Board and of the Supervisory Commission would be extremely useful if not indispensable.

The Chairman said that the procedure proposed for the appointment of the Board of Liquidation was that the Chairmen of the First and Second Committees should discuss the matter with their own officers, and the two Committees together should then appoint a joint sub-committee.

Mr. Glenvil Hall (United Kingdom) said he took it there was a proposal that the Board of Liquidation should consist of the same members as the Supervisory Commission. While he appreciated the importance of ensuring continuity in the work of these two bodies and had the greatest admiration for the members of the Supervisory Commission, he had been somewhat taken by surprise by this proposal and therefore approved the suggestion that a joint sub-committee should be appointed. The Board of Liquidation would be an extremely important body and the most careful consideration should be given to its composition.

Mr. Cremins (Ireland) expressed the hope that use would be made of the wide experience of the members of the Supervisory Commission.

The Chairman said that it was not his understanding that any proposal had been made that the membership of the Board of Liquidation should be identical to that of the Supervisory Commission. The Secretary-General had merely drawn attention to the need for a measure of continuity. He himself had not yet discussed the matter with his officers and proposed an adjournment of half-an-hour in order to give him an opportunity to do so.

This suggestion was approved.

On the resumption of the meeting, **the Chairman** said that the Officers of the Committee had reached a unanimous conclusion as to the names of the delegations which should be submitted for inclusion in the joint sub-committee of the First and Second Committees.

He was unable to place those names before the Committee at once, however, as he had been unable to consult the Chairman of the First Committee, which he desired to do in order to prevent overlapping and conflict.

PARAGRAPH 14 (2) (iii)

The Chairman said that the British delegation proposed the following text for paragraph 14 (2) (iii):

“(iii) The terms of office of the judges and deputy judges who were in office on January 1st, 1940, are prolonged until April 1st, 1947,

and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ."

He understood from the representative of the International Labour Organisation that there would be no objection to this wording.

M. Kaeckenbeek (Belgium) said he would like to be sure that the text of the amendment did not restrict the right of a member of the Tribunal to decline to have his term of office prolonged, should he so desire.

Mr. Glenvil Hall (United Kingdom) said that his amendment did not imply any such restriction. If necessary, the wording could be changed so as to make it clear that the judges were free to retire.

M. Kaeckenbeek (Belgium) said he had only desired to have an explanation: he had raised no objection to the amendment. The reply given to him by Mr. Hall showed that they both took the same view of the matter.

The Chairman said that note would be taken of this exchange of observations in the Committee's report to the Assembly.

He took the opportunity to thank the judges and members of the Administrative Tribunal for their good and faithful service. They had lately had a difficult case to settle; the Committee had disagreed with their findings, but nevertheless

held them in the highest esteem and hoped they would continue to serve.

Paragraph 20 was approved without discussion.

The Chairman pointed out that only paragraphs 2, 3 and 4 (2), which concerned the Board of Liquidation, had still to be dealt with. It would be convenient to take these paragraphs after the joint sub-committee had made its report.

The Committee approved of this procedure.

29. — **TERMINATION OF THE LEAGUE OF NATIONS: MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE OF NATIONS ASSETS (continuation): DRAFT RESOLUTION SUBMITTED BY THE POLISH AND CZECHOSLOVAK DELEGATIONS¹ (continuation)**

The Chairman said that he had given this subject much thought and was of the opinion that the best course would be to appoint a sub-committee to deal with it and to report as soon as possible. He hoped that in this way this delicate problem could be settled amicably and without controversy. Delegates would have an opportunity to express their views on the merits of the question when the sub-committee's report was submitted. He proposed that the sub-committee should consist of the following members: Mr. Hume Wrong (Canada), M. Helo (Finland), M. Charveriat (France), Mr. Glenvil Hall (United Kingdom), M. Nogueira (Uruguay).

This proposal was adopted.

EIGHTH MEETING

Tuesday, April 16th, 1946, at 10 a.m.

Chairman: Sir Atul CHATTERJEE (India).

30. — **FINANCIAL POSITION OF THE LEAGUE AS AT MARCH 31st, 1946, AND REPORT OF THE SPECIAL COMMITTEE ON CONTRIBUTIONS¹ (continuation)**

M. Aghnides (Greece) explained that he had not taken part on the discussion in contributions in general and contributions in arrears in particular because he had been engaged in negotiations with the Chairman of the Contributions Committee.

Greece had for some years appeared on the list of States which had not paid their contributions. There was no need for him to devote much time to the reasons for this. They were numerous and the position had been aggravated by the aggression of Germany and Italy, as well as of their satellites and accomplices, Bulgaria and Albania. To the ravages of war there must be added the heavy costs of occupation and the iniquitous system of extraordinary monthly credits which the invaders had imposed on Greece and which had enabled them to strip the country by "purchasing" everything they had to purchase while paying nothing for it. In addition,

¹ Documents A.20.1946.X (Annex 12, page 209), and C.10.M.10.1946.X (Annex 11, page 195).

the Greek mercantile marine—which was the main resource of Greece—had been almost entirely destroyed, nearly 80% of the shipping having been sunk.

The Chairman of the Contributions Committee had recently drawn his attention to the situation and they had entered into negotiations. The former had made specific proposals in the light of the facts just referred to, which M. Aghnides had cabled to his Government. He was glad to be able to say that the Greek Government had fully accepted without any discussion the terms of the arrangement proposed.

He was glad to take the opportunity to thank the Committee and the Secretary-General for the very generous spirit of understanding they had shown with regard to the difficulties which Greece was experiencing at the present time.

The Treasurer said that since the Report on the Financial Situation of the League had appeared, the following new developments had occurred.

Finland had paid 150,000 Swiss francs and had announced her intention of paying the balance in June. Honduras, a former Member of the League, had paid the whole of her consolidated arrears. Portugal had paid her contribution for 1945. The League had received the whole of the con-

¹ See page 129.

tribution due from Turkey. Half of Uruguay's contribution had been received. The other half had been erroneously paid to the United Nations but steps had been taken to recover it.

The Chairman asked whether the contributions of the Argentine and China had been received. He explained that he asked this question because the Government of India was keenly interested in this subject.

The Treasurer said that they had not.

Dr. Bello (Argentine) said that instructions had been received to pay on the basis of correspondence exchanged with the Chairman of the Supervisory Commission, and he expected to sign the agreement that day.

Dr. Lone Liang (China) said that an agreement had been reached on the subject between M. Hambro and M. Wellington Koo, Chinese Ambassador in London, during the United Nations Assembly, and funds had been sent to the Imperial Bank of Canada at the beginning of April. This appeared to be a mistake as the League had no account at that bank, although it had one at the Royal Bank of Canada at Montreal. He had sent a telegram asking for an explanation, and was awaiting a reply.

The Treasurer said that the essence of the arrangements for reduced payments was that they should be made immediately. He was not sure the arrangements would still stand otherwise.

M. Rosner (Poland) said that he had already announced that his Government would pay its

reduced contribution as agreed. It would not, however, be possible to pay before the end of the session owing to exchange difficulties. He would take steps to expedite the matter on his return to Warsaw.

31. — **DRAFT ASSEMBLY RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS (continuation): APPOINTMENT OF A JOINT SUB-COMMITTEE OF THE FIRST AND SECOND COMMITTEES**

The Chairman said that the officers of the First and Second Committees had consulted together and unanimously proposed that the joint Sub-Committee should consist of the following members:

Second Committee: the delegates of Poland, Turkey, United Kingdom, Uruguay and the Chairman.

First Committee: the delegates of Canada, China, France and the Chairman.

With this composition, a wide diversity of political and geographical interests would be represented, as would the largest contributors. The Sub-Committee's terms of reference would be to examine the whole of paragraphs 2 and 3 and paragraph 4 (2) of the draft resolution and to report back to the main committees as soon as possible.

This proposal was adopted.

NINTH MEETING

Tuesday, April 16th, 1946, at 5 p.m.

Chairman: Sir Atul CHATTERJEE (India).

32. — **TERMINATION OF THE LEAGUE OF NATIONS: MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE ASSETS (continuation): REPORT OF THE SUB-COMMITTEE ON THE PROPOSAL MADE BY THE FRENCH DELEGATION AND THE DRAFT RESOLUTION SUBMITTED BY THE POLISH AND CZECHOSLOVAK DELEGATIONS**

M. Nogueira (Uruguay), Chairman of the Sub-Committee, submitted the following report:

"The Sub-Committee examined the problems which would be raised by altering the scheme already approved by the Second Committee for the distribution of the assets of the League. It found that any change in the scheme so as to provide for the inclusion of the Union of Soviet Socialist Republics in this distribution would create technical difficulties of so serious a character as to be practically insurmountable.

"The Sub-Committee, however, feels that the Second Committee might well show its approbation of the essential purpose of the proposal made by the French delegation and

of the draft resolution submitted by the Polish and Czechoslovak delegations and that the Assembly would wish to place on record its recognition of the fundamental contribution of the Soviet Union to the overthrow of the Fascist enemies of civilisation and to the triumph of freedom, and to welcome the collaboration of the Soviet Union in building, on the foundations so successfully laid, the new edifice of international solidarity."

He expressed his satisfaction at the friendly spirit shown in the Sub-Committee, which had adopted the report unanimously.

M. Rosner (Poland) said that as a promoter of the draft resolution discussed by the Sub-Committee, he fully supported the conclusions of the report. He would be glad, however, to know whether the Committee intended to submit to the Assembly a draft resolution placing on record recognition of the fundamental contribution of the Soviet Union to the overthrow of the Fascist enemies of civilisation.

The Chairman suggested that, if the report of the Sub-Committee was adopted, the Rapporteur of the Committee should include a resolution in her report. That resolution would be approved

by the Committee and would then go to the Assembly as part of the report.

M. Ristić (Yugoslavia) pointed out that in the first part of its report the Sub-Committee had stated that any change in the scheme for the distribution of the assets of the League would create technical difficulties of so serious a character as to be practically insurmountable.

That would be the case if the Soviet Union had voluntarily withdrawn from the League, but the position was quite different. In fact, the Soviet Union had left the League against its will and had never renounced its right to participate in any distribution of the League's assets. Consequently, that part of the assets to which the Soviet Union was entitled still belonged to it, even though it was no longer a Member of the League.

The Yugoslav delegation wholeheartedly associated itself with the proposal to place on record recognition of the fundamental contribution of the Union of Soviet Socialist Republics to the overthrow of the Fascist Powers which were the greatest enemies of civilisation and of mankind, as well as the most formidable adversaries of the League of Nations.

If the Members of the League were unanimous in their desire to recognise the contribution of the Soviet Union, it was only fair and equitable for them also to renounce that part of the assets of the League which belonged to that country.

The Chairman put the report of the Sub-Committee to the vote.

The report was approved by twenty-six votes without dissent.

TENTH MEETING

Wednesday, April 17th, 1946, at 11 a.m.

Chairman : **M. KOPECKY** (Czechoslovakia), Vice-Chairman.

33. — EXAMINATION OF THE DRAFT GENERAL REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY¹

Mme. Kluyver (Netherlands), Rapporteur, said she would like first of all to thank the Secretary-General for lending the Second Committee, and its Rapporteur in particular, the valuable assistance of Mr. Bieler, who had been a pillar of the Finance Committee since 1922.

The draft report contained a number of draft resolutions which had not yet been voted on by the Committee. They dealt with questions of secondary importance and she had thought it best to incorporate them in a summary of the Committee's discussions.

The document was divided into five chapters, the most important of which was the last, relating to the dissolution of the League of Nations. The Committee might perhaps discuss the various chapters one by one and she would make observations on each of them in turn.

I. INTRODUCTION

The introduction to the report was adopted without discussion.

II. ACTIVITIES AND GENERAL RECOMMENDATIONS OF THE SUPERVISORY COMMISSION

Mme. Kluyver (Netherlands), Rapporteur, said this chapter contained two draft resolutions which had not yet been voted on by the Committee. The first was a mere summary of the discussions on the work of the Supervisory Commission, such as had always appeared in the reports of the Fourth Committee.

The second draft resolution expressed the Assembly's gratitude to the various American institutions which, during the war, had supported the League's technical services. This had seemed to her worth commemorating in a draft resolution.

¹ For the final text of this report, see document A.32(1).1946.X (Annex 26, page 258).

The third draft resolution was identical in character with the first.

Sir Charles Webster (United Kingdom) said he would like to take this opportunity of expressing his Government's appreciation of the work done by the Supervisory Commission, to which the present sound position of the League was largely due. He paid a special tribute to the Chairman, M. Hambro, to the Rapporteur, Sir Cecil Kisch, and to the Secretariat.

He also wished to associate himself most warmly with the resolution of thanks to Princeton University.

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, thanked the United Kingdom delegate for what he had said and added his own tribute to M. Hambro. During these difficult years, the members of the Supervisory Commission had been conscious that they were keeping alive something of durable value, which would live again in a new shape.

Chapter II was adopted.

III. FINANCIAL POSITION OF THE LEAGUE AND CONTRIBUTIONS IN ARREARS

Chapter III was adopted with a few minor amendments suggested by the Rapporteur.

IV. STAFF QUESTIONS

A. Judgments pronounced by the Administrative Tribunal on February 26th, 1946, concerning Certain Officials discharged in Application of the Emergency Measures adopted by the Assembly in 1939.

Mme. Kluyver (Netherlands), Rapporteur, explained that she had found it impossible to summarise more briefly the discussion on this particularly difficult question.

M. Kaeckenbeeck (Belgium) congratulated Mme. Kluyver on the impartiality of her summary of such a complicated debate. He did not wish to reopen this discussion, on which a vote had already been taken, but wanted only to say that

he intended to make a very short statement on the subject in the Assembly when the report came up for examination.

Section A of Chapter IV was adopted.

B. Complaint of Certain Former Officials of the Governing Commission of the Saar Territory.

Mme. Kluyver (Netherlands), Rapporteur, said she was not entirely satisfied with the text of the final paragraph of this section, which read as follows:

"As no proposal has been made with regard to the choice of an arbitrator, if one is to be appointed, or with regard to the procedure to be followed in the matter of arbitration, the Assembly alone can take a decision on these points."

She had tried to make the text of this section faithfully reflect the discussion and the Chairman's observations, but perhaps the last paragraph should be drafted in a more satisfactory manner.

M. Charveriat (France) pointed out that a sub-committee had been appointed to study the matter. It seemed to him that the above sentence merely made it clear that the Committee was not giving an answer to the question. As regards method, he agreed with the Rapporteur's remark and felt that some suggestion should be made even if no conclusion were reached.

On the other hand, the matter in itself was of slight importance and it was perhaps scarcely necessary that it should be debated by the Assembly. However, on re-reading the report of the Sub-Committee², he felt that while it had given a legal explanation under point No. 1, it had failed to provide an opinion to take the place of that which the matter had appeared to warrant from the Permanent Court; for under point No. 3 the Sub-Committee had considered whether the legal question originally submitted to the Court should be put to an arbitral body. The Sub-Committee had thus not settled the question of recourse to an arbitral body, which still remained unanswered.

He still felt the Committee should make some suggestion. The affair, though of very little material consequence, was important in view of the fact that a question which had been regarded as deserving submission to The Hague should not be disposed of simply by passing it over. He wished to stress the advisability of putting it to an arbitrator, or, alternatively, of allowing the Board of Liquidation to settle it—whichever course appeared the more equitable.

Mme. Kluyver (Netherlands), Rapporteur, did not think the past history of the Assembly provided any precedent for the procedure followed in dealing with this question. She felt that, as Rapporteur, she was not in a position to suggest a solution. It was for the various delegations to do so.

Sir Cecil Kisch, Rapporteur of the Supervisory Commission, agreed that the position was rather ambiguous, and it was difficult to know what to do unless the Committee was prepared to re-examine its previous ruling. The Sub-Committee's Report consisted of three clauses: the first said there was no juridical claim; the second referred to the fact that certain compassionate allowances had been paid; and the third seemed to suggest that a further enquiry was to be undertaken.

It seemed to him that the matter had been referred to the present Committee as an alternative to the Court. It had been adequately established that there was no juridical claim, and his personal opinion was that the matter should be regarded as closed.

M. Charveriat (France) did not entirely agree with Sir Cecil Kisch. On re-reading point No. 1 of the Sub-Committee's report, he did not feel

that the latter had settled the legal question, as it had felt obliged to end its third point with the words: "...the Sub-Committee considered whether it might be advisable to put to an arbitral body the legal question previously put to the Court". The question had thus been left intact by the Sub-Committee. If the Committee felt unable to decide spontaneously that the matter should be referred to an arbitrator, a suitable practical solution for this small affair might perhaps be to give the liquidators power to submit the question to the opinion of an arbitrator chosen by them, in order that there should be a decision and that a case which was to have gone to the Permanent Court should not be purely and simply dismissed.

The Chairman reminded the delegates that during the discussion he had observed that nobody had proposed an arbitrator, and had considered that the matter was closed as far as the Committee was concerned. Perhaps the report should mention that, as no member of the Committee had suggested that an arbitrator be appointed, the Committee, for all practical purposes, regarded the question as closed.

Mme. Kluyver (Netherlands), Rapporteur, was fully prepared to comply with the Chairman's suggestion but wondered whether it would be fitting for this question, of very little importance in itself, to be raised at the final meeting of the Assembly. As Rapporteur, she was rather in favour of asking whether delegations now intended to put forward a proposal. From a formal point of view, the discussion was closed, but perhaps delegations might be given that opportunity in view of the exceptional character of the affair.

The Chairman pointed out that they had already had that opportunity when the report was being discussed.

M. Nihad Erim (Turkey), speaking in his capacity as Rapporteur of the Sub-Committee, said that after the last meeting he had believed the matter to be closed. As a result of the French delegate's remarks, however, he felt he should offer a few explanations. As stated in point No. 1, the Sub-Committee had declared that the League could not be regarded as being under a financial obligation to the complainants. However, the Sub-Committee had had to take into account the decision of the Council in 1939, and bearing that decision in mind, they had left the third point in suspense. The Chairman of the Sub-Committee and he himself were personally of the opinion that there was no need to have recourse to an arbitrator and that the question should be regarded as closed. M. François, on the other hand, had insisted on the third point, and the members of the Sub-Committee had agreed on a compromise whereby the decision upon that point was left to the Committee. He (M. Erim) stressed the fact that the Sub-Committee was unanimously of the opinion that the League had no financial responsibility towards the complainants.

Sir Charles Webster (United Kingdom) said that while he was reluctant to alter the report, he did not want such a trivial point to be discussed in the Assembly. It had been proposed to refer the matter to the Court because no other means was available at the time. The Second Committee had provided an alternative. The Sub-Committee had decided there was no legal ground for the claims, and the Committee was entirely within its rights in acting on this decision. He consequently moved the addition of the following sentence to the report:

"The Committee therefore recommends that the Assembly should take no further action in this matter."

Mr. Egeland (Union of South Africa) seconded this proposal. As Chairman of the Sub-Committee he confirmed the Turkish delegate's explanation. The majority of the Sub-Committee had felt that no recourse was necessary, but in deference to the minority, they had left the decision to the full Committee, in the expectation that it would settle the matter finally.

Mme. Kluyver (Netherlands), Rapporteur, said she was ready to include the United Kingdom delegation's amendment in the report if the Committee so wished.

M. Charveriat (France) thought the simplest solution of this problem would have been to leave the Board of Liquidation to obtain an opinion from an arbitrator; he confined himself to maintaining the point of view he had previously expressed.

Section B of Chapter IV was adopted as amended by the United Kingdom delegation.

V. DISSOLUTION OF THE LEAGUE OF NATIONS

Mme. Kluyver (Netherlands), Rapporteur, explained that as regards their form the problems dealt with in this chapter had also been discussed

in the First Committee. In particular, the resolution appearing at the end of the chapter had been examined in the First Committee and only its financial and administrative aspects had been discussed by the Second Committee. That procedure was admittedly somewhat exceptional. She wished to thank Professor Bailey, Rapporteur of the First Committee, and to mention that by agreement with him it had been arranged that this resolution should be incorporated in the Second Committee's Report.

As regards its substance, this chapter was quite exceptional in that it recorded an act marking the end of the League, a state of affairs which obviously had never been dealt with in any other report.

Mr. Cremins (Ireland) proposed that the words "in agreement with the Administrative Board of the Staff Pensions Fund" should be deleted from Section B, as the matter had not yet been considered by the Board.

This proposal was adopted.

Chapter V, Sections A, B, C and D down to the end of paragraph (9) were adopted with various amendments.

ELEVENTH MEETING

Wednesday, April 17th, 1946, at 3.30 p.m.

Chairman: Sir Atul CHATTERJEE (India).

34. — DRAFT ASSEMBLY RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS (continuation): APPOINTMENT OF A BOARD OF LIQUIDATION: REPORT OF THE JOINT SUB-COMMITTEE OF THE FIRST AND SECOND COMMITTEES

The Chairman said that the joint Sub-Committee had agreed that for the prompt and efficient conduct of the Board's business and having regard to the importance of its work, the number of the members of the Board should be limited to nine.

The Sub-Committee had further agreed that a combination of the following factors should be taken into account in considering candidatures for nomination to the Board: (a) the desirability of providing for continuity in the financial and administrative work of the League after the disappearance of the Supervisory Commission; (b) the personal qualifications and experience necessary for membership of the Board; (c) the financial standing *vis-à-vis* the League of the country to which the candidate belonged and the financial contribution made by the candidate's country throughout the years of the League's existence, due regard being paid to the special situation of certain countries which had specially suffered from occupation during the war; (d) the need for as wide a geographical representation as possible on the Board.

Taking all these points into consideration, the Sub-Committee had unanimously elected as members of the Board three members of the Supervisory Commission—M. Hambro, Sir Cecil

Kisch and M. Charveriat—and also he himself Sir Atul Chatterjee. A secret ballot was taken on the remaining candidates, as a result of which M. Cheng (China), M. Costa du Rels (Bolivia), Mr. Jacklin (Union of South Africa) (with effect from August 1st, 1946), M. Kopecky (Czechoslovakia) and M. Secretan (Switzerland) were elected. The Sub-Committee accordingly recommended that the Second Committee should pass a resolution inviting the Assembly to appoint to the Board of Liquidation the nine members he had just mentioned.

This proposal was approved.

The Chairman said that the Joint Sub-Committee had examined paragraphs 2, 3 and 4 (2) of the draft resolution together with the modifications suggested by the Supervisory Commission in the Report on the Work of its Hundred-and-second Session¹ and proposed a certain number of amendments in the light of the above proposal.²

PARAGRAPH 2, SUB-PARAGRAPH 6

M. Kaeckenbeeck (Belgium) feared that the Board of Liquidation might continue to function for an indefinite period and suggested that some procedure was needed to bring it to an end.

The Chairman replied that it was provided in paragraph 9 that the Board should make interim reports every three months and take into consideration any observations thereon made by Members of the League. Moreover, paragraph 7 provided

¹ Document A.28.1946.X (Annex 8, page 179).

² See document A.32(1).1946.X (Annex 26, page 269) for the final text.

that any cash balance resulting from the liquidation should be divided among Members, and Members would naturally want to have this money as soon as possible. Lastly, the nine members of the Board had been chosen with great care, and were not likely to want to go on functioning longer than they were needed. For all these reasons, he thought M. Kaeckenbeek's apprehensions unjustified.

M. Kaeckenbeek (Belgium) said that he had had no idea of making any reflections on the members of the Board. There was, however, no provision for winding up the Board before every detail had been settled. Could this be done by means of a proposal made by the Board itself in one of its quarterly reports?

The Chairman said he thought the matter was sufficiently covered by the provision in paragraph 9 that the Board must take into consideration any observations of Members of the League and that of paragraph 21 stating the circumstances in which the Board should declare itself to be dissolved.

PARAGRAPH 3

Mr. Cremins (Ireland), referring to this paragraph which dealt with the mandate of the Secretary-General, said that the Irish delegation wished to say a few words to express their regret that one of the results of the liquidation of the League would be the retirement of Mr. Lester from the position which he had so ably, conscientiously and honourably filled for six years. Since he was first appointed in Geneva seventeen years ago as representative of the Irish Government, Mr. Lester had had occasion to handle many international problems of a complex and delicate nature. He had handled them all in the same satisfactory way, calmly and courageously, always devoted to the great institution to which he was first accredited and later attached. It was obvious long before

the end of the League had become inevitable that his eminent services in the international sphere had been widely appreciated. The Irish delegation wished to place on record the appreciation of their Government of the devoted service which Mr. Lester had given to the League and of his tenacious faith in the ultimate success of international collaboration.

Paragraphs 2, 3 and 4 (2) of the draft resolution with the amendments proposed by the joint Subcommittee were adopted.

35. — EXAMINATION OF THE DRAFT GENERAL REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY¹ (continuation)

The latter part of the report was adopted with various amendments.

36. — FINANCIAL POSITION OF THE LEAGUE AS AT MARCH 31st, 1946, AND REPORT OF THE SPECIAL COMMITTEE ON CONTRIBUTIONS² (continuation)

M. Nogueira (Uruguay) said that the sum placed to the credit of the United Nations owing to a banker's error³ had now been transferred to the League of Nations.

37. — CLOSE OF SESSION

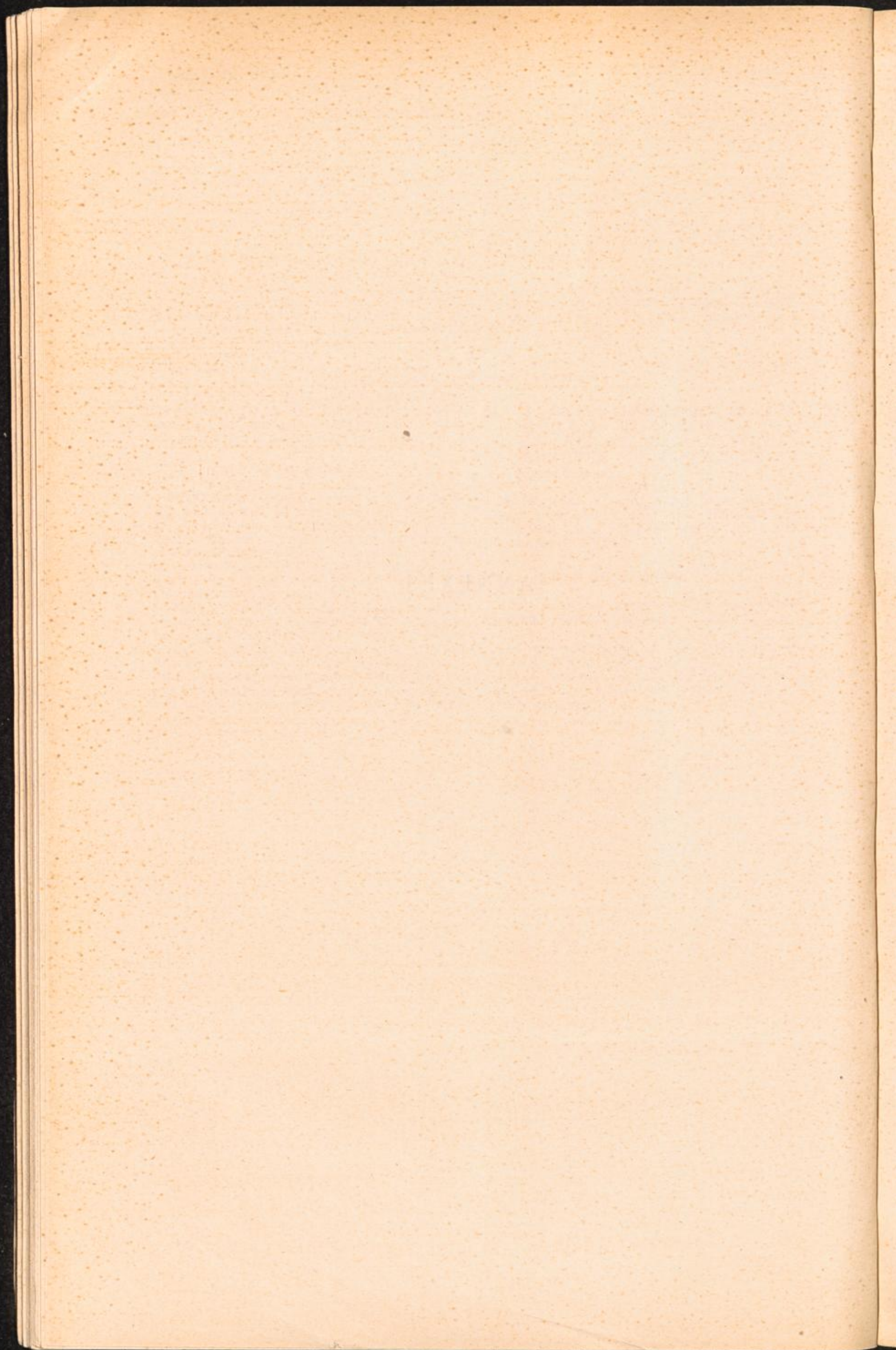
After the usual expressions of thanks, **the Chairman** declared the session closed.

¹ For the final text of the Report, see document A.32(1).1946.X (Annex 26, page 258).

² Documents A.20.1946.X (Annex 12, page 209) and C.10.M.10.1946.X (Annex 11, page 195).

³ See page 117.

ANNEXES



ANNEX I

A. 2. 1946.

ANNOTATED AGENDA OF THE ASSEMBLY

Adopted by the Assembly on April 8th, 1946,

and

SUPPLEMENTARY ITEM

Adopted by the Assembly on April 10th, 1946.

I. OPENING OF THE ASSEMBLY.

The Assembly decided on December 14th, 1939, not to close its twentieth ordinary session, but to adjourn. The President will propose that the Assembly should resolve itself into a new session.

2. APPOINTMENT AND REPORT OF THE CREDENTIALS COMMITTEE.

The members of the Committee will be invited to meet after appointment and to present their report after the short recess which will follow the appointment of the Nominations Committee.

3. APPOINTMENT OF THE NOMINATIONS COMMITTEE.

The appointment of the Nominations Committee will be followed by a short suspension of the meeting of the Assembly to allow the Committee to study the proposals it will make to the Assembly concerning: (a) the Presidency of the Assembly; (b) the Vice-Presidents, who, together with the President and the Chairmen of the main Committees of the Assembly, the Agenda Committee and the Credentials Committee, will form the General Committee of the Assembly.

4. REPORT OF THE NOMINATIONS COMMITTEE.

5. ELECTION OF THE PRESIDENT OF THE ASSEMBLY.

6. ELECTION OF THE VICE-PRESIDENTS OF THE ASSEMBLY.

7. APPOINTMENT OF THE AGENDA COMMITTEE.

8. ADOPTION OF THE AGENDA OF THE SESSION AND ALLOCATION OF ITEMS BETWEEN THE MAIN COMMITTEES OF THE ASSEMBLY.

If the Assembly agrees to appoint two main Committees, subject to the possibility of constituting a Legal Sub-Committee and other sub-committees which may be required to report on particular questions, items on the Agenda on which a report by a Committee is necessary would be allocated between: (a) Committee I (General Questions); (b) Committee II (Financial and Administrative Questions); (c) possibly the General Committee of the Assembly.

9. REPORT BY THE ACTING SECRETARY-GENERAL ON THE WORK OF THE LEAGUE DURING THE WAR (document A.6.1946).

The discussion of the Report would give delegations an opportunity to make such declarations as they may desire at the beginning of the Assembly.

10. THE COUNCIL OF THE LEAGUE OF NATIONS.

If the Members of the League consider that a meeting of the Council is in present circumstances unnecessary, the Assembly might decide that it will during its session fulfil, so far as required, such administrative and other responsibilities in the present situation as would fall within the competence of the Council.

II. DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

(a) The text of a "Report concerning the Dissolution of the Permanent Court of International Justice," which was adopted by the Preparatory Commission of the United Nations on December 18th, 1945, will be communicated to the Assembly. It states that certain Members of the League which are also Members of the United Nations intend to move a resolution on this subject in the Assembly of the League.

(b) The dissolution of the Permanent Court will involve certain administrative and financial problems which the Committee on Financial and Administrative Questions will have to consider.

12. ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES OF THE LEAGUE.

(a) *Functions and Powers belonging to the League under International Agreements.*

Members of the League have received the following documents :

Powers and Duties attributed to the League by International Treaties (document C.3.M.3.1944.V) ;

List of Conventions with Indication of the Relevant Articles conferring Powers on the Organs of the League (document C.100.M.100.1945.V).

The text of the resolution under which the General Assembly of the United Nations has decided to assume certain of the functions and powers belonging to the League under international agreements will be communicated to the Assembly of the League. Moreover, certain Members of the League which are Members of the United Nations have informed the General Assembly of the United Nations that they intend to move a resolution in the Assembly of the League in connection with this question.

(b) *Activities of a Non-political Character.*

The United Nations intends to assume certain activities of a non-political character hitherto performed by the League. The Assembly may wish to give instructions to the Acting Secretary-General in order to facilitate such assumption.

13. INTERNATIONAL ASSISTANCE TO REFUGEES.

In conformity with the Assembly's resolution of September 30th, 1938 (nineteenth session), the High Commissioner has to report to the Assembly annually on his work.

The High Commissioner was appointed on January 1st, 1939, for five years.

The problem of "refugees and displaced persons of all categories" has been referred by the General Assembly of the United Nations to the Economic and Social Council for report to the General Assembly next September.

14. FINANCIAL AND ADMINISTRATIVE QUESTIONS.

(a) *Reports of the Supervisory Commission :*

(i) General Report on the action undertaken on behalf of the Assembly since the last meeting of the Assembly ;

(ii) Report for the year 1945 and Report on the Budget for 1946 ;

(iii) Report on the disposal of League assets.

A Common Plan regarding (a) (iii) has been established by the Supervisory Commission and a Committee representing the United Nations. This plan and the report from the latter Committee have been approved by the General Assembly of the United Nations. The two documents will be circulated as early as possible to Members of the League together with a special report of the Supervisory Commission.

(iv) Other report (or reports) by the Supervisory Commission on financial and administrative problems connected with the termination of the League, including questions concerning the Judges' Pensions Fund, the staff of the Permanent Court of International Justice, the staff of the Secretariat, the Staff Pensions Fund, etc.

(b) *Contributions to the League :* Report of the Special Committee on Contributions ; membership of the Committee.

(c) *Administrative Board of the Staff Pensions Fund :* appointment of three members and three substitutes.

(d) *Report of the Administrative Board of the Staff Pensions Fund.*

(e) *Reconstitution of the Administrative Tribunal.*

15. DISSOLUTION OF THE LEAGUE.

The Assembly may wish to appoint a Liquidation Board and give it the necessary instructions.

Supplementary Item.

16. MANDATE OF THE ACTING SECRETARY-GENERAL.

ANNEX 2

AGENDA OF THE FIRST COMMITTEE

Adopted by the Committee on April 8th, 1946.

1. Dissolution of the Permanent Court of International Justice.
 2. Assumption by the United Nations of Certain Functions, Powers and Activities of the League.
 3. International Assistance to Refugees.
 4. Dissolution of the League.
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ANNEX 3

AGENDA OF THE SECOND COMMITTEE

Adopted by the Committee on April 9th, 1946.

1. Election of Rapporteur.
2. Publicity of Meetings.
3. Approval of Provisional Agenda.
4. **General Summarised Report of the Supervisory Commission on its Work during the Period of Emergency, 1940-1946** A.5.1946.X.

See also:

Supervisory Commission's Report for 1940. . .	C.152.M.139.1940.X.
" " " " 1941. . .	C.53.M.50.1941.X.
" " " " 1942. . .	C.L.11.1942.X—Annex II.
" " " " 1943. . .	C.23.M.23.1943.X.
" " " " 1944. . .	C.27.M.27.1944.X.
" " " " 1945. . .	C.118.M.118.1945.X.

and

Reports of Special Committee on Contributions during the Emergency Period	C.24.M.21.1941.X. C.L.11.1942.X—Annex III. C.88.M.88.1944.X.
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5. **Financial Position of the League as at March 31st, 1946** A.20.1946.X.

and

Report of the Special Committee on Contributions for 1946 C.10.M.10.1946.X.

See also:

Report of the Supervisory Commission on the Work of its Ninety-ninth Session	A.14.1946.X. Chapter G.
Report of the Supervisory Commission on the Work of its One-hundredth Session	A.19.1946.X. Chapter E.
6. **Audited Accounts for the Financial Period 1945**

Report of the Supervisory Commission on the Work of its One-hundredth Session	C.15.M.15.1946.X.
	A.19.1946.X. Chapter C.
7. **Termination of the League: Measures to be taken for the Disposal of League Assets.**

Report of the Supervisory Commission on Discussions with the Representatives of the United Nations	A.8.1946.X.
Note by the Acting Secretary-General including Report of the Committee set up by the Preparatory Commission of the United Nations	A.9.1946.
General Summarised Report of the Supervisory Commission on its Work during the Emergency Period, 1940-1946	A.5.1946.X. Section IV, sub-sections 3, 4, 5 and 6.
Report of the Supervisory Commission on the Work of its One-hundredth Session	A.19.1946.X. Section IV, sub-sections 5 and 6. Annex.
Proposal of the Government of the Dominican Republic	A.11.1946.

8. **Termination of the League : Measures to be taken with regard to the Staff.**
 Report of the Supervisory Commission on the Work of its Ninety-ninth Session A.14.1946.X. Chapter A, paragraphs 4-8 (inclusive). Chapter B.—“Indemnities”. Chapter D.—“Repatriation and Furniture Removal Expenses”.
9. **Termination of the League : Measures to be taken with regard to the Staff Pensions and Staff Provident Funds.**
 Report of the Supervisory Commission on Discussions with the Representatives of the United Nations A.8.1946.X. Section 5, note on paragraph 6 of the Common Plan.
 Report of the Supervisory Commission on the Work of its One-hundredth Session A.19.1946.X. Chapters F and G.
 Tenth Report of the Administrative Board A.4.1946.X.
 Eleventh Report of the Administrative Board A.12.1946.X.
10. **Dissolution of the Permanent Court of International Justice : Contractual Liabilities arising out of the Dissolution of the Court.**
 Report of the Supervisory Commission for 1945 C.118.M.118.1945.X. Chapter F, Section III, sub-section 3.
 Report of the Supervisory Commission on the Work of its Ninety-ninth Session A.14.1946.X. Chapter A, paragraph 9.
11. **Dissolution of the Permanent Court of International Justice : Measures to be taken with regard to the Judges' Pensions Fund.**
 Report of the Supervisory Commission on Discussions with the Representatives of the United Nations A.8.1946.X. Section 5, note on paragraph 6 of the Common Plan.
 General Summarised Report of the Supervisory Commission A.5.1946.X. Section III.
 Report of the Supervisory Commission on the Work of its Ninety-ninth Session A.14.1946.X. Chapter A, last paragraph.
12. **Administrative Tribunal : Judgments given on February 26th, 1946, with regard to Claims of Certain Former Officials.**
 Report of the Supervisory Commission on the Work of its Ninety-ninth Session A.14.1946.X. Chapter C.
 Note by the Acting Secretary-General A.16.1946.X.
13. **Administrative Tribunal : Reconstitution of the Tribunal.**
Note. — Under Article III, paragraph 1, of the Tribunal's Statute, the Tribunal consists of three Judges and three Deputy-Judges appointed by the Council for three years. The term of office of the judges and deputies appointed by the Council expired in 1940, 1941 and 1942.
 See Report of the Supervisory Commission for 1945 C.118.M.118.1945.X. Chapter N.
 General Summarised Report of the Supervisory Commission A.5.1946.X. Section II.

14. **Refugee Questions : Liquidation of the Nansen Office.**
Report of the Supervisory Commission on the Work of Its One-hundredth Session. . . . A.19.1946.X. Chapter D.
15. **Complaint of Certain Former Officials of the Governing Commission of the Saar Territory.**
Report of the Supervisory Commission A.15.1946.V.
16. **Miscellaneous questions** covered in the Supervisory Commission's reports presented to the Assembly at its twenty-first ordinary session and not specifically mentioned in the provisional Agenda of the Second Committee.
17. **Other Financial and Administrative Measures for the Termination of the League.**
18. **Other Questions.**

* * *

Note.— The foregoing provisional Agenda is not exhaustive. The Supervisory Commission has still to examine certain questions for which the documentation was not received in time to enable it to make a report at the moment when the provisional Agenda was prepared. The Commission may also have to report on other matters upon which the Assembly or its Committees may seek the Commission's advice.

ANNEX 4

A. 5. 1946.

Geneva, March 14th, 1946.

GENERAL SUMMARISED REPORT ON THE WORK OF THE
SUPERVISORY COMMISSION DURING THE PERIOD OF EMERGENCY,
1940-1946

- | | |
|-------------------|--|
| I. General. | III. Permanent Court of International Justice. |
| II. Constitution. | IV. Financial Situation. |

I. GENERAL

When the war crisis broke upon the world in 1939, the League of Nations was declared to be in a state of emergency and the events of the war during the summer months of 1940 imperilled the very existence of the League as an institution. No one could predict how it would emerge from the crisis. It was clear that the ordinary machinery of administration, hinging on the annual meetings of the Assembly, could not continue to function. There were, nevertheless, immediate problems of importance that had to be faced, affecting not only the work itself and individuals engaged on it but also the material assets and properties of the League wherever situated. The position was liable to rapid change and the case called for the existence of an authority competent to take decisions without the delays inseparable from consultation with States Members, subject of course to the understanding that these decisions would be consonant with the general principles governing the policy of the League.

In the circumstances then existing, the Assembly decided in 1939 to endow the Supervisory Commission with special powers to take, at its discretion, in association with the Secretary-General and the Director of the International Labour Office, any exceptional administrative or financial measures or decisions that might appear necessary, and laid down that such measures and decisions should have the same validity as if they had been taken by the Assembly.

The Supervisory Commission accepted this mandate and has endeavoured in the reports which it has presented during the last six years to keep States Members informed on all major questions that have come before it, including, of course, the financial position of the League institutions.

Broadly speaking, the purpose which has guided the Commission has been to keep intact the framework of the League Organisation and to continue its non-political work at the lowest practicable cost to States Members. In the earlier years of the crisis period, it was not possible to foresee the form of world organisation that States would desire to maintain in the future. While the political side of the League's work has been in abeyance since 1939, it seemed clear to the Supervisory Commission that, whatever shape the future world organisation might take, the tasks covered by the social and economic organisations of the League would require to be cared for in the future as an essential part of the co-operative endeavour between States. This was indeed recognised by the Assembly in December 1939, which resolved that "the present condition of the world renders it all the more necessary that the economic and social work of the League . . . should continue on as broad a basis as possible". The aim of the Commission has therefore been to keep these aspects of the League's work in being with the help of a much reduced personnel, which was charged with the responsibility of maintaining all non-political activities and of keeping all records and documentation as up-to-date as the case allowed, for the use of whatever authority might be entrusted with these matters after the war.

The Supervisory Commission hopes that States Members, which will have received the periodical reports of the Supervisory Commission, the Acting Secretary-General and the Acting Director of the International Labour Office, setting forth the activities of the League and of the International Labour Organisation during the last six years, will feel that this result has been satisfactorily achieved. States Members will also have received a large number of studies and documents issued by the Secretariat and by the International Labour Office showing in greater detail the nature of the work which has been in progress.¹

The Commission does not wish at this stage to comment on the difficulty of carrying on the work under conditions which required the maximum economy to be observed; it would, however, remark that its efforts would have proved vain if the League had not received during the crisis period a measure of financial support from States Members, which testified in this way to their faith in the ideals for which the League stood, even though it seemed that these had, at any rate temporarily, been submerged by an overwhelming calamity. To the support of these States are due the facts that the League's financial position is in order, that all its obligations have been punctually met and that it was in a position, at the appropriate moment, with the approval of the States Members, to enter into whatever arrangements should be thought best for the continuance of its work by the United Nations. Important steps to this end have already been taken.

¹ A list of publications issued by the Secretariat between 1940 and 1946 is appended to the Report of the Acting Secretary-General on the Work of the League during the War, circulated as an Assembly document (A.6.1946).

To the remaining staff of the League, which has served it faithfully during these crisis years, the Supervisory Commission would express its gratitude and, in particular, recognition must be paid to the outstanding services of the Acting Secretary-General, the Acting Director of the International Labour Office and the Treasurer, on whom the Supervisory Commission has particularly relied for the execution of the mandate entrusted to it by the Assembly in 1939.

As is well known, the Charter of the United Nations deals, in addition to other most important matters, with the future of international economic and social co-operation. The greater part of the League's work which has been kept in being throughout the war falls within the scope of the Economic and Social Council, set up by the First General Assembly of the United Nations.

In its First Report for 1945,¹ the Commission reported upon the relations established with the Executive Committee of the Preparatory Commission of the United Nations. It reproduced the telegram which had been sent by the Acting Secretary-General to all Governments of States Members of the League, as a result of which the Supervisory Commission had been requested to discuss and, in so far as possible, to formulate provisional terms of transfer of certain functions, activities and assets of the League of Nations to the United Nations, on the understanding that such terms would be subject to the final decision of the League Assembly to be convened early in 1946.

In accordance with this decision, the Supervisory Commission held discussions in London in January 1946, with a Committee of the United Nations appointed to negotiate the terms of transfer of the League's assets to the United Nations. A special Report² is submitted to the Assembly on these discussions and on the "Common Plan" resulting from them, which was unanimously agreed to by both parties to the negotiations and which has since been adopted by the General Assembly of the United Nations.

Throughout the period of the war in Europe, the Secretariat has maintained its headquarters at Geneva, where, in addition to the normal continuation of essential technical work, provision was made for the study and preparation of work in connection with post-war reconstruction. The League Treasury, which is responsible for financing all the Organisations of the League, has been situated in London since early in 1941. At the invitation of the United States Government, the main portion of the staff of the Opium Supervisory Body, together with the Office of the Permanent Central Opium Board, took up their duties at Washington, D.C., and it was not until late in 1945 that these branches of work were re-transferred to Geneva, a small office being still maintained at Washington for purposes of liaison. On an invitation from the Institute of Advanced Study in Princeton, New Jersey, the Princeton University and the Rockefeller Institution for Medical Research, and with the concurrence of the United States authorities, the major part of the Economic, Financial and Transit Department went on mission to Princeton, New Jersey, U.S.A., where it received a cordial welcome from the Institute for Advanced Study and was able to continue its work under the most favourable auspices, as is evidenced by the large number of valuable documents issued by it, under the guidance of its Director, Mr. A. Loveday.

The Commission takes this opportunity of expressing its profound gratitude to the Institute of Advanced Study and its President, Dr. Frank Aydelotte, for the generous facilities they provided for the mission. The Commission also wishes to express its appreciation for the annual grants made towards the expenses of the mission by the Rockefeller Foundation.

The Secretariat Office at Delhi, India, has been maintained throughout the war, and contact with League correspondents in Latin America was continued. The office at Paris was closed during the war.

The International Labour Office, which, by the courtesy of the Canadian Government, has carried out its work since the middle of 1940 at Montreal, Canada, has, in addition to its normal activities, pursued with increasing intensity the tasks laid upon it by the New York-Washington Conference in 1941, the Philadelphia Conference in 1944, and the Paris Conference in 1945.

The President and Registrar of the Permanent Court of International Justice went to Geneva in 1940, where they remained throughout the war years.

The High Commissioner for Refugees has continued to discharge his functions from London and, despite difficulties of communications, has been able to cope with many problems created by the dispersion from their homes of large numbers of people.

M. J. Avenol, the Secretary-General, resigned his post with effect from August 31st, 1940, and his functions were entrusted, on September 1st, 1940, to Mr. S. Lester, the Deputy Secretary-General, as Acting Secretary-General. Mr. J. G. Winant, the Director of the International Labour Office, resigned his appointment on February 15th, 1941, and was succeeded by Mr. E. J. Phelan, the Deputy Director, as Acting Director.

The first budgetary meeting of the Supervisory Commission after the coming into force of the emergency measures was held at Lisbon, at the end of September 1940, but both the Acting Secretary-General and the Treasurer were prevented from attending owing to their inability to obtain passage across Spain. The Commission, however, had the advantage of the presence of the Deputy Director of the International Labour Office and the Registrar of the Permanent Court of International Justice.

¹ Document C.118.M.118.1945.X.

² See Annex 17, I, pages 217-220.

At this meeting, the Commission resolved that, whenever, in view of insuperable difficulties, it was impossible for it to meet, decisions could be taken after written or telegraphic consultation of its members by the Chairman. Advantage was taken of this method for reaching rapid decisions on questions of urgency and it has enabled members of the Commission to remain in constant touch with the affairs of the League and with one another.

At the time of the meeting at Lisbon, the Commission and the competent officials had to face a serious financial position, as it was clear that, unless States Members continued to pay their due contributions, the League Organisations could remain in active operation only for a limited period. In fact, the collections in the year 1940 represented less than 50% of the expenditure voted. Moreover, serious developments affecting the capacity of certain Members to pay had occurred and, at that stage (in 1940), nine States had to be relieved of the obligation for making any payment towards the 1941 expenditure and for subsequent years were assessed to pay only token contributions. The unit of contribution of four others had to be reduced by one-half. It was therefore decided that, as far as possible consistently with commitments, the competent officials should ensure that expenditure should not exceed income and, in consequence, further heavy retrenchments of staff were considered necessary.

In the Appendix, the Commission has attached to this report a statement exhibiting the credits voted for the different Organisations for each year over the period 1939-1945, together with figures showing the actual expenditure of each Organisation in those years. To take the more important examples, it will be observed that the Secretariat's expenditure of 12½ million Swiss francs in 1939 was brought down in 1942 to below 2½ million Swiss francs. Over the same period the expenditure of the International Labour Organisation was reduced from approximately 8⅓ million Swiss francs to less than 3 million Swiss francs. These reductions bear eloquent testimony to the success of the policy pursued by the responsible officials in collaboration with the Commission to ensure that the actual expenditure should, as far as possible, be brought into close conformity with incoming resources. The Commission would like to place on record its appreciation of the results achieved by the officials in this regard.

The retrenchments in respect of large numbers of the staffs of the Organisations—in many cases young men and women who would in the ordinary course have continued their employment until they reached the age of 60 years—involved great inroads on the Pensions Fund, the solvency of which was seriously affected, and it was accordingly decided that the Reserve Fund of the League should be transferred to the Staff Pensions Fund.

The Acting Secretary-General, who had been obliged to remain at Geneva throughout the war years until the autumn of 1944, was then able to visit London and enter into personal contact with members of the Supervisory Commission. Prior to that time, the relationship with the Supervisory Commission, the International Labour Office and other League offices outside Headquarters was maintained through the office of the Treasurer in London. But, during the whole period, wireless communications were open with Geneva, and for most of the period communication by letter was also possible.

In addition to frequent consultations, the Commission has held twelve formal meetings since the declaration of the state of emergency and Governments have been regularly informed, in its annual reports, of the decisions and actions taken, but, quite apart from formal meetings, the Commission has remained in continuous contact, generally by cable, with the Administrations. In addition to keeping States Members informed through its annual reports, the Chairman, the Rapporteur and the Treasurer have kept in touch with Governments in London on questions of general and financial policy. All the meetings up to the end of 1944, except the eighty-seventh and eighty-eighth, which took place respectively in February 1940 at The Hague and in September 1940 at Lisbon, were held in America and were attended by the Treasurer, who also visited Canada and the United States for the purpose of handling, on the spot, questions concerning the financing of the International Labour Organisation and the branches of League work in the United States.

On January 21st, 1940, the Swiss Government denounced the agreement with the League providing for the mutual use of the League Wireless Station, the denunciation to take effect, in accordance with Article 13 of the Agreement, from February 2nd, 1942. The amount of compensation decided upon by arbitration was paid by Radio-Suisse, so that the League no longer holds any interest in Radio-Nations.

The Commission would particularly draw the attention of the Assembly to its report for the year 1944¹, which, in addition to dealing with the usual administrative and financial matters, outlined the policy the Commission had pursued throughout the critical years of the war in Europe, the continued activities of the League, the action generally decided upon, and the recommendations it had made to Governments in regard to the financial administration of international organisations in the future. It would also call attention to the Report of the Committee on Contributions²—with which it is in entire accord—embodying statements showing the position in regard to contributions for the period from the beginning of the League until the end of 1944 and indicating the limited effect of the measures it has been possible to take to secure the payment of contributions.³ The Commission is glad to note that, since the termination of hostilities, various States whose contributions had fallen into arrear have liquidated their debts to the League and it trusts that this example will now be followed by others, which will doubtless desire that all debts to the League should be discharged.

¹ Document C.27.M.27.1944.X, October 31st, 1944.

² Document C.88.M.88.1944.X, December 13th, 1944.

³ A further report showing the position until the end of 1945 will shortly be circulated (document C.10.M.10.1946.X).

II. CONSTITUTION

At the beginning of 1940, the membership of the Supervisory Commission was as follows:

Dr. C. J. HAMBRO (Norway) (*Chairman*).
 H.E. M. Harri G. HOLMA (Finland) (*Vice-Chairman*).
 Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom) (*Rapporteur*).
 M. Yves BRÉART DE BOISANGER (France) (resigned January 1945).
 H.E. Dr. H. COLIJN (Netherlands) (died 1944).
 M. Carlos A. PARDO (Argentine) (resigned January 1941).
 H.E. Count CARTON DE WIART (Belgium).

The present membership of the Commission is as follows:

Dr. C. J. HAMBRO (Norway) (*Chairman*).
 Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom) (*Vice-Chairman and Rapporteur*).
 H.E. M. A. COSTA DU RELS (Bolivia) (President of the Council of the League of Nations) (co-opted in 1940).
 H.E. Don Francisco CASTILLO NAJERA (Mexico) (co-opted in 1941).
 Mr. Hume WRONG (Canada) (co-opted in 1941).
 Sir Girja SHANKAR BAJPAI, K.C.S.I., K.B.E., C.I.E. (India) (co-opted in 1944).
 Jonkheer F. BEELAERTS VAN BLOKLAND (Netherlands) (co-opted in February 1945).
 H.E. M. Emile CHARVERIAT (France) (co-opted in September 1945).
 H.E. M. Harri G. HOLMA (Finland)¹.
 H.E. Count CARTON DE WIART (Belgium)¹.

In addition to the above, the following also have been members of the Commission in the interim period 1940-1945:

Sir Frederick PHILLIPS, G.C.M.G., C.B. (United Kingdom) (co-opted 1941; died 1943).
 Mr. H. S. MALIK (India) (co-opted 1941; resigned 1944).
 Mr. E. CLIFF (United Kingdom) (co-opted 1944 *vice* the late Sir Frederick Phillips; resigned a few months later, 1944).
 The Hon. Robert H. BRAND, C.M.G. (United Kingdom) (co-opted in 1944; resigned July 1945).

In conformity with Article 5 of the Financial Regulations, the competent officials attended the meetings and, in accordance with the procedure instituted by the Supervisory Commission, the Governing Body of the International Labour Organisation was invited to send representatives to meetings at which the International Labour Office Budget was under discussion, and was represented at the ninetieth session, in 1942, at the ninety-second session, in 1943, at the ninety-fourth session, in 1944, and at the ninety-sixth session, in 1945, by Mr. Carter GOODRICH, Chairman of the Governing Body. The representatives of the Employers' and Workers' Groups were unavoidably prevented from attending the earlier sessions, but at the first part of the ninety-sixth session, held in Paris in October 1945, Sir John FORBES WATSON, Chairman of the Employers' Group, and Mr. J. HALLSWORTH, Chairman of the Workers' Group, were present, and Mr. G. Myrddin EVANS, the newly-appointed Chairman of the Governing Body, and Sir John FORBES WATSON, Chairman of the Employers' Group, attended the ninety-sixth session, when it resumed in London, in November 1945. These delegates and Mr. J. HALLSWORTH, Chairman of the Workers' Group, also attended the ninety-seventh session of the Commission, held in London in January 1946.

The Permanent Court of International Justice was represented at meetings held in America by Judge Manley O. HUDSON, appointed by the President of the Court, under Article 16, paragraph (3), of the Financial Regulations, and at the continuation of the ninety-sixth session, held in Geneva and in London in October and November 1945, by Judge J. G. GUERRERO, President of the Court, and by M. J. LÓPEZ OLIVÁN, Registrar of the Court.

Since the resignation of Mr. J. H. Bieler, who had been Secretary of the Commission since 1922 (referred to in the Commission's report of October 15th, 1941), Mr. P. G. Watterson, the Chief Accountant, has assisted at the meetings of the Commission held in America. Miss G. Rohde, who was Secretary of the Staff Pensions Fund, was formally appointed Secretary to the Commission in February 1945. She had been connected with the work of the Commission throughout the war years, and her resignation on June 1st, 1945, ended a period of highly efficient service to the League. The Commission wishes to record its gratitude for the devotion and efficiency she brought to its service. Her special knowledge of and interest in actuarial questions has been of high value in the task of managing the Pensions Funds of the League.

ADMINISTRATIVE TRIBUNAL

The Administrative Tribunal, set up by the Assembly for the purpose of hearing complaints against the Administrations by members of the staff, was unable to function from August 1939 until February 1946.

¹ These members were unable to participate in the Commission's deliberations during the war years.

A Note by the Registrar of the Tribunal was submitted to the Supervisory Commission in 1942, when he reported that nineteen cases were pending, some against the Secretary-General and some against the Director of the International Labour Office. The main subject of the appeals related to the legality of executive action taken by the Secretary-General and the Director under the terms of a resolution of the Assembly of December 1939 concerning the period of notice to which officials under contract were entitled when their posts were abolished.

The Registrar reported that he had endeavoured to call a meeting of the Tribunal in 1940, and again in 1941, but that both efforts had failed owing to difficulties of communications. The three members were of Dutch, Belgian and Danish nationality, whilst the two deputies were French and Greek. The Registrar reported: "It is obvious that the Tribunal cannot meet until *force majeure* ceases to operate or until new appointments have been made." He further pointed out that the judges must be of different nationalities and should be appointed by the Council.

The legal adviser of some of the appellants made representations from time to time regarding the convening of the Tribunal, and suggested that, if the existing members could not be convened, either the Tribunal should be reconstituted or an agreement might be reached for the submission of the cases to arbitration. The Supervisory Commission, however, feeling that it could not be a party to a new procedure in a matter which appeared to question the decision of the Assembly, was not able to agree to arbitration, nor did the circumstances permit the appointment of new members of the Tribunal.

In its First Report for the year 1945¹, the Commission expressed the view that a new effort should be made to convene the Tribunal, which accordingly met in February 1946.

III. THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Article 13 of the Statute of the Court provides that the Members of the Court, who are elected for nine years, shall continue to discharge their duties until their places have been filled and, although the terms of office of the Members of the Court expired on December 31st, 1939, the majority remained as Members of the Court.

Article 92 of the Charter of the United Nations provides for the creation of an International Court of Justice as "the principal judicial organ of the United Nations", which shall function in accordance with a Statute "based upon the Statute of the Permanent Court of International Justice". All the Judges of the Permanent Court in office resigned with effect from January 31st, 1946, and the Judges of the International Court of Justice have now been elected by the United Nations.

Other matters relating to the expenditure in respect of the Court are fully dealt with in the First Report of the Supervisory Commission for the year 1945.¹

JUDGES' PENSIONS FUND

During the war years, the full budgetary provision in respect of the Judges' Pensions Fund has not been paid to the Fund as, owing to the shortfall in contributions, it proved necessary to use available moneys for other appropriations in the budget.

The shortage in these payments has led the Actuary, in his report on the financial position of the Fund as at December 31st, 1944, to suggest that, to ensure its solvency, an amount of 900,000 Swiss francs is required. Owing to certain recent changes in the position, the Actuary has been asked to review his valuation and report on the situation of the Fund as at December 31st, 1945.

IV. FINANCIAL SITUATION

INTRODUCTORY REMARKS

In this section, the Commission proposes to deal briefly with the main aspects of the League's financial situation at the present time:

1. The results of the working of the League during the war years, showing the annual surplus or deficit for each section of the Organisation. Deficits have been met from the Working Capital Fund and recovered to some extent in the estimates for succeeding years.
2. The collection of contributions—current and arrear.
3. The position of the Working Capital Fund, which had to be drawn on to meet outgoings, as shown above (paragraph 1).
4. The balances of the League's Special Funds at December 31st, 1945, as compared with December 31st, 1939.
5. The proportionate share of assets due to States Members.
6. Revaluation of the assets and liabilities of the League shown in the balance-sheet as at December 31st, 1945².

¹ Document C.118.M.118.1945.X.

² Audited Accounts for 1945: document C.15.M.15.1946.X.

I. STATEMENT OF INCOME AND EXPENDITURE: DEFICIT (—) AND SURPLUS (+)
DURING THE YEARS 1940-1945 INCLUSIVE.

Organisation	1940	1941	1942	1943	1944	1945	Total (1940-1945)
	Swiss francs						
Secretariat . . .	89,871.66	144,393.40	100,662.03	261,836.17	455,572.60	222,547.91	81,357.25
Central Opium Board . . .	20,321.25	4,848.25	22,128.35	20,639.70	15,435.35	10,943.09	94,315.99
Refugees . . .	22,470.65	12,903.48	25,574.55	30,595.25	8,689.20	22,362.98	96,789.15
Buildings . . .	4,534.05	—	—	—	—	—	4,534.05
Pensions . . .	781,916.70	447,109.66	455,210.30	511,055.60	235,936.08	298,461.80	2,729,690.14
International Labour Or- ganisation . . .	919,114.31	583,447.83	603,575.23	824,126.72	195,511.97	109,219.96	2,843,972.08
P. Court I. J..	1,285,981.89	210,760.42	16,033.75	29,297.19	172,940.44	1,029,598.91	114,054.44
	485,856.—	—	—	—	—	—	485,856.—
Total . . .	2,690,952.20	372,687.41	587,541.48	853,423.91	368,452.41	920,378.95	3,215,773.64

The deficit is almost entirely accounted for by the facts: (1) that in 1940 less than 50% of the contributions were received; and (2) that the full credits voted for the Pensions Fund were actually paid to the Fund each year notwithstanding the shortfall in receipts.

* The main reason for the deficit of the International Labour Organisation in 1940 was the receipt of less than 50% of contributions. The International Labour Organisation was authorised in advance to draw on the Working Capital Fund for unavoidable expenditure which had been estimated and voted.

2. CONTRIBUTIONS

The average percentage of collections of contributions during the years 1940-1945 inclusive was 66%, and of this the Members of the British Commonwealth contributed 74%.

The contributions in arrear due to the League as at December 31st, 1945, by present Members, as well as by Members which have withdrawn from the League, amounted to 43,144,768 Swiss francs.

Of this sum, 10,491,378 Swiss francs represent the total of those debts which were consolidated in 1935 and 1936 under arrangements for payment in instalments over a number of years varying from ten to forty-five.

The recovery of part of the debts must be regarded as doubtful. One State Member which has been at war owes 12,949,147 Swiss francs, and the States which withdrew from the League without fulfilling their obligations owe 6,180,346 Swiss francs.

The amount due to the Working Capital Fund and included in the total debt is 2,060,724 Swiss francs. Of this sum, 1,356,989 Swiss francs are due in respect of deficits for the years 1939 and 1940.

The record of the experience of the League in dealing with the non-payment of contributions has given rise to much concern since the beginning, and the action which the League has been able or permitted to take against defaulters, although of some avail, has been disappointing.¹

The receipt of contributions throughout the period of the League's existence up to December 31st, 1945, amounted to 90.02% of the total due. The proportion annulled amounted to 4.45% and the amount consolidated for repayment over a number of years was 1.48%. The balance still collectable is therefore 4.05%.

3. WORKING CAPITAL FUND

The nominal value of the Working Capital Fund, which was subscribed by States and collected through the annual budgets, remains the property of the subscribers. Its purpose was to provide cash for the several Organisations of the League in advance of the receipt of contributions. The nominal capital of the Fund is 5,188,307.32 Swiss francs, and the interest earned by the capital amounts to 1,347,321.98 Swiss francs; thus the total capital is 6,535,629.30 Swiss francs. Of this sum, 3,048,752.95 Swiss francs (or 46.6%) is owned by States which have met their financial obligations to the League in full, and the balance of the Fund is owned by States which owe more to the League as contributions than the value of their shares in the Fund. If the interest earned by the Fund is excluded, the percentage owned by the former States is 36.2%.

The cash in the Fund at December 31st, 1945, was as follows:

	Swiss francs
With the Secretariat	2,725,933.49
With the International Labour Office	1,126,583.83
With the Permanent Court of International Justice	18,382.28
<i>Total</i>	<u>3,870,899.60</u>

or 59.2% of the total of the Fund (6,535,629.30 Swiss francs).

At that date, the Fund was therefore sufficient to refund the shares of those States which had paid their annual contributions to the League.

¹ See document C.10.M.10.1946.X.

The following statement indicates the Working Capital owned by States Members, and the amounts which would be repayable: (a) without interest, (b) plus interest.

Working Capital Fund.

Statement showing: (a) Working Capital due to States as at December 31st, 1945, and contributions in arrear, including consolidated contributions, due by States at the same date.

(b) Amount due to States as at December 31st, 1945, if only original contribution is returned.

(c) Amount due to States as at December 31st, 1945, if total amount including interest is returned.

State (in French alphabetical order)	Amount received	Interest on investment	Total as at 31.XII.45	Contributions in arrear inc. consolidated due as at 31.XII.45	Credit in Working Capital Fund after deduction of arrears if interest is excluded	Credit in Working Capital Fund after deduction of arrears if interest is included
	(a)	(b)	(c)	(d)	(e)	(f)
	Swiss francs	Swiss francs	Swiss francs	Swiss francs	Swiss francs	Swiss francs
1. Afghanistan . . .	—	—	—	136,825.82	—	—
2. Union of S. Africa	279,653.87	72,789.33	352,443.20	—	279,653.87	352,443.20
3. Albania	6,735.13	1,752.02	8,487.15	57,721.45	—	—
4. Argentine	54,089.96	13,957.49	68,047.45	3,206,001.72	—	—
5. Australia	296,107.52	77,071.98	373,179.50	536,426.72	—	—
Austria	2,021.15	526.05	2,547.20	66,478.40	—	—
6. Belgium	176,767.04	46,009.71	222,776.75	—	176,767.04	222,776.75
7. Bolivia	32,505.89	8,331.51	40,837.40	447,207.07	—	—
8. United Kingdom.	394,083.14	102,573.31	496,656.45	—	394,083.14	496,656.45
9. Bulgaria	36,667.03	9,543.82	46,210.85	882,702.32	—	—
10. Canada	309,568.88	80,575.72	390,144.60	—	309,568.88	390,144.60
11. China	276,436.70	66,814.40	343,251.10	6,726,420.07	—	—
12. Colombia	61,913.74	16,092.26	78,006.—	905,230.61	—	—
13. Cuba	44,327.66	11,537.74	55,865.40	1,364,309.86	—	—
14. Denmark	120,836.03	31,451.67	152,287.70	104,967.—	—	—
15. Dominican Rep. .	75.60	19.65	95.25	169,632.66	—	—
16. Egypt	—	—	—	1,479,951.81	—	—
17. Ecuador	—	—	—	254,961.11	—	—
Spain ¹	265,603.61	69,132.29	334,735.90	2,595,003.75	—	—
18. Estonia	4,487.12	1,167.93	5,655.05	59,040.—	—	—
19. Ethiopia	23,568.99	6,134.66	29,703.65	35,316.90	—	—
20. Finland	68,458.54	17,818.66	86,277.20	894,542.41	—	—
21. France	373,884.29	97,263.46	471,147.75	170,046.60	203,837.69	301,101.15
22. Greece	65,578.37	17,069.03	82,647.40	505,086.05	—	—
Haiti ²	33,782.11	8,792.94	42,575.05	99,825.40	—	—
Hungary ³	5,235.93	1,362.82	6,598.75	416,855.85	—	—
23. India	354,062.01	92,156.54	446,218.55	—	354,062.01	446,218.55
24. Iraq	—	—	—	105,950.65	—	—
25. Iran	39,003.63	10,151.97	49,155.60	768,701.11	—	—
26. Ireland	7,468.61	1,943.94	9,412.55	353,168.85	—	—
27. Latvia	35,352.04	9,201.56	44,553.60	78,725.25	—	—
28. Liberia	111.76	— 0.71	111.05	163,784.01	—	—
29. Lithuania	5,982.85	1,547.55	7,530.40	52,483.50	—	—
30. Luxembourg	17,213.99	4,480.51	21,694.50	111,868.91	—	—
31. Mexico	—	—	—	2,193,141.78	—	—
32. Norway	119,264.73	31,042.67	150,307.40	—	119,264.73	150,307.40
33. New Zealand	45,823.36	11,927.04	57,750.40	—	45,823.36	57,750.40
34. Panama	32,291.88	8,404.82	40,696.70	274,559.01	—	—
Paraguay ⁴	1,495.72	358.53	1,854.25	383,565.95	—	—
35. Netherlands	170,969.21	47,956.04	218,925.25	70,633.80	100,335.41	148,291.45
Peru ⁵	22,856.31	4,985.39	27,841.70	504,989.60	—	—
36. Poland	294,611.91	76,615.89	371,227.80	644,148.95	—	—
37. Portugal	116,946.55	30,439.30	147,385.85	282,535.10	—	—
Roumania ⁶	199,053.39	51,810.46	250,863.85	1,020,438.65	—	—
38. Siam	45,823.36	11,927.09	57,750.45	763,333.71	—	—
39. Sweden	181,254.17	47,177.48	228,431.65	2,900,668.20	—	—
40. Switzerland	176,767.04	46,009.61	222,776.65	—	176,767.04	222,776.65
41. Czechoslovakia . .	206,529.95	53,756.40	260,286.35	—	206,529.95	260,286.35
42. Turkey	—	—	—	1,526,667.48	—	—
43. Uruguay	41,336.25	10,759.15	52,095.40	825,345.95	—	—
44. Yugoslavia	141,700.30	36,882.30	178,582.60	1,335,378.94	—	—
Total	5,188,307.32	1,347,321.98	6,535,629.30	35,474,642.98	2,366,693.12	3,048,752.95

¹ Expiry of notice of withdrawal: May 8th, 1941.

² " " " " " " April 8th, 1944.

³ " " " " " " April 10th, 1941.

⁴ Expiry of notice of withdrawal: February 24th, 1937.

⁵ " " " " " " April 8th, 1941.

⁶ " " " " " " July 10th, 1942.

4. SPECIAL FUNDS

The Commission has thought it desirable to set out in the body of this Report the balances of the special funds earmarked for particular purposes as at December 31st, 1939, and as at December 31st, 1945, with a short explanation of the causes of reduction and increase. These balances are represented by both cash and investments.

Balances of Special Funds as at December 31st, 1939, and as at December 31st, 1945.

Fund or Account	31.XII.1939 Swiss francs	31.XII.1945 Swiss francs	Remarks
<i>I. Funds belonging to League of Nations.</i>			
<i>Building Fund:</i>			
Secretariat and Assembly Hall.	2,628,907.75	1,835,671.76	Reduction mainly due to payment of arbiter's award to building contractors.
Library	772,336.03	583,249.18	— ditto —
Estate Account	1,207,384.—	973,732.59	Reduction due to completion of purchase of certain plots of ground.
Renovation	1,000,000.—	981,493.95	Exchange difference.
Wireless Station	1,584,004.18	3,195,187.22	Liquidation of Station Feb. 1942 and earnings finally recovered.
Reserve Fund	11,236,497.73	174,100.—	Reserve paid to Staff Pensions Fund.
Guarantee Fund	2,977,716.—	2,805,621.64	Reduction due to advances made to organisations in respect of 1945 supplementary budgets.
Fund to cover Exchange Losses.	579,271.81	285,129.77	Reduction due to charges on transhipment of gold and to rate of exchange as between dollars and Swiss francs.
—do— 1936	9,570.05	—	
Suspense Accounts	712,116.25	506,841.52	
	22,707,803.80	11,341,027.63	
Cash surplus 1944 (Secretariat).	—	195,511.97	
TOTAL I	22,707,803.80	11,536,539.60	
<i>II. Funds not belonging to League of Nations.</i>			
Working Capital Fund	4,344,350.11	3,870,899.60	
Extra-budgetary Accounts	561,244.90	118,563.60	
Suspense Accounts	—	109,599.80	
Library Endowment Fund	1,957,603.04	1,948,459.34	
Staff Pensions Fund	22,778,145.18	24,121,206.38	
Staff Provident Fund	526,142.25	321,144.40	
Pensions Fund Judges P.C.I.J..	1,597,121.56	1,380,752.39	
TOTAL II	31,764,607.04	31,870,625.51	
<i>III. Creditors</i>			
(moneys held on behalf of other organisations and persons).	68,651.50	2,647,616.38	
GENERAL TOTAL	54,541,062.34	46,054,781.49	

General Note.

Owing to the heavy pensions payments (over 15 million Swiss francs), staff indemnities and other demands in the year 1940, it was found advisable to purchase U. S. dollars by transshipping gold to the United States. These funds carried their share of the cost of that transshipping and insurance, and bore the effect of the consequent adjustments of the currency rates between the dollar and the Swiss franc.

When the Building Fund was created from the accumulated revenue surplus which had been built up over a series of years, the Assembly decided that, as this surplus had been obtained from the contributions of certain States—but not all States Members—it was reasonable that those certain States should be recouped.

The method adopted was to include in each year's budget an annuity which would be contributed by all States Members and distributed to the certain States to which it was due by a reduction of their subsequent contributions. In this way, all States Members would eventually contribute their full and proper quota to the cost of the new building. This solution, though mathematically exact, did not work out as projected: first, because all States did not pay their contributions and, by decision of the Assembly, a large proportion of their contributions in arrear was annulled; and, secondly, because the annuity had to be used to finance the mounting cost of the construction of the new building. If, however, the assets of the League are now credited to States in the proportion in which they have actually contributed, the object the Assembly had in mind when creating the Fund will be achieved.

5. PROPORTIONATE SHARE OF ASSETS DUE TO STATES MEMBERS

A statement will be prepared showing the proportion of assets which would be due to each State Member of the League in good financial standing at the winding-up of the League according to the ratio its actual contributions bear to the total contributions received from all States. A provisional statement will be given to the Assembly in April, but the final statement can be prepared only when States in arrear have paid their debts. The existence of debts will have to be considered in relation to the eventual distribution of assets.

6. ASSETS AND LIABILITIES

It has been necessary to value the assets, and the following statement represents a fair and reasonable valuation of those of the Secretariat and the Permanent Court of International Justice. The notes to the statement indicate the reasons why certain revisions may have to be made before the final value is fixed.

The assets shown in the balance-sheet appear in some cases at a mere nominal value and the appraisal has therefore been established throughout on the basis of cost. The value of the considerable gifts received by the League has been excluded.

**Assets of the Secretariat and the Permanent Court of International Justice
as at December 31st, 1945.**

	Swiss francs
Property: ¹	
Secretariat building and Assembly Hall	38,576,958.78 ²
Library building	— ³
Real estate belonging to the League of Nations having an area of 203,446 sq. meters and comprising four villas and other buildings.	2,889,453.45
Furniture, fittings, typewriters, etc., for the use of the Secretariat, including the branch offices, and for the other buildings in Geneva:	
	Swiss francs
Total according to the inventories	3,345,364.50
To be deducted:	
(a) Amounts included under Secretariat building, Assembly Hall and Library building	1,433,058.70
(b) Amounts in respect of extra-budgetary accounts	25,782.99
	1,886,522.81 ⁴
Furniture, fittings, typewriters, etc., for the use of the Court of Justice in The Hague (florins 121,097.30)	199,810.55
in Geneva	89.65
	199,900.20 ⁵
Stocks of stationery, printing paper, office supplies and equipment, in Geneva and branch offices	132,831.17 ⁵
Publications: Stocks at Headquarters and in hands of agents (estimated market value)	50,000.— ⁵
Books, stocks of stationery, printing paper and publications, office supplies and equipment for the Court in The Hague (florins 33,674.17)	55,562.35 ⁵
Gifts.	— ⁶
Library:	
Books, etc., in Geneva according to the inventory	1,913,404.10 ⁵
Archives of the League of Nations and of the Permanent Court of International Justice	—
Total	45,704,632.86

Against these material assets and the cash and investments set out under the heading "Special Funds", the following undetermined liabilities should be offset:

	Swiss francs
<i>Liabilities undetermined:</i>	
Claims of building contractors now before Arbitration Courts	1,250,000.—
Shortage according to the Actuary's valuation in the Judges' Pensions Fund	900,000.— ⁷
Total	2,150,000.—

These liabilities do not include liabilities towards the staff nor commercial contracts, as it is believed that such liabilities might possibly be met from the 1946 Budget credits.

¹ The building in the occupation of the International Labour Organisation, although registered in the name of the League of Nations, has been excluded: the value (less depreciation) shown in the balance-sheet is 3,114,161.13 Swiss francs.

² Cost of building and equipment of the Secretariat and the Assembly Hall. The League has a transferable right to use the land on which the buildings stand, the land 100 meters around it and the two roads leading to the buildings. The League further has a non-transferable right to use the remainder of the plot of land in Ariana Park in which the buildings stand. No value is placed on these rights in the schedule.

³ The cost of this building given by Mr. Rockefeller was 5,564,206.22 Swiss francs.

⁴ The figures shown on page 9 of the Audited Accounts as at December 31st, 1945, (document C.15.M.15.1946.X), are 3,345,364.50 Swiss francs; the difference of 1,458,841.69 Swiss francs is included under the items Secretariat building, Assembly Hall, Library building and extra-budgetary accounts. Owing to possible changes before the date of transfer, these figures are provisional and subject to revision.

⁵ Owing to possible changes before the date of transfer, these figures are provisional and subject to revision.

⁶ The nominal value of the gifts should be put at 1,234,640 Swiss francs.

⁷ Estimate.

APPENDIX

STATEMENT OF ACTUAL EXPENDITURE FOR THE YEARS 1939-1945

	1939		1940		1941		1942		1943		1944		1945	
	Vote	Expenditure	Vote	Expenditure	Vote	Expenditure	Vote	Expenditure	Vote	Expenditure	Vote	Expenditure	Vote	Expenditure
Secretariat and Special and Technical Organs . . .	16,188,063	12,498,432	10,771,957	5,474,619	3,729,302	2,762,091	3,446,385	2,447,702	3,434,259	2,450,702	3,127,477	2,123,469	3,126,817	2,220,856
Intern. Labour Organisation	8,394,243	8,336,320	6,351,600	4,355,152	3,253,000	2,540,858	3,169,302	2,916,255	4,588,187	3,222,843	3,725,534	3,362,827	8,513,016	5,006,999
Perm. Court of Intern. Justice	2,839,689	2,649,050	2,383,638	1,607,346	500,000	455,148	500,000	366,847	456,608	298,910	471,465	383,852	471,226	365,486
Central Opium Board . . .	126,399	92,807	104,987	72,803	100,476	75,375	91,732	84,599	104,265	87,094	104,665	101,746	120,889	105,410
Refugees	269,500	269,500	224,450	134,670	150,000	92,386	116,000	104,572	115,353	104,117	115,700	104,100	115,700	112,775
Buildings	1,375,000	1,375,000	—	—	—	—	—	—	—	—	—	—	—	—
Wireless	209,000	201,303	51,300	30,178	—	—	—	—	—	—	—	—	—	—
Pensions	1,710,118	1,710,118	1,563,476	1,563,476	1,500,000	1,500,000	1,427,059	1,427,059	1,409,272	1,409,272	1,345,436	1,345,436	1,365,550	1,365,550
Working Capital Fund: Restoration of advances to meet deficits . . .	—	—	—	—	—	694,126	896,984	460,877	1,280,432	751,685	1,198,772	747,325	1,155,211	669,010
Parts VIII, X, XI, ¹ not repeated 1940-44 . . .	1,122,000	1,060,515	—	—	—	—	—	—	—	—	—	—	—	—
TOTALS: Budget . . .	32,234,012	28,193,045	21,451,408	13,238,244	10,659,711	8,119,984	9,647,462	7,807,911	11,388,376	8,324,623	10,089,049	8,168,755	14,868,409	9,846,086
Expenditure														

¹ Part VIII: Settlement of the Assyrians of Iraq; Part X: High Commissioner of the League at Danzig; Part XI: New York World's Fair — Participation of the League.

ANNEX 5

A. 14. 1946.X.

Geneva, March 22nd, 1946.

REPORT OF THE SUPERVISORY COMMISSION
ON THE WORK OF ITS NINETY-NINTH SESSION

The Commission held its ninety-ninth session from March 13th to March 18th, 1946, in Geneva. The following members were present :

Dr. C. J. HAMBRO (Norway), *Chairman*.
 Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom), *Vice-Chairman* and *Rapporteur*.
 H.E. M. A. COSTA DU RELS (Bolivia).
 Jonkheer F. BEELAERTS VAN BLOKLAND (Netherlands).
 H.E. M. E. CHARVERIAT (France).

The following officials attended the meetings :

Secretariat :

Mr. S. Lester, Acting Secretary-General.
 Mr. S. Jacklin, Treasurer.
 M. V. Stencek, Director of Internal Administration and Personnel.

International Labour Office :

Mr. C. W. Jenks, representing the Acting Director.

Permanent Court of International Justice :

M. J. López Oliván, Registrar.

A. INTRODUCTORY REMARKS

The main purpose of this session of the Commission was to examine on the spot some of the many problems connected with the liquidation of the League, in order to facilitate as far as possible the task of the forthcoming Assembly.

The United Nations administration has now been created and resolutions have recently been adopted by the General Assembly of that Organisation to take over the material assets and to assume certain functions and powers of the League of Nations. In these circumstances, the Commission's view was that the Assembly would wish to take all decisions necessary for the dissolution of the League with as much finality and speed as were consistent with the solemnity of the occasion. The League of Nations—despite many difficulties—has succeeded in keeping alive throughout the war years the machinery and technical work it had established. The ideas for which the League was created and the ideals it has striven to uphold will continue to live, but the task of carrying them forward has been entrusted to other hands, which will have other and, it may be hoped, more adequate means at their disposal.

Accordingly, the Commission has tried, in its advisory capacity, to prepare for the Assembly such factual statements and reports as may best enable it to discuss and decide on a number of outstanding problems, the settlement of which is inseparably bound up with the dissolution of the League.

In the Commission's opinion, the first essential action towards the orderly liquidation of the League was to take steps to terminate the appointments of the staff. It therefore advised the Acting Secretary-General that all officials—with the exception of the Acting Secretary-General himself, who should remain in office until the end of the period of liquidation—should be given notice of termination of their contracts with effect from July 31st, 1946. The Acting Secretary-General has taken the necessary steps to carry out this decision.

While a small number of officials will be required, either for purposes of liquidation or for the continuance of certain functions of the League until such time as transfer of those functions to the United Nations is effected, it seemed to the Commission very desirable that all questions relating to pensions and indemnities should be concluded at as early a date as possible, in order to ascertain the final position of the Staff Pensions Fund and the calls likely to be made on the other Funds of the League during the process of liquidation.

Such staff as any Board set up by the Assembly to carry through the liquidation may require could be reappointed on short-term contracts. The termination of the contracts of those officials whom the United Nations may wish to appoint when it takes over certain technical services, and who may decide to accept such new employment, should as far as possible synchronise with the date of such transfer.

In this connection, it may be noted here that later sections of this report set forth the Commission's recommendations on indemnities to the staff consequent upon the termination of their contracts ; on the recent judgments of the Administrative Tribunal, and on repatriation of officials and the removal of their furniture.

The Commission also examined various proposals regarding the termination of certain functions and powers hitherto exercised by the League under International Agreements and regarding the dissolution of the Permanent Court of International Justice. The Commission will be prepared at the appropriate time to tender its advice to the Assembly when the resolutions on these matters are submitted.

In the course of this session, the Commission has been in touch with the Swiss Authorities concerning questions arising from the transfer of League of Nations property to the United Nations, and conversations will be continued.

Preliminary consultations took place between the Commission and the representative of the Acting Director of the International Labour Office regarding the action necessary for the transfer to the International Labour Organisation of properties (including the International Labour Office building, land, equipment, etc.) and its share in certain Funds of the League.

The Commission discussed with the representative of the Acting Director of the International Labour Office matters connected with the transfer of the administration and finances of the Staff Pensions Fund to the International Labour Organisation and will in its next report give more precise information.

The question of the administration of the Pensions Fund of the Judges of the Permanent Court of International Justice being taken over by the International Labour Organisation was also discussed with the representative of the Acting Director and the Commission will report on this matter at its next session.

B. INDEMNITIES TO STAFF

1. On December 14th, 1939, shortly after the beginning of the war, the Assembly approved a series of measures to meet not only the purposes of the League Administrations but also the requirements of the call-up of officials imposed by the Governments of Member States. The Assembly agreed with the view of the Supervisory Commission that the case was not one which could properly be settled solely on the basis of the contractual rights of the individuals concerned¹. Thus, permanent officials, in spite of the period of notice prescribed, were permitted to resign with an indemnity varying from six months' to one year's salary, according to the length of service. Holders of seven-year contracts were treated from the point of view of indemnity as holders of permanent contracts. Other temporary officials who would have been entitled to no indemnity were dismissed or permitted to resign with an indemnity of one to twelve months' salary, according to their service and length of contract.

2. During the progress of the war, it has been necessary to maintain a reduced staff for the conduct of the essential work of the League and, as the war approached its close, it became necessary to recruit a small number of additional personnel and also to reinstate some of those who had previously been discharged. Now that the Supervisory Commission is faced with the task of liquidating the League, it feels that the Assembly will not wish to deal in a less generous spirit than in 1939 with the members of the staff who will be serving until the end and who will then be obliged to seek new employment. The majority of the officials affected will receive their discharge outside their native country and will inevitably encounter difficulties in adjusting their lives and careers in the new circumstances.

3. The officials concerned, 94 in all, fall into two categories:

(a) Pre-war officials (44 in number), the majority of whom, but not all, have held seven-year contracts and are members of the Pensions Fund. Ten of these officials whose original contracts did not exceed five years have in fact been in continuous service from a date preceding the war.

Had it not been for the war, the greater number of this class of pre-war officials would have been serving under renewable seven-year contracts. But in order to preserve freedom for the Administration, so that the services of officials could be terminated at short notice, the contracts of pre-war officials now under review were capable of termination at three months' notice without indemnity. In point of fact, their services have been necessary and continuous. It therefore seems appropriate to the Commission that, on the final termination of their employment, the payment of one year's indemnity should be authorised, on the same lines as that accorded by contract to permanent officials.

The amount involved is 610,000 Swiss francs.

(b) Temporary officials appointed since the war, including those who have been re-engaged after the termination of their employment in 1939/40, about 50 in all, whom the Supervisory Commission considers, for the reasons given in paragraph 2, should not be discharged without some indemnity on the termination of their work.

¹ See document A.5(c).1939.X.

The amount involved is small.

As regards the re-engaged officials, they received an indemnity under the decision of the Assembly when they left the service of the League in the early stages of the war. The Commission has, however, taken note of the fact that on re-engagement these officials were not allowed to rejoin the Pensions Fund and as a general rule re-engagement was effected at lower salaries, altogether apart from the fact that these were abated by the amount of their pension annuities. In all the circumstances, it seems suitable to the Commission that former officials, re-engaged, together with temporary officials appointed since the outbreak of war, should on discharge be given one month's salary for each completed year of service.

The whole amount involved in respect of Group (b) is estimated to cost a sum not exceeding 50,000 Swiss francs.

In the circumstances of the liquidation of the League, the special provision introduced at the outbreak of the war, providing for the payment of indemnities in four instalments, is no longer appropriate. All indemnities will now be paid in full on termination of the contracts of officials concerned.

C. ADMINISTRATIVE TRIBUNAL

Judgments pronounced by the Administrative Tribunal on February 26th, 1946, concerning certain officials discharged in application of the Emergency Measures adopted by the 1939 Assembly.

The Acting Secretary-General communicated to the Commission, for information, a document¹ which he is submitting to the Assembly with regard to a recent decision of the Administrative Tribunal.

By a resolution taken on December 14th, 1939, the Assembly decided to reduce from six months to one month the period of notice of termination of contract in the case of permanent officials, provided for in Article 18 of the Staff Regulations² of the Secretariat and Article 19 of the Staff Regulations of the International Labour Office, and to spread over a period of four years the payment of the compensation due on termination of appointment (Article 73 of the Secretariat Regulations and Article 83 of the International Labour Office Regulations)². Twelve officials of the Secretariat and one official of the International Labour Office, whose contracts were terminated and to whom the two Administrations applied the above decisions, complained to the Administrative Tribunal, maintaining that it was not applicable to them, as they held contracts granted before October 15th, 1932, which were not subject to the provisions of Article 30 *bis* (Secretariat) and Article 16 *a* (International Labour Office) of the Staff Regulations and could not therefore be modified by the Assembly.

In a series of judgments delivered on February 26th, 1946, the Administrative Tribunal pronounced that the Administrations of the Secretariat and of the International Labour Office had wrongfully applied to the thirteen complainants the amendment to the Staff Regulations contained in the Assembly resolution of December 1939, since "it is impossible to entertain the assumption that the Assembly intended by its Resolution of December 14th, 1939, to affect acquired rights without expressly so stating"¹.

The Supervisory Commission, on whose proposal the amendments in question were adopted by the 1939 Assembly, desires to confirm that it was the undoubted intention of the Assembly that the decisions therein embodied should apply to all officials of the League and not only to those whose contracts expressly reserved the possibility of their modification by the Assembly. The Secretary-General and the Director of the International Labour Office, in applying the decisions to the complainants, have therefore correctly interpreted the Assembly resolution.

The amount covered by the judgments (excluding costs) totalled 85,000 Swiss francs and, by direction of the Supervisory Commission, this sum has been paid into a special Suspense Account.

As an acceptance of the findings of the Administrative Tribunal would put its decision above the authority of the Assembly, the Supervisory Commission could not take the responsibility of advising the Acting Secretary-General and the Acting Director of the International Labour Office to apply the judgments of the Administrative Tribunal. It has accordingly advised the two Administrations to take no action on them pending consideration of the whole question by the Assembly.

D. REPATRIATION EXPENSES OF OFFICIALS AND/OR REMOVAL OF THEIR FURNITURE

An appreciable number of officials who left the service at the beginning of the war or at a later date have not yet, on account of the circumstances which prevailed during the war, effected their repatriation journey and/or the removal of their furniture. Under the Staff Regulations, this expenditure has to be borne by the Secretariat when the official concerned

¹ See Annex 23, pages 245-249.

² The relevant Staff Regulations are quoted in the Appendix (pages 163-165).

has fulfilled certain conditions. As the Supervisory Commission considers that these liabilities should be discharged at the earliest possible date, it has asked the Administration to take all the necessary measures for this purpose.

E. GRANT OF A WINTER ALLOWANCE TO THE LOWER CATEGORIES OF THE GENEVA STAFF

The Supervisory Commission, following the example of the Swiss Confederation, authorised the Acting Secretary-General to grant a winter allowance to the lower categories of the Geneva staff, whose conditions of employment are in accordance with the local practice. These allowances will consist of a single payment of from 120 to 200 Swiss francs, according to the family situation of the individual, and they are intended to compensate the increased cost of fuel, etc.

The expenditure involved will not exceed 14,000 Swiss francs chargeable to the Salary vote.

F. INTERNATIONAL LABOUR ORGANISATION BALANCES FOR 1941, 1943 AND 1944

The Commission decided that the balances of the International Labour Organisation for 1941, 1943 and 1944, which had hitherto been held in suspense, should, in accordance with the recommendation of the Governing Body of the International Labour Office, be placed to a special Reserve Fund for that Organisation.

G. FINANCIAL SITUATION

The Commission took note of the financial situation of the League as at February 28th, 1946, and decided to re-examine the position when the audited accounts for 1945, and further arrear contributions, the payment of which is anticipated, had been received. A statement of the financial position as at March 31st, 1946, will be submitted to the Assembly.

With regard to the Secretariat surplus for 1944, amounting to 195,511.97 Swiss francs, the Commission decided that a proportion of that surplus should be used to meet the Secretariat deficit for 1945, which is estimated to be 109,219.96 Swiss francs. The exact figure cannot be confirmed until the final audit for 1945 has been completed.

APPENDIX.

EXTRACTS FROM THE STAFF REGULATIONS

I. TERMINATION OF APPOINTMENTS AND RESIGNATION

A. Staff Regulations of the Secretariat.

Article 18 (old text in force until December 1939).

"1. The appointment of any official may be terminated by the Secretary-General if the necessities of the service require a reorganisation of the staff, provided always that regard shall be had to the legitimate interests of the official as assured to him by the present Regulations. Notice of the termination of the appointment shall be given at least six months in advance."

"2. Compensation for termination of an appointment under this Article shall be payable as prescribed in Article 73.

"3. The opinion of the Committee established by Article 67 (Judicial Committee) shall be taken upon the proposed termination of appointment if the official so requests."

Article 18 was amended in December 1939 as follows:

Paragraph 1. — Replace the sentence "Notice of the termination of the appointment shall be given at least six months in advance" by the following text:

"If an official is entitled to the compensation prescribed in Article 73 below, he shall receive notice of termination of contract not exceeding one month. If he is not entitled to such compensation, he shall receive from one to three months' notice according to the period for which he was appointed."

* * *

Article 73 (old text in force until December 1939).

"1. A permanent official whose appointment is terminated under the provisions of Article 18 shall be paid a sum equal to six months' salary if he has served less than seven years, and one year's salary if he has served more than seven years.

"2. The provisions of the present Article shall not affect the application of the Staff Pensions Regulations."

Article 73 was amended in December 1939 as follows:

Insert the following *paragraphs 3 and 4*:

"3. The sum mentioned in paragraph 1 shall be paid in annual instalments. Each instalment shall be equal to three months' salary, or, if the instalment would then be less than 1,200 Swiss francs, to a sum as near as possible to 1,200 francs within the limits of the total amount due.

"4. If an official's contract has been suspended, the payment made on suspension shall be deducted from the total amount payable under this Article."

B. Staff Regulations of the International Labour Office.

Article 19 (old text in force until December 1939).

"(a) The appointment of any official may be terminated by the Director, after hearing the opinion of the Administrative Committee, if the necessities of the service require the abolition of his post or the reorganisation, involving reduction, of the staff; provided always that regard shall be had to the legitimate interests of the official as assured to him by these Regulations.

"(b) Notice of the termination of the appointment shall be given at least six months in advance.

"(c) Compensation for the termination of an appointment under this Article shall be payable as prescribed in Article 83 below.

"(d) Any official whose post it is proposed to abolish shall have the right, within a period of eight days, to bring his case before the Joint Committee. If the proposed abolition of the post involves a choice between several officials, the best record of service and seniority shall in principle confer a right of priority in respect of maintenance in the employment of the Office.

"(e) Any official whose appointment is terminated under this Article shall enjoy a right of priority for the two years following his discharge in respect of the filling of any post vacant in the Office, provided that he possesses the necessary qualifications."

As from December 1939, the provisions of this Article were amended as follows:

Paragraph (a) — Unchanged.

Paragraph (b) — Replace the above text by the following:

"(b) If an official is entitled to the compensation prescribed in Article 83 below, he shall receive notice of termination of contract not exceeding one month. If he is not entitled to such compensation, he shall receive from one to three months' notice according to the period for which he was appointed."

Paragraph (c) — Replace the above text by the following:

"(c) If a permanent appointment is terminated under the present Article, the official concerned shall receive the compensation prescribed in Article 83 below."

Paragraph (d) — Replace the above text by the following:

"(d) Any official whose appointment it is proposed to terminate shall have the right, within a period of eight days, to bring his case before the Joint Committee. If the proposed termination of appointment involves a choice between several officials, the best record of service and seniority shall in principle confer a right of priority in respect of maintenance in the employment of the Office."

Paragraph (e) — Unchanged.

* * *

Article 83 (old text in force until December 1939).

“(a) A permanent official whose appointment is terminated under the provisions of Article 19 above shall be paid a sum equal to six months’ salary if he has served less than seven years and one year’s salary if he has served more than seven years.

“(b) The provisions of this Article shall not prejudice the application of the Staff Pensions Regulations.”

As from December 1939, the provisions of Article 83 were amended as follows:

Paragraph (a) — Unchanged.

Paragraph (b) — Replace the above text by the following :

“(b) The sum mentioned in paragraph (a) shall be paid in annual instalments. Each instalment shall be equal to three months’ salary, or, if the instalment would then be less than 1,200 Swiss francs, to a sum as near as possible to 1,200 francs within the limits of the total amount due.

“If an official’s contract has been suspended, the payment made on suspension shall be deducted from the total amount payable under this Article.

“(c) The provisions of this Article shall not prejudice the application of the Staff Pensions Regulations.”

II. MODIFICATION OF APPOINTMENTS IN CONSEQUENCE OF DECISIONS OF THE ASSEMBLY

A. Staff Regulations of the Secretariat.

Article 30 bis (old text in force until May 16th, 1933).

“All appointments and promotions made after October 15th, 1932, and all appointments or promotions made before that date with the proviso that their terms may be modified by the Assembly, are subject to such modifications of their terms as may be necessary to bring them into conformity with any decision of the Assembly, relating to the conditions of employment of officials (or of particular categories of officials) or to particular special posts, which the Assembly may decide to apply to officials already in the service.”

Article 30 bis was amended on May 16th, 1933, as follows:

“1. All appointments made after October 15th, 1932, and all appointments made before that date with the proviso that their terms may be modified by the Assembly, are subject to such modifications of their terms as may be necessary to bring them into conformity with any decision of the Assembly, relating to the conditions of employment of officials (or of particular categories of officials) or to particular special posts, which the Assembly may decide to apply to officials already in the service.

“2. In all cases of promotions made after October 15th, 1932, or made before that date with the proviso that their terms may be modified by the Assembly, it is implied that the promoted officials shall thenceforward be subject to decisions of the Assembly fixing the rates of salary.”

B. Staff Regulations of the International Labour Office.

Article 16 (a). This Article was inserted in the edition issued on January 1st, 1933.

“The terms of all contracts of employment made after October 15th, 1932, may be modified by the Director in order to bring them into conformity with any measure relating to the conditions of employment of officials (or of particular categories of officials), or to particular special posts, which the Assembly of the League of Nations or the Governing Body of the International Labour Office may decide to apply to officials already in the service.

“For all promotions taking effect after October 15th, 1932, it is understood that the officials promoted are subject to the decisions of the Assembly fixing salary scales.”

ANNEX 6

A. 19. 1946. X.

Geneva, April 3rd, 1946.

REPORT OF THE SUPERVISORY COMMISSION
ON THE WORK OF ITS ONE-HUNDREDTH SESSION

The Supervisory Commission held its one-hundredth session from April 2nd to April 3rd, 1946, in Geneva. The following members were present at this session:

Dr. C. J. HAMBRO (Norway), *Chairman*.
Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom), *Vice-Chairman and Rapporteur*.
H.E. Count CARTON DE WIART (Belgium).
H.E. M. A. COSTA DU RELS (Bolivia).
H.E. M. E. CHARVERIAT (France).

The following officials attended the meetings:

Secretariat:

Mr. S. Lester, Acting Secretary-General.
Mr. S. Jacklin, Treasurer.
M. V. Stencek, Director of Personnel and Internal Administration.

International Labour Office:

Mr. C. W. Jenks, representing the Acting Director.

Permanent Court of International Justice:

M. J. López Oliván, Registrar.

Also present:

M. U. A. J. Brunskog, Auditor.

Dr. R. Gautier was heard on certain questions relating to the Health Organisation.

A. INTRODUCTORY REMARKS

At this meeting, the Commission continued its review of the processes necessary for a rapid liquidation of the finances and the discharge of the League's liabilities. It believes that progress reports will facilitate the work of the Finance Committee of the Assembly and that, as the Commission will have to meet during the Assembly, the more questions that can be reported upon in advance the more time it will have to allot to the pressing matters which may then arise.

The Commission examined the following funds, extra-budgetary accounts and suspense accounts, appearing in the audited accounts of the Secretariat for 1945 and has set out in the Appendix proposals in regard to the:

- I. Working Capital Fund;
 - II. Reserve Fund;
 - III. Fund to cover exchange losses;
 - IV. Certain extra-budgetary accounts;
- and V. Suspense accounts.

While, in the case of some of these funds and accounts, definite proposals cannot as yet be made, the Commission considers that it should indicate the lines of its studies in order that the Finance Committee may have the fullest possible information before it.

B. ACTIVITIES OF ORGANISATIONS

SECRETARIAT

The Secretariat and certain of the technical Committees have continued the activities outlined in previous reports by the Supervisory Commission and in the reports of the Acting Secretary-General. The importance attached to this work by Governments is apparent from the tributes paid to it at the recent meetings of United Nations organs.

Every effort has been made to extend and bring up to date essential documentation and to complete special enquiries and studies which should be of value as a basis for national and international reconstruction. In the past few months, meetings have been held in Princeton and in London of three Committees of the Economic and Financial Organisation—the special joint Committee on Private Foreign Investment, the Sub-Committee on Estimates of National Income and the Fiscal Committee. To the series of studies on post-war economic problems have been added volumes entitled *Industrialisation and Foreign Trade* and the *Economic Demography of Eastern and Southern Europe*; more than a dozen reports and studies on other problems of current international importance are in the press or in an advanced stage of preparation. The *Monthly Bulletin of Statistics* and the *Monthly Summaries of Important Events in the Field of Transport* have continued to appear regularly.

Apart from the publication of the *Weekly Epidemiological Record*, the following activities of the Health Organisation must be mentioned: *The Bibliography of the Technical Work of the Health Organisation*, which is in effect a summary of the Organisation's accomplishments over a period of twenty-five years, was published in February. The *Report of the Technical Commission of Pharmacopœial Experts*—a first step towards establishing an international pharmacopœia—has appeared in the latest number of the *Bulletin of the Health Organisation*. A forthcoming special number of the *Bulletin* dealing with Penicillin describes the international standards adopted as a result of the Conference called by the League in 1944 and the methods used in assaying this product. The results of the enquiry into Anti-rabies Vaccination, based upon records of 1,600,000 individuals treated, will be published shortly.

The Drug Control Service has issued the *Statement of Estimated World Requirements of Dangerous Drugs in 1946*, and the third and fourth Supplements to the Statement for 1945. The preparation and printing of the *Analytical Studies of Annual Reports* and the *Summaries of Illicit Transactions and Seizures*, which had to be suspended during the war, have been resumed and some brochures already distributed.

The *Drug Supervisory Body*, which was reconstituted last autumn and held a meeting in London in November, will meet again this month at Geneva.

The *Permanent Central Opium Board* is meeting at Geneva this month.

The Report of the *High Commissioner for Refugees* for the year 1945 has just appeared.

An issue of the *Monthly List of Selected Articles*, prepared by the Library, is about to be published. A final volume (Volume CCV) of the *Treaty Series* is in preparation, as is also *General Index No. 9*.

Summaries of the Annual Reports for 1944/45 on *Traffic in Women and Children* and on the *Circulation of and Traffic in Obscene Publications* are in the press.

Relations between the Secretariat and other organisations have been well maintained. For example, a senior official of the Health Section recently attended a meeting in the United States of the Commission on Medical Statistics to consider the nomenclature of causes of death. The same official has been representing the Health Organisation of the League in an advisory capacity at the meeting of the Committee of Experts which is preparing for the Health Conference of the United Nations. Certain officials have been invited to a meeting of statisticians called by the United Nations Food and Agriculture Organisation in April. The Economic, Financial and Transit Department was represented at the U.N.R.R.A. Council meeting held at Atlantic City in March. The Chief of the Transit Section has been seconded to act as Secretary of the Transit Commission of the Economic and Social Council at its meeting in April.

The Acting Secretary-General has maintained contact with the United Nations in London and endeavoured to give all possible assistance to the Executive Secretary of the Preparatory Commission, and later to the Secretary-General of the United Nations. He suggested to M. Trygve Lie that the appointment of a duly authorised liaison officer with the League of Nations would be very desirable for the purpose of facilitating an orderly liquidation of the League and transfer of assets and activities to the United Nations. This official would be given every facility by the League, including office accommodation in the League buildings. M. Lie accepted this suggestion and has promised to make the necessary appointment shortly.

Owing to shortage of staff, the Supervisory Commission accepted the proposals of the Acting Secretary-General that, following the precedent established in the 1939 Assembly, no *Assembly Journal* should be printed for the use of Delegations during the session. A roneographed verbatim record of the proceedings of the Assembly, and roneographed summaries of the proceedings of Committees, will, however, be distributed as soon as possible after meetings.

PERMANENT COURT OF INTERNATIONAL JUSTICE

On January 31st, 1946, all the members of the Court resigned. Those who had reached the age at which pensions become payable under the Regulations claimed their pensions.

By a resolution adopted at its session in October 1945, the Court requested the Registrar to remain at his post until the time of the transfer to the International Court of Justice of the archives and property belonging to the Permanent Court of International Justice and the League of Nations. The Registrar accepted the mandate conferred upon him by the Court.

At the beginning of 1946, there were, in the Registry of the Permanent Court of International Justice, 10 officials, 5 of whom were in service and 5 suspended. On February 19th, 1946, one

month's notice was given for the termination of the contracts of all these officials. Their service accordingly came to an end on March 19th last. These officials, with the exception of 2 whose contracts had come to an end, received the compensation prescribed in the Regulations. The Commission has been glad to note that several of them, and also a few who had left the service of the Court at the time of the reduction in staff, have been engaged, temporarily, by the United Nations for the work of the first session of the new Court.

In regard to the premises occupied by the Permanent Court of International Justice in the Peace Palace at The Hague, the Acting Secretary-General of the League of Nations has written to the President of the Committee of Directors of the Carnegie Foundation, informing him that, in view of the forthcoming dissolution of the Permanent Court of International Justice, he considered that the agreement between the Carnegie Foundation and the Secretariat of the League of Nations would lapse on April 30th, 1946. For his part, the Registrar has informed the Secretary-General of the United Nations that, pending the decision by the Assembly of the League of Nations, the Supervisory Commission was placing at the disposal of the International Court of Justice the premises allocated to the Permanent Court of International Justice in the Peace Palace, together with all equipment and furniture belonging to the League of Nations. The Registrar further informed the Secretary-General of the United Nations that the Permanent Court of International Justice was placing at the disposal of the new Court the archives and books which are its property.

Negotiations are being pursued with a view to reaching a just and equitable arrangement with the Carnegie Foundation concerning the annual payments due in respect of the war period, during which a very limited use was made of the premises in the Peace Palace by the services of the Registry which remained at The Hague.

A sum of 110,000 florins was provided in the Budget of the Court for 1946 for the purpose of settling the annual payments in amortisation of the cost of installation of new premises due to the Carnegie Foundation for the period 1940-1945. As a result of negotiations between the Supervisory Commission and the United Nations and the Committee of Directors of the Carnegie Foundation, the United Nations will assume responsibility for these annual payments.

C. AUDITED ACCOUNTS FOR 1945

Great efforts have been made by the staff and by the Auditor to ensure that the audited accounts for 1945 of the Secretariat and the Permanent Court of International Justice are completed before the Assembly meets. The Auditor has not yet been able to audit the accounts of the International Labour Organisation at Montreal. They will be examined and reported upon in a later report.

The Commission has now examined these accounts and the report of the Auditor thereon, and recommends that the audited accounts for the twenty-seventh financial period, 1945, in respect of the Secretariat and the Permanent Court of International Justice be adopted by the Assembly.

In making this recommendation, the Commission draws attention to the Auditor's observations in the final paragraph of this report regarding the great difficulties which have attended the conduct of the League's finances during the war. The Auditor comments that, despite these difficulties, the accounts of the League have been kept in a very satisfactory manner and he pays well-deserved tribute to the work of the Treasury during the years 1939-1945. The Supervisory Commission has received these remarks of the Auditor with extreme gratification. The Commission has throughout the war remained in close and constant touch with the Treasurer and his Department and fully understands the complexity and novelty of the problems that presented themselves during this period. That these problems were successfully and expeditiously handled is due to the devoted work of the Treasurer and his Department, and the Commission wishes to record its appreciation and admiration of the way in which the work has been carried out by the Treasurer and all who have participated in it.

D. LIQUIDATION OF THE NANSEN INTERNATIONAL OFFICE

The Commission reviewed the situation of this matter and, as a result of communications with the Liquidator (M. de Reffye), who has now resumed his activity, hopes that the final liquidation may be notified in a subsequent report.

E. CONTRIBUTIONS

The Commission has taken note of the Report of the Special Committee on Contributions, dated March 27th, 1946¹, and concurs in its recommendations.

¹ Document C.10.M.10.1946.X.

F. STAFF PENSIONS FUND

The Commission also noted the Eleventh Report to the Assembly of the Administrative Board of the Staff Pensions Fund.¹ The Board refers to the future administration of the Fund when the responsibility of the League terminates and lays stress on the consideration that the conditions of transfer of the Fund to new management should ensure that it is in a position to meet all its financial obligations. The Commission is in full accord with this view.

G. STAFF PROVIDENT FUND

The Commission had before it a report on the situation of this Fund. At present the Fund has a membership of three officials (1 International Labour Office and 2 Secretariat). The Secretariat officials will, in common with other Secretariat officials, be discharged during this year. The Fund is adequate to meet its liabilities and the loan from the Reserve Fund will in due course be repaid.

APPENDIX

I. WORKING CAPITAL FUND

In the Common Plan for the transfer of League assets to the United Nations, it is indicated² that the League will make the necessary disposition of the Working Capital Fund. This Fund was established "to meet temporarily normal requirements of regular organisations of the League which cannot be paid out of income at the time when they are due to be met" (Article 33 of the Financial Regulations).

"The sums paid by Members of the League . . . shall be carried to the credit of the Members which have paid such sums" (Article 31.(2) of the Financial Regulations).

The nominal value of the Working Capital Fund on December 31st, 1945, was 6,535,629.30 Swiss francs, of which 1,347,321.98 Swiss francs represented interest earned on the Fund. At that date, the actual cash in the Fund amounted to 3,870,899.60 Swiss francs³, the balance having principally been used to meet deficits due to shortfalls in contributions.

The Fund remains the property of the Member States which contributed to it, but, on December 31st, 1945, thirty-three States out of forty-four States owed more to the League in respect of arrear contributions than the amount of their credits in the Working Capital Fund. The shares of the remaining eleven States which were in good financial standing amounted on that date to 3,048,752.95 Swiss francs.³

As the Fund is used to finance current expenditure pending the payment of contributions, the balance which will remain in the Fund on the final liquidation of the League cannot at this time be accurately estimated, since this is dependent on financial developments during the year. If for any reason the eventual balance in the Fund should be insufficient to meet the credits of those States in good financial standing, it is intended to augment it in order that no such State shall suffer loss.

The Commission recommends that, as the Working Capital Fund was established for the use of the International Labour Organisation as well as for the other organisations of the League, the whole of the amount of the credits of Member States in good financial standing with the League on the date of liquidation shall be transferred to the International Labour Organisation, that Organisation accepting liability towards such Member States in respect of their credits on the same lines as have hitherto been followed by the League.

II. RESERVE FUND

This Fund shows a balance on December 31st, 1945, of 174,100 Swiss francs, but the amount is not held in cash. It represents a credit.

The sum was lent to the Staff Provident Fund and it is estimated that the whole amount will be recoverable.

It is suggested that the amount recovered should be paid to the Staff Pensions Fund, as it would have been paid to that Fund had it not been lent to the Staff Provident Fund.

¹ See Annex 10, II, pages 185-187.

² See Annex 17, page 220, paragraph 7 of the Appendix.

³ See paragraph 3 of Section IV of Supervisory Commission's General Report: Annex 4, page 156.

III. FUND TO COVER EXCHANGE LOSSES

The balance in the Fund on December 31st, 1945, was 285,129.77 Swiss francs, and as the depreciation between cost and present market price of investments of the Staff Pensions Fund was 361,526.83 Swiss francs, it is proposed that eventually on final liquidation the whole of the Fund then available should be transferred to the Staff Pensions Fund.

IV. EXTRA-BUDGETARY ACCOUNTS

1. *Contribution from the Rockefeller Foundation towards the Promotion of Research Work in regard to Problems of World Economic and Financial Relations.*

At December 31st, 1945, no balance existed. A further grant has, however, been made for 1946 and any balance available after the final liquidation of the Secretariat will be returned to the grantors.

2. *Egyptian Government's Gift towards the Expenses of the League in connection with Narcotic Drug Control.*

(a) On July 4th, 1931, the Director of the Central Narcotics Intelligence Bureau, Cairo, on behalf of the Egyptian Government, offered to the League of Nations a gift of 500 Egyptian pounds as a donation from the Egyptian Government towards the expenses of the League in connection with the work being done by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.¹ It was stated "that the Egyptian Government is anxious to give practical help to the Opium Section of the League in its fight against the narcotics menace which has done and is doing such terrible harm in Egypt". The gift, which amounted to 9,816.60 Swiss francs, was accepted by the Council of the League at its sixty-fourth session, September 1st, 1931.²

(b) In the years 1932 and 1933, the principal part of the gift (some 8,500 Swiss francs) was used to strengthen the personnel of the Opium Section (one Member of Section for part of 1932 and one junior official for 18 months). Subsequently, the gift was employed for binding, for the use of the Opium Section, opium documents of the League which were of permanent value and were in constant use. On December 31st, 1945, there was an unexpended balance of 91.40 Swiss francs. It is suggested that this amount be expended in 1946 on the binding of similar opium documents which have been issued during the war period.

3. *Gift to the Child Welfare Committee.*

In 1925, friends of the League in the United States made a gift of \$1,500 on the understanding that it would be used for the Child Welfare Committee of the League.

Most of the Fund has been spent in the purchase of books dealing with child welfare. There remained a balance of 784.10 Swiss francs as at December 31st, 1945.

It was difficult during the war to keep the collection of books dealing with child welfare up to date, owing, in particular, to insufficient information in regard to books published in overseas countries. This information is now available, and it is accordingly proposed that the balance should be disbursed by the Library in order to enable it to complete its collection of books dealing with child welfare.

4. *Revolving Fund for Special Publications, instituted by Mr. James J. Forstall.*

On September 12th, 1929, Mr. James J. Forstall, a citizen of the United States of America, offered to the Secretary-General of the League of Nations a gift of 25,000 Swiss francs for the purpose of establishing a Revolving Fund to facilitate the printing and publication of information on the activities of the League, within the Secretary-General's discretion and subject to such financial regulations and stipulations as it was necessary for the Secretary-General to impose.

The Supervisory Commission examined Mr. Forstall's proposal and, on its recommendation, the Council, at its meeting on September 19th, 1929, accepted the gift.

The following rules were laid down by the Supervisory Commission for the administration of the Revolving Fund:

(a) The Fund will be treated as extra-budgetary; the receipts and payments will therefore not appear in the annual budget accounts;

(b) The Fund will be dealt with as a League asset in the balance-sheet of the Secretariat;

(c) A separate statement of the receipts by and payments from the Fund will appear as an annex to the Secretariat annual accounts and will be subjected to audit;

(d) The Fund will be subjected to the usual internal control;

¹ Document C.451.1931.X.

² Document C.496.1931.X.

(e) Any profits made by the Fund will go back to the Fund until the capital has reached 50,000 francs. After that limit has been reached, the profits, according to ordinary procedure, will be credited to the Budget under the heading "Appropriations in aid: Sale of publications".

The Fund contributed by Mr. Forstall was a gift and carried no conditions of repayment. The only condition attached to it was that the Fund should be used for printing and publishing pamphlets, books and descriptive material on the League.

During the years 1930-1939, the Forstall Fund was utilised to defray the cost of printing the following publications:

The Permanent Court of International Justice;
The A. B. C. of Narcotic Drugs;
 Hebrew, Yiddish, Ukrainian and Polish editions of *The Aims and Organisation of the League of Nations;*
Ten Years of World Co-operation;
The Course and Phases of the World Economic Depression;
Preparations for the Disarmament Conference;
The Permanent Central Opium Board.

The Fund was also drawn on for the production of several cinematograph films and a series of post-cards descriptive of the League and its activities.

On different occasions, payments were made to the Fund from the Secretariat Budget, viz.: an amount of 6,206.20 Swiss francs in aid of certain printing costs, and an amount of 20,027.70 Swiss francs in respect of the cost of preparation, in 1938, of a film to be shown to visitors to the League building.

In August 1942, the Supervisory Commission authorised the refund to Mr. Forstall of the amount of U. S. A. \$1,000 (4,480 Swiss francs).

The cash balance in this Fund as at December 31st, 1945, was 27,226.25 Swiss francs.

It is considered that the terms on which the Fund was established would be substantially served if the balance available on final liquidation of the Secretariat were transferred to the International Labour Organisation, on the understanding that the principles prescribed for the administration of the Fund continued to apply.

5. *Work of the Saar Governing Commission: Sum paid by the Commission to cover the Cost of drawing up a Report on its Work.*

On February 27th, 1935, the Commission paid to the Secretariat the estimated cost of preparing and printing a report on the work of the Saar Commission. The sum, including interest, available as at December 31st, 1945, for the purpose was 47,687.95 Swiss francs.

The amount available does not belong to the League, but, as there is now no prospect of such a report being prepared and, in view of the unremunerated services which the League rendered to the Saar Commission, it seems appropriate that the amount available should be paid into League funds.

6. *Donation from the Administrative Board of the Carnegie Foundation.*

In May 1935, the Council accepted the Wateler Peace Prize for 1935 (19,000 florins, equivalent to 39,548.50 Swiss francs) awarded to the League of Nations by the Administrative Board of the Carnegie Foundation at The Hague for the development of the broadcasting service of the League. The amount earned a profit on investment of 15,575.65 Swiss francs and a balance of 14,285.30 Swiss francs existed on December 31st, 1945.

As the broadcasting room and equipment forms part of the League Buildings, which are being transferred to the United Nations, it seems reasonable to transfer the sum to the United Nations for use on the object for which the prize was awarded.

7. *Léon Bernard Fund.* }

8. *Darling Foundation.* }

The *Léon Bernard Fund* was created by the Health Committee with the authorisation of the Council (January 25th, 1937) in commemoration of one who had represented France with great brilliance in the Health Committee. It has a capital of 13,000 Swiss francs, obtained by voluntary subscription, the income from which is used to award a prize, consisting of a bronze medal and a sum of 1,000 Swiss francs, to the author of an outstanding work in the field of social medicine.

This prize was awarded in 1939 to Dr. Wilbur Sawyer.

No deed of foundation was drawn up for attestation by a notary and the Fund was not entered on the Geneva Commercial Register. Article 1 of the Statutes sets up a "Léon Bernard Foundation Committee" composed of the President and Vice-Presidents of the Health Committee. The Director of the Health Section acts as Secretary of the Committee.

This Committee has power to decide, by an absolute majority, to revise the Statutes (Article 8). The property of the Fund is administered by the Treasury of the League of Nations.

The *Darling Foundation* was established by the Health Committee in October 1925 in commemoration of Dr. Darling, an American malariologist who was accidentally killed on May 21st, 1925, while on a mission of the Malaria Commission in Syria.

This Foundation, which has a capital of 10,000 Swiss francs obtained by voluntary subscription, is used, when the accumulated interest permits, to award a prize, consisting of a bronze medal and a sum of 1,000 Swiss francs, to the author of an original work on the pathology, aetiology or prophylaxis of malaria. The "Darling Prize" was awarded to Colonel S. P. James in 1934 and to Dr. Swellengrebel in 1937.

The deed of foundation (1929), which was drawn up at the request of M. J. A. Buero, Legal Adviser to the Secretariat, provides that the Foundation shall be administered by the Director of the Health Section and operated by the Geneva branch of Lloyds & National Provincial Foreign Bank Limited. The management of the property of the Foundation was subsequently transferred to the Treasury of the League of Nations.

The administrator—that is to say, Dr. Y. Biraud since June 1943—binds the Foundation by his individual signature; he has power to decide upon the dissolution of the Foundation and upon how the assets shall be distributed, subject to the approval of the "Darling Committee".

This Committee, for which provision is made in Article 1 of the Statutes, is composed of the President and Vice-Presidents of the Health Committee and the Chairman of the Malaria Commission. The Director of the Health Section acts as Secretary of the Committee.

The Foundation was entered on the Geneva Commercial Register and is exempt from cantonal taxation and, since 1943, from the Federal National Defence Tax.

The balances to the credit of these funds on December 31st, 1945, were:

	Swiss francs
Léon Bernard Fund	15,700.85
Darling Foundation: Capital	10,157.50
Income	2,630.25

If the international character of these prizes is to be maintained, they should be awarded by the Health Committee of the future Health Organisation of the United Nations and by the Malaria Commission, which will no doubt be attached to that body. In that event, the capital of the two Foundations should be administered by the United Nations, and Article 1 of their Statutes, which set up the Committees responsible for making the awards, should be modified.

It is suggested that the Acting Secretary-General should ascertain from the Secretary-General of the United Nations whether that Organisation would be willing to take over the administration of these Foundations.

Failing this, the Acting Secretary-General should advise on an alternative scheme for continuing the Foundations in a way which would best serve to maintain the purposes for which they were created.

V. SUSPENSE ACCOUNTS — SECRETARIAT

2. *High Commissariat at Danzig.*

On December 31st, 1945, a small balance of 4,772.65 Swiss francs remained in this account, which, in the absence of any demands, will in due course be credited to League funds.

3. *Technical Collaboration with China.*

The balance of 11,237 Swiss francs remaining on December 31st, 1945, from the financial provision made in 1937-1939 will, if no further claims are forthcoming, be credited to League funds.

4. *New York World's Fair.*

On December 31st, 1945, a balance of 32,672.15 Swiss francs remained from the provision made for the participation of the League in the New York Fair. This sum was reserved to pay for the storage of the exhibit and, if not required, the account will be credited to League funds.

5. *Voluntary Contributions of Staff.*

The amount in the account on December 31st, 1945, was 85,824.75 Swiss francs. This sum was credited to miscellaneous receipts during the current year.

6. *Eastern Bureau, Singapore.*

The account held a balance of 112,590.10 Swiss francs on December 31st, 1945. In the absence of any further calls on the Fund, the account will in due course be closed by credit of the balance to the League's resources.

7. *Appropriation-in-aid: Working Capital Fund.*

Part of the contributions paid by certain Member States which were not assessed to pay any contribution represented a sum due in respect of deficits of previous years which had been borne by the Working Capital Fund.

The Working Capital Fund advances were included for recovery in subsequent Budgets and therefore any voluntary payments, if paid to the Working Capital Fund, would involve a double recovery.

The payments in question have been kept in a suspense account and amounted on December 31st, 1945, to 111,739.95 Swiss francs. It is proposed that this sum should be brought to account as miscellaneous receipts in 1946.

II. *International Press House.*

The Treasurer is the custodian of this Fund, which amounted on December 31st, 1945, to 109,599.80 Swiss francs, on behalf of the President of the International Association of Journalists. The Fund is kept in gold in London.

The President of the 1930 Assembly proposed that a house for the use of the International Press should be set up in the neighbourhood of the Secretariat and, in response to this appeal, fourteen States paid a contribution of 5,000 Swiss francs each — *i. e.*, a total of 70,000 Swiss francs. Profits were made on investments, but there has been a small bank charge against the Fund every year for the custody of gold.

Mr. Challinor James, President of the International Association of Journalists and *Daily Mail* representative in Switzerland, has been asked to advise on the future custody of the Fund. If the United Nations has a branch in the League buildings, it might agree to accept the custody of this Fund. If, however, the agreement of the United Nations seems unlikely, it is recommended that, subject to the agreement of the International Association of Journalists, the custody of the Fund should be placed in the hands of the International Labour Organisation.

ANNEX 7

A. 25. 1946.X.

Geneva, April 10th, 1946.

REPORT OF THE SUPERVISORY COMMISSION
ON THE WORK OF ITS HUNDRED-AND-FIRST SESSION

The Commission held its hundred-and-first session from April 5th to April 10th, 1946, in Geneva. The following members were present :

Dr. C. J. HAMBRO (Norway), *Chairman*.
Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom), *Rapporteur*.
H.E. M. A. COSTA DU RELS (Bolivia).
Mr. Hume WRONG (Canada).
Jonkheer F. BEELAERTS VAN BLOKLAND (Netherlands).
H.E. M. Emile CHARVERIAT (France).
H.E. Count CARTON DE WIART (Belgium).

The following officials attended the meeting :

Secretariat :

Mr. S. Lester, Acting Secretary-General.
Mr. S. Jacklin, Treasurer.
M. V. Stencek, Director of Personnel and Internal Administration.

International Labour Office :

Mr. G. A. Johnston.

Permanent Court of International Justice :

M. J. López Oliván, Registrar.

Since the Commission submitted its last Report¹, dated April 3rd, 1946, on the work of its one-hundredth session, it has found itself in a position to report on the matters detailed below :

A. STAFF PROVIDENT FUND

It has now become clear that the Staff Provident Fund will be liquidated this year, and no further decisions as to the future of that Fund are therefore required. It is proposed that any balance remaining in the Fund after liquidation should be transferred to the Staff Pensions Fund.

B. STAFF PENSIONS FUND AND JUDGES' PENSIONS FUND

In the report on the work of its ninety-ninth session (document A.14.1946.X), the Commission indicated that further information concerning the future of these Funds would be submitted in a later report. The Commission can now state that, although the Governing Body of the International Labour Organisation has not yet met to take a decision, it is believed that the International Labour Organisation will agree to accept responsibility for the future administration and financing of the *Staff Pensions Fund*, it being understood that the States Members of the League which are also Members of the International Labour Organisation will maintain their existing guarantee of that Fund.

The Commission trusts that a similar solution may be agreed to by the International Labour Organisation for the future administration of the *Judges' Pensions Fund*. It is proposed that any balance remaining in this Fund after liquidation should be transferred to the Staff Pensions Fund.

Both Pensions Funds will be examined by the Consulting Actuary before being handed over to the International Labour Organisation so that such financial provision as circumstances indicate can be made from League funds before transfer is effected.

¹ See Annex 6, pages 166-173.

A memorandum relating to the future administration both of the Staff Pensions Fund and of the Judges' Pensions Fund has been prepared by the Rapporteur of the Supervisory Commission and is annexed to this Report.

The Commission recommends that the Administrative Board of the Staff Pensions Fund, and also the Advisory Investments Committee of the Staff Pensions Fund, should remain in being with their present membership until such time as the Fund is taken over by the International Labour Organisation.

C. CLAIM OF THE CARNEGIE FOUNDATION FOR PAYMENT OF MAINTENANCE CHARGES DURING THE WAR YEARS FROM THE PERMANENT COURT OF INTERNATIONAL JUSTICE

In the Report on its hundredth session, dated April 3rd, 1946¹, the Commission referred to negotiations in progress with the Carnegie Foundation, concerning the annual payments in respect of the occupancy by the Permanent Court of International Justice of accommodation in the Peace Palace at The Hague.

The payments made by the League to the Trustees are based partly on contract and partly on correspondence. They were, in the aggregate, intended to cover the due share of the Court in the expenses incurred by the Carnegie Foundation in maintaining the necessary services of the Palace, such as personnel, lighting, heating, etc.

During the war, certain of the expenses of the Foundation in regard to the maintenance of these services were considerably reduced and the Supervisory Commission took the view that a strong case existed for making an equitable reduction in the claims of the Foundation on the League, in view of the fact that a very limited use of the Peace Palace had been made by the Court on account of the war when the Netherlands was under German occupation.

In order to discuss these claims, a delegation of the Commission, accompanied by the Registrar, met the representatives of the Foundation at The Hague. In answer to the contention of the Supervisory Commission, the representatives of the Foundation urged that, although the Court had made only a limited use of the premises, these had, in fact, been kept available for the Court for use at any time when a meeting might become possible, and they further stressed the point that, though there had been reductions in outlay in certain directions, there had been increases in others, notably in respect of insurance against war damage which the Foundation had regarded itself as under an obligation to provide.

The Board of Directors further maintained that the effect of the arrangements between the League and the Foundation was such as to entitle it to payment of the normal amounts that had been made over many years while the Court was in full activity and it stressed the view that the financial position of the Foundation made it impossible for it to make any abatement.

When the upshot of the discussion was reported to the Commission, it could not but feel regret that no adjustment had proved possible and it invited one of its members to enter into further discussion with the Trustees, authorising him to accept any suitable compromise that might be agreed.

The Trustees, however, maintained their previous point of view, indicating that the arrangements between them and the League had not been denounced and claiming that the terms of the arrangement entitled them to receive during the war the normal annual payments.

The Supervisory Commission, after receiving the report of its representative, must emphasise that the arrangements with the Foundation did not, of course, take into account the possibility of war and inability to make full use of the premises. Although the legal interpretation of the arrangements between the League and the Foundation is differently viewed by the two parties, every possible effort has been made to secure by agreement a reduction in the claim owing to the relatively limited use possible during the war years and these efforts have been unsuccessful. The Commission therefore feels obliged to recommend the payment of the amount involved, which, over the six years, is 240,000 florins.

D. VOLUNTARY CONTRIBUTION OF THE STAFF

The staff of the three League Organisations has once more accepted for 1946 the voluntary contribution which they have borne since the beginning of the war. The Commission desires to express its thanks to the staff for the understanding it has shown in accepting this sacrifice throughout the crisis.

The scale of the contribution, which varies from 2 to 26%, according to the salary received, has remained practically unchanged since the beginning as regards the Secretariat and the Court. As for the International Labour Office, the scale was adapted to local conditions after the transfer of the headquarters of the International Labour Office to Montreal, account being taken of the rate of the Canadian income-tax. This tax (as well as direct taxation in certain other countries) having been recently reduced, the amount of the voluntary contribution made by the officials of this Organisation has been reduced by 25% as from January 1st, 1946.

The Assembly has already been informed that the Acting Secretary-General has given notice to the staff of the termination of their contracts on July 31st next. The Supervisory Commission considers that the time has come when a reduction in the scale of the contribution should also be made in the case of the other staff of the League.

¹ See Annex 6, page 168.

A comparable reduction will therefore be made from April 1st, 1946, for the Secretariat staff. The amount involved would be less than 20,000 Swiss francs for the remaining four months of their service.

E. INDEMNITIES TO EMPLOYEES

There are about thirty locally-recruited employees in Geneva, who, with two or three exceptions, were all in service before the war, some of them having served more than twenty-five years.

Their contracts will be terminated on July 31st, 1946, and it is proposed to extend to them the terms concerning the indemnities suggested for temporary officials, the expenditure involved amounting to approximately 60,000 Swiss francs.

F. TERMINATION OF THE LEAGUE : MEASURES TO BE TAKEN FOR THE DISPOSAL OF LEAGUE ASSETS

The second sub-paragraph of paragraph 1 of the "Common Plan" for the transfer of League of Nations assets established by the United Nations Committee and the Supervisory Commission of the League of Nations (document A.8.1946.X) reads as follows :

"The League of Nations agrees that the shares in the total credit thus established shall be distributed between States entitled to participate, in accordance with percentages to be laid down by the League at its next Assembly."

It will be realised, however, that, owing to the payments which are still due to the League, it is not yet possible to submit a schedule of final percentages for the approval of the Assembly. The Supervisory Commission has accordingly endeavoured to establish principles on which the distribution of the League assets will be based.

In order to give practical effect to recommendations made in various reports already submitted, the Supervisory Commission recommends to the Assembly the adoption of the following scheme of distribution.

Scheme of Distribution.

- (1) That the Members of the League should pay their contributions to the League, both arrears and current, before December 31st, 1946 ;
- (2) That participation in the assets of the League should be limited to States at present Members of the League ;
- (3) That, subject to the conditions prescribed below, the shares of the States Members of the League in the assets of the League, material and liquid taken together, as at December 31st, 1946, should be based upon a table showing the proportion that the contributions paid by each State Member bear to the total contributions received by the League since its inception ;
- (4) That, in the case of any State whose contributions to the League are in arrear at the date when the final calculations are established, the amount of such indebtedness should be deducted from the claim of such State in respect of material and liquid assets, such amount then being redistributed among Members entitled to share according to the proportions laid down in the table referred to in paragraph (3) ;
- (5) That the shares in the material assets of the League of those Members of the League which are Members of the United Nations on December 31st, 1946, should be calculated and credited to them in the books of the United Nations as provided in the "Common Plan" ;
- (6) (a) That the shares in the material assets of the League of those Members of the League which, on December 31st, 1946, are not Members of the United Nations should be held in suspense or otherwise dealt with under arrangements to be made by the authorities charged with the liquidation in agreement with the States concerned ;
- (b) That, in the event of any State entitled to a share in the material assets receiving cash in lieu of such assets under paragraph 6 (a), the proportion of the material assets to be credited to States Members of the United Nations should be adjusted upwards and the proportion of the liquid assets payable to such States shall be adjusted downwards in both cases according to the table referred to in paragraph (3), so as to ensure that the distribution conforms to the scheme herein established ;
- (c) That, in the event of insufficient funds being available on final liquidation to pay under paragraph 6 (b) above the share in the material assets of any League Member which has not become a Member of the United Nations, a proportionate distribution of the available funds should be made ;
- (7) That the unappropriated balance of the liquid assets of the League should be distributed in cash as soon as the final calculations are established according to the principles laid down above to all Members of the League, whether or not they have become Members of the United Nations ;

(8) That no credits in respect of material assets or distribution of cash should take effect until the authorities charged with carrying through the liquidation are in a position to present the final audited accounts ;

(9) That any matters arising out of the liquidation and not covered by the above clauses should be dealt with by the authorities charged with the liquidation as they judge most expedient on the understanding that the scheme of distribution set forth above shall be adhered to.

APPENDIX

MEMORANDUM BY THE RAPPOREUR ON THE FUTURE ADMINISTRATION OF THE LEAGUE PENSIONS FUNDS

Staff Pensions Fund.

The Staff Pensions Fund of the League was instituted to provide pensions or capital grants in lieu for members of the staff of the Secretariat and of the International Labour Office and for members of the staff of the Permanent Court of International Justice. The Fund has been built up by contributions from the League and from members of the staff. At the present time, the staff contribute a percentage of their salaries, varying from $5\frac{1}{4}\%$ to $7\frac{1}{2}\%$, and the League $10\frac{1}{2}\%$ of members' salaries.

In addition, the League undertook to make an annual contribution of 400,000 Swiss francs for thirty years beginning from 1931 to cover the initial deficit of the Fund.

The payment of pensions and retiring gratuities carries the guarantee of the League.

During the war, in order to fortify the Fund, the Supervisory Commission decided to transfer to it the Reserve Fund of the League, approximately 11,000,000 Swiss francs which, it was then considered, was sufficient to meet the deficit then estimated plus the annual amortisation payments.

According to the latest Report of the Actuary, the Fund is in a position to meet its obligations under the conditions laid down by its Regulations. It has, however, to be borne in mind that the Fund has been based on a $4\frac{1}{4}\%$ rate of interest, which rate is not obtainable on the assets of the Fund under conditions to-day. For this reason, to avoid the loss that each new member would impose on the Fund, the Pensions Board, in agreement with the Organisations, came to the conclusion that, in the event of any new admissions, the organisations concerned should meet the extra cost from their Budgets.

Whatever arrangements may be made for strengthening the Fund or for its administration on the disappearance of the League should preserve the guarantee of Member States for the payment of the amounts that become due to retiring members now in the Fund.

Secretariat and Court officials will, on the termination of their appointments, cease to be contributing members of the Fund, but members of the Fund belonging to the International Labour Office will continue to contribute until their retirement. The International Labour Organisation has therefore a continuing interest in the maintenance of the Fund and, in the opinion of the Supervisory Commission, is the most suitable body to be charged with its administration after the disappearance of the League.

It is accordingly proposed that the Governing Body of the International Labour Office should be invited to take over the administration of the Fund under the rules applicable thereto and to accept responsibility for its future management on the understanding that, if any future actuarial examination should show that further fortification of the Fund is required, the necessary financial provision will be made, so far as the Secretariat and Court officials are concerned, by League Members, and, so far as International Labour Office officials are concerned, by States Members of the International Labour Organisation.

If this proposal is approved, it is intended to obtain a report from the Actuary on the state of the Fund at the latest practicable date and, if he should recommend that any further grant be made to the Fund before transfer to ensure a balance between assets and liabilities, the question of augmenting the Fund should be favourably considered in the light of the available resources of the League by the authority responsible for undertaking its liquidation.

Judges' Pensions Fund.

The so-called Judges' Pensions Fund is not a pensions fund in the true sense. It represents a credit which has been built up from contributions from States Members for the purpose of equating, as far as possible, the burden falling on the annual Budget in respect of judges' pensions.

At the end of 1945, the amount in credit with the Fund was 1,380,752 Swiss francs (836,820 florins) ¹.

At present, eleven ex-judges are in receipt of pensions and three ex-judges will be entitled to pensions if they survive until the age of 65. The pensions of the Judges are guaranteed by the League.

¹ Converted at 165 Swiss francs = 100 Dutch florins.

The Supervisory Commission has carefully examined the possibility of purchasing for the ex-judges annuities to be issued by one or more insurance companies. The annuities are legally payable in Dutch florins and enquiries show that Dutch insurance companies of standing would be prepared to handle the business.

While the pensions are payable in florins, the recipients will, of course, wish to receive them in the currencies of the countries where they live and special arrangements to make this possible would have to be carried through with the Netherlands Bank. While suitable arrangements for the transfer of the annuities payable in Dutch florins might perhaps be arranged, the employment of an insurance company would not meet the requirement of maintaining the guarantee of the States Members behind the pensions and would, no doubt, be a more expensive method of handling the matter than if the administration is continued through an international organisation.

The administrative work in paying the pensions to a diminishing number of ex-judges, which could at no time exceed fifteen, would be negligible and, after examination of the alternatives, the Supervisory Commission recommends that the Governing Body of the International Labour Office should be invited to accept the duty of paying the pensions on the understanding that the States Members of the League will continue to regard themselves as responsible for the security of the pensions.

If the International Labour Organisation accepts this responsibility, it is proposed to hand over to that Organisation the balance of the credit of the Judges' Pensions Fund at the completion of the liquidation of the League. Before transfer, it is in any case intended to pay to the Fund the sum of 900,000 Swiss francs (545,454 florins)¹, which, though voted in annual Budgets, could not be paid over during the war years.

In view of the advanced age of the judges and the small number of persons concerned, no precise estimate can be made of the amount that will, in fact, be required to cover the pensions. It is, however, intended to obtain from the Actuary a report at the latest practicable date on the state of the Fund, and if he should recommend that some further grant should be made to it, the matter should be favourably considered in the light of the available resources of the League by the authority responsible for conducting its liquidation.

If any additional levy on States Members in respect of judges' pensions should prove to be necessary after the disappearance of the League, it would be for the International Labour Organisation to make the necessary assessment on States Members. If, on the other hand, a balance should be outstanding on the death of the last pensioner, it is suggested that this might appropriately be transferred to the Reserve of the Staff Pensions Fund.

¹ Converted at 165 Swiss francs = 100 Dutch florins.

ANNEX 8

A. 28. 1946.X.

Geneva, April 12th, 1946.

REPORT OF THE SUPERVISORY COMMISSION
ON THE WORK OF ITS HUNDRED-AND-SECOND SESSION

The Commission held its hundred-and-second session on April 12th, 1946, in Geneva. The following members were present :

Dr. C. J. HAMBRO (Norway), *Chairman*.
 Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom), *Rapporteur*.
 H.E. M. A. COSTA DU RELS (Bolivia).
 Mr. Hume WRONG (Canada).
 Jonkheer F. BEELAERTS VAN BLOKLAND (Netherlands).
 H.E. M. Emile CHARVÉRIAT (France).
 H.E. Count CARTON DE WIART (Belgium).

The following also attended the meeting :

Secretariat :

Mr. S. Lester, Acting Secretary-General.
 Mr. S. Jacklin, Treasurer.
 M. V. Stencek, Director of Personnel and Internal Administration.

International Labour Organisation :

Mr. G. Myrddin Evans, Chairman of the Governing Body.
 Mr. G. A. Johnston, Assistant Director.
 Mr. C. W. Jenks.

Permanent Court of International Justice :

M. J. López Oliván, Registrar.

A. DRAFT ASSEMBLY RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS ¹

The Supervisory Commission took note of the draft resolution for the dissolution of the League of Nations which was submitted to the First Committee by the Delegation of the United Kingdom.

The Commission recommends for the consideration of the Second Committee in due course the following amendments relating to financial and administrative measures :

2. (5) To read as follows :

“ The members of the Board, in the exercise of their functions, and the staff referred to in paragraph 4 (1) below shall be deemed to be officials of the League within the meaning of Article 7 of the Covenant.”

4. (1) To read as follows :

“ The staff of the Secretariat having received notice of the termination of their engagements as from July 31st next, the Board shall employ such staff as it may require for the purpose of carrying out the liquidation and for maintaining the departments and services of the Secretariat in operation to the extent necessary to enable the United Nations, under the best possible conditions, both to assume those activities hitherto exercised by the League which it expresses the desire to assume and to take over the material assets which are to be transferred to it.”

¹ Document A.I./6.1946. [Note by the Secretariat.—For the text of the resolution as finally adopted, see Annex 26, pages 269-274.]

4. (2) To read as follows :

“ The Board may employ such professional assistance as it may deem expedient.”

6. Lines 11 onwards to read as follows :

“ The report provided for in paragraph 20¹ shall give particulars of the debts which have been collected in full, those in regard to which a composition or only a partial payment has been made and those, if any, towards which no payment has been made. If any amounts due in respect of the International Labour Organisation remain unpaid at the date of the completion of the liquidation, a report on the collection of such contributions shall be communicated by the Board to the International Labour Organisation and such amounts shall be recoverable by that Organisation.”

9. To read as follows :

“ The Board shall, as soon as possible after the transfer of the material assets and, thereafter, every three months, make interim reports on the progress of its work and shall take into consideration any observations thereon made by Members of the League.”

15¹. (1) (b) To read as follows :

“ The accumulated assets of the Fund (including any amount added by the Assembly at its present session or by the Board) shall be transferred to the International Labour Organisation for application in accordance with the Regulations.”

15¹. (1) (d) Lines 6 and 7 to read as follows :

“ The Regulations may be amended by the appropriate financial authority of the International Labour Organisation, with due regard to the rights of the beneficiaries.”

17¹. (2) To read as follows :

“ If the International Labour Organisation consents, responsibility for the administration of the Fund, as augmented by the Assembly during the present session or by the Board, and the responsibility for paying the pensions shall be transferred to the Organisation... (etc).”

B. LIQUIDATION OF THE NANSEN INTERNATIONAL OFFICE

In the report on its hundredth session², the Commission reported that the Liquidator of this Office had now renewed his activity and it hoped to notify the final liquidation in a later report. It has now received a progress report from the Liquidator and finds that, owing to circumstances outside his control, the liquidation has not been completed. It recommends, therefore, that the matter which appears on the Agenda of the Second Committee as item 14 should be remitted for attention to the Board of Liquidation which it is proposed should be set up on the dissolution of the League.

¹ Note by the Secretariat. — The numbering of the paragraphs follows that of the original draft resolution (document A.I/6.1946).

² See Annex 6, page 268.

ANNEX 9

A. 3. 1946. X.

Geneva, September 7th, 1945.

REPORT OF THE BOARD OF MANAGEMENT
OF THE STAFF PROVIDENT FUND

The Board of Management of the Staff Provident Fund met on Friday, July 13th, 1945, at Geneva. It approved the accounts of the Staff Provident Fund for the year 1944, which had already been audited by the League Auditor, and fixed at 2½ per cent the rate of interest with which to credit the accounts of members of the Fund for that year.

Membership of Staff Provident Fund during the Year 1944.

Date	Total number	Secretariat	Officials of:	
			International Labour Office	Permanent Court of International Justice
January 1st, 1944	4	2	2	0
December 31st, 1944	4	2	2	0

As will be seen from the preceding table, the number of members of the Staff Provident Fund has not changed during the year 1944.

Financial Position of Staff Provident Fund as at December 31st, 1944.

<i>Assets.</i>		Swiss francs
Investments at market value (cost price Swiss francs 148,127.75 and accrued interest to December 31st, 1944, Swiss francs 3,599.10)		96,459.50
Sundry debtors		4.80
Liquid funds		167,825.45
		<hr/>
		264,289.75
<i>Liabilities.</i>		
Contributions by members	47,531.51	
Contributions by administrations	42,778.73	
Death and Invalidity Fund	19,363.98	
Reimbursable advance from the Reserve Fund of the League	174,100.—	
		<hr/>
		283,774.22
		<hr/>
	<i>Difference</i>	19,484.47

As will be seen from the above statement, the liabilities of the Staff Provident Fund as at December 31st, 1944, amounted to Swiss francs 283,774.22. This sum was made up: of the contributions of the members of the Fund, amounting to Swiss francs 47,531.51, reimbursable to these members; of the contributions by the League Secretariat and the International Labour Office in respect of the members of the Fund, amounting to Swiss francs 42,778.73, which sum in certain conditions is payable to the said members; of the amount of Swiss francs 19,363.98 appropriated to the Death and Invalidity Fund; and of the reimbursable advance of Swiss francs 174,100 from the Reserve Fund of the League.

The situation of the Staff Provident Fund, if liquidated as at December 31st, 1944, was as follows:

<i>Assets.</i>		Swiss francs
Securities and liquid funds		264,289.75
<i>Liabilities.</i>		
Payable to the members of the Staff Provident Fund		90,310.24
		<hr/>
		173,979.51
The Death and Invalidity Fund not being called upon, the amount standing to its credit would revert to the League and the liability would thus be wiped out, but the amount of Swiss francs 173,979.51 remaining in the Fund, after the members' claims have been settled, would be		120.49
		<hr/>
short of the sum required to reimburse the advance of		174,100.—

It is, however, to be noted that the investments have been shown at their market value and the accrued outstanding interest has not been taken into account.

ANNEX 10

A. 4. 1946. X.

Geneva, October 8th, 1945.

ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND

I. TENTH REPORT TO THE ASSEMBLY

The Administrative Board of the Staff Pensions Fund, which has not met owing to the lack of communications since July 10th and 11th, 1939, held a session at Geneva on October 5th and 6th, 1945, at which the following members and officials attended:

Mr. F. T. CREMINS, appointed by the Assembly;
 Professor W. RAPPARD, appointed by the Assembly;
 Mr. A. RIVE, substitute member appointed by the Assembly;
 M. V. STENCEK, representing the Secretary-General of the League of Nations;
 Mr. G. A. JOHNSTON, representing the Director of the International Labour Office;
 M. J. LOPEZ OLIVÁN, Registrar of the Permanent Court of International Justice;
 Mr. S. JACKLIN, Treasurer of the League of Nations;
 M. B. RENBORG, representing the members of the Fund;
 Mr. E. J. RICHES, representing the members of the Fund;
 M. J. B. LHOEST, substitute member representing the members of the Fund;
 M. P. SCHNAIDT, substitute member representing the members of the Fund;
 Dr. H. WYSS, Consulting Actuary to the Fund;
 M^e J. SECRETAN, Legal Adviser of the Fund;
 M. H. GALLOIS, International Labour Office.

* * *

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

1. The Board re-elected Mr. Cremins as Chairman and Professor Rappard as Vice-Chairman until the next meeting of the Assembly.

REPORT OF THE SUB-COMMITTEE

2. The Board reviewed the Report of its Sub-Committee. The Sub-Committee throughout the war years carried out the business of the Staff Pensions Fund. Its principal duties consisted of the general supervision and direction of the work of the secretariat of the Fund, the grant of pensions to retiring members, the revision and final approval of invalidity pensions, and the grant of widows' and orphans' pensions in cases of the death of members leaving a widow or orphans or both.

3. The Board approved the work done and the decisions taken by the Sub-Committee.

4. The Chairman and such members of the Board as have been available have kept in as close touch as possible with the work throughout. The Board is anxious to record its high appreciation of the zeal and efficiency shown by the officials in carrying on the work of the Fund during the period of extreme difficulty resulting from the international situation, especially in the summer of 1940. The fact that members retiring from the Fund at that time were paid their full benefits in the space of a few months, although intricate calculations had to be worked out, and a large proportion of the Fund's resources totalling over 15 million francs was involved, speaks highly for the efficiency of the Board's secretariat. After the bulk of the work involved in the discharge of a large number of the members of the Fund had been concluded, the Secretary and Assistant Secretary of the Fund undertook a hazardous journey carrying to London records which were indispensable for the payment of pensioners. They were thus enabled to open an office in London where the work of the Fund was continued. It was largely owing to this arrangement that the Board was able to pay all pensions regularly and promptly in various countries throughout the whole period of the war, and generally to maintain touch with the members of the Fund.

5. Miss G. Rohde was Secretary to the Committee of Actuaries, on whose report the Fund was originally based. She joined the staff of the Fund at its inception, subsequently became Secretary, and remained at her post throughout, including the difficult war years, until June 1945, when she resigned on marriage. Her devotion to duty and her signal services to the Fund and to its members are, in the opinion of the Board, deserving of the very highest commendation.

6. In the report submitted by the Sub-Committee to the Board on the work done, the Sub-Committee drew the attention of the Board to the existence of four distressing cases of pensioners whose annuities had very considerably depreciated in purchasing value, and the Board, although unable under its statutes to grant relief, felt that some compassionate allowance to augment temporarily the annuities would be desirable.

7. The Board also noted that certain members of the Fund belonging to the staff of the Permanent Court of International Justice will find themselves, if pensioned in the near future, subjected to a prejudice of a somewhat similar nature.

8. The Sub-Committee of the Board has reported annually to the Supervisory Commission¹ and its Reports have been circulated with the Reports of the Supervisory Commission to Member States.

* * *

9. Experience has proved the value of a Pensions Fund for a Permanent International Civil Service. The administration of the Fund by a Board consisting of representatives of all the interested elements — Assembly, Administrations and members of the Fund — to some extent an experiment, had proved successful. The rules prescribed by the Board have enabled its secretariat to work with smooth and harmonious efficiency, and even when the Board was unavoidably deprived, owing to the war, of the services of some of its members, these rules permitted the Sub-Committee and staff to carry on with the least possible difficulty.

SEVENTH ACTUARIAL VALUATION OF THE PENSIONS FUND

Report by the Consulting Actuary.

10. Since the last actuarial valuation of the Fund in 1939, an interim report has been made by the Consulting Actuary (dated May 5th, 1940). A further valuation as at December 31st, 1944, has now, at the request of the Sub-Committee, been prepared by the Consulting Actuary, and is annexed to this report. It is being submitted to the Supervisory Commission and to the Members of the League.

11. While the Board has not yet formulated its views on all the proposals and conclusions suggested by the Actuary, it wishes to draw attention, at the present stage, to certain important points. It is the intention of the Board to meet again at a later date to consider the various problems which may arise concerning the future position of the Fund.

12. The Fund, which in 1938 had 964 members and 60 pensioners, comprised, as at December 31st, 1944, 197 members and 163 pensioners.

The large number of premature withdrawals of members has upset the original bases of calculation. The Fund is nevertheless at the moment completely solvent, but this is due to the transfer to it in 1941 of over 11 million Swiss francs from the League reserves and the payment from the League budget annually of interest shortages. The accumulated fund can hardly be expected, in the future, to earn the interest of $4\frac{1}{4}\%$ assumed when the Fund was established. New admissions to the Fund on the existing basis would therefore represent an added liability not fully covered by the present rates of contributions.

13. In granting any contracts of employment to new appointees entitling them to admission to the Fund, the organisations of the League concerned should at the same time make provision for additional contributions in respect of such members, adequate for the benefits to which they would be entitled.

14. In respect of existing members and pensioners, the problem of making good the difference between the interest of $4\frac{1}{4}\%$, on which the calculations of the benefits are based, and the prospective future interest yield of possibly 2% or $2\frac{1}{2}\%$ will still remain. If, however, all officials of the Secretariat and of the Court who are members of the Fund should retire before the end of 1946, the problem in the case of these two organisations would only arise in respect of their pensioners.

15. The International Labour Office may be expected to continue and retain its active members. The Consulting Actuary has been asked to calculate the amount of the shortage between the rate of $4\frac{1}{4}\%$, on which the benefits are based, and the prospective future interest of 2% or $2\frac{1}{2}\%$, which will occur in respect of both active members and pensioners of the International Labour Office.

16. There is another liability—namely, the amount still payable on the initial deficit of the Fund. When the Fund was constituted, the initial deficit of 6,014,000 Swiss francs was to be paid off over a period of thirty years by annual instalments of 400,000 Swiss francs borne on the budget of the League. These payments, which have been regularly made, are not due to end until 1960. Some means will have to be provided to ensure the paying-off of this initial deficit.

¹ Documents C.C.1223, September 20th, 1940; C.L.11.1942.X, Annex II, F; C.23.M.23.1943.X, Annex D; C.27.M.27.1944.X, Annex F.

ACCOUNTS OF THE FUND

17. In accordance with Article 22 of the Staff Pensions Regulations, the Board approved the audited accounts for the financial years 1939, 1940, 1941, 1942, 1943, and 1944, and took note of the Auditor's reports thereon. Both the accounts and the Auditor's reports have been forwarded to the Supervisory Commission and to the States Members of the League.

The Board noted that:

Swiss francs

At the end of 1938, the accumulated Fund amounted to		24,680,753.93
Receipts during the year 1939 were	4,013,665.50	
Expenditure during the year 1939 was	5,916,274.25	
The Fund decreased in the year 1939 by		1,902,608.75
The accumulated Fund as at December 31st, 1939, amounted to		22,778,145.18
Receipts during the year 1940 were	2,355,088.80	
Expenditure during the year 1940 was	16,025,727.60	
The Fund decreased in the year 1940 by		13,670,638.80
The accumulated Fund as at December 31st, 1940, amounted to		9,107,506.38

At its eighty-eighth session, held at The Hague on February 9th and 10th, 1940, the Supervisory Commission recalled the decision of the 1939 Assembly to the effect that the Reserve Fund should be maintained to meet the contractual obligations of the League, and decided that the whole of the Reserve Fund should be allocated to meet the liabilities of the Staff Pensions and Provident Funds (see document C.152.M.139.1940.X, page 8, paragraph 36).

Ordinary receipts during the year 1941 were	2,117,710.97	
Allocation from the Reserve Fund amounted to	11,160,075.03	
		13,277,786.—
Expenditure during the year 1941 was	2,622,538.32	
The Fund increased in the year 1941 by		10,655,247.68
The accumulated Fund as at December 31st, 1941, amounted to		19,762,754.06
Receipts during the year 1942 were	2,058,834.21	
Expenditure during the year 1942 was	1,566,061.74	
The Fund increased in the year 1942 by		492,772.47
The accumulated Fund as at December 31st, 1942, amounted to		20,255,526.53
Receipts during the year 1943 were	2,040,753.91	
Expenditure during the year 1943 was	752,923.26	
The Fund increased in the year 1943 by		1,287,830.65
The accumulated Fund as at December 31st, 1943, amounted to		21,543,357.18
Receipts during the year 1944 were	2,081,124.85	
Expenditure during the year 1944 was	797,127.—	
The Fund increased in the year 1944 by		1,283,997.85
The accumulated Fund as at December 31st, 1944, amounted to		22,827,355.03

18. Particulars regarding members and pensioners of the Staff Pensions Fund as at December 31st, 1944:

Active members of the Fund.

Years	Admissions to the Fund	Withdrawals from the Fund	Increase (+) or decrease (—) in membership	Membership at the end of the year
1931	1,032	20	+1,012	1,012
1932/38	262	310	— 48	964
	1,294	330		
1939	4	155	— 151	813
1940	1	547	— 546	267
1941	—	51	— 51	216
1942	2	9	— 7	209
1943	5	15	— 10	199
1944	3	5	— 2	197
	1,309	1,112		

As at December 31st, 1944, the total number of active members of the Staff Pensions Fund was 197, distributed as follows:

	Secretariat			International Labour Office			Registry of the Permanent Court of International Justice			Grand total
	Number of members			Number of members			Number of members			
	In service	Sus-pended	Total	In service	Sus-pended	Total	In service	Sus-pended	Total	
Men	48	2	50	52	24	76	2	5	7	133
Women	25	—	25	23	11	34	4	1	5	64
Total	73	2	75	75	35	110	6	6	12	197

On December 31st, 1944, there were 163 persons in receipt of pensions, as follows:

- 117 retiring pensions.
- 21 widows' pensions.
- 10 orphans' pensions.
- 15 invalidity pensions.

Total 163

19. The Board proposes the adoption of the following resolution by the Assembly:

“ The Assembly:

“ Decides that the contribution of the League to the Pensions Fund for 1946, under Article 7, paragraph (a), of the Staff Pensions Regulations, shall be 10.5% of the pensionable emoluments of the members of the Fund;

“ Decides that, for the year 1946, the officials mentioned in Article 4, paragraph (a) (i), of the Staff Pensions Regulations shall continue to pay an additional one per cent of their pensionable emoluments, and those mentioned in Article 4, paragraph (a) (ii), an additional half per cent if their pensionable emoluments exceed 6,500 francs per annum, and an additional quarter per cent if these emoluments are 6,500 francs or below that figure;

“ Resolves that, in continuation of the arrangement approved last year, the whole budgetary vote for 1946 in respect of Part VI shall be paid to the Fund.”

A. 12. 1946 X.

Geneva, March 14th, 1946.

II. ELEVENTH REPORT TO THE ASSEMBLY

The Administrative Board of the Staff Pensions Fund held a session at Geneva on March 11th, 12th, and 13th 1946, at which the following members and officials attended:

- | | |
|----------------------|--|
| Mr. F. T. CREMINS, | appointed by the Assembly, <i>Chairman</i> ; |
| Professor H. CRAMÉR, | appointed by the Assembly; |
| Mr. A. RIVE, | substitute member appointed by the Assembly; |
| M. V. STENCEK, | representing the Secretary-General of the League of Nations; |
| M. H. GALLOIS, | representing the Director of the International Labour Office; |
| Mr. S. JACKLIN, | Treasurer of the League of Nations, <i>ex officio</i> member of the Board; |
| M. J. LÓPEZ OLIVÁN, | Registrar of the Permanent Court of International Justice; |
| Mr. D. H. BLELLOCH, | representing the members of the Fund; |
| M. B. RENBORG, | representing the members of the Fund; |
| M. P. SCHNAIDT, | representing the members of the Fund; |
| Dr. Y. BIRAUD, | substitute member representing the members of the Fund; |
| M. J. B. LHOEST, | substitute member representing the members of the Fund; |
| Miss K. PETERSEN, | representing the League Treasury; |
| M. P. WELPS, | Acting Secretary of the Fund. |

There were also in attendance:

- | | |
|---------------------|---------------------------------|
| Dr. H. WYSS, | Consulting Actuary to the Fund; |
| Maître J. SECRETAN, | Legal Adviser of the Fund. |

1. *Election of Chairman and Vice-Chairman.*

The Board re-elected Mr. CREMINS as Chairman and Professor RAPPARD as Vice-Chairman for the year 1946.

2. *Future of the Staff Pensions Fund.*

The twenty-first meeting of the Administrative Board of the Staff Pensions Fund was convened at the request of the representatives of the members of the Fund. The Board itself, at its session in October 1945, had also envisaged meeting before the final Assembly of the League of Nations to consider various questions which might arise concerning the future position of the Fund.

It being clear that the United Nations does not intend to take over the Staff Pensions Fund, the Board was concerned with the continuance of the guarantee undertaken by the League of Nations in the terms of Article 13 of the Staff Pensions Regulations.

The Board understands that the International Labour Organisation may be willing to take over the Staff Pensions Fund and its administration after the termination of the appointments of those members of the Fund who are officials of the Secretariat or the Permanent Court of International Justice, both as regards its own active members and as regards all pensioners.

As the States Members of the League of Nations, which guarantees payment of all annuities or capital sums falling due under the Staff Pensions Regulations, will presumably remain Members of the International Labour Organisation, the Board feels that, in undertaking responsibility for the financing and administration of the Staff Pensions Fund in the future, that Organisation will ensure that the States Members in question will maintain the guarantee.

The conditions for any such transfer should provide that the Staff Pensions Fund will first be placed in a position to meet all its financial obligations.

For the purpose of facilitating the negotiations concerning future arrangements for the Fund, the Board would recommend the appointment to the Liquidation Board, that presumably will be set up by the Assembly, of Mr. Seymour Jacklin, the present Treasurer of the League, after his retirement.

The representatives of the members of the Fund asked that consideration should be given to the possibility of arrangements under which officials whose appointments are prematurely terminated might remain active members of the Fund until the age of 60. The Board did not feel that it could usefully undertake a detailed discussion of such a proposal. It is presumed that, if and when the contemplated transfer of the Fund to the International Labour Organisation takes place, opportunity will be given to the representatives of the members of the Fund to have this matter fully considered.

3. *Actuarial Valuation of the Fund.*

The Board further discussed certain aspects of the report of the Consulting Actuary on the actuarial valuation of the Fund as at December 31st, 1944. It came to the conclusion that, on the actuarial basis originally adopted, the solvency of the Fund was unquestioned, but that certain factors affecting the financial situation of the Fund had arisen, particularly as regards the rate of interest on investments. The Board decided to leave over any further examination of the situation until the termination of the appointments of the members of the Fund who are officials of the Secretariat or of the Permanent Court of International Justice. It will then re-examine the position of the Fund in the light of a further report of the Actuary.

4. *Application of Article 19, Section 1 (ii), of the Staff Pensions Regulations.*

The Board studied the question of the application of Section 1 (ii) (a), (b) and (c) of Article 19, which lays down rules in regard to the re-engagement of officials who on their retirement accepted an annuity or received the present value of an annuity or a capital sum under Article 9, paragraph 5, and who on re-engagement have not become subject to the Staff Pensions Regulations. Information supplied by the representatives of the two administrations and of the members of the Fund showed that this section has given rise to serious administrative difficulties and hardships in its application to officials who were obliged to resign in the special circumstances that existed at and after the outbreak of the war. The Board hopes that it may be found possible to amend the Regulations in such a way as to rectify this situation.

The Board was impressed by the fact that, to a considerable extent, owing to the manner of application of the section in question, the amounts saved have not reverted to the Fund.

5. *New Admissions.*

In its Tenth Report to the Assembly, the Board urged that, in granting any contracts of employment to new appointees entitling them to admission to the Fund, the Organisations of the League concerned should at the same time make provision for additional contributions in respect of such members adequate for the benefits to which they would be entitled.

In making this recommendation, the Board had particularly in mind the fact that the interest earnings on the Fund's investments are considerably lower than the figure of 4 1/4% which was taken as a basis of calculation in drawing up the existing Regulations.

The Board's recommendation having been accepted by the Supervisory Commission (see document C.118.M.118.1945.X, Section M), the Board decided that it should be applied to all cases of new appointments involving admission to the membership of the Pensions Fund and that this decision should be applied from the earliest date acceptable to the Administrations, which date should in no case be later than November 20th, 1945.

6. *Accounts for the Year 1945.*

The Board took note of the Fund's accounts for the year 1945, which had not yet been audited by the League Auditor, and were submitted for information only.

A. 7. 1946. X.

Geneva, October 1945.

III. REPORT ON THE ACTUARIAL VALUATION OF THE LEAGUE OF NATIONS STAFF PENSIONS FUND AS AT DECEMBER 31ST, 1944, BY DR. H. WYSS, CONSULTING ACTUARY TO THE PENSIONS FUND

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I. ACTUARIAL VALUATION AS AT DECEMBER 31ST, 1944

1. The last detailed actuarial calculations of the League of Nations Staff Pensions Fund were made six years ago. They related to the position as at December 31st, 1938. At the end of 1939, the actuarial reserve of the active members was estimated in approximate fashion only (Summary Report of May 5th, 1940). Since then, the active membership, which had amounted to some 1,000 persons from 1931 onwards, has been reduced to a fifth of that total as a result of a number of resignations. In these circumstances, having regard to the uncertainty of the situation, it appeared desirable to forgo any new actuarial valuations of the Fund (see First Report of the Supervisory Commission for the year 1942, Appendix VII).

2. At the end of 1944, the membership of the Pensions Fund is too small to allow of adequate provision against risk, which is the pre-requisite for the application of any actuarial system of valuation. Accordingly, the results of the calculations of the position as at December 31st, 1944, are to be regarded as subject to reserve. They presuppose a reorganisation of the Fund on a wider basis, whether by an increase of membership or by reliance on some outside party in a stronger position to carry the risk. Were the Fund to continue for long to operate as at present, the discrepancy between actual and actuarially anticipated liabilities might be considerable.

The purpose of the establishment, notwithstanding these limitations, of an actuarial valuation of the Fund as at December 31st, 1944, is to afford a conspectus of the present position of the Fund, and in so doing to make it possible to bring a chapter in the history of the Fund to a close, and at the same time to indicate a possible basis for future reorganisation.

3. A detailed record of the changes in the numbers of members of the Fund, or of its income and expenditure, since the last valuation at the end of 1939 would not give an adequate picture of the essential factors of the situation, for the reason that the normal operation of the Fund has been interrupted by the withdrawal of four-fifths of the members. We may refer in this connection to the particulars furnished by the secretariat of the Fund, and confine ourselves to a brief account of the position as it at present stands.

4. For the purpose of our calculations, we have adhered to the bases of valuation which have been in use since the inauguration of the Fund, notwithstanding the presumption, for which on general grounds there is good reason, that they are no longer altogether applicable to the existing, or probable future, position in respect of mortality, invalidity frequency or, above all, the yield of interest on capital.

The calculations are based on the carefully prepared documentary material supplied by the secretariat of the Fund.

5. The Fund had, on December 31st, 1944, an active membership of 197 persons. This number included certain members whose activity is suspended, but who can be treated for the purpose of our calculations in the same way as the other active members. Two members, who retired in 1942 and 1944 respectively but who have not yet drawn the lump sums to which they are entitled, have not been included in the calculations: but the liability thereby arising for the Fund has been taken into consideration in calculating the liabilities of the Fund.

The first point to be determined is the claims of active members to the benefits for which the Regulations provide. In this connection, the three following hypotheses should be considered:

Hypothesis a. It is assumed that the Fund will continue in operation until the present members or their dependants have received the benefits for which Article 9, paragraphs 2 (a) and 3 (a), and Articles 10, 11 and 12 of the Regulations provide. The amount of the benefits in question is calculated on the basis of the maximum salary payable under the current contracts. The calculation shows an actuarial reserve, on this hypothesis, of some 10,300,000 francs. The figure is given in round numbers in order to emphasise the fact that it is to be regarded only as an approximation in view of the limitations indicated in paragraph 2 above. This actuarial reserve is obtained by calculating the annual contributions for which Articles 4 and 7 of the Regulations provide. Since 1940, the contributions both of the League and of the members of the Fund have been at a higher rate. But the increases have been voted from year to year only, and there is no fixity as to their maintenance in the future. If we assume that these increased contributions will be paid in the case of each member of the Fund until he ceases to be an active member, the actuarial reserve will be some 600,000 francs less.

Hypothesis b. It is assumed that the Fund is wound up altogether at the beginning of 1945, and that every active member receives the lump sum for which Article 9, paragraphs 4 (b) and 5, of the Regulations provides. The secretariat of the Fund has calculated the amount due in this event as at January 1st, 1945, to each member on retirement. The total amount of these lump sums payable in the event of withdrawal of all the active members of the Fund is 12,766,645 francs.

Hypothesis c. In certain circumstances, the charges falling on the Fund might be even heavier than they would be under hypothesis b. As hypothesis c, let it now be assumed that every member of the Fund whose lump sum on withdrawal exceeds his actuarial reserve calculated as at December 31st, 1944, resigns immediately, whereas all the other members continue to remain members of the Fund as heretofore. In that event, the Fund will have to meet the maximum charge. Each member, it is true, does not know the amount of his actuarial reserve at the end of 1944 and, further, there is no reason to suppose that any member would decide to resign merely as the result of a speculation concerning the relationship existing between, on the one hand, the lump sum to which he is entitled on retirement and, on the other hand, his actuarial reserve. Nevertheless, it is interesting to note that, in the extreme case represented by this hypothesis c, the charge on the Fund would amount approximately to 14,250,000 francs.

6. On December 31st, 1944, there were 163 persons in receipt of pensions. The actuarial reserve for the current pensions, calculated on the existing actuarial bases, is shown in the following table:

Pensions paid	Number of pensions	Annual amounts Francs	Actuarial reserve Francs
Invalidity pensions	15	95,694	1,217,236
Retiring pensions	117	520,607	6,350,826
Widows' pensions	21	101,271	1,231,147
Orphans' pensions	10	12,947	58,998
Total	163	730,519	8,858,207

In the case of male invalidity or retiring pensioners, the actuarial reserve includes the pension expectations of their surviving dependants.

7. At the end of 1944, the accumulated fund is shown in the books as amounting to 22,827,355 francs. It was proposed in the original project for the Fund that the League should make an annual payment of 400,000 francs up to the year 1960 in amortisation of the initial deficit of the Fund. Since the Reserve Fund of some 11,000,000 francs was transferred to the Pensions Fund in 1942, the question arises whether the original amortisation schedule should continue to be operative, or whether it should be held to have lapsed. The absence in the valuation as at December 31st, 1944 — in contradistinction to previous valuations — of any entry amongst the assets of the Fund of an outstanding liability for regular amortisation on the part of the League is explained by the fact that the present valuation is confined to showing the amount of the accumulated fund on the one hand and the amount of the current claims and expectations on the other. The following is the actuarial balance-sheet as it would stand as at December 31st, 1944, on each of the three hypotheses put forward in paragraph 5 above for the calculation of the claims of active members:

ACTUARIAL BALANCE-SHEET OF THE FUND AS AT DECEMBER 31ST, 1944

	on hypothesis a Francs	on hypothesis b Francs	on hypothesis c Francs
<i>Assets.</i>			
Accumulated fund	22,827,000	22,827,000	22,827,000
<i>Liabilities.</i>			
Actuarial reserve of:			
(1) Active members	10,300,000	12,767,000	14,250,000
(2) Pensioners	8,858,000	8,858,000	8,858,000
Equalisation Fund	3,669,000	1,202,000	*— 281,000
Total liabilities	22,827,000	22,827,000	22,827,000

* Deficit.

Should the original amortisation proposal continue to operate notwithstanding the incorporation of the Reserve Fund, and an annual payment of 400,000 francs continue to be made by the League until 1960, the present value of these annual payments, amounting as at the end of 1944 to some 4,500,000 francs, may be included in the assets of the balance-sheet. The Equalisation Fund would in such case show a corresponding increase by that amount. If, on the other hand, these annual payments are left out of account, the results in the actuarial balance-sheet are as follows:

(a) The accumulated fund exceeds the actuarial reserve, as calculated for the date December 31st, 1944, on the existing bases of valuation, by some 3,669,000 francs.

(b) The accumulated fund would suffice, in the event of complete and immediate liquidation of the Pensions Fund, to pay all retiring members the lump sums due to them. There would remain as cover for the liabilities in respect of current pensioners a fund of some 10,000,000 francs, which is some 1,200,000 francs more than the actuarial reserve calculated on the existing bases of valuation.

(c) In the most unfavourable event, in the event (that is to say) of every member of the Fund electing for the alternative involving the heaviest charges on the Fund, the accumulated fund would not quite suffice to pay the lump sums to the retiring members, and provide the actuarial reserve on the existing bases of valuation for the remaining members of the Fund. There would be nothing left over for the increase of the actuarial reserve in respect of active members and pensioners, and such increase is essential in the event of the adoption of new bases of valuation.

8. As stated in paragraph 5 (hypothesis a) above, the actuarial reserve has been calculated on the basis of contributions of 14 or 15½% of the salary, as provided for in the Regulations. The actuarial reserve of the active members would be reduced by some 600,000 francs if it is assumed that—instead of the rates prescribed in the Regulations—the present contributions at the rates of 15¾, 16 or 18% of the salary will continue to be paid, as since 1940, so long as the members in question remain in the service.

In order to make this point clear, we set out hereunder two variants of the actuarial balance-sheet of the Fund as at December 31st, 1944. Both these variants relate to *hypothesis a*.

Actuarial balance-sheet as at December 31st, 1944 (hypothesis a).

Variant I.

Annual contributions of 15¾, 16 or 18% of the salary.

	Swiss francs		Swiss francs
<i>Assets:</i> Accumulated fund	22,827,000	<i>Liabilities:</i> Actuarial reserve of:	
		(1) Active members	9,700,000
		(2) Pensioners	8,858,000
		Equalisation Fund	4,269,000
		Total liabilities	22,827,000

Variant II.

Annual contributions of 15¾, 16 or 18%, annual payments of 400,000 francs being taken into consideration up to 1960.

	Swiss francs		Swiss francs
<i>Assets:</i> Accumulated fund	22,827,000	<i>Liabilities:</i> Actuarial reserve of:	
Present value of annual payments	4,500,000	(1) Active members	9,700,000
		(2) Pensioners	8,858,000
		Equalisation Fund	8,769,000
Total assets	27,327,000	Total liabilities	27,327,000

The Equalisation Fund shown above would be available if the actuarial reserve was to be increased as a result of the adoption of stricter bases of valuation.

According to *hypothesis b*, it is assumed that all the active members resign immediately. Consequently, the supposition that higher contributions—viz., 15¾, 16 or 18%—will continue

to be paid does not apply to the balance-sheet for this hypothesis. *Hypothesis c*, however, is based on the assumption that some part of the active members continue to remain members of the Fund. If account is taken of the fact that, in respect of these members who remain in the Fund, the contributions of $15\frac{3}{4}$, 16 or 18% will continue to be paid, the result will be that the actuarial reserve will be reduced by about 120,000 francs. In consequence, the deficit of 281,000 francs mentioned above will be reduced by the same amount. If the annual payments are left out of account, and if it is assumed that the higher contributions will continue to be paid, there will still remain a deficit of about 160,000 francs. If, however, the present value of the annual payments of 400,000 francs can be included on the assets side of the balance-sheet, this will, on hypothesis *c*, give an Equalisation Fund of 4,340,000 francs in round figures.

9. The results of the calculations which have been made may accordingly be said to show the financial position of the Fund as at December 31st, 1944, in a favourable light. It has already been pointed out in paragraph 2 above that these findings should be regarded as subject to reserve in view of the present low membership. A further reservation must be made in respect of the bases of valuation which have been taken over without change in the present valuation as at the end of 1944, from the former valuations of the Fund. These bases of valuation are inapplicable in more respects than one to existing conditions, or to the conditions which may be expected to prevail in the near future. The effects of an adjustment of these bases of valuation to the changed conditions are discussed below in paragraphs 10 to 12.

The conclusion is nevertheless justified, in the light of the results of the balance-sheet shown in paragraph 7 above, that the development of the Fund, on the basis of the actuarial assumptions made in connection with its establishment in 1930, would have been satisfactory. The divergencies from the original anticipations, which have been apparent in the course of years, have been due in the main to circumstances of a very special character, which could not have been foreseen:

(a) The mortality was somewhat lower than had been anticipated, with the result that the pension charges were rather higher than had been expected.

(b) Voluntary retirements were particularly frequent owing to circumstances, with the result that the aggregate liabilities of the Fund were heavier than would have been the case had the retiring members continued to serve until the pensionable age.

(c) In order to preserve the Fund from the consequences of a devaluation, it was necessary, in the investment of its funds, to make the conservation of the capital a first consideration, in preference to the earning of interest—and that, over a considerable period. As, however, the losses of interest thereby occasioned were made good by special grants to the Fund, the investment policy pursued had no unfavourable effects on the actuarial position: and in fact the precautionary action in this connection of the Treasurer and the Supervisory Commission has been of the first importance to the Fund in enabling it to conserve its capital.

II. NEED FOR ADJUSTMENT OF THE BASES OF VALUATION TO THE CONDITIONS REVEALED BY EXPERIENCE

10. At the time of the adoption of the existing bases of valuation, a specially low mortality was assumed. But closer enquiry has shown that the actual number of deaths of pensioners is even lower than had been allowed for in the bases of valuation. If a new scale with lower mortality rates is made the basis of the calculation of the current pensions, the actuarial reserve will be higher than that which arrived at (see paragraph 6 above) with the existing bases of valuation. But the experience available up to the present in connection with the League of Nations Fund is not sufficient to enable a new mortality table to be constructed. Further investigations in the matter have still to be made. But it may be stated, for purposes of information, that an increase of some 400,000 francs will be required in the actuarial reserve of the pensioners, if the average life of the latter is one year more than has been assumed with the existing bases of valuation.

11. A divergence in the opposite sense from the assumptions hitherto made occurred in connection with cases of invalidity, the actual number of which was less than had been anticipated. Adjustment of the bases of valuation in this case would allow of a certain reduction in the actuarial reserve: but this reduction would not be such as appreciably to offset the divergencies noted in paragraphs 10 and 12.

12. The existing bases of valuation assume an actuarial rate of interest of $4\frac{1}{4}$ % per annum. It would be desirable, if the Fund is to continue, to adopt a considerably lower rate of interest. But, in fixing it, no guidance can be drawn from the experience of the Fund itself, since the investment of the capital of the Fund in recent years has been governed by exceptional circumstances.

The Administrative Board and the Supervisory Commission had enquiries made seven years ago into the effects of a reduction of the actuarial rate of interest from $4\frac{1}{4}$ to $3\frac{1}{2}$ or 3% (see Reports of June 17th, 1937, and January 19th, 1938).

Having regard to the present conditions of the capital market, it would be desirable in the adoption of new bases of valuation not to take an actuarial rate of interest of more than 3%: it would be more prudent to take a rate of $2\frac{1}{2}$ %.

The reduction of the actuarial rate of interest by $1\frac{1}{4}$ or $1\frac{3}{4}$ % necessitates a considerable increase in the actuarial reserve of the present members of the Fund. It is no part of our instruc-

tions to make immediate proposals for new bases of valuation. But we have attempted to make a rough estimate of the extent to which the actuarial reserve would have to be increased.

Assuming that there is no increase in the contributions for which the Regulations provide, and assuming that the only change in the bases of valuation is a reduction of the actuarial rate of interest to 3 or 2½%, the necessary increase in the actuarial reserve would be approximately as follows:

	With an actuarial rate of interest of	
	3%	2½%
For the active members of the Fund	3,500,000	5,200,000
For the pensioners	1,000,000	1,400,000

The above rough estimate shows that, in any case, if the bases of valuation are adjusted to the probable rate of interest in the immediate future, the accumulated fund alone will not be sufficient to provide the actuarial reserve required under hypothesis a in paragraph 5. Even in the case of liquidation under hypothesis b, there would not be sufficient funds available in the circumstances to cover the pension claims due until the time of their expiry.

On the other hand, the Equalisation Fund might be sufficient for the increase of the actuarial reserve necessitated by the adoption of stricter bases of valuation in the shape of an actuarial rate of interest of 2½%, if the annual payments to the Fund of 400,000 francs were regularly continued until 1960 in accordance with the original amortisation schedule. It is assumed, in this connection, that there would be no increase in the lump sums payable to members on voluntary retirement.

If the maintenance of the original amortisation schedule is impracticable, the further operation of the Fund will necessitate an adjustment of its income to its liabilities in some other way, viz:

- By a special payment into the Fund to enable it to make the requisite increase (the amount of which has still to be calculated) in the actuarial reserve;
- Or by a permanent increase in the contributions for which the Regulations provide;
- Or by a reduction of the benefits for which the Regulations provide;
- Or by a combination of these several possible measures.

It would appear to be premature to go further into the details of the action to be taken. More information is first required as to the future development of the Fund. It will then be desirable to adopt new bases of valuation and to make detailed calculations in connection therewith.

III. THE EFFECT OF FUTURE ENTRIES

13. Attention has already been drawn to the fact that the present membership is too small to allow of adequate provision against risk. In principle, therefore, it is very important for the future development of the Fund that new members should be obtained, subject always, of course, to the payment of contributions sufficient to provide for their claims on new bases of valuation adjusted to present conditions. The annual contributions of 14 and 15½% of the salaries, for which the Regulations provide, are sufficient with the present bases of valuation, if the new members enter at the age about 31. If the bases of valuation are adjusted to the new conditions, the contributions will have to be considerably higher. A rough estimate of the effect of changes in the actuarial rate of interest gives the following results in the case of a married member of the Fund, on the assumption of a 6% increase of salary above the initial amount in each of the first twelve years of service:

Age of entry	25	30	35	40
	%	%	%	%
Sufficient annual contribution	11.4	15.0	20.2	22.6
in percentages of salary with	15.8	19.5	25.7	28.3
an actuarial rate of interest of:	17.1	21.3	27.5	30.3

It is desirable, therefore, not to continue to admit new members automatically to the benefits of the existing Regulations. If such differentiation is considered inopportune, it would be prudent to make provision for considerably higher contributions in the case of new members to take effect immediately or, at any rate, to reserve explicitly the possibility of subsequent increase of their contributions or curtailment of their benefits. Pending reorganisation of the Fund, new members should not be admitted in large numbers, unless the employer is prepared to make himself responsible in one form or another for the whole of the increased charge involved.

14. Actuarially speaking, it is desirable that the measures or reservations indicated in the case of new members should be made applicable to any former members of the Fund who may be readmitted after a longer or shorter interruption of service.

Readmissions, it should be noted, may involve an additional charge on the Fund. The following three hypothetical examples show the extent of this addition.

A married male member with a salary of 20,000 francs is admitted for the first time at the age of 15, or 30, or 35. His annual contribution is 2,800 francs. At the age of 45 he retires, and takes the lump sum for which Article 9, paragraph 4 (b), of the Regulations provides. After an interval of five years he is again admitted to the Fund at the age of 50. His former years of service are

credited to him on his refund of the lump sum which he received on his withdrawal, plus interest at $4\frac{1}{4}\%$ under Article 19 of the Regulations. The following table shows the effect in round figures:

	Example	(a)	(b)	(c)
Age of entry		25	30	35
Years of service on withdrawal from the Fund		20	15	10
Age on withdrawal		45	45	45
		Francs	Francs	Francs
Actuarial reserve on withdrawal		42,500	42,500	42,500
Lump sum in lieu of pension		73,000	54,800	36,500
Loss (—) or profit (+) to the Fund on withdrawal		—30,500	—12,300	+ 6,000
Age on readmission		50	50	50
		Francs	Francs	Francs
Refund of lump sum plus interest		89,900	67,500	45,000
Actuarial reserve on readmission		63,300	63,300	63,300
Loss (—) or profit (+) to the Fund on readmission		+26,600	+ 4,200	—18,300

In the case of example (a) there is a profit for the Fund on the readmission: but is less than the profit which the Fund made on the original entry of the member at the age of 25, and which it forfeited on his withdrawal. Similarly, in the case of example (b) there is a slight profit for the Fund: but it is less than the initial profit.

In the case of example (c) there is a fairly heavy loss for the Fund on the readmission, because the actuarial reserve which it has to re-establish immediately, taking the readmitted member's former years of service into account, is larger than the member's refund of capital on readmission. The reason for this is that the Fund has received no contributions during the period in which the member's service was interrupted, although the liabilities of the Fund remain the same as if the member's service had never been interrupted. The effect of the loss of five annual contributions is almost the same as if the member, instead of joining the Fund at 25, or 30, or 35, had been five years older in each case at the moment of his admission. The effect is only partially offset by the fact that the lump sum refunded includes interest for the period of interruption of service, and that no cover had to be provided against risk during the same period.

The examples given take no account of the necessity for discarding the old bases of valuation, and adopting stricter principles more in accordance with the new conditions, in calculating the actuarial reserve in cases of readmission. The adoption of such new bases of valuation would, in each case, involve an appreciably increased loss for the Fund, unless the additional charge was offset by an increase in the contributions.

The readmission of former officials is primarily, of course, a matter of administration, and (it may be) also of law, on which the Actuary is not called upon to express an opinion. But the above figures go to show that readmissions of former members of the Fund may, in certain cases, involve specific additional charges, which the Fund is not in a position to cover in the absence of specific allocations for the purpose.

IV. SUGGESTIONS FOR THE UTILISATION OF THE EXPERIENCE GAINED

15. It was fully realised by the experts concerned in the establishment of the League of Nations Staff Pensions Fund that the circumstances of the case were peculiar. There were no precedents to be derived from funds of a similar kind. The experience of national funds was not directly applicable. Full allowance for these special circumstances was made in the drafting of the Regulations and in the selection of the bases of valuation. From the actuarial point of view, in particular, the task of the experts Epps, Hoel, Cantelli and Friedli was unique of its kind — and to-day, after the lapse of fifteen years, it may be said that they could hardly have found a better solution of the problem.

16. But the operation of the remarkable actuarial plan which they had drawn up was adversely affected by a variety of circumstances, quite apart from the effects of the world war.

Reference has already been made to the general decline in the mortality figures, which has not been without its effect on the Fund, particularly in the case of pensioners. The special difficulties in connection with the investment of capital have also been mentioned.

The somewhat striking differences in the age of entry of new members must also be borne in mind. The uniform contribution for which the Regulations provide was in many cases higher, but in even more cases lower, than the amount which would have corresponded exactly in each particular case to the liability involved for the Fund.

Considerable disturbance of the operation of the Fund was further occasioned by the frequent voluntary retirements due — apart from the numerous withdrawals occasioned by the war — partly perhaps to the short contracts of the members, but mainly to the special circumstances inseparable from international organisations.

17. It is desirable to take the experience thus gained into account in any reorganisation of the existing Pensions Fund or establishment of a new Fund for the staff of international institutions.

We venture to append certain suggestions as to the way in which advantage might be taken of past experience in this connection. It is, in the first place, desirable to make the lump-sum payments in the case of retirements correspond with the actuarial reserve of the official retiring. Disturbances of the operation of the Fund as a result of resignations which, by their nature, cannot be allowed for in advance would then be avoided. It would further be desirable that the lump-sum payments on retirement should bear some relation to the contributions paid by the official retiring. If both these requirements were taken into account, the actuarial organisation of the Pensions Fund could no longer be based on an average contribution. Either the contributions would have to be graduated according to the age of entry, or, if a uniform contribution was retained, the pension benefits would have to be graduated according to the age of entry. Should the former solution be preferred, there would be nothing to prevent the retention of a uniform contribution in the case of the official, the contribution of the employer being graduated according to the age of entry.

It would even be possible to contemplate a solution on the lines of a savings bank. This would allow of the retention of uniform contributions. Supposing the latter to be fixed at 14% of the salary, the greater part of the amount—say, 12% of the salary—would be capitalised just as in a savings bank. With a fixed rate of interest, which could be adjusted, if necessary, from time to time to changing circumstances, each member would then have at his disposal at the age of 60 a sum of savings, which could be calculated in advance and would depend on the period of payment of the contributions. The member would be free on retirement at the age of 60 either to take the sum of his savings, or to convert it into an old-age pension with provision, if desired, for a pension to his widow on his death. A fixed scale of conversion would be laid down, with provision for its adjustment, as and when necessary, in the course of time in accordance with the changes in the mortality figures and in the yield of interest.

In the event of voluntary retirement, the sum of savings would be at the disposal of the official. It would be possible, if desired, to make provision for its conversion into a life annuity in accordance with a special scale.

The smaller part of the contribution—viz. (in the case under consideration) 2% of the salary—would be available in the event of invalidity to provide a pension of the same amount as the retiring pension receivable in the case of payment of contributions up to the age of 60. A widow's pension to the amount of half the invalidity pension, and orphans' pensions, would be payable in the event of death. It would also be possible to provide, in the case of death of an unmarried or widowed official, for payment of some part of the sum of savings to the near relatives of the deceased. The 2% of the contribution would be almost always absorbed by the provision against risk, which would have to be effected side by side with the operation of the savings fund. The division of the total contributions could be so arranged as to ensure that the actuarial reserve to be constituted—independently of the sum of savings—to cover the provision against risk remained always within narrow limits.

Fuller study should be given to details of the benefits that would be available in this way with the adoption of new bases of valuation, as also to the question of the best division of the contributions for the purpose.

An arrangement of the kind above outlined would also enable members, if they so desired, to make individual capital payments into the Fund with a view to increasing the sum of their savings, and with it the amount of their old-age pensions. Incidentally, this might provide a simple solution for the case of members readmitted to the Fund on reimbursement of the lump sum received by them on retirement. In particular, it would facilitate the treatment of cases where members on readmission were not in a position to repay the whole of their lump sum.

It might even, under certain circumstances, be possible to contemplate the transfer to the new Fund of all existing active members of the present Fund, allowing for the respective lump sums due to them on withdrawal, or alternatively of distributing the available reserves of the Fund between them in some manner consistent with sound actuarial principles.

V. CONCLUSION

(1) Thanks to the existence of the Reserve Fund, the financial position of the Pensions Fund, within the limits of the original actuarial plan and the existing bases of valuation, appears favourable.

(2) But the heavy reduction in the number of members no longer affords an adequate basis for provision against risk. The results of the actuarial calculations are accordingly to be regarded as subject to reserve. The continued operation of the Fund in accordance with actuarial principles presupposes either a considerable increase in the membership or an assumption of the risk by some outside party better able to carry it.

(3) It is desirable to contemplate an adjustment of the bases of valuation to the altered circumstances, and in particular a considerable reduction of the actuarial rate of interest.

(4) The adoption of new bases of valuation will necessitate a considerable increase in the actuarial reserve. In the case of existing members of the Fund, this increase can probably be covered by the use of the Equalisation Fund, provided the Pensions Fund continues to receive the annual payments of 400,000 francs until 1960 in accordance with the original amortisation schedule.

(5) The adoption of new bases of valuation calls especially for increased contributions in the case of new or readmitted members. The distribution of the increase as between the League and the members is not a matter for the Actuary.

(6) Provision should be made in the case of readmissions of retired members to prevent uncovered increase in the liabilities thereby arising for the Fund.

(7) In connection with the reorganisation of the actuarial structure of the Fund, it would be desirable to consider the possibility of changes in the Regulations in the case of new members, and also, it may be, in that of existing active members. It would further be desirable in this connection to provide in the light of past experience against losses accruing for the Fund in the case of resignations.

Zurich, May 15th, 1945.

(Signed) Hans Wyss,
Consulting Actuary.

ANNEX 11

C. 10. M. 10. 1946. X.

Geneva, March 27th, 1946.

REPORT OF THE SPECIAL COMMITTEE ON CONTRIBUTIONS

The Special Committee on Contributions met in Geneva on March 21st and 27th, 1946, the members present being:

M. C. J. HAMBRO (*Chairman*),
Sir Cecil KISCH.

Sir Girja Shankar Bajpai, Dr. Castillo Najera and Count Carton de Wiart were unfortunately unable to attend.

The Acting Secretary-General (Mr. Sean Lester) and the Treasurer (Mr. S. Jacklin) were also present.

CONSTITUTION.

The 1939 Assembly appointed the following members of the Special Committee on Contributions for the period ending December 31st, 1940:

Count Carton DE WIART (Belgium),
Sir Frederick PHILLIPS (United Kingdom),
Mr. Raghavendra RAO (India),
M. C. J. HAMBRO (Norway),

and, if necessary, a fifth member to be co-opted by the Committee.

As stated in its Report of March 22nd, 1941 (document C.24.M.21.1941), the Supervisory Commission reappointed the Committee and requested it to continue to serve until further notice. The Supervisory Commission also appointed Mr. H. S. MALIK (India) as a member of the Committee in substitution of Mr. Raghavendra Rao, who was unable to continue his membership.

At its meeting at Montreal in March 1941, the Committee co-opted as a member of the Committee H.E. Dr. Francisco CASTILLO NAJERA (Mexico).

Sir Cecil KISCH (United Kingdom) was co-opted as a member of the Committee at the end of 1943, in substitution of Sir Frederick Phillips, who had died during that year.

Sir Girja Shankar BAJPAI (India) was co-opted as a member in place of Mr. Malik early in 1944.

The present membership of the Special Committee on Contributions is thus:

M. C. J. HAMBRO (Norway) (*Chairman*),
Sir Girja Shankar BAJPAI (India),
H.E. Dr. Francisco CASTILLO NAJERA (Mexico),
Sir Cecil KISCH, K.C.I.E., C.B. (United Kingdom),
H.E. Count CARTON DE WIART (Belgium)¹.

GENERAL REMARKS.

In its last Report dated December 13th, 1944, the Committee fully reviewed the situation during the years 1940-1943 and the period of the year 1944 up to the date of the Report. The Annexes to this Report show the position as at December 31st, 1945.

1944. For the year 1944, twenty States contributed and the total income amounted to 79.85% of the Expenditure Budget, excluding a voluntary payment by the Argentine.

1945. For the year 1945, sixteen States contributed a total income of 71.18% of the Expenditure Budget.

1946. From January 1st of this year up to the end of February, the amount of contributions both current and arrears received equals 21.55% of the Expenditure Budget for 1946, as compared with 2.41% at the same date in 1945 and 1.19% in 1944. A detailed statement of contributions received up to March 31st, 1946, will be submitted to the Assembly.

¹ Unable to participate in the Committee's deliberations during the war years.

ARRANGEMENTS WITH MEMBER STATES FOR SETTLEMENT OF ARREARS ON CONTRIBUTIONS
SUBJECT TO RATIFICATION BY THE ASSEMBLY.

At its ninety-seventh session held in London in January 1946, the Supervisory Commission authorised the Committee to make arrangements for the settlement with States owing contributions on the lines approved by the Assembly in 1935 and 1936.

It has been customary on certain occasions in the past when States have been the victims of great calamities for the Assembly to grant some relief from the payment of contributions: for example, Nicaragua¹, Bolivia², Chile³, China³ and Ethiopia³ were granted such relief.

In its Report of December 13th, 1944 (document C.88.M.88.1944.X), the Committee had recommended the annulment of certain contributions or proportionate parts of contributions in respect of the year 1940 and this recommendation had been approved by the Supervisory Commission. The Committee intended to recommend the extension of this relief in certain other cases, but, having been authorised by the Supervisory Commission to make arrangements with any State in arrear for settlement of its debts or for such relief as may appear reasonable, the Committee will consider such cases in the terms of any arrangement made.

For some time, the Chairman and Treasurer have made a great effort to collect arrear contributions.

Correspondence which has taken place and interviews with representatives have made it clear that the States in question are desirous of ensuring that they do not appear in the list of defaulters to the League on its dissolution. While every sympathy should be shown towards the States which have been occupied by the enemy and also those which have suffered direct consequences from the war, States should have no ground for failure to obtain a discharge of their debts to the League, if it is understood that arrangements for a final settlement can be reached on a basis which will take into account the financial position of each individual State. A clearance of these debts will enable such States to participate in the final distribution of the assets and funds of the League.

In the discussions with representatives of States which were undertaken, at the request of the Committee, by the Chairman, it was essential to bear in mind that any payments made in full settlement should be in the hands of the League at an early date in order to facilitate the liquidation of the League's finances. It is suggested that all States Members be requested to pay their contributions for the current year and all arrears by July 31st, 1946.

In making arrangements for the settlement of outstanding debts, the Committee has given special consideration to the financial position of those States which had been subject to occupation by the enemy and also the general financial situation of States in arrear, particularly in the case of those which were large debtors to the League.

In the event of failure to comply with the terms of any arrangement, that part of the debt which has been annulled shall be revived.

* * *

At the time of writing this Report, the following arrangements with certain States had been made for consideration and ratification by the Assembly:

Bolivia.

	Swiss francs
Amount due 1940-1946	382,088.19
Annual instalments of consolidated debt 1940-1946	165,519.20
	<hr/>
	547,607.39
	<hr/>

The Committee recommends the following arrangement, the terms of which have been accepted by the Government of Bolivia:

(1) Immediate payment of 212,292.75 Swiss francs. This payment has already been received and represents 50% of the contributions and instalments of consolidated debt due for the years 1940-1943 inclusive plus the whole of the contribution and the instalment of consolidated debt for the year 1944;

(2) Subsequent payment of the contributions in full for the years 1945 and 1946 amounting to 147,388.52 Swiss francs and the consolidated instalment for the same years amounting to 27,291.20 Swiss francs;

(3) Annulment of 140,634.92 Swiss francs and the cancellation of four further instalments on the consolidated debt amounting in all to 70,936.80 Swiss francs;

(4) The surrender of this Government's credit in the Working Capital Fund amounting to 40,837.40 Swiss francs.

¹ See documents A.90.1931.X and A.66.1932.X.

² See document A.73.1935.X.

³ See documents A.17(1).1939.X and A.37.1939.X.

China.

	Swiss francs
Amount due 1939-1946	5,885,151.99
Less amount paid direct to the International Labour Organisation in 1944-1945	577,800.39
	<u>5,307,351.60</u>

The instalments on consolidated debt for the years 1939-1945 were suspended by decision of the 1939 Assembly.

Forty-three annual instalments are still unpaid representing 7,869,920.25

The Committee, after considering every aspect of the financial position and having held consultations with the representatives of this State, considers that a fair and reasonable arrangement in the circumstances would be to require:

- (1) A payment of 25 % of the debt for the years 1939-1944 and the whole of the assessed contributions for the years 1945 and 1946;
- (2) A payment of 1,000,000 Swiss francs in full settlement of the consolidated debt.

It, however, agreed that the contributions paid direct to the International Labour Organisation should be deducted from the payment agreed upon and also that this Government's credit in the Working Capital Fund should be taken into account in the settlement.

The terms of the arrangement having been accepted by the Government of China in full settlement, the position may be more precisely set out as follows:

- (1) The immediate payment of a sum of 2,710,920.85 Swiss francs;
- (2) The surrender of this Government's credit of 343,251.10 Swiss francs in the Working Capital Fund;
- (3) The annulment of 2,596,430.75 Swiss francs in respect of the years 1939-1946;
- (4) The annulment of the whole of the balance of the consolidated debt.

Finland.

	Swiss francs
If the contributions for the years 1941-1946 had not been reduced by 50 %, the amount due for 1940-1946 would have been.	1,910,440.95
The debt is	<u>1,086,429.20</u>

After a thorough study, in collaboration with the representative of the State, the Committee considers that the contributions for each of the years 1941-1946 inclusive should be assessed at 2 units, and Finland given the same treatment as other States that have been under occupation. The Government concerned having agreed to these terms, the arrangement recommended is as follows:

- (1) An immediate payment of 295,810.99 Swiss francs;
- (2) The surrender of this Government's credit in the Working Capital Fund, amounting to 86,277.20 Swiss francs;
- (3) The effect of this arrangement is to exonerate this Government from a net debt of 704,341.01 Swiss francs.

Luxemburg.

	Swiss francs
Amount due 1940, 1943-1946	150,246.26
Less payments made direct to the International Labour Organisation in 1941 and 1944	12,161.—
	<u>138,085.26</u>

The Committee recommends the following arrangement, the terms of which have been accepted by the Government of Luxemburg:

- (1) An immediate payment of the contribution due for 1945 amounting to 35,316.90 Swiss francs (this payment has already been received);
- (2) The payment of the 1946 contribution amounting to 38,377.35 Swiss francs;
- (3) The surrender of this Government's credit in the Working Capital Fund amounting to 21,694.50 Swiss francs.
- (4) The effect of this arrangement is to exonerate this Government from a net debt of 42,696.51 Swiss francs.

Poland.

	Swiss francs
Amount due 1939	608,832.05
1945	35,316.90
1946	76,754.72
	<u>720,903.67</u>

With the fullest understanding of the financial difficulties of Poland, the Committee recommends the following arrangement, the terms of which have been accepted by that Government:

(1) The annulment of the debts for 1939 and 1946 amounting to 685,586.77 Swiss francs; and the surrender of this Government's credit in the Working Capital Fund of 371,227.80 Swiss francs;

(2) The immediate payment of the debt for 1945 of 35,316.90 Swiss francs.

The effect of this arrangement is to exonerate this Government from a net debt of 314,358.97 Swiss francs.

Uruguay.

	Swiss francs
Amount due 1939-1945	736,585.85
Consolidated debt instalments (1940-1945)	88,760.10
	<hr/>
	825,345.95
Current 1946	153,509.43
Consolidated debt instalment 1946	14,793.35
	<hr/>
	168,302.78
	<hr/> <hr/>

The Committee recommends the following arrangement, the terms of which have been accepted by the Government of Uruguay:

(1) An immediate payment of 491,918 Swiss francs—approximately 59½%—in respect of the debt of 825,345.95 Swiss francs shown as due for the years 1939-1945;

(2) An immediate payment of the whole amount due for 1946 both as the current contribution and the annuity due in respect of the consolidated debt;

(3) The annulment of 333,427.95 Swiss francs for the years 1939-1945 and the annuities on consolidated debt still due for the years 1947-1954 (eight years);

(4) The surrender of the credit of Uruguay in the Working Capital Fund amounting to 52,095.40 Swiss francs.

* * *

The statements in Appendices A to J show the position of contributions as at December 31st, 1945, the arrears due for previous years and the annual instalments due on previous debts which were consolidated and of which the payment has been spread over a number of years, ranging from 10 to 45 by arrangement with Member States. Other statements in the Appendices bring up to the end of last year the continuous statistics relating to contributions since the inception of the League of Nations.

Appendice A.

RELEVÉ DES MONTANTS REÇUS DES ÉTATS
MEMBRES A TITRE DE CONTRIBUTIONS
COURANTES ET AU TITRE DES ARRIÉRÉS

Appendix A.

STATEMENT OF AMOUNTS RECEIVED FROM
STATES MEMBERS AS CURRENT CONTRI-
BUTIONS TOGETHER WITH PAYMENTS
IN RESPECT OF ARREARS

Etats (ordre alphabétique français) States (French alphabetical order)	1940 Francs-or Gold francs	1941 Francs-or Gold francs	1942 Francs-or Gold francs	1943 Francs-or Gold francs	1944 Francs-or Gold francs	1945 Francs-or Gold francs
Afghanistan	16 770.90	—	—	—	—	—
Un. S.-Afr. — Un. S. Afr.	296 975.31	230 853.—	230 852.56	297 681.41	271 674.88	399 677.80
Rép. Argentine — Arg. R.	512 114.05	—	—	—	—	—
Australie — Australia .	426 902.04	331 851.22	331 850.55	427 917.03	390 532.65	195 118.76
Belgique — Belgium . .	193 176.08	—	14 428.28	18 605.09	16 979.68	24 979.86
Roy.-Uni — Un. Kingdom	2 004 583.45	1 558 257.86	1 558 254.68	2 009 349.55	1 833 804.32	2 697 825.12
Bulgarie — Bulgaria . .	37 265.88	—	—	—	—	—
Canada	649 633.53	504 990.98	504 989.98	651 178.09	594 288.81	874 295.18
Chili — Chile	89 063.30	—	62 072.69	—	—	—
Cuba	—	—	—	—	33 932.15	—
Egypte — Egypt	—	25 169.40	117 083.24	55 814.97	50 939.05	—
Equateur — Ecuador . .	—	—	—	15 486.58	3 118.51	—
Estonie — Estonia . . .	30 623.01	—	—	—	—	—
France	371 219.15	1 113 657.46	577 132.53	—	—	679 187.13
Grèce — Greece	41 590.90	—	—	18 605.09	—	16 979.68
Hongrie — Hungary . . .	96 398.04	—	—	—	—	—
Inde — India	890 925.99	692 559.05	692 557.66	893 044.24	815 024.64	1 199 033.39
Irak — Iraq	—	49 087.08	—	90 977.30	58 003.54	50 939.04
Iran	104 345.45	—	—	—	1 271.68	—
Irlande — Ireland . . .	—	185 609.58	144 283.14	—	144 282.85	355 847.68
Libéria — Liberia . . .	22 265.80	—	—	—	—	—
Mexique — Mexico . . .	—	79 355.74	—	136 437.31	—	—
Nicaragua	—	—	—	—	—	7 183.75
Norvège — Norway . . .	55 683.06	28 856.62	28 856.56	37 210.18	33 959.35	49 959.73
Nouv.-Zél. — N. Zealand	193 019.33	115 426.52	115 426.28	148 840.71	135 837.44	199 838.90
Pays-Bas — Netherlands	445 463.—	86 569.86	86 569.90	109 351.58	33 959.35	—
Pérou — Peru	17 034.77	—	—	—	—	—
Pologne — Poland . . .	—	14 386.69	14 428.28	18 605.09	16 979.68	—
Portugal	148 487.65	—	—	115 426.52	115 426.28	284 678.15
Roumanie — Roumania.	294 674.56	—	—	—	35 365.33	—
Suisse — Switzerland . .	315 536.27	—	—	—	1 095 503.23	424 657.66
Tchécoslov. — Czechoslov.	—	—	28 856.56	18 605.09	16 979.68	24 979.86
Turquie — Turkey . . .	111 329.12	—	—	—	—	—
Uruguay	10 463.45	—	—	—	—	—
Venezuela	39 150.44	—	—	—	—	—
Yougoslavie — Yugosl.	94 629.76	—	—	—	—	—
Total des contributions . .	7 509 324.29	5 016 631.06	4 507 642.89	5 063 135.83	5 697 863.10	7 485 181.69
Total du budget	15 172 720.95	7 539 683.20	6 823 713.—	8 055 073.—	7 136 049.—	10 516 522.—
Total contributions en % du budget as % of Budget	49.49	66.54	66.05	62.86	79.85	71.18
Argentine: Paiements volontaires Voluntary payments	—	35 516.26	71 961.05	—	35 969.61	—
TOTAL	7 509 324.29	5 052 147.32	4 579 603.94	5 063 135.83	5 733 832.71	7 485 181.69
Total reçu en % budget Total rec. as % Budget	49.49	67.01	67.11	62.86	80.35	71.18
Contr. d'Etats membres versées dir. au B.I.T. Contr. by Member St. paid direct to I.L.O.	—	304 721.02	290 892.38	97 046.06	345 643.54	465 365.95
Total des contribut., en %, reçues pend. l'année % contrib. received during the year	7 509 324.29	5 356 868.34	4 870 496.32	5 160 181.89	6 079 473.25	7 950 547.64
	49.49	71.05	71.38	64.06	85.19	75.60

Appendice B.

CONTRIBUTIONS REÇUES
DIRECTEMENT D'ÉTATS MEMBRES
PAR LE BUREAU INTERNATIONAL
DU TRAVAIL

Appendix B.

CONTRIBUTIONS RECEIVED DIRECT BY
THE INTERNATIONAL LABOUR OFFICE
FROM STATES MEMBERS

Etats	1941 Francs-or Gold francs	1942 Francs-or Gold francs	1943 Francs-or Gold francs	1944 Francs-or Gold francs	1945 Francs-or Gold francs	States
Argentine	90 553.78	182 905.85	—	90 053.19	—	Argentine
Belgique	70 730.65	—	—	—	—	Belgium
Chine	—	—	—	131 670.08	277 011.89	China
Républ. Dominic.	—	—	—	—	13 191.04	Dominican Rep.
Luxembourg	3 723.97	—	—	4 877.58	—	Luxemburg
Mexique	—	—	—	—	56 032.94	Mexico
Pérou	32 232.29	—	1 157.46	—	—	Peru
Suède ¹	104 419.42	107 986.53	89 750.72	119 039.69	119 130.08 ¹	Sweden ¹
Tchécoslovaquie	3 060.91	—	6 137.88	—	—	Czechoslovakia
TOTAL	304 721.02	290 892.38	97 046.06	345 640.54	465 365.95	TOTAL

¹ Le 2 janvier 1946, le Gouvernement de la Suède a payé au Secrétariat à Genève le montant de 2,136,747,03 francs suisses (1,511,335,13 francs-or). Durant les années 1941-1945, la Suède a effectué directement au Bureau international du Travail, à Montréal, des versements s'élevant au total à 763,921,17 francs suisses (540,326,44 francs-or). Le total ainsi reçu, soit 2,900,668,20 francs suisses (2,051,661,57 francs-or), représente les contributions dues par cet Etat pour les années 1940 à 1945 incluses.

¹ On January 2nd, 1946, the Government of Sweden paid to the Secretariat at Geneva the amount of 2,136,747.03 Swiss francs (1,511,335.13 gold francs). During the years 1941-1945, the payments made by Sweden direct to the International Labour Office, at Montreal, amounted to 763,921.17 Swiss francs (540,326.44 gold francs). The total thus received—namely, 2,900,668.20 Swiss francs (2,051,661.57 gold francs)—represents the contributions due by this State for the years 1940 to 1945 inclusive.

Appendice C.

RELEVÉ DES CONTRIBUTIONS
AU 31 DÉCEMBRE 1944
CONTRIBUTIONS COURANTES (1944)

Appendix C.

STATEMENT OF CONTRIBUTIONS
AS AT DECEMBER 31ST, 1944
CURRENT CONTRIBUTIONS (1944)

Etats (Ordre alphabétique français)	Unités Units	Montant de la contribution afférente à 1944 Amount of contribution for 1944 Francs-or Gold francs	Sommes versées		Soldes dus au 31 décembre 1944 Balance due as at Dec. 31st, 1944		States (French alphabetical order)
			Paid	Francs-or Gold francs	Francs-or Gold francs	Equivalent en francs suisses à la date du relevé ¹ Equivalent in Swiss francs at date of statement 1	
1. Afghanistan	1	16 979.68	—	—	16 979.68	24 006.11	Afghanistan
2. Union Sud-Afric.	16	271 674.88	271 674.88	—	—	—	Union of S. Africa
3. Albanie	(1) ²	—	—	—	—	—	Albania
4. Républ. Argentine.	21	356 573.28	—	356 573.28	504 128.37	—	Argentine Republ.
5. Australie	23	390 532.65	390 532.65	—	—	—	Australia
6. Belgique	1	16 979.68	16 979.68	—	—	—	Belgium
7. Bolivie	2	33 959.35	—	33 959.35	48 012.22	—	Bolivia
8. Royaume-Uni	108	1 833 804.32	1 833 804.32	—	—	—	United Kingdom
9. Bulgarie	4	67 918.72	—	67 918.72	96 024.45	—	Bulgaria
10. Canada	35	594 288.81	594 288.81	—	—	—	Canada
11. Chine	21	356 573.28	—	356 573.28	504 128.37	—	China
12. Colombie	5	84 898.40	—	84 898.40	120 030.56	—	Colombia
13. Cuba	5	84 898.40	—	84 898.40	120 030.56	—	Cuba
14. Danemark	(1) ²	—	—	—	—	—	Denmark
15. Républ. Dominic.	1	16 979.68	—	16 979.68	24 006.11	—	Dominican Repub.
16. Egypte	12	203 756.16	—	203 756.16	288 073.35	—	Egypt
17. Equateur	1	16 979.68	—	16 979.68	24 006.11	—	Ecuador
18. Estonie	(1) ²	—	—	—	—	—	Estonia
19. Ethiopie	—	—	—	—	—	—	Ethiopia
20. Finlande	5	84 898.40	—	84 898.40	120 030.56	—	Finland
21. France	—	—	—	—	—	—	France
22. Grèce	1	16 979.68	—	16 979.68	24 006.11	—	Greece
23. Haïti	0.27 ³	4 584.50	—	4 584.50	6 481.65	—	Haiti
24. Inde	48	815 024.64	815 024.64	—	—	—	India
25. Irak	3	50 939.04	—	50 939.04	72 018.34	—	Iraq
26. Iran	5	84 898.40	—	84 898.40	120 030.56	—	Iran
27. Irlande	10	169 796.80	—	169 796.80	240 061.13	—	Ireland
28. Lettonie	(1) ²	—	—	—	—	—	Latvia
29. Libéria	1	16 979.68	—	16 979.68	24 006.11	—	Liberia
30. Lithuanie	(1) ²	—	—	—	—	—	Lithuania
31. Luxembourg	1	16 979.68	—	16 979.68	24 006.11	—	Luxemburg
32. Mexique	11	186 776.48	—	186 776.48	264 067.24	—	Mexico
33. Norvège	2	33 959.35	33 959.35	—	—	—	Norway
34. Nouvelle-Zélande	8	135 837.44	135 837.44	—	—	—	New Zealand
35. Panama	1	16 979.68	—	16 979.68	24 006.11	—	Panama
36. Pays-Bas	2	33 959.35	33 959.35	—	—	—	Netherlands
37. Pologne	1	16 979.68	16 979.68	—	—	—	Poland
38. Portugal	8	135 837.44	—	135 837.44	192 048.90	—	Portugal
39. Siam	5	84 898.40	—	84 898.40	120 030.56	—	Siam
40. Suède ⁴	19	322 613.93	—	322 613.93	456 116.15 ⁴	—	Sweden ⁴
41. Suisse	17	288 654.58	288 654.58	—	—	—	Switzerland
42. Tchécoslovaquie	1	16 979.68	16 979.68	—	—	—	Czechoslovakia
43. Turquie	10	169 796.80	—	169 796.80	240 061.13	—	Turkey
44. Uruguay	4	67 918.72	—	67 918.72	96 024.45	—	Uruguay
45. Yougoslavie	1	16 979.68	—	16 979.68	24 006.11	—	Yugoslavia
Total	420.27	7 136 049.—	4 448 675.06	2 687 373.94	3 799 447.43	—	Total

¹ A la condition qu'aucune modification n'intervienne dans le cours actuel de l'or en Suisse, le taux de conversion est: 1 franc-or = 1,41381418 franc suisse. Le prix de base (minimum), en Suisse, d'un kilogramme d'or fin (au titre de 1000) est de 4,869,80 francs suisses. Le franc-or adopté, le 19 mai 1920, par la Société des Nations, contenant 0,2903225 d'un gramme d'or fin (au titre de 1000), équivaut à 1,41381418 franc suisse. La contre-valeur actuelle d'un franc suisse est donc 0,70730653 franc-or.

² Une unité *nominale*; la contribution correspondante n'est pas comptée dans le total.

³ Sur la base d'une unité par an jusqu'à l'expiration du préavis de retrait (8 avril 1944).

⁴ Voir note 1, page 200.

¹ Subject to the present price of gold in Switzerland remaining unchanged, the rate of conversion is: 1 gold franc = 1.41381418 Swiss francs. The basic-minimum price in Switzerland of 1 kg. of fine gold (100% fine) is 4,869.80 Swiss francs. The gold franc adopted by the League of Nations on May 19th, 1920, containing 0.2903225 of a gramme of fine gold (100% fine) is equivalent to 1.41381418 Swiss francs. The present equivalent of one Swiss franc is therefore 0.70730653 gold franc.

² One *nominal* unit; the corresponding contribution is not counted in the total.

³ On the basis of one unit a year, up to the expiry of the notice of withdrawal (April 8th, 1944).

⁴ See note 1, page 200.

Appendice D.

RELEVÉ DES CONTRIBUTIONS
AU 31 DÉCEMBRE 1945

CONTRIBUTIONS COURANTES (1945)

Etats (Ordre alphabétique français)	Unités Units	Montant de la contribution afférente à 1945	Sommes versées	Soldes dus au 31 décembre 1945 Balance due as at Dec. 31st, 1945		States (French alphabetical order)
		Amount of contribution for 1945	Paid	Francs-or	Equivalent en francs suisses à la date du relevé ¹	
		Francs-or Gold francs	Francs-or Gold francs	Gold francs	Equivalent in Swiss francs at date of statement 1	
1. Afghanistan	I	24 979.86	—	24 979.86	35 316.90	Afghanistan
2. Union Sud-Afr.	16	399 677.80	399 677.80	—	—	Union of S. Africa
3. Albanie	(I) ²	—	—	—	—	Albania
4. Rép. Argentine	21	524 577.11	—	524 577.11	741 654.60	Argentine Republ.
5. Australie ³	23	574 536.83	195 118.76	379 418.07 ³	536 426.72 ³	Australia ³
6. Belgique	I	24 979.86	24 979.86	—	—	Belgium
7. Bolivie	2	49 959.73	—	49 959.73	70 633.80	Bolivia
8. Royaume-Uni	108	2 697 825.12	2 697 825.12	—	—	United Kingdom
9. Bulgarie	4	99 919.45	—	99 919.45	141 267.55	Bulgaria
10. Canada	35	874 295.18	874 295.18	—	—	Canada
11. Chine	21	524 577.11	—	524 577.11	741 654.60	China
12. Colombie	5	124 899.31	—	124 899.31	176 584.40	Colombia
13. Cuba	5	124 899.31	—	124 899.31	176 584.40	Cuba
14. Danemark	(I) ²	—	—	—	—	Denmark
15. Républ. Dominic.	I	24 979.86	—	24 979.86	35 316.90	Dominican Rep.
16. Egypte	12	299 758.35	—	299 758.35	423 802.60	Egypt
17. Equateur	I	24 979.86	—	24 979.86	35 316.90	Ecuador
18. Estonie	(I) ²	—	—	—	—	Estonia
19. Ethiopie	I	24 979.86	—	24 979.86	35 316.90	Ethiopia
20. Finlande	5	124 899.31	—	124 899.31	176 584.40	Finland
21. France	—	—	—	—	—	France
22. Grèce	I	24 979.86	—	24 979.86	35 316.90	Greece
23. Inde	48	1 199 033.39	1 199 033.39	—	—	India
24. Irak	3	74 939.59	—	74 939.59	105 950.65	Iraq
25. Iran	5	124 899.31	—	124 899.31	176 584.40	Iran
26. Irlande	10	249 798.62	—	249 798.62	353 168.85	Ireland
27. Lettonie	(I) ²	—	—	—	—	Latvia
28. Libéria	I	24 979.86	—	24 979.86	35 316.90	Liberia
29. Lituanie	(I) ²	—	—	—	—	Lithuania
30. Luxembourg ⁴	I	24 979.86	—	24 979.86 ⁴	35 316.90 ⁴	Luxemburg ⁴
31. Mexique	11	274 778.48	—	274 778.48	388 485.75	Mexico
32. Norvège	2	49 959.73	49 959.73	—	—	Norway
33. Nouvelle-Zélande	8	199 838.90	199 838.90	—	—	New Zealand
34. Panama	I	24 979.86	—	24 979.86	35 316.90	Panama
35. Pays-Bas ⁴	2	49 959.73	—	49 959.73 ⁴	70 633.80 ⁴	Netherlands ⁴
36. Pologne	I	24 979.86	—	24 979.86	35 316.90	Poland
37. Portugal	8	199 838.90	—	199 838.90	282 535.10	Portugal
38. Siam	5	124 899.31	—	124 899.31	176 584.40	Siam
39. Suède ⁵	19	474 617.38	—	474 617.38 ⁵	671 020.80 ⁵	Sweden ⁵
40. Suisse	17	424 657.66	424 657.66	—	—	Switzerland
41. Tchécoslovaquie	I	24 979.86	24 979.86	—	—	Czechoslovakia
42. Turquie	10	249 798.62	—	249 798.62	353 168.85	Turkey
43. Uruguay	4	99 919.45	—	99 919.45	141 267.55	Uruguay
44. Yougoslavie	I	24 979.86	—	24 979.86	35 316.90	Yugoslavia
Total	421	10 516 522.—	6 090 366.26	4 426 155.74	6 257 762.22	Total

¹ A la condition qu'aucune modification n'intervienne dans le cours actuel de l'or en Suisse, le taux de conversion est: 1 franc-or = 1,41381418 franc suisse. Le prix de base (minimum), en Suisse, d'un kilogramme d'or fin (au titre de 1000) est de 4,869,80 francs suisses. Le franc-or adopté, le 19 mai 1920, par la Société des Nations, contenant 0,2903225 d'un gramme d'or fin (au titre de 1000), équivaut à 1,41381418 franc suisse. La contre-valeur actuelle d'un franc suisse est donc 0,70730653 franc-or.

² Une unité nominale; la contribution correspondante n'est pas comptée dans le total.

³ Solde payé en 1946.

⁴ Payé en 1946.

⁵ Voir note 1, page 200.

¹ Subject to the present price of gold in Switzerland remaining unchanged, the rate of conversion is: 1 gold franc = 1.41381418 Swiss francs. The basic-minimum price in Switzerland of 1 kg. of fine gold (100% fine) is 4,869.80 Swiss francs. The gold franc adopted by the League of Nations on May 19th, 1920, containing 0.2903225 of a gramme of fine gold (100% fine) is equivalent to 1.41381418 Swiss francs. The present equivalent of one Swiss franc is therefore 0.70730653 gold franc.

² One nominal unit; the corresponding contribution is not counted in the total.

³ Balance paid in 1946.

⁴ Paid in 1946.

⁵ See note 1, page 200.

Appendice E.
CONTRIBUTIONS ARRIÉRÉES,
AU 31 DÉCEMBRE 1945

Appendix E.
CONTRIBUTIONS IN ARREAR
AS AT DECEMBER 31ST, 1945

Etats (Ordre alphabétique français)	Exercice financier Financial period	Montants dus au 1 ^{er} janvier 1945	Sommes versées	Soldes dus au 31 décembre 1945		States (French alphabetical order)
		Amount due as at January 1st, 1945	Paid	Balance due as at Dec. 31st, 1945		
		Francs-or Gold francs	Francs-or Gold francs	Francs-or Gold francs	Equivalent en francs suisses in Swiss francs	
1. Afghanistan . . .	1940-44	71 797.92	—	71 797.92	101 508.92	Afghanistan
2. Albanie	1939-40	40 826.76	—	40 826.76	57 721.45	Albania
3. Argentine	1940-44	1 743 048.82	—	1 743 048.82	2 464 347.12 ¹	Argentina
4. Autriche	1938	47 020.59	—	47 020.59	66 478.40	Austria
5. Belgique	1940	264 244.87	264 244.87 ²	—	—	Belgium
6. Bolivie ³	1940-44	166 004.64	—	166 004.64 ³	234 699.67 ³	Bolivia ³
7. Bulgarie	1939-44	407 242.51	—	407 242.51	575 765.17	Bulgaria
8. Chine	1939-44	3 067 993.64	—	3 067 993.64	4 337 572.87	China
9. Colombie	1939-44	515 376.21	—	515 376.21	728 646.21	Colombia
10. Cuba	1938-44	636 492.88	—	636 492.88	899 882.66	Cuba
11. Danemark ⁴	1940	222 731.50	148 487.66 ²	74 243.84 ⁴	104 967.— ⁴	Denmark ⁴
12. Rép. Dominicaine	1940-44	83 002.32	—	83 002.32	117 349.86	Dominic. Rep.
13. Egypte	1940-44	747 021.24	—	747 021.24	1 056 149.21	Egypt
14. Equateur	{ 1936-42 } 1944	155 355.79	—	155 355.79	219 644.21	Ecuador
15. Espagne	1939-41	1 835 463.10	—	1 835 463.10	2 595 003.75	Spain
16. Estonie	1940	41 759.38	—	41 759.38	59 040.—	Estonia
17. Finlande	1940-44	507 816.39	—	507 816.39	717 958.01	Finland
18. France	1942-43	799 462.21	679 187.13	120 275.08	170 046.60	France
19. Grèce	{ 1938-41 } 1944	460 616.22	111 365.73 ² 16 979.68	332 270.81	469 769.15	Greece
20. Haïti	1940-44	70 607.14	—	70 607.14	99 825.40	Haiti
21. Hongrie	1940-41	118 901.91	—	118 901.91	168 105.26	Hungary
22. Irak	1944	50 939.04	50 939.04	—	—	Iraq
23. Iran	1939-44	418 808.02	—	418 808.02	592 116.71	Iran
24. Irlande	1943-44	355 847.68	355 847.68	—	—	Ireland
25. Lettonie	1940	55 682.88	—	55 682.88	78 725.25	Latvia
26. Libéria	1940-44	83 002.32	—	83 002.32	117 349.86	Liberia
27. Lithuanie	1940	37 121.92	—	37 121.92	52 483.50	Lithuania
28. Luxembourg	{ 1940 } 1943-44	54 145.73	—	54 145.73	76 552.01	Luxemburg
29. Mexique	1938-44	1 276 444.97	—	1 276 444.97	1 804 656.03	Mexico
30. Norvège	1940	111 365.55	111 365.55 ²	—	—	Norway
31. Panama	1936-44	169 217.49	—	169 217.49	239 242.11	Panama
32. *Paraguay	{ 1920-22 } 1927 1929-37	271 298.72 ⁵	—	271 298.72	383 565.95	Paraguay
33. Pérou	1939-41	206 468.66	—	206 468.66	291 908.30	Peru
34. Pologne	1939-40	1 024 581.51	593 950.65 ²	430 630.86	608 832.05	Poland
35. Portugal	1943-44	284 678.15	284 678.15	—	—	Portugal
36. Roumanie	1940-42	721 762.92	—	721 762.92	1 020 438.65	Roumania
37. Siam	1940-44	415 011.62	—	415 011.62	586 749.31	Siam
38. Suède ⁶	1940-44	1 577 044.19	—	1 577 044.19 ⁶	2 229 647.40 ⁶	Sweden ⁶
39. Turquie	1940-44	830 023.25	—	830 023.25	1 173 498.63	Turkey
40. Uruguay	1939-44	421 072.57	—	421 072.57	595 318.30	Uruguay
41. Yougoslavie	{ 1938-41 } 1943-44	919 542.42	—	919 542.42	1 300 062.04	Yugoslavia
Total		21 286 845.65	1 387 631.68 1 229 414.46 ²	18 669 799.51	26 395 627.02	Total

¹ Le Gouvernement argentin a versé au Secrétariat, à Genève, les sommes ci-après:
Francs suisses
Le 9 juillet 1941 50.213.40
Le 1^{er} mai 1942 50.876.20
Le 18 novembre 1942 50.863.35
Le 14 avril 1944 50.854.35
Total 202.807.30

¹ The Argentine Government paid to the Secretariat at Geneva the following amounts:
Swiss francs
On July 9th, 1941 50,213.40
On May 1st, 1942 50,876.20
On November 18th, 1942 50,863.35
On April 14th, 1944 50,854.35
Total 202,807.30

² Contributions afférentes au 22^e exercice financier (1940), annulées conformément à la décision prise par la Commission de contrôle le 13 février 1945 (voir documents C.88.M.88.1944.X et C.C. 1392). En plus, deux tiers de la contribution due par le Danemark pour 1940 ont été annulés à fin 1945.

² Contributions in respect of the 22nd financial period (1940) cancelled in accordance with decision taken by the Supervisory Commission on February 13th, 1945 (see documents C.88.M.88.1944.X and C.C.1392). In addition, two-thirds of the contribution due by Denmark for 1940 was cancelled at the end of 1945.

³ Dette réglée en 1946.

³ Debt settled in 1946.

⁴ Solde payé en 1946.

⁴ Balance paid in 1946.

⁵ Jusqu'au 24 février 1937.

⁵ Up to February 24th, 1937.

⁶ Voir note 1, page 200.

⁶ See note 1, page 200.

Appendix F.
CONSOLIDATED CONTRIBUTIONS
PAYABLE BY ANNUAL INSTALMENTS
POSITION AS AT DECEMBER 31ST, 1945

Appendix F.
CONTRIBUTIONS CONSOLIDÉES
PAYABLES PAR VERSEMENTS ANNUELS
SITUATION AU 31 DÉCEMBRE 1945

Etats	Exercice financier Financial period	Total des contributions consolidées Total consolidated contributions	Année de la première annuité et nombre des annuités à payer Year of first instalment and number of instalments to be paid	Montant de l'annuité Amount of instalment		Nombre et montant des annuités payées Number and amount of instalments paid		Montant annulé ¹ Amount cancelled ¹		Nombre et montant des annuités échues mais impayées Number and amount of instalments due but remaining unpaid		Nombre et montant des annuités non encore échues Number and amount of instalments not yet due		Total de la dette au 31 décembre 1945 Total of debt on December 31st, 1945		States
				Francs-or Gold francs	Francs Gold francs	Nom- bre Num- ber	Francs-or Gold francs	Nom- bre Num- ber	Francs-or Gold francs	Nom- bre Num- ber	Francs-or Gold francs	Nom- bre Num- ber	Francs-or Gold francs	Equivalent en francs suisses Equivalent in Swiss francs		
1. Albanie . . .	1936-37	4 000.—	1939 - 12	—	—	—	—	35 781.33	—	—	—	—	—	—	Albania	
2. Bolivie ² . . .	{ 1929-33 } 1935	167 246.77	1940 - 10	16 724.68	—	—	4 218.67	35 781.33	6	100 348.08	—	66 898.69	167 246.77 ²	236 455.85 ²	Bolivia ²	
3. Bulgarie . . .	1933-35	234 358.15	1935 - 10	23 435.80	5	117 179.—	—	—	5	117 179.15	—	—	117 179.15	165 669.60	Bulgaria	
4. Chine ³ . . .	1922-30	5 825 350.44	1935 - 45	—	2	258 904.46	—	—	9	1 165 070.07 ³	—	4 401 375.91	5 566 445.98	7 869 920.25	China ³	
5. Cuba . . .	1930-34	339 321.67	1936 - 10	33 932.15	4	135 728.60	—	—	6	203 593.07	—	—	203 593.07	287 842.80	Cuba	
6. République Dominicaine	1936-37	40 000.—	1937 - 20	2 000.—	3	6 000.—	—	—	6	12 000.—	—	22 000.—	34 000.—	48 069.60	Dominican Republic	
7. Honduras . . .	1920-34	90 338.95	1936 - 20	4 516.95	3	13 550.85	—	—	7	31 618.65	—	45 169.45	76 788.10	108 564.05	Honduras	
8. Hongrie . . .	1932-35	431 885.77	1936 - 10	35 188.55	5	175 942.75	—	—	5	175 943.02	—	—	175 943.02	248 750.59	Hungary	
9. Libéria ⁴ . . .	1932-36	31 453.—	1937 - 20	1 572.65	2	3 145.30 ⁴	—	—	5	7 863.25	—	20 444.45	28 307.70	40 021.80	Liberia ⁴	
10. Nicaragua . . .	1934-37	26 101.80	1937 - 20	1 305.10	8	11 099.05	—	—	1	646.85	—	14 355.90	15 002.75	21 211.15	Nicaragua	
11. Pérou . . .	1929-34	1 004 757.52	1935 - 40	25 118.95	5	125 594.73	—	—	6	150 713.70	—	728 449.09	879 162.79	1 242 972.75	Peru	
12. Uruguay . . .	1930-34	209 268.76	1935 - 20	10 463.45	5	52 317.23	—	—	6	62 780.70	—	94 170.83	156 951.53	221 900.35	Uruguay	
Total . . .		8 440 082.83		154 258.28		983 680.64		35 781.33		862 686.47		5 392 864.32	7 420 620.86	10 491 378.79	Total	
										1 165 070.07 ³						

¹ Montant annulé conformément à une décision de l'Assemblée du 14 décembre 1939.

² Dette réglée en 1946.

³ Le paiement de ces annuités, s'élevant à 1.165.070,07 francs-or, a été temporairement suspendu en vertu de décisions des Assemblées de 1938 et 1939.

⁴ Le paiement des annuités afférentes à 1939 et 1940, soit 3.145,30 francs-or, a été temporairement suspendu par une décision de l'Assemblée du 14 décembre 1939.

¹ Amount cancelled in accordance with Assembly decision of December 14th, 1939.

² Debt settled in 1946.

³ The payment of these instalments, amounting to 1,165,070.07 gold francs, was temporarily suspended by decisions of the Assemblies of 1938 and 1939.

⁴ The payment of the instalments for the years 1939 and 1940, amounting to 3,145.30 gold francs, was temporarily suspended by Assembly decision of December 14th, 1939.

Appendice G.

TABLEAU RÉSUMÉ DES CONTRIBUTIONS
REÇUES ET RESTANT DUES
AU 31 DÉCEMBRE 1945

Appendix G.

SUMMARY OF CONTRIBUTIONS
RECEIVED AND DUE
AS AT DECEMBER 31ST, 1945

	Montants dus au 1 ^{er} janvier 1945	Sommes versées	Soldes dus au 31 décembre 1945		
	Amount due as at January 1st, 1945	Paid	Balance due as at December 31st, 1945		
	Francs-or Gold francs	Francs-or Gold francs	Francs-or Gold francs	Equivalent en francs suisses in Swiss francs	
Contributions cou- rantes 1945 . .	10 516 522.—	6 090 366.26	4 426 155.74	6 257 762.22	Current contribu- tions 1945
Contributions con- solidées: Annuités 1945 . .	869 870.22	7 183.75	862 686.47	1 219 678.69	Consolidated contributions: Instalments 1945
Contributions arrié- rées	21 286 845.65	1 387 631.68 1 229 414.46 ¹	18 669 799.51	26 395 627.02	Contributions in arrear
Total . .	32 673 237.87	7 485 181.69 1 229 414.46 ¹	23 958 641.72	33 873 067.93	Total

¹ Voir la note 2, au bas de la page 203.¹ See note 2 at the foot of page 203.

Appendice H.

POURCENTAGES DES RECETTES
ANNUELLES, PAR COMPARAISON
AVEC LES BUDGETS DES RECETTES

Les pourcentages indiqués ci-dessous représentent le montant versé au cours de chaque exercice et ne comprennent pas les sommes payées après la clôture de l'exercice en question. (Voir appendice I pour les pourcentages des contributions totales reçues jusqu'au 31 décembre 1945.)

Les montants des excédents de recettes de l'exercice remboursés aux Etats sont déduits des contributions et sont donc considérés comme des recettes (voir la note 1 au bas de l'appendice I).

The percentages below represent the amount paid in the course of each financial period and do not include the sums paid after the close of the financial period in question. (See Appendix I for percentages of the total contributions received up to December 31st, 1945.)

The amounts of cash surpluses refunded to States are deducted from contributions and are therefore regarded as receipts. (See footnote 1 to Appendix I.)

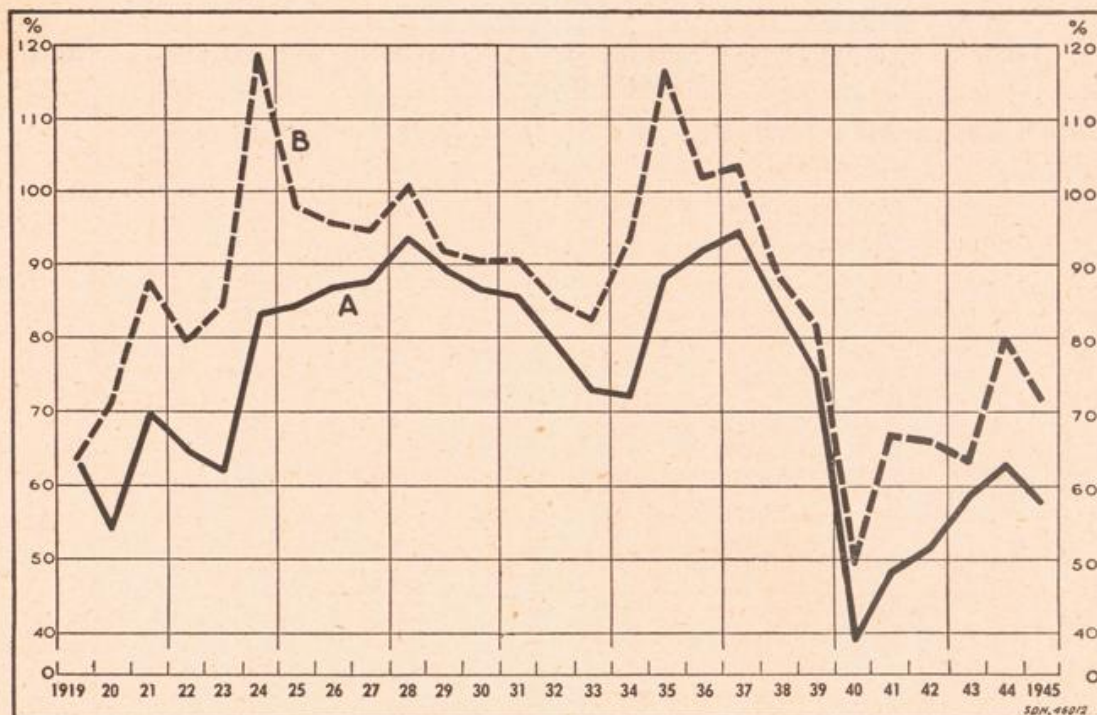
Appendix H.

PERCENTAGE OF ANNUAL RECEIPTS
AS COMPARED WITH INCOME BUDGETS

*Pourcentages des recettes
annuelles, par comparaison
avec les budgets des recettes.*

*Percentage of Annual Receipts
as compared with Income Budgets.*

A = Afférents à l'exercice en cours — In respect of current period.
B = Afférents à l'exercice en cours et aux arriérés — In respect of current period and arrears.



Exercice financier Financial period	A Afférents à l'exercice en cours In respect of current period %	B Afférents à l'exercice en cours et aux arriérés In respect of current period and arrears %	Exercice financier Financial period	A Afférents à l'exercice en cours In respect of current period %	B Afférents à l'exercice en cours et aux arriérés In respect of current period and arrears %
1919/1920	63.22	63.22	1933	72.60	82.32
1920	53.97	71.32	1934	71.97	93.52
1921	69.88	87.69	1935	88.27	116.93
1922	64.53	79.60	1936	91.75	101.95
1923	61.70	84.22	1937	94.61	103.03
1924	83.28	118.72	1938	84.36	87.33
1925	84.23	97.98	1939	75.01	81.32
1926	86.71	95.32	1940	39.41	49.49
1927	87.78	94.55	1941	48.65	66.54
1928	93.61	100.44	1942	51.38	66.05
1929	89.42	91.77	1943	58.71	62.86
1930	86.62	90.30	1944	62.34	79.85
1931	85.53	90.48	1945	57.91	71.18
1932	79.17	84.80			

Appendice I.

RELEVÉ DES CONTRIBUTIONS DUES,
RECOURVÉES, ANNULÉES,
CONSOLIDÉES ET NON PAYÉES,
POUR CHAQUE EXERCICE,
JUSQU'AU 31 DÉCEMBRE 1945
(en francs-or).

Appendix I.

STATEMENT OF CONTRIBUTIONS DUE,
RECOVERED, CANCELLED,
CONSOLIDATED AND UNPAID
IN RESPECT OF EACH FINANCIAL
PERIOD, AS AT DECEMBER 31ST, 1945
(in gold francs).

Exercice financier Financial period	Budget de recettes Income budget	Recettes effectives ¹ Actual receipts ¹	Pourcentage Percentage	Montants annulés Amount cancelled	Montants consolidés ² Amount consolidated ²	Soldes impayés Balance unpaid
1. 1919/1920	5 214 584.60	5 185 999.89	99.45	28 584.71	—	—
2. 1920. . .	10 104 360.—	9 781 756.18	96.80	316 674.91	2 808.21	3 120.70
3. 1921. . .	21 249 988.32	20 187 254.18	94.99	1 050 925.45	5 593.15	6 215.54
4. 1922. . .	20 873 945.—	18 583 734.70	89.02	2 168 703.78	115 471.96	6 034.56
5. 1923. . .	25 673 507.30	23 842 477.73	92.86	776 891.89	1 054 137.68	—
6. 1924. . .	23 328 686.41	21 618 796.98	92.67	812 576.90	897 312.53	—
7. 1925. . .	22 658 138.—	21 290 710.94	93.96	630 860.33	736 566.73	—
8. 1926. . .	22 930 633.—	21 777 685.33	94.97	529 249.60	623 698.07	—
9. 1927. . .	24 512 341.—	23 420 281.05	95.54	506 789.86	567 676.85	17 593.24
10. 1928. . .	25 333 817.—	24 294 231.25	95.89	346 870.29	692 715.46	—
11. 1929. . .	27 026 280.—	25 381 422.69	93.91	1 055 467.84	568 186.10	21 203.37
12. 1930. . .	28 210 248.—	25 822 274.87	91.53	1 343 022.25	1 017 397.60	27 553.28
13. 1931. . .	31 637 501.—	28 696 141.87	90.70	2 541 347.55	369 369.98	30 641.60
14. 1932. . .	33 687 994.—	30 520 034.87	90.59	2 703 598.42	431 419.52	32 941.19
15. 1933. . .	33 429 132.—	30 773 820.68	92.05	1 993 982.18	628 312.71	33 016.43
16. 1934. . .	30 827 805.—	29 062 297.76	94.27	1 344 467.21	390 607.83	30 432.20
17. 1935. . .	30 639 664.—	29 624 461.19	96.68	746 253.36	238 654.80	30 294.65
18. 1936. . .	28 279 901.—	27 728 042.82	98.04	424 375.93	51 328.08	76 154.17
19. 1937. . .	23 347 302.—	22 684 214.67	97.15	564 666.—	48 825.57	49 595.76
20. 1938. . .	22 682 148.34	20 439 441.31	90.11	1 622 108.79	—	620 598.24
21. 1939. . .	22 799 327.18	18 521 209.96	81.24	757 038.12	—	3 521 079.10
22. 1940. . .	15 172 720.95	7 656 002.86	50.46	2 974 144.49	—	4 542 573.60
23. 1941. . .	7 539 683.20	4 838 117.73	64.17	—	—	2 701 565.47
24. 1942. . .	6 823 713.—	4 631 479.32	67.87	100 998.02	—	2 091 235.66
25. 1943. . .	8 055 073.—	5 540 943.23	68.89	—	—	2 514 129.77
26. 1944. . .	7 136 049.—	4 822 228.02	67.58	—	—	2 313 820.98
27. 1945. . .	10 516 522.—	6 090 366.26	57.91	—	—	4 426 155.74
Total . . .	569 691 064.30 100%	512 815 428.34 90.02%		25 339 597.88 4.45%	8 440 082.83 1.48%	23 095 955.25 4.05%

¹ Y compris les sommes remboursées aux Etats sur les excédents de recettes:
Including sums refunded to States from cash surpluses:

	Francs-or Gold francs		Francs-or Gold francs
1924	95 050.71	1932	123 898.82
1927	—	1936	1 488 442.77
1928	873 626.25	1937	2 062 479.70
1929	1 090 593.52	1938	1 875 394.37
1930	413 659.64	1939	2 373 058.77
1931	795 821.33		
		Total	11 192 025.88

² Contributions consolidées (voir appendice F, page 204).
Consolidated contributions (see Appendix F, page 204).

Appendice J.

RELEVÉ INDIQUANT LA VALEUR DE
L'UNITÉ DE CONTRIBUTION
DE 1920 A 1946
(en francs-or).

Appendix J.

STATEMENT SHOWING THE VALUE
OF THE UNIT OF CONTRIBUTION
FROM 1920 TO 1946
(in gold francs).

Sur la base du barème de l'Union postale universelle — On the basis of the Universal Postal Union Scale:

1920	20 920
1921	41 667
1922	40 453

Introduction du nouveau barème de la Société — Introduction of new League Scale:

1923 . . . 27 197	1929 . . . 26 304	1935 . . . 30 294	1941 . . . 14 428
1924 . . . 24 929	1930 . . . 28 191	1936 . . . 28 777	1942 . . . 14 428
1925 . . . 24 233	1931 . . . 31 279	1937 . . . 23 060	1943 . . . 18 605
1926 . . . 24 472	1932 . . . 33 579	1938 . . . 22 289	1944 . . . 16 980
1927 . . . 24 150	1933 . . . 33 016	1939 . . . 22 266	1945 . . . 24 980
1928 . . . 24 811	1934 . . . 30 432	1940 . . . 18 561	1946 . . . 27 145

ANNEX 12

A. 20. 1946.X.

Geneva, April 3rd, 1946.

FINANCIAL SITUATION ON MARCH 31st, 1946

Memorandum by the Acting Secretary-General.

In accordance with Article 21 of the Regulations for the Financial Administration of the League, the Acting Secretary-General has the honour to submit the following report on the financial position.

I. General Situation of Contributions received in 1946.

	Swiss francs	Swiss francs
Total credits voted for the twenty-eighth financial period (1946)	17,883,849.—	
Amount outstanding in respect of the twenty-eighth financial period (1946) as at March 31st, 1946 (see page 210)	<u>17,088,708.17</u>	
Amount received as at March 31st, 1946 (4.45% ¹) (see page 210)		795,140.83
Contributions received in 1946 in respect of previous periods (1920-1945) :		
Arrears (see below)	3,025,447.40	
Consolidated contributions (see below)	<u>71,247.—</u>	
Total of arrears received as at March 31st, 1946		<u>3,096,694.40</u>
Total receipts (21.76% ²)		<u>3,891,835.23</u>

The arrears and consolidated contributions due as at December 31st, 1945, are shown in the Report of the Special Committee on Contributions (see document C.10.M.10.1946.X, pages 8-13) and in the Audited Accounts for the twenty-seventh Financial Period (1945) (see document C.15.M.15.1946.X, pages 17-18). The contributions received since December 31st, 1945, were as follows :

State	Swiss francs
1. Arrears :	
Australia (1945)	536,426.72
Bolivia (1940-1944)	141,355.95
Denmark (1940)	104,967.—
Luxemburg (1945)	35,316.90
Netherlands (1945)	70,633.80
Sweden (1940-1945)	<u>2,136,747.03</u>
	<u>3,025,447.40</u>
2. Consolidated contributions :	
Bolivia (in respect of annuities for the years 1940-1944)	70,936.80
Nicaragua (on account of 1945 annuity)	<u>310.20</u>
	<u>71,247.—</u>

¹ Corresponding figure on March 31st, 1945 : 0.24%.

² Corresponding figure on March 31st, 1945 : 2.55%.

STATEMENT OF CURRENT CONTRIBUTIONS FOR THE TWENTY-EIGHTH FINANCIAL PERIOD (1946)
AS AT MARCH 31ST, 1946.

Etats (ordre alphabétique français)	Unités Units	Montant net de la contri- bution Net amount of contribution	Sommes versées Paid	Soldes dus Balances due	States (French alphabetical order)
		Francs suisses - Swiss francs			
1. Afghanistan	1	38 377.35	—	38 377.35	Afghanistan
2. Union Sud-Africaine	16	614 037.73	—	614 037.73	Union of South Africa
3. Albanie	(1)*	—	—	—	Albania
4. République Argentine	21	805 924.52	—	805 924.52	Argentina
5. Australie	23	882 679.24	—	882 679.24	Australia
6. Belgique	2	76 754.72	27 593.66	49 161.06	Belgium
7. Bolivie	2	76 754.72	—	76 754.72	Bolivia
8. Royaume-Uni	108	4 144 754.80	—	4 144 754.80	United Kingdom
9. Bulgarie	4	153 509.43	—	153 509.43	Bulgaria
10. Canada	35	1 343 207.54	—	1 343 207.54	Canada
11. Chine	21	805 924.52	—	805 924.52	China
12. Colombie	5	191 886.79	—	191 886.79	Colombia
13. Cuba	5	191 886.79	—	191 886.79	Cuba
14. Danemark	2	76 754.72	—	76 754.72	Denmark
15. République Dominicaine	1	38 377.35	—	38 377.35	Dominican Republic
16. Egypte	12	460 528.30	—	460 528.30	Egypt
17. Equateur	1	38 377.35	—	38 377.35	Ecuador
18. Estonie	(1)*	—	—	—	Estonia
19. Ethiopie	1	38 377.35	—	38 377.35	Ethiopia
20. Finlande	5	191 886.79	—	191 886.79	Finland
21. France	40	1 535 094.33	—	1 535 094.33	France
22. Grèce	1	38 377.35	—	38 377.35	Greece
23. Inde	48	1 842 113.20	—	1 842 113.20	India
24. Irak	3	115 132.08	—	115 132.08	Iraq
25. Iran	5	191 886.79	—	191 886.79	Iran
26. Irlande	10	383 773.58	—	383 773.58	Ireland
27. Lettonie	(1)*	—	—	—	Latvia
28. Libéria	1	38 377.35	—	38 377.35	Liberia
29. Lithuanie	(1)*	—	—	—	Lithuania
30. Luxembourg	1	38 377.35	—	38 377.35	Luxemburg
31. Etats-Unis du Mexique	11	422 150.94	—	422 150.94	Mexico
32. Norvège	2	76 754.72	76 754.72	—	Norway
33. Nouvelle-Zélande	8	307 018.87	—	307 018.87	New Zealand
34. Panama	1	38 377.35	—	38 377.35	Panama
35. Pays-Bas	2	76 754.72	—	76 754.72	Netherlands
36. Pologne	2	76 754.72	—	76 754.72	Poland
37. Portugal	8	307 018.87	—	307 018.87	Portugal
38. Siam	5	191 886.79	—	191 886.79	Siam
39. Suède	19	729 169.81	—	729 169.81	Sweden
40. Suisse	17	652 415.09	652 415.09	—	Switzerland
41. Tchécoslovaquie	2	76 754.72	38 377.36	38 377.36	Czechoslovakia
42. Turquie	10	383 773.58	—	383 773.58	Turkey
43. Uruguay	4	153 509.43	—	153 509.43	Uruguay
44. Yougoslavie	1	38 377.35	—	38 377.35	Yugoslavia
Total	466	17 883 849.—	795 140.83	17 088 708.17	Total

* One nominal unit; the corresponding contribution is not counted in the total.

II. Working Capital Fund.

The Working Capital Fund with the Acting Secretary-General was, on March 31st, 1946, employed as follows :

Summary of unrecovered advances made to Organisations to meet deficits :	Swiss francs
Secretariat (Part I)	165,524.43
Pensions Fund (Part VI)	705,092.93
Other Special Organisations	121,703.55
International Labour Organisation (Part II)	629,935.29
Permanent Court of International Justice (Part III)	<u>1,948,024.91</u>
Total for the Organisations	3,570,281.11
Recoverable advances :	
1. Commission of Enquiry to the Chaco :	
Share payable by Paraguay	217,652.85
2. Commission for the Organisation and Supervision of the First Elections in the Sanjak :	
Share payable by Turkey	<u>268,676.35</u>
Total outstanding	486,329.20
	<u>4,056,610.31</u>
Balance : Cash in Fund on March 31st, 1946 :	
with the Secretariat	1,352,435.16
with the International Labour Organisation	<u>1,126,583.83</u>
Total of the Fund	2,479,018.99
	<u>6,535,629.30</u>

III. Special Funds.

The balances of the Special Funds, of funds received from private sources donated for particular purposes, the Staff Pensions Fund, the Staff Provident Fund and the Pensions Fund of the Judges of the Permanent Court of International Justice are set out in the General Report of the Supervisory Commission to the Assembly (see Annex 4, page 156), as at December 31st, 1945. Since that date, the balances shown have undergone practically no change.

ANNEX 13

A. 26. 1946.

Geneva, April 11th, 1946.

ATTRIBUTION TO THE ASSEMBLY OF THE RESPONSIBILITIES
OF THE COUNCIL

REPORT BY THE GENERAL COMMITTEE TO THE ASSEMBLY

The Assembly has asked the General Committee to give its opinion on point 10 of the Agenda of the Assembly. This point is presented in the Agenda as follows :

“ 10. The Council of the League of Nations.

“ If the Members of the League consider that a meeting of the Council is in present circumstances unnecessary, the Assembly might decide that it will during its session fulfil, so far as required, such administrative and other responsibilities in the present situation as would fall within the competence of the Council.”

As our two main Committees may have to take resolutions involving responsibilities normally falling within the competence of the Council, it appears necessary for the Assembly to pass a resolution on this subject early in the proceedings. The General Committee therefore proposes to the Assembly the adoption of the following resolution :

“ The Assembly, with the concurrence of all the Members of the Council which are represented at its present session, decides that, so far as required, it will, during the present session, assume the functions falling within the competence of the Council.”

ANNEX 14

A. 17. 1946.

Geneva, March 28th, 1946.

MANDATE OF THE ACTING SECRETARY-GENERAL

I.

The Acting Secretary-General has the honour to communicate copy of a letter, dated September 1st, 1945, from him to the President of the Assembly.

Geneva, September 1st, 1945.

Sir,

In view of the fact that the Assembly of the League of Nations is about to meet, it is incumbent on me to take this occasion, the first which has offered, to place my post as Acting Secretary-General at the disposal of the Assembly.

When the former Secretary-General resigned five years ago, a meeting of the Assembly to consider action under Article 6 (paragraph 2) of the Covenant was impracticable and the duties and responsibilities were therefore allotted to me. All Governments of Members of the League were fully and duly informed of the circumstances by the competent authorities¹.

I cannot fail to thank all the Governments which gave me their confidence and support in these difficult years.

I have the honour to be, Sir,

Your obedient Servant,
(Signed) Sean LESTER,
Acting Secretary-General.

The President of the
Assembly of the
League of Nations.

* * *

APPENDIX TO THE ACTING SECRETARY-GENERAL'S LETTER TO THE PRESIDENT OF THE ASSEMBLY

1. By a communication dated July 25th, 1940², addressed to the Members of the League of Nations, M. Joseph Avenol, Secretary-General, requested them to relieve him of the task with which they had entrusted him. He added: "I propose notify date on which my resignation would take effect after coming meeting of Supervisory Commission." In a further telegram addressed to the Members of the League of Nations on August 20th, 1940³, M. Avenol said: "...I desire as from end August relinquish my salary as Secretary-General. I would wish to have to take no further initiative as from that date, on which my duties would cease... Mr. Lester has been Acting Secretary-General since July 26th."

2. On August 21st, 1940⁴, the Acting President of the Council (M. Costa du Rels) sent to M. Avenol a letter taking note of the fact that M. Avenol's functions as Secretary-General would terminate at the end of the month of August 1940. He noted further that, since July 26th, Mr. Lester was Acting Secretary-General.

3. On August 27th, 1940⁵, M. C. J. Hambro, President of the twentieth ordinary session of the Assembly, Chairman of the Supervisory Commission, sent a telegram to be transmitted to States Members in which, both as President of the Assembly and as Chairman of the Supervisory Commission, he expressed his concurrence with M. Avenol's cessation of his functions as Secretary-General as from August 31st, and with the duties of Secretary-General being entrusted to Mr. Lester, Deputy Secretary-General, as from September 1st, 1940.

¹ See Appendix; also Report of the Supervisory Commission dated November 4th, 1940 (document C.152.M.139.1940).

² Document C.121.M.III.1940.

³ Document C.127.M.116.1940.

⁴ Document C.131.M.120.1940.

⁵ Document C.134.M.123.1940.

4. On August 24th, 1940¹, the President of the Council addressed a communication to Members of the League of Nations in the course of which it was stated: "As from September 1st, pending consideration by competent authorities application Article six paragraph two Covenant², all functions Secretary-General will normally pass to Deputy Secretary-General Mr. Lester."

5. On September 5th, 1940³, the Acting Secretary-General cabled to Governments of States Members as follows: "On taking over responsibilities devolving upon me I do so with earnest hope that your Government will give support necessary to maintain unimpaired such League activities as circumstances now permit."

A.24.1946.

Geneva, April 9th, 1946.

II. REPORT OF THE GENERAL COMMITTEE TO THE ASSEMBLY

The General Committee, acting as the Agenda Committee, considered, at its meeting on April 9th, 1946, what advice it should give to the Assembly as to which Committee should be asked to examine this question.

The General Committee is of opinion that it should itself examine the question and in due course report to the Assembly on the result of its examination.

A.31.1946

Geneva, April 16th, 1946.

III. REPORT BY THE GENERAL COMMITTEE TO THE ASSEMBLY

At its meeting on April 10th, the Assembly invited the General Committee to examine this question⁴. In his letter to the President of the Assembly, dated September 1st, 1945, the Acting Secretary-General placed his post at the disposal of the Assembly.

The General Committee considered this letter at its meeting on April 16th and has the honour to recommend to the Assembly the adoption of the following resolution:

"The Assembly, in accordance with paragraph 2 of Article 6 of the Covenant, confirms Mr. Sean Lester as Secretary-General of the League of Nations as from September 1st, 1940.

"The Assembly also approves the appointment of Mr. Seymour Jacklin as Under-Secretary-General as from January 1st, 1944."

¹ Document C.132.M.121.1940.

² Article 6, paragraph 2, of the Covenant: "The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly."

³ Document C.140.M.128.1940.

⁴ See preceding page.

ANNEX 15

A.29.1946.

Geneva, April 13th, 1946.

COMMUNICATION FROM THE AUSTRIAN FEDERAL GOVERNMENT

I. TELEGRAM FROM THE AUSTRIAN FEDERAL GOVERNMENT

The Acting Secretary-General has the honour to circulate to the Assembly the reply from the Minister for Foreign Affairs of Austria to the communication addressed to him in conformity with the Assembly's resolution of April 12th, 1946¹.

(Translation.)

Mr. Sean Lester, Secretary-General,
League of Nations, Geneva.

Vienna, April 12th, 1946.

I thank you sincerely for your communication regarding attendance of Austrian representatives at Assembly Session. Am deeply touched by Assembly's expression of sympathy for my country. Appreciate very highly Assembly's authorisation and appoint Dr. Johannes SCHWARZENBERG and Dr. Erich BIELKA in capacity of observers.

GRUBER,
*Federal Minister for Foreign
Affairs.*

A.34.1946.

Geneva, April 17th, 1946.

II. LETTER FROM THE OBSERVERS OF THE AUSTRIAN FEDERAL GOVERNMENT

With further reference to documents A.22² of April 11th, 1946, and A.29 of April 13th, 1946, a letter from the observers of the Austrian Federal Government is circulated for the information of the Assembly.

(Translation.)

Observers of the
Austrian Federal Government
to the League of Nations.

2, rue Beauregard, Geneva,
April 16th, 1946.

Mr. President,

As the Austrian Minister for Foreign Affairs has already done in his telegram³ to the Secretary-General, we, the undersigned observers of the Austrian Federal Government, desire for our part to express the deepest gratitude for the inspiring and cordial terms in which you were kind enough to speak of Austria at the meeting of the Assembly on April 12th. We wish also to express our own thanks for the welcome extended to us by the Secretary-General and his colleagues.

The Austrian people remember with sincere gratitude the work of reconstruction undertaken in Austria on two occasions by the League of Nations. At a time when, with deep emotion, we are about to take farewell of the League of Nations, which enabled Austria to avoid economic and financial disaster, we are anxious to pay it tribute for the accomplishment of a task which constitutes one of the finest pages in its history.

Liberated from an occupation which condemned them to silence for so many years and interrupted their international collaboration, the Austrian people firmly hope that they may once again be associated with the principles which have governed the fruitful activity of the League for a quarter-of-a-century, and which are the very basis of the new organisation that is to replace the old. Austria's most fervent desire is that as soon as possible she may contribute her active help in this new work of justice and peace.

We beg you to accept, Mr. President, the assurances of our highest consideration.

(Signed) J. SCHWARZENBERG.
E. BIELKA.

To His Excellency M. Carl Joachim Hambro,
President of the Assembly of the League of Nations.

¹ See document A.22.1946.

² See page 49.

³ See above.

ANNEX 16

A.23.1946.

Geneva, April 8th, 1946.

TELEGRAM FROM THE ACTING DIRECTOR
OF THE INTERNATIONAL LABOUR OFFICE

Mexico, April 6th, 1946.

Lester, Secretary-General,
League Nations, Genève.

Much regret that my responsibilities as Secretary-General of Conference American States Members of International Labour Organisation now in session at Mexico City make it impossible for me to attend personally Assembly in order to express my deep appreciation of the support and assistance which the League has always given to the I.L.O. Have therefore appointed Mr. G. A. JOHNSTON, Assistant Director, as my representative. Moreover, Mr. Myrddin EVANS, Chairman of the Governing Body is leaving Mexico by air for Geneva to-morrow to represent Governing Body at Assembly. Venture to express the hope that Assembly will be fully successful in solving the many complex problems before it. In doing so it but closes the first chapter in the history of organised international effort to foster peace and prosperity for all. That great purpose remains the objective of mankind and as it becomes steadily more certain of fulfilment history will record its tribute to those who laboured to lay its first foundations.

Edward PHELAN,
Acting Director of the I.L.O.

ANNEX 17

A.8.1946.X.

Geneva, March 14th, 1946.

TRANSFER OF THE ASSETS OF THE LEAGUE OF NATIONS

I. REPORT ON DISCUSSIONS BETWEEN THE SUPERVISORY COMMISSION
AND THE REPRESENTATIVES OF THE UNITED NATIONS

1. In view of the general acceptance of the programme outlined in the Acting Secretary-General's telegram to the Members of the League of September 20th, 1945¹, the Supervisory Commission was authorised to discuss and, so far as feasible, formulate provisional terms of transfer of activities and assets of the League with representatives of the United Nations "subject to the final decision of the League Assembly".

2. On December 18th, 1945, the Preparatory Commission of the United Nations set up a Committee to enter, on its behalf, into discussion with the Supervisory Commission "for the purpose of establishing a common plan for the transfer of the assets of the League to the United Nations on such terms as are considered just and convenient". The plan was to be subject, so far as the United Nations was concerned, to approval by its General Assembly.

According to the terms of reference above quoted, the United Nations Committee was empowered only to discuss "transfer of assets". The possible assumption by the United Nations of certain functions and activities hitherto performed by the League was covered by other recommendations of the Preparatory Commission which did not provide for preliminary discussions with the Supervisory Commission of the League.

3. A number of meetings were held between the representatives of the two bodies which resulted in the establishment of the "Common Plan" annexed to this paper². This "Plan" has now been approved by the General Assembly of the United Nations and it is the duty of the Supervisory Commission to submit it for the approval of States Members of the League. This document is, in general, self-explanatory, but it seems desirable to mention certain considerations which governed the discussions and which are further developed in the Report of the United Nations Committee³.

4. The representatives of the United Nations attached great importance to the distinction between business which fell within the special province of the League and matters which were of immediate concern to the United Nations. The representatives of the League fully appreciated this distinction. Thus the United Nations did not regard itself as concerned with such questions as the collection of debts due to the League, nor was it concerned with the fair and equitable distribution of available assets and credits among Member States.

It was necessary for the Supervisory Commission in negotiating with the representatives of the United Nations to provide that the position of the International Labour Organisation—whose relations with the United Nations have not yet been established—in regard to buildings and other assets should not be prejudiced. In this matter the Supervisory Commission received all possible assistance both from the United Nations and from the International Labour Organisation. In particular, the representatives of the Organisation have shown their readiness to assist the League in arranging a continuity of administration in regard to such matters as the Staff Pensions Fund, for which new arrangements must be made when direct administration by the League ceases. It will be appreciated that it has not yet been possible to work out all the details connected with the liquidation of the League, which is inevitably a complicated process, and the completion of which will require some time, but it seems to the Supervisory Commission that the broad outlines of a suitable scheme have now been worked out in agreement with the United Nations.

5. The following notes on certain paragraphs in the "Common Plan" may be helpful.

Paragraph 1. — The transfer of the material assets of the League to the United Nations involves their valuation. It is proposed that in due course a date will be fixed when the final inventory will be established by representatives of the two Organisations. It is proposed that both as regards:

- (i) land and buildings,
- (ii) equipment, furniture, etc.,

¹ See page 10.

² The following members of the Supervisory Commission participated in the discussions: M. C. J. Hambro (*Chairman*), Sir Cecil Kisch (*Vice-Chairman and Rapporteur*), M. Costa du Rels, Mr. Hume Wrong, Jonkheer F. Beelaerts van Blokland, and M. Charveriat. The Acting Secretary-General, the Treasurer and the representative of the Acting Director of the International Labour Office also participated in the discussions.

³ Document A.9.1946.

the valuation should be based on cost price as representing a "just and convenient evaluation". Gifts and League archives would be excluded from the valuation and transferred free of cost. While the figures in the schedule attached to the "Common Plan" are subject to revision, they give a broad idea of the amount involved on the basis of valuation at cost price. If the States Members of the League approve the proposals, the effect will be to transfer to the United Nations all the material assets of the League other than those which will be specifically allocated to the International Labour Organisation. The assets connected with the location of the Permanent Court of International Justice at The Hague will be made over for the use of the new International Court.

Paragraphs 2 and 3 call for no action so far as the United Nations is concerned. They cover questions which are exclusively the concern of the League.

Paragraph 4. — In pursuance of what has been stated above regarding the International Labour Organisation, it is proposed that the building of the International Labour Office in Geneva should be handed over to that Organisation together with its contents, on the understanding that appropriate credits are opened by that Organisation in favour of League States entitled to participate in them. The International Labour Organisation has also interests in certain Funds set up by the League, such as the Renovation Fund. Steps will be taken to determine these interests and hand them over to the International Labour Organisation on appropriate conditions. Steps have been taken in the "Common Plan" to safeguard the interests of the International Labour Organisation in the Assembly Hall and the League Library. Further reference to this subject will be found in the Report of the United Nations Committee¹.

Paragraph 5. — While it is hoped that a certain number of League officials will enter the service of the United Nations and contribute their knowledge and experience to the development of that Organisation, the United Nations attached importance to such members entering its service under conditions established by it. Directions have therefore been given with a view to the termination of contracts of officials serving the League of Nations and it will be for the United Nations to engage such officials as it may wish to employ on such terms as may be agreed between it and the officials concerned.

Paragraph 6. — Hitherto these Funds have been administered by the League and members have had the guarantee of League States as to the fulfilment of the pensionary conditions attaching to their service. The League Staff Pensions Fund covers not only the Secretariat but also the International Labour Office and the officials of the Permanent Court of International Justice. The pensioners of the Secretariat and of the Permanent Court of International Justice represent a class which will disappear in the process of years, whereas the International Labour Office is a continuing organisation. It therefore seems to be the most convenient arrangement that administration of the League Staff Pensions Fund should be taken over by the International Labour Office, and that States Members of the League, which are also Members of the International Labour Organisation, should continue to hold themselves responsible for the implementation of the pensionary conditions of retired officials of the Secretariat and the Permanent Court of International Justice. States Members of the International Labour Organisation will hold themselves responsible for the due discharge of obligations to officers of that Organisation.

If this proposal is approved, it is intended that an actuarial examination should be made of the state of the Fund prior to transfer to the International Labour Office and that any additional payment that may be necessary to ensure the solvency of the Fund under the regulations applicable thereto should be made before the transfer. It is important to remark that the regulations of the Fund assume an interest rate of 4¼%. In present conditions, this rate will not be obtainable on investments and, if the future should show that some additional payment is necessary to maintain the solvency of the Fund, the liability to make good any deficiency will fall upon the same States as now carry it.

The best method of providing for the future of the Judges' Pensions Fund is being examined.

Paragraph 7. — Proposals for an equitable partition among League States of credits in respect of the material assets transferred to the United Nations and of any liquid assets available after the discharge of all League obligations will be separately submitted for the approval of the Assembly.

Paragraph 8. — The transfer to the United Nations of the land and buildings on Swiss territory involves questions on which the Swiss Authorities must be consulted. The necessary steps to open negotiations on the proposals will be taken by the representatives of the United Nations and the League of Nations.

6. The Supervisory Commission considers that the "Common Plan" it submits to the Assembly is fair and reasonable. The shares of the Members of the League in the value

¹ Document A.9.1946.

of transferred assets are recognised ; the International Labour Organisation will become the proprietor of its premises at Geneva and continue to use the Assembly Hall and the Library as heretofore. A working arrangement¹, to which the United Nations has agreed, will so far as necessary permit those entrusted with the liquidation to use the League buildings and equipment until the end of the liquidation, after the transfer of the buildings themselves to the United Nations.

7. It is submitted that the States Members of the League should approve the terms of the " Common Plan " embodied in the Appendix to this paper.

February-March 1946.

APPENDIX

COMMON PLAN FOR THE TRANSFER OF LEAGUE OF NATIONS ASSETS ESTABLISHED BY THE UNITED NATIONS COMMITTEE AND THE SUPERVISORY COMMISSION OF THE LEAGUE OF NATIONS

1. The League of Nations agrees to transfer to the United Nations, and the United Nations agrees to receive on or about August 1st, 1946, the precise date to be determined by the administrative authorities of the two Organisations, all material assets of the League of Nations shown in column I of the attached Schedule at the valuation shown in column II.

The League of Nations agrees that the shares in the total credit thus established shall be distributed between States entitled to participate, in accordance with percentages to be laid down by the League at its next Assembly.

The United Nations agrees :

(a) That the shares, thus established, of such of these States as are Members of the United Nations shall be credited² to them respectively in the books of the United Nations ; and

(b) That the General Assembly shall decide on the purposes to which these credits shall be applied and on the dates on which they shall be so applied ; and further that these credits shall in any event begin to be available not later than December 31st, 1948.

The United Nations further agrees :

(a) That the International Labour Organisation may use the Assembly Hall, together with the necessary committee rooms, office accommodation and other facilities connected therewith at times and on financial terms to be agreed from time to time between the United Nations and the International Labour Organisation ;

(b) That the International Labour Organisation may use the Library under the same conditions as other official users thereof.

2. The League of Nations shall take steps to discharge all its obligations as soon as practicable.

3. The League of Nations shall take steps to settle the question of contributions of Member States in arrears.

4. The League of Nations shall take steps to separate the interests of the International Labour Organisation in the assets of the League, before transfer to the United Nations. It is understood that the International Labour Organisation building at Geneva will be transferred to that Organisation.

5. Any ex-officials of the League of Nations subsequently engaged by the United Nations shall enter service under conditions of employment established by the United Nations, and it will be for the League of Nations to take the necessary steps to make this possible.

6. It is understood that the League of Nations shall make arrangements, independently of the United Nations, with regard to the continued administration of the Staff Pensions Fund and with regard to the pensions of the Judges of the Permanent Court of International Justice.

7. When the League has discharged all its obligations and made the necessary dispositions concerning the Working Capital Fund and regarding outstanding contributions, the remaining liquid assets shall be credited or distributed to Members of the League under a scheme to be determined by it.

8. Both the United Nations and the League of Nations shall authorise competent authorities to make any necessary agreements with the Swiss Authorities on all matters connected with the transfer of assets of the League of Nations to the United Nations.

¹ See Report of United Nations Committee, paragraph 8 (document A.9.1946).

² These credits shall be translated into dollar currency at the rate effective on the day of transfer of the material assets referred to in paragraph 1.

SCHEDULE *

	Swiss francs
Secretariat building and Assembly Hall	38,553,914.03 ¹
Library building	— ²
Real estate belonging to the League of Nations having an area of 203,446 square meters and comprising four villas and other buildings . .	2,889,453.45
Furniture, fittings, typewriters, etc., for the use of the Secretariat, including the branch offices, and for the other buildings in Geneva	3,329,978.70
Total included under Secretariat building and Assembly Hall to be deducted	1,429,185.02
Furniture, fittings, typewriters, etc., for the use of the Court of Justice in The Hague	1,900,793.68 ³
Stocks of stationery, printing paper and publications, office supplies and equipment, in Geneva and branch offices	278,015.20 ³
Books, stocks of stationery, printing paper and publications, office supplies and equipment for the Court in The Hague	199,657.25 ³
Gifts	291,596.00 ⁴
Library: Books, etc., in Geneva	— ⁵
Archives of the League of Nations and of the Permanent Court of International Justice	3,518,089.00 ⁶
	—
Total . . .	<u>47,631,518.61</u>

A.II.1946.

Geneva, March 14th, 1946.

II. PROPOSAL BY THE GOVERNMENT OF THE DOMINICAN REPUBLIC

The Acting Secretary-General has the honour to communicate to States Members a telegram, dated February 25th, 1946, from the President of the Dominican Republic, containing a proposal in regard to the transfer of League assets.

TELEGRAM FROM THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Ciudad Trujillo, February 25th, 1946.

[Translation.]

To M. Seán Lester, Acting Secretary-General of the League of Nations, Geneva.

I am informed that in April next the competent organs of the League of Nations will meet for the purpose of proceeding to liquidate the property of the League. The Dominican Republic, in its capacity as a Member of the League and as one of the nations possessing *pro rata* rights in respect of such property, proposes as a method for distributing it the allocation of three-fourths of existing cash assets as a grant in favour of the humanitarian objects of U.N.R.R.A. and the remaining one-fourth as a contribution to the Columbus Lighthouse Memorial Fund, which was recently extolled at the General Assembly of the United Nations, as this would constitute a symbolical homage to the discoverer of America and to human brotherhood. The landed property would be presented to the Government of the United States for the purpose of setting up therein the World Health Office which that Government, as is understood, is desirous of creating. Thus would be accomplished a threefold task to the benefit of the whole world by means of the winding-up of the organisation which was created with the noble intention of ensuring human happiness. I would request Your Excellency to transmit this proposal of the Dominican Government to the other Members of the League and to communicate to me their ideas concerning the possibilities of implementing it for the good of the suffering world and in honour of the most illustrious glory hallowed by history.

(Signed) Rafael L. TRUJILLO,
President of the Dominican Republic.

¹ Cost of building and equipment of the Secretariat and the Assembly Hall. The League has a transferable right to use the land on which the buildings stand, the land 100 meters around it and the two roads leading to the buildings. The League further has a non-transferable right to use the remainder of the plot of land in Ariana Park in which the buildings stand. No value is placed on these rights in the schedule.

² The cost of this building given by Mr. Rockefeller was 5,564,206.22 Swiss francs.

³ Owing to possible changes before the date of transfer, these figures are provisional and subject to revision.

⁴ Owing to possible changes before the date of transfer, these figures are provisional and subject to revision. Deduction might also be made for gifts included in this figure.

⁵ The nominal value of the gifts should be put at 1,234,640 Swiss francs.

⁶ This figure includes gifts and will therefore be revised, a deduction being made for gifts.

* Note by the Secretariat. — A revised valuation excluding all gifts and purchases from gifts is included in Annex 4, page 158.

ANNEX 18.

A. 13. 1946.

Geneva, March 20th, 1946.

DECISIONS OF THE UNITED NATIONS
CONCERNING CERTAIN FUNCTIONS, POWERS AND ACTIVITIES
OF THE LEAGUE

NOTE BY THE ACTING SECRETARY-GENERAL

Besides the "Common Plan" on the transfer of League assets which has been agreed to by the United Nations on the one hand and by the Supervisory Commission subject to approval by the Assembly of the League on the other (see page 219), the United Nations, during the first part of its First General Assembly, adopted several Resolutions concerning different functions, powers and activities of the League and providing in certain cases for their assumption by the United Nations.

The texts of these Resolutions are circulated to the Members of the Assembly for their information, in particular to assist them in their examination of item 12 of the Provisional Agenda of the Assembly¹.

I. FUNCTIONS AND POWERS BELONGING TO THE LEAGUE OF NATIONS
UNDER INTERNATIONAL AGREEMENTS

(United Nations document A/28, dated February 4th, 1946.)

"Under various treaties and international conventions, agreements and other instruments, the League of Nations and its organs exercise, or may be requested to exercise, numerous functions or powers for the continuance of which, after the dissolution of the League, it is, or may be, desirable that the United Nations should provide.

"Certain Members of the United Nations, which are parties to some of these instruments and are Members of the League of Nations, have informed the General Assembly that, at the forthcoming session of the Assembly of the League, they intend to move a resolution whereby the Members of the League would, so far as this is necessary, assent and give effect to the steps contemplated below.

"THEREFORE:

"1. The General Assembly reserves the right to decide, after due examination, not to assume any particular function or power, and to determine which organ of the United Nations or which specialised agency brought into relationship with the United Nations should exercise each particular function or power assumed.

"2. The General Assembly records that those Members of the United Nations which are parties to the instruments referred to above assent by this Resolution to the steps contemplated below and express their resolve to use their good offices to secure the co-operation of the other parties to the instruments so far as this may be necessary.

"3. The General Assembly declares that the United Nations is willing, in principle and subject to the provisions of this Resolution and of the Charter of the United Nations, to assume the exercise of certain functions and powers previously entrusted to the League of Nations, and adopts the following decisions, set forth in A, B, and C below:

"A. *Functions pertaining to a Secretariat.*

"Under certain of the instruments referred to at the beginning of this Resolution, the League of Nations has, for the general convenience of the parties, undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions, pertaining to a secretariat, which do not affect the operation of the instruments and do not relate to the substantive rights and obligations of the parties. These functions include: the receipt of additional signatures and of instruments of ratification, accession and denunciation; receipt of notice of extension of the instruments to colonies or possessions of a party or to protectorates or territories for which it holds a mandate; notification of such acts to other parties and other interested States; the issue of certified copies; and the circulation of information or documents which the parties have undertaken to communicate to each other. Any interruption in the performance of these functions would be contrary to the interests of all the parties. It would be convenient for the United Nations to have the custody of those instruments which are connected with activities of the League of Nations and which the United Nations is likely to continue.

¹ See Annex 1, page 144.

“THEREFORE:

“The General Assembly declares that the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations.

“*B. Functions and Powers of a Technical and Non-political Character.*

“Among the instruments referred to at the beginning of this Resolution are some of a technical and non-political character which contain provisions, relating to the substance of the instruments, whose due execution is dependent on the exercise, by the League of Nations or particular organs of the League, of functions or powers conferred by the instruments. Certain of these instruments are intimately connected with activities which the United Nations will or may continue.

“It is necessary, however, to examine carefully which of the organs of the United Nations or which of the specialised agencies brought into relationship with the United Nations should, in the future, exercise the functions and powers in question, in so far as they are maintained.

“THEREFORE:

“The General Assembly is willing, subject to these reservations, to take the necessary measures to ensure the continued exercise of these functions and powers, and refers the matter to the Economic and Social Council.

“*C. Functions and Powers under Treaties, International Conventions, Agreements and Other Instruments having a Political Character.*

“The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character.”

The assumption by the United Nations of functions and powers connected with public loans issued with the assistance of the League of Nations is not mentioned in this Resolution. The relevant passage of the report of the Preparatory Commission of the United Nations reads as follows: “The Preparatory Commission makes no recommendation on this subject; it considers that it can be brought by any interested Government before the Economic and Social Council”.¹

II. NON-POLITICAL FUNCTIONS AND ACTIVITIES OF THE LEAGUE OF NATIONS
OTHER THAN THOSE MENTIONED IN I.

(United Nations document A/28, dated February 4th, 1946.)

“1. The General Assembly requests the Economic and Social Council to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations in order to determine which of them should, with such modifications as are desirable, be assumed by organs of the United Nations or be entrusted to specialised agencies which have been brought into relationship with the United Nations. Pending the adoption of the measures decided upon as the result of this examination, the Council should, on or before the dissolution of the League, assume and continue provisionally the work hitherto done by the following League departments: the Economic, Financial and Transit Department, particularly the research and statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the secretariats of the Permanent Central Opium Board and Supervisory Body.

“2. The General Assembly requests the Secretary-General to make provision for taking over and maintaining in operation the Library and Archives and for completing the League of Nations *Treaty Series*.

“3. The General Assembly considers that it would also be desirable for the Secretary-General to engage, for the work referred to in paragraphs 1 and 2 above, on appropriate terms, such members of the experienced personnel by whom it is at present being performed as the Secretary-General may select.”

In regard to paragraph 1 of the above Resolution, the Economic and Social Council has taken two decisions:

It has:

(a) Requested the Secretary-General of the United Nations to undertake the survey called for by the General Assembly and to report at an early date to the Economic and Social Council;

(b) Directed the Secretary-General, acting in accordance with the Resolution of the General Assembly, to take the steps necessary to the provisional assumption and continuance of the work hitherto done by the League departments named in paragraph 1 of this Resolution².

¹ Report of the United Nations Preparatory Commission (document PC/20, dated December 23rd, 1945, page 118).

² United Nations document E/19, dated February 15th, 1946.

With regard to the provision to be made for "completing the League of Nations *Treaty Series*" mentioned in paragraph 2 of the same Resolution, the General Assembly of the United Nations, by another Resolution¹, instructed the Secretary-General of the United Nations:

"1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter;²

"2. To invite the Governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years but before the date of entry into force of the Charter, which had not been included in the League of Nations *Treaty Series*, and to transmit for registration and publication treaties and international agreements entered into after the date of entry into force of the Charter; and

"3. To receive, from the Governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations *Treaty Series* and which they may voluntarily transmit for filing and publication; and to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted."

Several decisions taken by the Economic and Social Council deal also with certain activities hitherto performed by the League.

The Economic and Social Council has established the following Commissions:³

(1) A *Commission on Human Rights*, whose work will be directed towards submitting proposals, recommendations and reports to the Council regarding: (a) an international bill of rights; (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters; (c) the protection of minorities; (d) the prevention of discrimination on grounds of race, sex, language or religion. The Economic and Social Council has also established a Sub-Commission on the Status of Women.

(2) An *Economic and Employment Commission*, which will be an advisory commission of the Economic and Social Council and which will establish three Sub-Commissions dealing respectively with (a) Employment; (b) Balance of Payments; (c) Economic Development (other sub-commissions may be established at a later date).

(3) A *Temporary Transport and Communications Commission*, which will, *inter alia*, advise the Economic and Social Council "with respect to the disposition, including possible allocation to inter-governmental agencies, of the functions of the Communications and Transit Organisation of the League of Nations".

(4) A *Statistical Commission*, which will, *inter alia*, assist the Council in the co-ordination of national statistics and the improvement of their comparability;

(5) A *Temporary Social Commission*, which will, *inter alia*, report to the Economic and Social Council on the advisability of bringing under the Council the activities in the social field hitherto carried on by the League of Nations, and such other activities as the work on the treatment of offenders, now carried on by the International Penal and Penitentiary Commission. The Temporary Social Commission will assume on an interim basis, pending the establishment of permanent machinery, the work of the League on such social questions as traffic in women and children and child welfare.

(6) A *Commission on Narcotic Drugs*, which will

"(a) Assist the Council in exercising such powers of supervision over the application of international conventions and agreements dealing with narcotic drugs as may be assumed by or conferred on the Council;

"(b) Carry out such functions entrusted to the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs by the international conventions in narcotic drugs as the Council may find necessary to assume and continue;

"(c) Advise the Council on all matters pertaining to the control of narcotic drugs, and prepare such draft international conventions as may be necessary;

"(d) Consider what changes may be required in the existing machinery for the international control of narcotic drugs and submit proposals thereon to the Council;

"(e) Perform such other functions relating to narcotic drugs as the Council may direct."

¹ United Nations document A/31, dated February 5th, 1946.

² Article 102 of the Charter reads as follows:

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

³ United Nations documents E/20, E/27, E/28, E/29, E/30, E/31.

The Commission on Narcotic Drugs is composed of fifteen Members of the United Nations, which are important producing or manufacturing countries or countries in which illicit traffic in narcotic drugs constitutes a serious social problem. The Commission is authorised to appoint in a consultative capacity, and without the right to vote, representatives of bodies created under the terms of international Conventions on Narcotic Drugs.

The Economic and Social Council also proposed to establish, at its second session beginning on May 25th, 1946, a Demographic Commission and a Fiscal Commission.

With regard to the question of refugees, the relevant resolution of the United Nations is reproduced in substance in the last report of the High Commissioner of the League for Refugees¹.

It will be noticed that the Economic and Social Council did not establish a Health Committee or a Committee on Intellectual Co-operation. As regards Intellectual Co-operation, the United Nations Educational, Scientific and Cultural Organisation was set up by a United Nations Conference held in London last November, while the creation of an International Health Organisation will be discussed by the International Health Conference to be called by the Secretary-General of the United Nations not later than June 20th, 1946. For the preparation of this Conference, the Economic and Social Council appointed a Committee of Experts, which met in Paris on March 15th, 1946. Representatives of the Pan-American Sanitary Bureau, of the Office international d'Hygiène publique, of the Health Organisation of the League and of U.N.R.R.A. were invited to attend this meeting in an advisory capacity.

The General Assembly has not yet constituted the Trusteeship Council, provided for by Chapter XIII of the United Nations Charter. It hopes to be able to constitute it next September. The trusteeship system will apply, *inter alia*, to such territories held under mandate as may be placed under that system by means of trusteeship agreements.

¹ See Annex 10, page 234.

ANNEX 19.

A. 18. 1946. V.

Geneva, March 30th, 1946.

DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

TEXT OF REPORT ADOPTED ON DECEMBER 18th, 1945, BY
THE PREPARATORY COMMISSION OF THE UNITED NATIONS

The Acting Secretary-General has the honour to communicate, for the information of the Assembly, the text of the report adopted on December 18th, 1945, by the Preparatory Commission of the United Nations (Item 11 (a) of the Agenda of the Assembly of the League¹).

* * *

Report concerning the Dissolution of the Permanent Court of International Justice².

The Preparatory Commission has been informed by certain of its Members, which are also Members of the League of Nations, that they intend to move, at the forthcoming session of the Assembly of the League of Nations, a resolution for the purpose of effecting the dissolution of the Permanent Court of International Justice. The States concerned have further informed the Preparatory Commission of their intention to require, under the terms of the peace treaties or in some other appropriate form, the assent of those States parties to the Protocol of Signature of the Statute of the Permanent Court which have been or still are at war with certain of the Members of the United Nations, to any measures taken to bring the Permanent Court to an end.

Those Members of the Preparatory Commission which are parties to the Protocol of Signature, whether Members of the League of Nations or not, have, by a resolution of the Preparatory Commission on December 18th, 1945, recorded their assent to the dissolution of the Permanent Court.

Therefore:

THE PREPARATORY COMMISSION FURTHER DECLARED in this resolution, and informs the General Assembly, that it would welcome the taking by the League of Nations of appropriate steps for the purpose of dissolving the Permanent Court of International Justice.

A. 30. 1946.

Geneva, April 16th, 1946.

II. TEXT OF ADDRESS PREPARED BY M. GUERRERO, PRESIDENT OF
THE PERMANENT COURT OF INTERNATIONAL JUSTICE

It had been hoped that the President of the Permanent Court of International Justice would be able to come to Geneva in order to address the Assembly on the occasion of the adoption of the resolution on the dissolution of the Court.

M. Guerrero's duties having prevented him, to his great regret, from leaving The Hague, the Acting Secretary-General has the honour to circulate the speech which the President of the Court had intended to address to the Assembly.

* * *

¹ See Annex 1, page 143.

² Report of the Preparatory Commission of the United Nations, document PC/20, dated December 23rd, 1945, page 57.

Mr. President, Ladies and Gentlemen:

It is a great honour for me to have been invited, as the last President of the Permanent Court of International Justice, to appear before this historic Assembly in order to submit an account of the work accomplished by the Court.

You are acquainted with its origin. The necessity for establishing it had, for several decades, been the constant preoccupation of all the liberal minds of the nineteenth century. It was agreed that there would never be a real international order as long as, in the regular intercourse of nations, the arm of justice was absent.

The question of the pacific settlement of conflicts between States was ever present in the minds of enlightened men; but its solution gave rise to numerous and delicate problems in a world but little accustomed to submit to judicial discipline or to admit that the sovereign power of the State could be questioned by a human tribunal.

Consequently, the efforts of the Peace Conferences of 1899 and 1907 led to but slight results. They were, however, to serve for determining the essential characteristics of the organisation which was subsequently brought to birth in the sufferings of the first world war — a war which, in those days, was regarded as the most terrible that had ever ravaged the world.

It was, indeed, then that the particular problem of the solution of disputes of a legal character was merged in the general problem of the establishment of an international order designed to regulate the common life of nations in accordance with the principles of a sound international morality based upon respect for law.

This idea was to take concrete form in the Covenant of the League of Nations, on which suffering mankind founded its hope of banishing war and of regulating the future life of peoples.

But the spirit of the Covenant was not understood, and to-day we see the ultimate result of that magnificent dream.

In the few brief sentences which make up Article 14, the Covenant instructed the Council of the League of Nations to formulate plans for the establishment of a Permanent Court of International Justice invested with competence to hear and determine any dispute of an international character and to give an opinion upon any dispute or question referred to it by the Council or by the Assembly.

That, Gentlemen, was the first stone in the foundations of the most splendid and delicate undertaking ever accomplished by man in the course of centuries in the domain of international justice. For, though it may be easy to regulate legal relationships between persons living on the same national soil and subject to the sovereign authority of the State, it is a different matter to regulate the same relationships within the framework of international society in which States are so reluctant to submit to the law and judgment of men.

The Council entrusted the drawing up of the Statute of the Court to a committee of ten jurists enjoying high legal and moral authority.

The learned debates which began at the Peace Palace at The Hague on June 16th, 1920, and were concluded on the following July 24th, resulted in the elaboration of a draft Statute concerning the organisation of a Permanent Court of International Justice. This draft was discussed later by the Council of the League of Nations and then by the Assembly, which approved it by a unanimous vote on December 13th, 1920. As from the 16th of that month, a Protocol was open for signature by the various States.

This charter established a system of international justice and contained provisions concerning the organisation, competence and procedure of the new Court. In other words, measures had been taken to deal with three essential problems in respect of which Governments had formerly entertained divergent and apparently almost irreconcilable views, especially as regards the methods of electing judges and the competence of the Court.

Where all preceding attempts had failed, the Committee of Jurists succeeded in finding practical solutions, and international justice was finally equipped with a powerful instrument capable of really fruitful action.

These historical events cannot be recalled without our directing a thought of gratitude towards two great spirits to whom mankind owes the most remarkable progress which has been achieved in the realm of law — Léon Bourgeois and Elihu Root. Léon Bourgeois, the real spiritual father of organised international justice, since the Peace Conferences, had by his words and by his faith stirred the wavering consciences of men who doubted the future of law. Elihu Root, too, earned the gratitude of the world as the principal author of the Statute of the Permanent Court established by the League of Nations.

But the mere setting up of an organisation does not mean that it will necessarily work well. The future of the new institution and of everything connected with the very idea of a court raised above human passions, from which there was no other appeal but to the Tribunal of God, could be ensured only by the wisdom of the final decisions rendered by the judges called upon to compose the Court.

It is not for me to draw up a balance-sheet of the work of the men who have, since the establishment of the Court, assumed the grave responsibility of proclaiming the law and rendering justice. That work will be judged by the conscience of mankind and by the opinion of the world. Both, indeed, have already pronounced their judgment. For the authority of the deci-

sions rendered by these judges has never been contested: the proof is to be found in the impressive number of States which, since 1922, have adhered to the clause of compulsory jurisdiction provided for in Article 36 of the Statute.

Further, the best evidence in favour of the Court may be drawn from an examination of its decisions. It has delivered thirty-two judgments and given, at the request of the Council of the League of Nations, twenty-seven advisory opinions. Leaving aside the latter, and also certain special aspects of various cases, the Court has given judgment in the following cases: that of the "*Wimbledon*", between France, Great Britain, Italy and Japan, of the one part, and Germany, of the other; that of the "*Mavrommatis Palestine Concessions*", between Greece and Great Britain; that of the "*Interpretation of Article 179 of the Treaty of Neuilly*", between Bulgaria and Greece; that of the interpretation of the preceding judgment as between those States; that of "*certain German interests in Polish Upper Silesia*", between Germany and Poland; that of the "*Factory at Chorzów*", between Germany and Poland; that of the "*Lotus*", between France and Turkey; that of the "*Minority Schools in Upper Silesia*", between Germany and Poland; that of the "*Serbian Loans*", between France and Yugoslavia; that of the "*Brazilian Loans*", between Brazil and France; that of the "*International Commission of the River Oder*", between Germany, Denmark, France, Great Britain and Czechoslovakia, of the one part, and Poland of the other; that of the "*Free Zones of Upper Savoy and the District of Gex*", between France and Switzerland; that of the "*Interpretation of the Statute of the Memel Territory*", between France, Great Britain, Italy and Japan, of the one part, and Lithuania of the other; that of "*Eastern Greenland*", between Denmark and Norway; that of the "*Peter Pazmany University*", between Hungary and Czechoslovakia; the "*Lighthouses Case*", between France and Greece; the "*Oscar Chinn Case*", between Belgium and Great Britain; that of Pajzs, Csáky, and Esterházy between Hungary and Yugoslavia; that of "*The Diversion of Water from the Meuse*", between Belgium and the Netherlands; that of the "*Lighthouses in Crete and Samos*", between France and Greece; that of "*Borchgrave*", between Belgium and Spain; that of the "*Phosphates in Morocco*", between France and Italy; that of the "*Panevezys-Saldutiskis Railway*", between Estonia and Lithuania; that of the "*Electricity Company of Sofia and Bulgaria*", between Belgium and Bulgaria; and, lastly, that of the "*Société commerciale de Belgique*", between Belgium and Greece.

The eighty-one volumes in which these judgments are published, and which contain also the advisory opinions and the orders of similar character to the judgments (Measures of preservation, etc.) or made exclusively for the regulation of the case, constitute the most effective contribution which it has so far been possible to make to legal science and to the progress of international law. Thanks to the principles which emerge from the jurisprudence of the Court, the road is now open for the solution of the problem of the gradual codification of international law.

But that is not all. When speaking of a judicial institution such as the Court has been, of a permanent tribunal, always ready to act and always accessible, one is impressed by the fact that its rôle and activity have not been restricted to the work which it has actually performed in pronouncing its decisions.

Its influence has been more extensive. Owing to the mere fact of its existence, controversies between States have been settled before reaching the stage when they would have had to be submitted to the international jurisdiction. The mere existence of a Court ready to pronounce judgment has incited some to be prudent and others to have confidence. In this manner, the law has been established automatically; the object was attained without recourse to the legal formulæ of a judgment or an opinion and thus, even when it remained silent, the Court effectively served the cause of international justice.

Gentlemen, life brings with it inevitable changes and institutions cannot escape from this inexorable law.

The present conditions of the new international order created as a result of the terrible catastrophe which broke upon the world have made it necessary to replace the Permanent Court of International Justice by the International Court of Justice.

But, the institution has merely changed its name. Its soul remains unaltered, its structure has not changed, its mission is similar and, finally, its Statute has been only slightly modified. We may even say that it is in order to emphasise the continuity of the work that the judges elected by the General Assembly and by the Security Council of the United Nations have appointed as President of the new Court the man who had the signal honour of being the last President of the old Court.

Whatever transformations may be effected now or in the future, the glory of having given the world an institution such as the Court and the merit for all the progress which it represents in the realm of law belong exclusively and incontestably to the League of Nations.

I beg leave to express to-day the fervent gratitude felt towards the League of Nations by all those who have devoted their energies to the work of the Permanent Court of International Justice and who have established its prestige.

ANNEX 20.

A. 10. 1946. XII.

Geneva, April 1946.

INTERNATIONAL ASSISTANCE TO REFUGEES

REPORT SUBMITTED BY SIR HERBERT EMERSON, G.C.I.E., K.C.S.I., C.B.E.,
HIGH COMMISSIONER FOR REFUGEES

March 11th, 1946.

I. PRELIMINARY

This report is submitted in accordance with the resolution adopted by the Assembly of the League of Nations at its nineteenth ordinary session held in September 1938. The last report was dated June 25th, 1945, and so covered the first five months of 1945.¹ The present report covers the rest of 1945 and the first two months of 1946.

II. NANSEN REFUGEES

In the last report, an account was given of the resumption by the High Commissioner of the responsibility for Nansen refugees in France, which took effect from April 1st, 1945. M. Henri Ponsot, former Ambassador of France in Ankara, was appointed *Délégué général*, and the former representative, M. Marcel Paon, was appointed *Délégué général adjoint*. Good progress has been made in restoring normal activities. Many of the archives relating to Nansen refugees were concealed, during the occupation, in various French towns. These have been collected and re-grouped; a few which were damaged have been restored. The result is that the records are complete — a matter of great importance, since many of them relate to the status and personal interests of individual refugees. During the occupation, many lost their certificates of status, or for reasons of safety had to destroy them, this being particularly the case in regard to those who were deported or had to flee from France. There have therefore been many applications for the issue of new certificates, the majority of them genuine, and these it has been possible to substantiate from the old records. There have also been some applications from displaced persons unwilling to return to their own countries, who hope to conceal their nationality by securing Nansen certificates. These have required very careful examination, which has been carried out by the Delegation, no claim being admitted unless it was satisfactorily established. The disturbance of normal conditions created by the war was also responsible for an abnormal number of applications for exemption from identity fees and the tax on Nansen certificates. For similar reasons, there has been a progressive increase in the number of civil documents which have been presented for authentication. For some months immediately following the liberation, economic conditions in France were specially unfavourable to the refugees. The scarcity of raw materials, the dislocation of transport, the return of large numbers of prisoners of war and deportees caused much unemployment in the civil population. The refugees were inevitably among the first to suffer and, while the various departments of the Government have been sympathetic towards the many representations made by the Delegation, there has been a great deal of distress. This has decreased to some extent as general conditions improved, but it is still serious. Its effects are accentuated by the hardships suffered by many of the refugees during the occupation. The need for relief has been greatest among children, the aged and the sick. No distinction has been made by the French Government between refugees and nationals who were deported or taken prisoners of war. On repatriation, all have been entitled, in principle, to the same benefits from the State, but in other respects the refugees have been far worse off than French citizens. On return they often had no homes to which to go, no relations to help them, and no reserves of clothes or other necessaries. In some cases they had not the necessary means to use the food coupons distributed to all repatriates. Many of the intellectuals of the Russian migration lost their means of livelihood during the war, and few of them have been able to find new ones. This class contained a number of Jews who were the victims of ruthless persecution, and only those remain who were able to conceal themselves or leave the country. The aged also have suffered severely, but the Government now gives assistance towards the upkeep of approved homes for the aged and the maintenance of the occupants. Several homes have been approved, but the number is only sufficient to provide for a small proportion of those requiring relief. On the whole, the Armenians are better off than the Russians, since they have access to larger private resources both inside and outside France. There is, however, some distress among them, particularly among the aged and infirm.

¹ See document C.79.M.79.1945.XII.

Most of the private refugee organisations which did such good work before the war have resumed their activities, but they have been much hampered by the lack of funds. It will be remembered that the income from the Nansen stamps is allocated for humanitarian purposes, one-half being credited to the Humanitarian Account of the High Commissioner and the other half to the Allotment Committees. These have been re-established since the end of the war, there being one for Russian refugees and another for Armenians. During the occupation, the Nansen stamp was replaced by a stamp bearing another title, but the Nansen stamp has now been restored. The sum of nearly 2 million francs had remained unallocated from the proceeds of the former stamp, and the French Government generously placed this again at the disposal of the Delegation for distribution. The income from the Nansen stamps for the half-year beginning April 1st, 1945, was just over 1 million francs. Figures for the last quarter of 1945 are not yet available. The sums which are thus made available for distribution to voluntary organisations are of great assistance and without them they would have great difficulty in continuing their work, but they are only sufficient to relieve the worst needs.

As mentioned in the last report, the Central Offices for Russian and Armenian refugees have been re-opened. These enjoy an independent status, although they are under the administrative system of the French Government and the High Commissioner. They are concerned with the general interests of the refugees and, in particular, they do much of the preliminary work of checking applications for the issue of new documents and in the examination of documents requiring authentication. Previous to the war they were self-supporting, their funds being derived from private sources. These funds were exhausted during the war, and the reconstitution of the offices has been made possible only by the generosity of the French Government.

During the war, the Saar refugees were dispersed throughout France, most of them in hiding. The majority of them wish to return to the Saar, and some have already done so. Some assistance has been given from the Humanitarian Fund of the High Commissioner, and it is proposed to give more in order to enable those who wish to do so to return to their own country. Help is also being given towards the relief of urgent needs.

Soon after the end of hostilities in Europe, reports were received that there were groups of Russian Nansen refugees among the displaced persons in the zones of Western Germany and that many of these were in need of assistance. It was therefore decided to appoint a representative whose first duty would be to make a survey of the situation. We were very fortunate in obtaining the services of Captain Yves Le Vernoy, who has a most distinguished record of service in the Resistance Movement, being awarded the highest decorations. He was quick in establishing cordial relations with the military and occupation authorities and with U.N.R.R.A., and was able to make a very valuable estimate of the position. He found considerable groups of Nansen refugees in the American zones of Germany and Austria, small groups in the other zones and scattered units throughout Western Germany. There has not yet been a full enumeration, but the total number of refugees is not less than 20,000 and may be as high as 25,000. Less than half are in assembly centres, the remainder living usually in groups, but sometimes in family units among the German or Austrian population. They have been displaced from Yugoslavia, Czechoslovakia, Roumania and the Balkan States, and from their former places of residence in Germany and Austria. They are a cross-section of Russian refugee society; there is a small element of intellectuals, a few doctors, teachers and other professional men, quite a large number of engineers, technicians and skilled artisans and a big group of lumbermen; the rest, representing the majority, are agriculturists and unskilled labourers. Generally, they do not wish to return to their former countries of origin or settled residence.

The fact that the groups are scattered over large areas complicates the organisation of an efficient service for them, and it has been necessary to establish several centres. These are at Rastatt, Munich and Salzburg, each centre being in charge of a *chef de poste* with an assistant, so that when one of these officers is on tour the other can be at the local office. The headquarters of Captain Le Vernoy himself is at Munich. He spends a great part of his time on tour, visiting the camps, getting into touch with the outside groups and supervising the work of the *chefs de poste*. Since the staff also does work for the Intergovernmental Committee on Refugees, the expenditure is shared.

No responsibility has been assumed for material relief, but a considerable amount of clothing has been made available out of an allotment from the National Clothing Collection of the United States. Those inside the camps are better off than those outside as regards food, shelter and clothes, but, none the less, the majority prefer to remain independent and the morale is higher in spite of their impoverished condition. There are gratifying signs of a spirit of self-help. Some of the engineers have started small private enterprises; many of the young men are keen on vocational training and a beginning has been made with this; the teachers have organised schools or classes for the children; Captain Le Vernoy has been

able to conclude contracts with some timber firms in Luxemburg which have given employment to a thousand lumbermen in the Black Forest; and although there is considerable reluctance to take work under the Germans, there is the desire to become self-supporting. These are the bright spots, but the general picture is sombre. There is insufficient employment with inevitable demoralisation; families have been broken up and there is great anxiety regarding the fate of relatives; material conditions are little, if any, above subsistence level and, above all, there is the uncertainty regarding the future. Most of the refugees wish to leave Germany or Austria, and many would like to leave Europe. Captain Le Vernoy has succeeded in obtaining the sanction of the French Government for the admission to France of a number of detached children and of a few adults. Otherwise, the work of resettlement has hardly begun. The first step will be the registration and thorough survey of the refugees, with special reference to the matters which affect settlement — *e.g.*, education, qualifications, previous occupations, etc. A standard form has been approved and a sufficient supply of printed copies has just become available, so that the registration can now be put in hand. It will be carried out under the supervision of the staff, but the manual labour will be done by refugees themselves trained for the purpose. During the course of the registration, a thorough examination will be carried out of the question of status, since most of those claiming to be Nansen refugees are without documents and, although there is no doubt regarding the status of the majority, there will certainly be some false claims. This group of Nansen refugees displaced from their former countries of settled residence undoubtedly presents the most serious single problem, both as regards the protection of their political and legal rights and their future settlement.

There is a similar but much smaller problem in Italy. Previous to the war, there were about 500 Nansen refugees permanently resident in that country, most of whom were self-supporting. As a result of the war, some have lost their employment, and there is a good deal of distress. Following the surrender of Italy, there has been infiltration of several thousands of Russian displaced persons from other countries, mainly Yugoslavia and Czechoslovakia. These include perhaps 500 Nansen refugees. Some of them are in U.N.R.R.A. camps and are being cared for by that organisation, but there are some who are not being helped by U.N.R.R.A. and who are entirely without means of support. The Representative of the Intergovernmental Committee on Refugees in Italy (Colonel Tomlin) has been kind enough to watch the interests of the Nansen refugees on behalf of the High Commissioner, and during 1945 he distributed grants placed at his disposal from the Humanitarian Fund. Approximately £3,000 was spent during the year, and adjusted after its close, on the relief of some 80 families. A special grant was also made towards the education of children. Further contributions have been made during the past two months, but cannot be continued much longer for lack of funds.

An interesting development has been the grant of Italian citizenship to some 40 Nansen refugees and their families.

III. HUMANITARIAN FUND

Statement 2 attached shows the receipts and expenditure of the Humanitarian Fund during 1945, so far as they have been brought to account. They do not, however, represent the complete transactions of the year, since figures have not yet been received relating to (a) revenue from Nansen stamps in France for the fourth quarter of the year and (b) the final distribution during the year of grants to voluntary organisations. The adjustment of the grants made towards the relief of Nansen refugees in Italy, amounting approximately to £3,000, was not made until after the end of the year. These grants, therefore, do not appear in the statement. It will be seen that the receipts from Nansen stamps were greater than for some years, but collections in France were still below the normal, although they are tending to increase.

Statement 5 shows the amount standing to the credit of the Humanitarian Fund in the various accounts according to the latest advices. They amount to 180,685.85 Swiss francs, and 319,451.68 Norwegian Kroner. Taking the exchange value of the Kroner at approximately 20 to the pound sterling, the total of the Fund, as shown in the bank advice accounts, is approximately 460,000 Swiss francs. Allowing for the items not included in those accounts, it is probable that the actual amount at the disposal of the High Commissioner at the beginning of the year was about 400,000 Swiss francs. The whole of this is, however, not immediately available, since, although the release of the considerable sum in Den Norske Creditbank, Oslo, has been agreed to in principle, the whole will not become available for several months. Since the end of the year, a sum of 100,000 Norwegian Kroner has been released and remitted to the account of the Fund in London. The Treasurer of the League kindly gave advice regarding the best disposition of the Fund, a large part of which had, during the war, been held in the United States. Action has been taken on that advice and, since the end of the year, the accounts in New York, both of the Humanitarian

and the Saar Funds, have been transferred to Geneva. With the release of the funds formerly blocked, it will be feasible to make distributions during the present year on a more generous scale than has lately been possible and, since the need for relief in several directions is urgent, this will be done. The amount to the credit of the Saar Account at the end of the year is shown as 70,349.90 Swiss francs. Of this, the sum of 400,000 French francs has been placed at the disposal of the Delegation in Paris in order to assist Saar refugees in meeting the expenses of their return to the Saar, and also in meeting urgent cases of distress. It is probable that further grants will be necessary for these purposes.

IV. REFUGEES COMING FROM GERMANY, AUSTRIA AND THE SUDETENLAND

In my last report, I gave an appreciation of the problem, as it then appeared, of refugees from Germany, Austria and the Sudetenland. At least 90% of those who are still unsettled are Jews, and I may bring last year's appreciation up to date by giving extracts from a memorandum which I recently submitted to the Joint Anglo-American Committee of Enquiry, before which I gave oral evidence.

"...Previous to the war, about 250,000 of this group had been permanently settled. During the war perhaps 100,000 more have been permanently established. In September 1939, there was a large number in various countries of temporary asylum, and there was a considerable number left in Germany and Austria. Some were able to escape during the war either to neutral countries or to countries which were not occupied by the Germans. Many, however, were caught in occupied countries, and it is certain that a large proportion of these were exterminated. Some thousands, however, were able to conceal themselves with the assistance of friendly nationals.

"Members of this category who have survived but are not yet permanently settled, in the sense that they have not acquired a new nationality, are composed of:

- "(i) Two large groups, (a) in the United Kingdom, and (b) in Shanghai;
- "(ii) Smaller groups in various countries of Europe and elsewhere.

"(i) (a) The group in the United Kingdom is between 45,000 and 60,000. Recently, the British Government has announced its policy in regard to naturalisation and it is hoped that many of them will be absorbed.

"(i) (b) The group in Shanghai was believed to be between 20,000 and 25,000. Recent reports suggest it may be less than 20,000.¹ Their circumstances are now under investigation by the representatives of U.N.R.R.A. and of the Intergovernmental Committee on Refugees. It is probable that the majority will wish to leave Shanghai for countries of permanent settlement.

"(ii) Approximate estimates in various European countries are as follows:

Belgium	6,000
France	20,000
Italy	4,000
Netherlands	5,000
Spain and Portugal	1,000
Sweden	5,000
Switzerland	15,000
Germany and Austria	20,000-30,000
(including those who never left)	

"There are also a few thousands, say 10,000 at a maximum, scattered in other countries, European and elsewhere. The size of the remaining problem, including the large group in the United Kingdom, may therefore be put at something between 160,000 and 200,000. As will be mentioned presently, this total number tends to exaggerate the nature of the remaining problem.

"

"The normal methods of attempting a solution of any refugee problem are the following:

- "(a) Return to the country of origin or settled residence;
- "(b) Absorption in the country of temporary asylum;
- "(c) Individual emigration to other countries;
- "(d) Large-scale or group settlement.

¹ Still more recent reports indicate that the number of German and Austrian refugees in Shanghai is less than 10,000.

“(a) *Return.* With regard to the first, I hold very strongly the view that the return should be voluntary and that forcible repatriation is not only contrary to humanitarian principles, but incapable of translation into practice on a considerable scale. Voluntary return can give a considerable contribution to a solution only if the internal conditions are favourable. There should be security of life and property, full rights of citizenship, opportunities for re-establishment and reasonable prospects of being able to lead a useful and happy life. Where these conditions are satisfied, return is to be encouraged, but not enforced.

“(b) *Absorption.* Absorption has played a large part in the solution of refugee problems in the past, and should prove an important factor in the future. Naturalisation is usually preceded by a period of residence which in some cases may be unduly prolonged.

“(c) *Individual emigration or infiltration* has been the most important means by which migration and refugee problems have been solved.

“(d) *Large-scale or group settlement.* This is very expensive, and normally the cost is prohibitive. Many Governments dislike it and, usually, it has been successful only in exceptional circumstances — *e.g.*, where the refugees belonged originally to the country of settlement (Greeks from the territory acquired by Turkey after the Greco-Turkish war and settled in Greece), or in the case of Palestine, for Jews, where religious, historical and ideological influences inspire the colonists and encourage large contributions of capital.

“The practical application of the above methods may be illustrated by the category of Jewish refugees coming from Germany, Austria and the Sudetenland.

“(a) *Return.* The question of return has arisen only with the defeat of Germany. The general position at present is that very few Jews are willing to return to Germany, but there are a few who are willing. As economic conditions improve and a sense of security is established, there may be more, especially if provision is made for restitution. Up to the present, there has been little inducement to Jews to return.

“There is much greater willingness to return to Austria in spite of prevailing conditions in that country. About 2,000 are said to be willing to return from the United Kingdom, much the same number from France and smaller numbers from the Western countries of Europe. Given favourable conditions, this movement should increase.

“(b) *Absorption in countries of temporary asylum.* The Governments of Australia and Canada have made declarations of policy which should result in the absorption of those German and Austrian refugees who were admitted on a temporary basis. The Government of the United Kingdom has recently declared its policy on naturalisation, which, though not exhaustive, should result in very considerable absorption. The countries of Western Europe have not declared their policies. Since the end of the war, they have shown a liberal attitude in allowing refugees to stay and in receiving back those previously resident there who were displaced by the war. One hopes that ultimately there will be considerable absorption. The prospects in Sweden are definitely good. Italy has offered rights of citizenship on a selective basis, but little advantage has been taken so far of this offer. Switzerland has always made it clear that she could not absorb those to whom she had given asylum. On the whole, absorption has been, and may still be, an important factor.

“(c) *Individual migration or infiltration with a view to, and prospects of, early citizenship.* This has made by far the largest contribution up to date towards the permanent establishment of about 350,000 individuals of this category, of whom at least 90% are Jews. Many countries have contributed — the United States, the countries of South America, the British Empire and Colonies, various countries of Europe, etc. Even where, as in the case of Australia, the Government agreed to take a fixed number over a period of years, the process was by individual selection and establishment and not by group settlement.

“(d) *Large-scale or group settlement.* Palestine alone has made a contribution of any size. Many other schemes were examined before the war, but they were found to be either too expensive or impracticable for other reasons, or could not be put into operation because of the outbreak of hostilities.

“I stated above that the size of the remaining problem of this category might be put at something between 160,000 and 200,000. A large number of these, however, are in process of absorption; some at least of those still in Germany and Austria (20,000 to 30,000) will wish to stay there; the re-opening of emigration to the United States will

be of great assistance since the quota for Germany and Austria is approximately 27,000; some will return to Austria and a few to Germany; facilities for the reunion of families will assist some, and it may be hoped that others who wish to go to Palestine will get certificates. There will remain difficult pockets in some places — *e.g.*, Switzerland and Shanghai — and a complete solution will take time, but a solution of the problem of this category is attainable and would be almost within sight if it stood alone.

“Some words of caution are, however, necessary before the experience of this category is applied to other Jewish categories. Migration from Germany began soon after 1933. It was intense after 1937. It has taken at least ten years to achieve the results secured. The persons were the victims of a persecution which shocked the conscience of the world, and which resulted in a very considerable response to appeals for asylum. Continuing persecution is not a well-marked feature of the prevailing situation. Moreover, hard as the facts are, it would be misleading not to recognise that, for various reasons, there are many countries which are reluctant to increase the Jewish element in their population, and that group settlement of Jews does not appear to be a practical proposition except in Palestine. Moreover, the reluctance of Governments is apt to increase in proportion to the size of the problem. The wishes of the individuals themselves are also a relevant factor.

“The problem of German and Austrian refugees may prove to be more tractable than that of other categories, because they were, and are still, less intent on a single destination — namely, Palestine — than some of the new groups. Many of those who wished to go there were able to satisfy their wishes while certificates were still obtainable. The information available goes to show that, among those belonging to this group and not yet permanently established, there are comparatively few who give Palestine as their first choice. A survey carried out by voluntary organisations in the United Kingdom gave the following results. About 75% wished to stay in the United Kingdom; of the remaining 25% about one-half elected for emigration to the United States or Canada and the remaining half, namely 12½%, for Palestine. A comprehensive survey carried out by the International Migration Service in Switzerland showed a surprisingly low proportion of German and Austrian refugees who gave Palestine as their first choice, but probably the lack of facilities had something to do with this, since there was a similar low proportion in regard to the United States of America. Of those now in the Western countries of Europe, the majority wish to stay there if they have the opportunity, with the United States as the second priority; of those who wish in any case to leave these countries, the United States is the first priority. The choice of Palestine depends on individual religious and ideological convictions. The majority of those now in Sweden wish to stay there, with the United States as the second priority. Of those in Switzerland, Portugal and Spain, the order of preference is probably: (i) the countries of Western Europe if they were there previously to the war, (ii) the United States, (iii) Palestine.

“The above is a broad generalisation subject to individual exceptions, and also dependent on facilities available.”

Although, as regards numbers, the residual problem of this particular category of refugees is not large, there has inevitably been great distress among those who, during the war, were in countries occupied by the Germans. As a rule, their survival was due only to the fact that they were able to remain in concealment. They lost their homes, their occupations and their property and so have been most adversely affected by the economic conditions which succeeded liberation. Although the Governments concerned have been sympathetic, employment has been difficult, and for those who were previously in business or trade, rehabilitation is a slow process. Very substantial assistance has been given by the Intergovernmental Committee on Refugees, which is carrying out programmes of relief in Belgium, France, Italy, the Netherlands, Portugal and Spain. It is also assisting in the transportation of those who are able to obtain opportunities for settlement elsewhere. Until recently, the opportunities for emigration have been few, and the movement has been mainly in the form of return of refugees to countries of asylum in which they were resident before the war. Within the past few months, however, the Government of the United States of America has relaxed the restrictions which were enforced during the war and the pre-war quota is now operative. For persons whose countries of origin are Germany and Austria, this quota is in excess of 27,000 per annum and, although classes other than refugees are eligible, it is expected that many refugees will benefit. Towards the end of 1945, the Government of the United Kingdom declared its policy regarding naturalisation. While this will be on a selective basis and will, in particular, affect those who joined the military forces or otherwise assisted in the war effort or established industries in Great Britain, there is reason to hope that a considerable proportion of the large group now in the United Kingdom will gradually be absorbed. The Government of the United Kingdom has also granted special facilities to persons in Europe to join their near relatives in the United Kingdom. The Intergovernmental Committee on Refugees has commended this example to other Governments, and it is hoped that there will be a favourable response. As regards children, there have been more offers of asylum than the number of children available, and, on the whole, it may be said that the position in regard to them is very satisfactory.

The voluntary agencies have continued to do admirable work during a year that has placed a great strain on their financial resources, and also on the physical energies of the many workers.

V. GENERAL

It is desirable to explain the present position regarding the refugee problem in general. On the initiative of the Government of the United Kingdom, the question was raised in the First Session of the General Assembly of the United Nations. A long and interesting debate took place on various aspects, and a resolution was adopted by the General Assembly referring the problem to the Economic and Social Council with certain recommendations. The Economic and Social Council in turn considered the reference by the General Assembly and adopted a resolution, the substance of which is cited below:

“THE ECONOMIC AND SOCIAL COUNCIL,

“1. Considering that the General Assembly, on February 12th, 1946, adopted a resolution in the following terms:

“ ‘THE GENERAL ASSEMBLY,

“ ‘Recognising that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognising the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, quislings, and traitors referred to in paragraph (d) below, on the other:

“ ‘(a) *Decides* to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the Agenda for the First Session of the Council and for report to the Second Part of the First Session of the General Assembly;

“ ‘(b) *Recommends* to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a); and

“ ‘(c) *Recommends* to the Economic and Social Council that it take into consideration in this matter the following principles:

“ ‘(i) This problem is international in scope and nature;

“ ‘(ii) No refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts including adequate information from the Governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognised or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the Government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

“ ‘(iii) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii) above;

“ ‘(d) *Considers* that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings, and traitors, in conformity with present or future international arrangements or agreements;

“ ‘(e) *Considers* that Germans being transferred to Germany from other States or who fled to other States from Allied Troops do not fall under the action of this declaration in so far as their situation may be decided by Allied Forces of Occupation in Germany, in agreement with the Governments of the respective countries;’

“ESTABLISHES A COMMITTEE ON REFUGEES AND DISPLACED PERSONS.

“2. The function of the Committee shall be to carry out promptly a thorough examination in all its aspects of the problem of refugees and displaced persons of all categories, and to make a report thereon to the Council at its Second Session.

“3. In making this examination and in preparing its report, the Committee shall take into consideration the principles set forth in paragraphs (c), (d) and (e) of the resolution of the General Assembly cited above. It shall take into account the verbatim records with regard to refugees of the Third Committee of the General Assembly. It shall further take into account the unanimous expression in the Report of the Third Committee of the General Assembly of its sympathy with the Spanish Republican refugees, and its strong view that the Economic and Social Council should examine their case with particular care and attention.”

It will be seen that a special Committee of Enquiry has been set up which is to carry out a thorough examination in all its aspects of the problem of refugees and displaced persons. The Special Committee is to report to the Economic and Social Council, which in turn is to report to the Second Part of the First Session of the General Assembly, which, as at present arranged, will be convened on September 3rd, 1946. Decisions on policy are therefore not likely to be reached until some time in September and, assuming that an international body is established or recognised as responsible for refugees and displaced persons, it is unlikely to commence operations much before the end of the year.

The Special Committee consists of twenty Governments and, as Director of the Intergovernmental Committee on Refugees, I have been invited to attend its sessions in a consultative capacity.

During the debates in the General Assembly, the Nansen refugees were mentioned on several occasions, and there is no reason to suppose that they, and also the category of refugees from Germany, Austria and the Sudetenland, will not be included within the mandate of the international body that may be recognised or established. It will be my duty, as High Commissioner, to see that the interests of these groups are fully represented before the Special Committee. It may be expected that, through the new refugee organisation, the continuity of international protection of refugees which was the creation of the League of Nations will be preserved. This, indeed, should be among the most important functions of any international authority and the principle is so well established that its acceptance may be assumed. During the transitional period before the international body assumes charge, the group of German and Austrian refugees will continue within the mandate of the Intergovernmental Committee, and their interests are therefore safeguarded. There is no corresponding provision for the Nansen refugees, and for this reason it has been suggested that, if feasible, the functions of the High Commissioner should continue, within the sanctioned budget allotment for 1946, until the end of 1946, or until such earlier date as the new international body may assume responsibility.

VI. ADMINISTRATIVE ACCOUNT

A summary of my Administrative Account for the year 1945 is given in statement 1 attached. My original allotment was 115,700 Swiss francs, but when, after the liberation of France and Belgium, it became possible to resume activities in those countries, I applied for a supplementary grant of 67,000 Swiss francs, which was approved by the Supervisory Commission. My total budget allotment was thus 182,700 Swiss francs. My expenditure was equivalent to approximately 169,000 Swiss francs, leaving a saving of 13,700 Swiss francs.

VII. CONCLUSION

I wish again to record my high appreciation of the work done during the year by the officers and staff. Dr. Kullmann, Deputy High Commissioner, has an international reputation in all matters relating to refugee questions, and I hope that advantage will be taken of his services in any new arrangements that may result from the examination of the general problem which is about to take place. The Delegation in France has had a great deal of work to do in restoring normal procedure and activities, and it has done it well. Captain Le Vernoy, the Representative in Germany and Austria, has shown great energy and administrative ability in dealing with the problem of Nansen refugees in those countries. I wish to thank my personal assistant, Miss Shapland, for her excellent work.

(Signed) H. W. EMERSON.

1. STATEMENT OF RECEIPTS AND EXPENDITURE FOR THE YEAR 1945

Administrative Account.

	<i>Receipts.</i>			<i>Expenditure.</i>		
	Swiss francs	£	s. d.	Swiss francs	£	s. d.
<i>Receipts:</i>						
Balance on January 1st, 1945		123	2 11			
Remittances from Geneva { 1— to Headquarters		6,500	0 0			
{ 2— to Paris	51,024.30					
{ 3— to Brussels	3,488.—					
Sale of stamps { 1— France	13,328.90					
{ 2— Belgium	265.95					
<i>Expenditure:</i>						
<i>Headquarters:</i>						
High Commissioner's salary				2,262	0 0	
Head Office salaries				3,304	16 8	
Rent, cleaning, heating, lighting				309	15 9	
Travelling expenses				60	18 4	
Office equipment				125	8 10	
Petty cash				37	0 0	
Telephone, telegraph, stamps, etc.				59	7 11	
Banking expenses				16	0 0	
<i>Representatives:</i>						
Western Zones of Germany and Austria				380	0 0	
Greece (balance due for 1940/41)				70	8 8	
France	51,828.20					
Belgium	2,413.35					
Total expenditure				54,241.55	6,610 12 2	
<i>Balances on January 1st, 1946:</i>						
Headquarters					12 10 9	
France				12,525.—		
Belgium				1,340.60		
	<u>68,107.15</u>	<u>6,623</u>	<u>2 11</u>	<u>68,107.15</u>	<u>6,623</u>	<u>2 11</u>

2. Humanitarian Fund — RECEIPTS AND EXPENDITURE DURING THE YEAR 1945

<i>Receipts.</i>		<i>Expenditure.</i>	
	Swiss francs	<i>Grants:</i>	Swiss francs
Income from Nansen stamps:		To Nansen refugees other than in France	7,465.07
Sold in Geneva	11,200.—	Allocations to organisations in France	40,814.10
„ „ United Kingdom	2,070.18	Banking charges (including printing of Nansen stamps)	822.33
„ „ France	34,152.60 ¹	Refund Civil documents	26.02
	47,422.78	„ Cables	8.67
Civil documents	8.66	Total	<u>49,136.19</u>
Cables	160.69		
Denationalisation certificates	351.53		
	520.88		
Total	<u>47,943.66</u>		

¹ Statement for fourth quarter of 1945 not yet in hand.

3. Humanitarian Fund — STATEMENT OF RECEIPTS FROM SALE OF NANSEN STAMPS, 1945

Date	Country	Swiss francs
January 16th	United Kingdom (for Sweden)	1,980.65
February 1st	" " (for Ireland)	48.57
March 26th	Switzerland	5,600.—
March 27th	United Kingdom (for India)	7.15
May 24th	" " " "	4.54
October 1st	" " " "	29.27
December 3rd	Switzerland	5,600.—
Second and third quarters ¹	France	34,152.60
Total		<u>47,422.78</u>

¹ Statement of sale for fourth quarter of 1945 not yet in hand.

4. Humanitarian Fund — STATEMENT OF GRANTS FOR 1945 ¹

Date	Country	Russian Swiss francs	Armenian Swiss francs	Sundry Swiss francs	Total Swiss francs
1945					
April 27th	Turkey	1,430.07			1,430.07
May 31st	Switzerland	1,650.—	500.—		2,150.—
July 24th	Cyprus	1,735.—			1,735.—
December 4th	Switzerland	1,650.—	500.—		2,150.—
Second and third quarters ²	France	23,645.10	16,575.—	1,594.—	40,814.10
		<u>30,110.17</u>	<u>15,575.—</u>	<u>1,594.—</u>	<u>48,279.17</u>

¹ Grants made for relief in Italy are not included.

² Statement of grants for fourth quarter of 1945 not yet in hand.

5. Humanitarian Fund — BANK BALANCES

	Swiss francs	
Lloyds & National Provincial Foreign Bank Ltd., London £196 3s. 8d.	3,395.55	
Lloyds & National Provincial Foreign Bank Ltd., London — Gold bar	60,917.30	
Lloyds & National Provincial Foreign Bank Ltd., Geneva	4,861.90	
Lloyds & National Provincial Foreign Bank Ltd., Geneva (<i>compte bloqué francs belges</i>)	126.35	
Lloyds & National Provincial Foreign Bank Ltd., Geneva (<i>compte bloqué dollars</i>)	947.50	
Bank of London & South America, New York:		
Humanitarian Account ¹	40,087.35	
Saar Account ²	70,349.90	
Total: Swiss francs		<u>180,685.85</u>
Den Norske Creditbank, Oslo ³ Kr.	319,451.68	

¹ The balance of 40,087.35 Swiss francs has since been remitted to Geneva.

² Of the balance of 70,349.90 Swiss francs in the Saar Account, a sum of 400,000 French francs has been placed at the disposal of the High Commissioner's representative in Paris, with Lloyds & National Provincial Foreign Bank Ltd., Paris Branch, and the remainder remitted to Geneva.

³ Of the balance of Kr. 319,451.68, a sum of Kr. 100,000 was remitted to the High Commissioner's Humanitarian Fund, in London, in February 1946.

ANNEX 21

Geneva, April 11th, 1946.

INTERNATIONAL BUREAUX AND OTHER ORGANISATIONS
PLACED UNDER THE DIRECTION OF THE LEAGUE OF NATIONS
OR BROUGHT INTO RELATION THEREWITH

NOTE BY THE ACTING SECRETARY-GENERAL

The object of the present note is to enable the First Committee to consider whether certain measures should be taken in regard to the bureaux and other organisations placed under the direction of the League of Nations or brought into relation therewith.

A. INTERNATIONAL BUREAUX

Five bureaux have been placed under the direction of the League of Nations in accordance with the provisions of Article 24 of the Covenant, the first paragraph of which reads as follows :

“ 1. 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.”

They are :

1. The International Bureau for Information and Enquiries regarding Relief to Foreigners, Paris (placed under the direction of the League of Nations on June 27th, 1921)¹ ;
2. The International Hydrographic Bureau, Monaco (placed under the direction of the League of Nations on October 2nd, 1921)² ;
3. The Central International Office for the control of the Liquor Traffic in Africa, Brussels (placed under the direction of the League of Nations on January 11th, 1922)³ ;
4. The International Commission for Air Navigation, Paris⁴ ;
5. The International Exhibitions Bureau, Paris (placed under the direction of the League of Nations on May 20th, 1931)⁵ ;

Authority of the League and Relations between the Bureaux and the Organs of the League.

In practice, the “ direction ” exercised by the League of Nations in respect of these bureaux has consisted, on the one hand, in receiving information as to their activities and, on the other, in asking them for technical advice when occasion arose⁶.

As regards finances, the five above-mentioned bureaux are independent. Their budgets are not submitted for scrutiny to the competent organs of the League.

The breaking of the ties between the League of Nations and these bureaux will not in any way affect their working. The Assembly will perhaps decide to thank them for their collaboration with the League and to inform them that they are no longer placed under its direction.

¹ *Official Journal of the League of Nations*, Minutes of the Thirteenth Session of the Council, page 759.

² *Official Journal of the League of Nations*, Minutes of the Fourteenth Session of the Council, page 117.

³ *Official Journal of the League of Nations*, Minutes of the Sixteenth Session of the Council, page 91. The Convention establishing the Central International Office (signed on September 10th, 1919) has been registered with the League of Nations (*Treaty Series*, Vol. VIII, page 11).

⁴ The Convention establishing the Commission, which was signed at Paris on October 13th, 1919, and the Additional Protocol of May 1st, 1920, have been registered with the League of Nations (*Treaty Series*, Vol. XI, p. 173).

⁵ *Official Journal of the League of Nations*, Sixty-third Session of the Council, page 1110.

⁶ Cf., in particular, the Report adopted by the Council on June 7th, 1928 (*Official Journal of the League of Nations*, Fiftieth Session of the Council, page 899).

B. INSTITUTES

Three "Institutes" have been placed under the direction of the League, namely :

1. The International Institute of Intellectual Co-operation (1924), Paris ;
2. The International Educational Cinematographic Institute (1928), Rome ;
3. The International Institute for the Unification of Private Law (1928), Rome.

The two last-named institutes are mentioned merely *pro memoria*.

The International Educational Cinematographic Institute, which was offered by the Italian Government in 1927, was abolished by the same Government at the end of 1937. The duties of the Institute in connection with the application of the Convention of 1933 for facilitating the International Circulation of Films of an Educational Character were then transferred to the Committee on Intellectual Co-operation by virtue of a *procès-verbal* signed in Geneva on September 12th, 1938, which came into force on August 28th, 1939.

The International Institute for the Unification of Private Law was established by a Convention signed in April 1926 by the President of the Council and the Government of Italy. This Convention having been denounced by the Italian Government on December 27th, 1937, the legal ties between the Institute and the League of Nations were brought to an end on April 20th, 1940¹.

The International Institute of Intellectual Co-operation is at present the only institute which is legally connected with the League of Nations.

Up to 1939, the working of the Institute depended entirely on the Agreements of December 8th, 1924, between the French Government, which had offered to establish the Institute, and the Council of the League, which had agreed to its being placed at the disposal of the League of Nations².

On December 5th, 1939, there came into force the Act³ concerning intellectual co-operation, signed in Paris on December 3rd, 1938, which provides for the subsidising of the Institute by annual financial contributions from the contracting parties, calculated in units of 750 gold francs, these contributions being in addition to the grant made by the French Government in accordance with the Agreements of December 8th, 1924⁴.

The coming into force of this Act did not affect those Agreements. Under the terms of Article 5 of the Organic Statute, "the Governing Body of the International Institute shall be composed of the members for the time being of the Committee on Intellectual Co-operation of the League of Nations". In accordance with Article 13, "the budget and accounts of the Institute shall be communicated every year both to the Council and Assembly of the League of Nations and to the French Government. The accounts shall be audited at least once a year by the Chief Auditor of the League of Nations, and his report shall be annexed to the budget and to the accounts communicated to the Council and to the Assembly of the League of Nations".

It has not been possible to comply with these financial dispositions since 1940. It is known, moreover, that the United Nations has established an educational and cultural organisation which is competent in the questions that were within the sphere of activity of the Intellectual Co-operation Organisation of the League of Nations.

It is provided by the Agreements of 1924 that, in the event of the abolition of the International Institute for Intellectual Co-operation, "any articles and, in particular, the archives and collections of documents deposited in the premises by the Governing Body, as well as any property which has been acquired by the Institute during its period of operation, shall remain the property of the League of Nations", whereas the land, buildings and equipment placed at the disposal of the Institute by the French Government will be handed back to the French State.

In order that the work of intellectual co-operation may continue without interruption, the Assembly may perhaps decide to transfer to the United Nations the conditional right vested in the League of Nations over archives, collections of documents and any other property acquired by the Institute which has not to be handed back to the French State in the event of the abolition of the Institute.

* * *

The Nansen Office. This Office, which is in process of being wound up since January 1st, 1939, occupied a special position among the Organisations placed under the direction of the League of Nations. It was created directly by the League itself—which allotted subsidies

¹ The accounts of the International Institute for the Unification of Private Law were audited by the Auditor of the League of Nations up to the end of 1939.

² *Official Journal of the League of Nations*, Minutes of the Thirty-second Session of the Council, pages 137 and 285-289.

³ Registered under No. 4694—*Treaty Series*, Vol. 200, page 250.

⁴ The coming into force of the Act of December 3rd, 1938, did not bring in fresh funds to the budget of the Institute. To-day the budget depends solely on the annual contribution of the French Government, which has been raised to 6 million French francs.

to it on several occasions. The Liquidator of the Nansen Office, M. Hansson, who was appointed by the Governing Body, died in 1944. His successor, M. de Reffye, who also was nominated by the Governing Body, directs a Liquidation Committee which is established in Paris and of which M. Rubinstein and M. Pachalian, representing Russian and Armenian refugees respectively, are members. The work of liquidation, which was interrupted for a long time by the course of events, has been resumed, but has not yet been terminated.

The accounts of the Liquidator will have to be audited by the Auditor of the League of Nations, in accordance with a decision taken in 1939 by the Governing Body of the Nansen Office.

* * *

The International Relief Union was founded in Geneva on July 12th, 1927, by virtue of a Convention¹ which came into force on September 28th, 1932. Although the Assembly and the Council interested themselves in the preparatory work leading up to the conclusion of the Convention establishing the International Relief Union (which was open to the accession of both States Members and non-member States), the Union was not placed under the direction of the League of Nations within the meaning of Article 24 of the Covenant. Its accounts are, however, audited by the League Auditor in accordance with Article 19 of the Statute of the Union annexed to the above-mentioned Convention, it being understood that the League assumes no responsibility thereby.

¹ See *Treaty Series*, Vol. 135, page 247.

ANNEX 22

A.15.1946.V.

Geneva, March 18th, 1946.

COMPLAINT OF CERTAIN FORMER OFFICIALS OF THE GOVERNING
COMMISSION OF THE SAAR TERRITORY

(MM. DANZEBRINK, RITZEL, MACHTS, LEHNERT AND LAURIOLLE).

REPORT BY THE SUPERVISORY COMMISSION

I.

The Supervisory Commission submits the following report to the Assembly on the appeals of five former officials of the Saar Territory, who contend that the League of Nations is responsible to them in that they have not received the pension to which they claim they are entitled. This pension, if it had been awarded, would have been paid by the Government of the Reich.

The case has been before the Council and the Supervisory Commission on various occasions, and it is necessary to review the stages through which it has passed.

Under a Council resolution of July 4th, 1936, relating to the complaint of certain former officials of the Governing Commission of the Saar Territory, a Committee of Jurists was appointed with the following terms of reference, namely: "To look into the different aspects of the question and, in the event of their coming to the conclusion that the League had obligations in the matter, to embody proposals for a fair settlement in their report, for consideration by the Council at its next ordinary session." The Committee of Jurists, which was composed of M. DE RUELLE, Legal Adviser to the Belgian Ministry of Foreign Affairs (*Chairman*), and two members, M. DONNER, member of the Netherlands Supreme Court, and M. IM HOF, member of the Council of State of the Canton of Bâle-Ville, reached the conclusion that the League of Nations had not incurred any legal liability in this case and therefore considered that it was not called upon to examine the subsidiary part of its terms of reference—namely, the embodying in its report of proposals for a fair settlement (document C.394.1936.VII, September 19th, 1936).

The report of the Committee of Jurists was considered and adopted by the Council on September 25th, 1936, during its ninety-third session. On the proposal of M. Paul-Boncour, the Council agreed that, considering the matter solely from the standpoint of equity, there could clearly be no question of any payment but a lump sum as a final settlement. M. Paul-Boncour suggested that a sum of 5,000 Swiss francs for each of the five former officials would be a suitable amount for this purpose.

In order to give effect to the proposal of the Representative of France, the Council, on September 26th, 1936, during the same session (the ninety-third), authorised the Secretary-General to pay to the five persons concerned indemnities totalling 25,000 Swiss francs chargeable to Item 2 (c), Chapter I (Unforeseen Expenses, Political) of the Budget.

Details regarding the service of these five officials with the Governing Commission of the Saar Territory are given in the following statement:

Statement showing: (1) the Duration of Service with the Governing Commission of the Saar Territory of Five of its Former Officials, and (2) the Emoluments and Compensation paid to These Officials by the Commission.

	Date on which official began regular service with the Governing Commission of the Saar Territory	Annual salary		Total duration of service with the Governing Commission of the Saar Territory (to 1/11/35)	Compensation given by the Governing Commission (in addition to 1 month's salary).	
		French francs	Converted into Swiss francs (rate 20.31)		French francs	Converted into Swiss francs (rate 20.31)
M. DANZEBRINK, Heinrich	I.XII.33	45,408	9,222	15 months	25,500 20,000	9,241
M. RITZEL, Heinrich . .	I.XII.33	40,800	8,286	15 months	34,700	7,047
M. MACHTS, Hartwig. . .	I.XII.33	35,784	7,268	15 months	29,510	5,993
M. LEHNERT, Gustav . .	I.XI.33	32,844	6,670	16 months	24,760	5,029
M. LAURIOLLE, Auguste .	I.IX.33	28,920	5,873	18 months	29,520	5,996
		<u>183,756</u>	<u>37,319</u>		<u>163,990</u>	<u>33,306</u>

Three of the officials—MM. Gustav Lehnert, Auguste Lauriolle, and Hartwig Machts—accepted the Council grant of 5,000 Swiss francs to each of them in full settlement and signed the receipt worded as requested by the Secretariat.

The remaining two of the complaining former officials of the Governing Commission of the Saar Territory—M. Danzebrink and M. Ritzel—refused to sign a receipt in full settlement.

In February 1938, however, both M. Danzebrink and M. Ritzel applied for the granting of an advance to them against the Council grant. The Secretary-General approved of a payment of 3,000 Swiss francs to M. Ritzel and 4,000 Swiss francs to M. Danzebrink without imposing the conditions that the acceptance must be regarded as in full settlement. The Secretary-General's reasons were (1) humanitarian grounds, (2) a final settlement had been postponed to the following May.

On May 13th, 1938, the Secretary-General proposed to the Council to vote an additional amount of 30,979 Swiss francs to increase the *ex gratia* payment to these five former officials. The total grant from the League Budget would thus amount to 55,979 Swiss francs, and the sum received by each of the former officials would be equivalent to salary for a year and a-half. The Secretary-General's proposal was adopted.

On May 19th, 1938, a letter was addressed to the five former officials of the Governing Commission of the Saar Territory informing them of the Council's decision of May 13th, 1938. Attached to each letter were: document C.183.1938; a cheque for the amount granted to the official in question, including also the sum still outstanding against the first grant, if any; and a form of receipt.

The attention of the officials in question was especially drawn to the passage of document C.183.1938 stating that the payment referred to in that document would close the matter definitely so far as the League was concerned. The recipients were requested to sign the form of receipt transmitted to them and to return the signed receipt to the Secretariat.

Two of the five officials under reference—M. Lehnert and M. Lauriolle—acknowledged the receipt of the payment and returned the form of receipt signed as requested. The remaining three of the former officials of the Governing Commission of the Saar Territory did not sign the form of receipt as requested, but sent to the Secretariat receipts of their own drafting reserving rights for further claims.

M. Danzebrink, on May 30th, 1938, M. Ritzel, on May 31st, 1938, and M. Machts, on June 16th, 1938, were informed by the Legal Adviser of the Secretariat that, when despatching the cheques, he included a copy of the Council resolution. (This resolution indicated that these payments definitely closed the matter so far as the League of Nations was concerned.) The Legal Adviser's letter included the following sentence:

« Je conteste le bien-fondé des termes dudit reçu et je vous confirme le contenu de ma lettre précitée. »

The position, as it stands at present, is summarised in the following table:

	First payment against the first grant of the Council of 25,000 Swiss francs		Second payment against the second grant of the Council of 30,979 Swiss francs, and the balance of 3,000 Swiss francs remaining due on the first grant	
	Amount Swiss francs	Nature of the receipt signed by the recipient.	Amount Swiss francs	Nature of the receipt signed by the recipient.
M. DANZEBRINK	4,000	Ordinary.	9,833	With reservation.
M. RITZEL	3,000	Ordinary.	9,429	With reservation.
M. MACHTS	5,000	In full settlement.	5,902	With reservation.
M. LEHNERT	5,000	In full settlement.	5,005	In full settlement.
M. LAURIOLLE	5,000	In full settlement.	3,810	In full settlement.
	<u>22,000</u>		<u>33,979</u>	

On May 27th, 1939, the Secretary-General reminded the Council of the complaints put forward on various occasions by the former officials of the Governing Commission of the Saar Territory. The Council had not admitted any legal basis for the complaints of these former officials, but, on humanitarian grounds, it had made them grants *ex gratia* on two different occasions, after which the situation was as follows:

Grants received by Former Officials of the Governing Commission of the Saar Territory.

(1) Name	(2) Annual salary received from the Saar Commission	(3) Grants made by the Council on Sept. 26th, 1936	(4) Additional grants made by the Council on May 13th, 1938.	(5) Total grants from the League Budget (columns 3 and 4)	(6) Payments received from the Saar Commission
M. DANZEBRINK	9,222	5,000	8,833	13,833	9,241
M. RITZEL	8,286	5,000	7,429	12,429	7,047
M. MACHTS	7,268	5,000	5,902	10,902	5,993
M. LEHNERT	6,670	5,000	5,005	10,005	5,029
M. LAURIOLLE	5,873	5,000	3,810	8,810	5,996
Total	<u>37,319</u>	<u>25,000</u>	<u>30,979</u>	<u>55,979</u>	<u>33,306</u>

The question of the former officials of the Governing Commission of the Saar Territory was further considered during the eighty-ninth and ninetieth sessions of the Supervisory Commission held at Montreal, the former in July 1941, and the latter in August 1942. The matter was again discussed during the Commission's ninety-fifth session held in London on February 13th, 1945. On the last occasion, the Supervisory Commission retraced the history of the case and reaffirmed the view that the five former officials of the Governing Commission of the Saar Territory had no legal claim on the League. The Council had awarded them a gratuity on humanitarian grounds, but the amount of this gratuity was regarded by the recipients as inadequate. On a further study being made, the Council had offered the officials concerned a gratuity based on the compensation which would be granted to Secretariat officials similarly placed. The Council had stipulated that this would be a final award, and the recipients were to sign a receipt in full settlement of their cases.

II.

For the sake of completeness, it may be noted that, at the 107th session of the Council (second meeting, December 14th, 1939), the Secretary-General presented the case to the Council, expressing the following view :

“ A question of principle involving such grave consequences should, it would seem, be elucidated by a judicial body having the authority and special experience which the Members of the League of Nations, which are all interested in the matter, are entitled to expect for such a purpose. In my opinion, only the Permanent Court of International Justice fully satisfies this condition and it is for this reason that I propose recourse to the Court.”

The Secretary-General then proposed a draft resolution which the Council approved :

“ The Council of the League of Nations,

“ Being desirous that it should be made clear by the highest judicial authority what is the legal position of the League of Nations in the matter :

“ Decides as follows :

“ 1. A period expiring on March 31st, 1940, shall be allowed to M. Danzebrink, M. Lauriolle, M. Lehnert, M. Machts and M. Ritzel for lodging with the Secretariat, jointly or singly, a memorandum or memoranda addressed to the League of Nations, setting out, together with the arguments upon which they rely, the claims which they make against the League of Nations in connection with the cessation of their services as officials of the Governing Commission of the Territory of the Saar Basin.

“ The complainants shall choose an address at Geneva to which all communications intended for them may validly be addressed.

“ Within ninety days from April 1st, 1940, the Secretary-General will furnish a statement of the point of view of the League of Nations regarding the memorandum or memoranda lodged before that date.

“ Within sixty days from the despatch of the Secretary-General's statement, the complainants, if they so desire, may lodge an additional memorandum to elucidate further the questions at issue. If they use this opportunity, the Secretary-General may himself produce another statement within sixty days.

“ The President of the Council may prolong the periods fixed above.

“ 2. The above-mentioned documents shall be transmitted to the Permanent Court of International Justice at the same time as the request for an advisory opinion provided for in paragraph 3 of the present resolution. The Court will, of course, remain free to take account of any other element of fact or law which may be relevant for the purpose of giving the advisory opinion which is requested.

“ 3. In virtue of the present resolution, which he will communicate to the Permanent Court of International Justice, the Secretary-General of the League of Nations, on behalf of the Council, shall lay before the Court a request for an advisory opinion of the Court upon the following questions :

“ (a) Has the League of Nations any legal obligations towards the authors of the memoranda lodged in accordance with Article 1 of the present resolution in connection with the claims formulated in these memoranda ?

“ If the answer is affirmative, on what basis of law and of facts, duly proved, are these obligations founded ?

“ (b) And further, if the answer is affirmative, what sums are due to each complainant in execution of the obligations in question ?

"4. The League of Nations hereby renounces the exercise of the right to present the written and oral statements provided for by Article 66 of the Statute of the Court, if the same possibility cannot be given to the petitioners, since it does not wish to have greater opportunities of furnishing information to the Court than the petitioners themselves¹."

III.

The Secretary-General of the League of Nations requested a Belgian jurist, M. Kaeckenbeeck, to study the matter. M. Kaeckenbeeck devoted special attention to questions of administrative law in relation to German law which constituted an element in the case.

The memoranda provided for in the Council resolution were presented by the Parties :

1. Introductory memorandum by the complainants, October 31st, 1940 ;
2. Memorandum in reply by the Secretary-General, May 23rd, 1941 ;
3. Further memorandum by the complainants, July 26th, 1941 ;
4. Memorandum in reply by the Secretary-General, September 18th, 1941 ;
5. Supplementary memorandum by the complainants, December 15th, 1941².

In his last memorandum, the Secretary-General, whilst proceeding to examine the former officials' rights to the grant of a pension, emphasised another aspect of the matter which is of more general scope and which, in his opinion, constitutes, to some extent, a question calling for preliminary consideration. He pointed out that the League of Nations had no contractual obligation towards former officials of the Saar Territory and that, in consequence, if, for any reason whatsoever, the League had not succeeded in safeguarding the rights of the former officials of the Saar Territory to a pension, supposing that such rights did in fact exist, it could not, on any ground, incur any obligation of a financial character towards such officials.

On September 18th, 1941, so far as the League of Nations was concerned, the matter was ready for examination by the Permanent Court of International Justice ; but at this stage the war had intervened.

When the Supervisory Commission considered the matter after the close of hostilities, it was satisfied that the ex-officials had received more than generous treatment from the League and that there was no reason to request the Permanent Court of International Justice to hold a session merely for the purpose of dealing with this matter before the existence of the Court came to an end.

The Commission is of opinion that no further action by the League of Nations is required in the matter of the awards to these former officials of the Governing Commission of the Saar Territory and has advised the Acting Secretary-General to take no further action in respect of the Council's resolution.

¹ *Official Journal of the League of Nations*, Twentieth Year, Nos. 11-12 (Part II), pages 502 and 503.

² The periods prescribed for the presentation of the memoranda had been extended by the President of the Council in conformity with the resolution of December 14th, 1939. The supplementary memorandum by the complainants (No. 5), dated December 15th, 1941, did not come within the periods provided for in the resolution.

ANNEX 23

A.16.1946.

Geneva, March 22nd, 1946

**NOTE BY THE ACTING SECRETARY-GENERAL
ON THE JUDGMENTS PRONOUNCED BY THE ADMINISTRATIVE
TRIBUNAL ON FEBRUARY 26th, 1946, CONCERNING CERTAIN
OFFICIALS DISCHARGED IN APPLICATION OF THE EMERGENCY
MEASURES ADOPTED BY THE 1939 ASSEMBLY**

In a series of thirteen judgments pronounced on February 26th, 1946, the Administrative Tribunal found that the Administrations of the Secretariat and International Labour Office were not entitled to apply to the thirteen complainants the amendments to Articles 18 and 73 of the Staff Regulations of the Secretariat of the League of Nations and Articles 19 and 83 of the Staff Regulations of the International Labour Office provided for by the Assembly Resolution of December 14th, 1939, by which amendments the period of notice of termination of appointment in the case of permanent officials was reduced from six months to one month and the payment of the compensation for termination of appointment due to such officials was spread over four years.¹

I. THE ASSEMBLY RESOLUTION OF DECEMBER 14th, 1939

To meet the situation resulting from the outbreak of hostilities, which led on the one hand to the departure of officials who had been mobilised or desired to take up national service, and on the other hand to the necessity for adapting expenditure to the diminishing resources of the League, the Assembly, on the proposal of the Supervisory Commission and after exhaustive discussion in the Fourth Committee, adopted on December 14th, 1939, a series of measures the main features of which were as follows.

Officials who were mobilised, or who took up voluntarily national service, had their contracts suspended; other officials whose services would no longer be required were offered the choice between:

- (a) *Suspension of their appointment*: this meant that they retained their capacity as international officials, the whole of their contributions to the Pensions Fund being paid by their Administration. Finally, they might subsequently be reinstated; and
- (b) *Resignation*: this meant the payment of compensation equal to six months' or one year's salary according to whether they had less or more than seven years' service. This compensation is, in fact, that provided for by the Staff Regulations of both organisations in the case of permanent officials whose appointments are terminated.

The procedure of suspension was intended to make it possible to retain a nucleus of officials whose services might be called upon, should the need arise.

The procedure of resignation respected the legitimate susceptibilities of officials with whom it was necessary to part.

Provision had, however, also to be made for the possibility that some officials might not consent to choose between the alternative courses offered them and that the Administrations would then be obliged to terminate their appointments. Now, the Staff Regulations, as in force at that time, provided that an appointment could be terminated only by giving six months' notice. The result would have been that officials whose appointments had to be terminated would not have been able to leave the service until after the expiration of this period, so that it would have been impossible to effect any immediate economies and these officials would have been in a privileged situation as compared with officials who had been suspended or who had resigned. Accordingly, the Assembly decided to amend the Staff Regulations of the two organisations by reducing to one month the period of notice of termination of appointment in the case of officials receiving compensation on being discharged.

Finally, as the resources anticipated for 1940 would not have been sufficient to pay all the sums due in respect of compensation for termination of appointments, the Assembly decided that these sums should be paid by annual instalments (see Resolution of December 14th, 1939, *Official Journal*, Twentieth Year, Nos. 11-12, pp. 424 *et seq.*, Third and Fourth Reports of the Supervisory Commission for 1939, documents A.5(b).1939 and A.5(c).1939).

II. APPLICATION OF THE EMERGENCY MEASURES

Immediately after the adoption by the Assembly of its Resolution of December 14th, 1939, the Secretary-General and the Director of the International Labour Office informed a certain number of officials that it would be impossible to retain their services and that they must choose between the suspension of their appointments and resignation, in accordance with the provisions summarised above.

¹ See document A.72.1938.X.

A similar situation arose once more when Western Europe was invaded in May-June 1940, and almost all the officials who were to leave the service had to opt either for suspension or for resignation.

The vast majority of these officials consented to make the choice placed before them. Only a very small number refused to make the choice offered them and thus compelled their Administration to terminate their appointments by applying to them the new provisions of the Staff Regulations as decided upon by the Assembly.

Twelve officials of the Secretariat and two of the International Labour Office, holding that these new provisions were not applicable to them, appealed in the first place to the Judicial Committee and subsequently to the Administrative Tribunal, in order to obtain respect for what they considered to be their rights. These are the fourteen cases that came before the Administrative Tribunal at its session in February 1946.¹

The measures taken made it possible to effect a saving equivalent to five months' notice, on an average, in more than 300 cases in the Secretariat (1,500,000 Swiss francs), and in more than 200 cases in the International Labour Office (1,200,000 Swiss francs). Further, by spreading over a period of four years the payment of compensation in respect of termination of contracts, it was possible to reduce from 4,000,000 Swiss francs to 1,000,000 Swiss francs in the case of the Secretariat, and from 2,800,000 Swiss francs to 700,000 Swiss francs in that of the International Labour Office, the amounts that had to be paid in this connection in 1940. Thus, the Budget for 1940 was reduced in all by 4,500,000 Swiss francs for the Secretariat and by 3,300,000 Swiss francs for the International Labour Office.

III. THE CASE

1. *The Submissions of the Complainants.*

The complaints of the fourteen complainants are identical in substance. In their submission, the rights conferred on officials by the terms of the Regulations are acquired rights which cannot be modified, even by a decision of the Assembly, since their appointments, dating from before October 15th, 1932, are not subject to the provisions of Article 30*bis* of the Regulations (Article 16*bis* of the Regulations of the International Labour Office), which enable the terms of appointments to be modified to bring them into conformity with the decisions of the Assembly.

The complainants therefore hold that the amendments introduced by the Assembly in the articles dealing with notice of termination of appointment and the method of payment of the compensation for such termination (Articles 18 and 73 of the Staff Regulations of the Secretariat and Articles 19 and 83 of the Staff Regulations of the International Labour Office) are not applicable to them. In their contention, they were, on their departure, entitled to the whole period of six months' notice as prescribed in the Staff Regulations at the date when the terms of their appointments were fixed and to the immediate payment in full of the compensation due on the ground of the suppression of their posts.

2. *The Submissions of the Secretary-General.*

For his part, the Secretary-General of the League of Nations who was in office at the time, holding that the dispute arose out of a decision by the Assembly, with which he was obliged to comply, considered that the Administrative Tribunal had no competence in the matter and he decided both to contest the competence of the Tribunal and not to present any defence on the merits of the case. Accordingly, the answer to the complaints of the complainants which was submitted to the Administrative Tribunal by Professor Basdevant was confined to a submission that the Tribunal had no competence.

This attitude was confirmed by the Supervisory Commission at its session in January 1946, when it approved the position taken up by the previous Secretary-General. It was decided, further, that, if the Administrative Tribunal declared itself competent, it would be asked to postpone judgment on the substance of the case in order that the Secretary-General might refer the matter to the Assembly and obtain instructions from it. Professor Basdevant being unable to continue to act for the Secretariat, the defence was entrusted to M. Charles Rousseau, Professor at the Faculty of Law in Paris.

3. *The Position taken up by the Director of the International Labour Office.*

In reply to the complaint of one complainant, an official of the International Labour Office, the Director of the International Labour Office presented a written statement of which the conclusion was as follows:

"III. The Director of the International Labour Office, being obliged to apply the resolution of a financial nature adopted on December 14th, 1939, by the Assembly of the League of Nations, does not consider himself entitled to express any opinion whatsoever with regard to that resolution. In his view, it is for the representative of the Secretary-General of the League of Nations to do this in the associated cases."²

¹ The Registrar of the Administrative Tribunal endeavoured at various times during the war to convene a meeting of the Tribunal, but, owing to conditions in Europe, either it was impossible to communicate with the judges or the latter were unable to attend a meeting in Geneva or elsewhere.

² Part II of this memorial contained the following:

"Having recalled the foregoing facts, the International Labour Office desires to add the following observations:

"(1) The decision impugned by Madame Z. was never, strictly speaking, a decision taken with special regard to her. Madame Z. was affected, together with a large number of her colleagues, by a decision which, in reality, involved no prejudicial discrimination against her and which was the outcome of circumstances of an entirely general character.

4. The Hearings and the Judgment of the Tribunal.

At the hearings held on February 21st and 22nd, the Tribunal, upon the presentation *in limine* of a request by Professor Rousseau to the effect that it should first decide the question of competence, rejected this request and decided, by means of an interlocutory judgment delivered forthwith, to pronounce judgment simultaneously upon both the question of competence and the merits of the case.

Thereafter, the Tribunal heard in turn Maître Balmer, who presented the case for the complainants on both the question of competence and the merits, and Professor Rousseau, who presented the case for the Secretary-General on the question of competence only. After the pleadings, the President and one of the judges put a number of questions.

The Tribunal then withdrew to consider its findings and, on February 26th, it pronounced thirteen judgments¹, in practically identical terms. The final part of the judgment in the Mayras case, containing the statement of reasons and the actual decision of the Tribunal, is as follows:

[Translation.]

“AS TO COMPETENCE:

“I. Whereas the Statute of the Administrative Tribunal expressly states in Article II, paragraph 1, that the Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials;

“Whereas these words imply the attribution of full competence in respect of the execution of all contractual obligations entered into by the League of Nations towards its officials, and whereas no distinction whatsoever is made between an act of the Assembly itself and an act of the agents whom it invests with authority over the staff;

“Whereas the Statute of the Tribunal was submitted to the Assembly on September 26th, 1927, and adopted by that body as drafted, without any amendment either in regard to its spirit or in regard to its form; and whereas therefore the scope of the Tribunal's competence was determined by the sovereign authority of the Assembly itself, thus providing the staff with a guarantee of justice which thenceforward it could not retract;

“Whereas, moreover, this was the definite opinion expressed by the Committee of Jurists appointed by the Chairman of the First Committee of the Thirteenth Assembly, which opinion related to the question whether the Assembly had any right to reduce the salary of officials; and whereas this opinion recognising the competence of the Administrative Tribunal was given on October 8th, 1932, the members of this Committee (M. Andersen, M. Basdevant, M. Huber, Sir William Malkin and M. Pedroso) being unanimous, (*cf.* League of Nations *Official Journal*, Special Supplement No. 107, p. 206);

“II. And whereas, furthermore, the Secretary-General, by the decision impugned, wrongfully applied the Assembly resolution of December 14th, 1939, to the complainant;

“Whereas the appointment of the complainant was, in fact, previous to October 15th, 1932, and the contract of appointment contained no clause providing that the terms thereof might be modified by the Assembly;

“Whereas the Staff Regulations of the Secretariat, as in force at the date of the complainant's contract of appointment, formed part of the terms of that contract, and whereas the complainant had an acquired right in virtue of which amendments to the Regulations and, in particular, the amendments at issue to Articles 18 and 73, could not be applied in her case save by mutual agreement;

“Whereas no such mutual agreement has been reached;

“Whereas it is impossible to entertain the assumption that the Assembly intended, by its Resolution of December 14th, 1939, to affect acquired rights without expressly so stating;

“Whereas, in this respect, the text adopted by the Assembly admits of no doubt and does not even mention Article 80 of the Staff Regulations, which establishes the principle of respect for acquired rights;

“Whereas likewise the interpretation advanced by the defendant party cannot be deduced from any argument *ab absurdo*, or from any argument based on practical effect, since the modifications at issue are applicable to officials appointed after October 15th, 1932, and to those who were appointed before that date, but whose contract of appointment contains a clause providing that the terms thereof may be modified by the Assembly (Article 30*bis* of the Staff Regulations of the Secretariat);

“Whereas, therefore, the complaint is directed, not only formally, but also in fact, against a decision of the Secretary-General, whence it follows that, on any hypothesis, the matter comes within the competence of the Administrative Tribunal:

“(2) The provisions of the Staff Regulations of the International Labour Office which made it possible for the decision impugned by Madame Z. to be taken differ of course from the terms of the Regulations as they previously stood. This amendment is itself due to the events which have taken place in the world. The character of these events and the extent of their consequences warrant the statement that they constituted a contingency not foreseen by the Staff Regulations of the International Labour Office as in force prior to December 21st, 1939, or by the Statute of the Administrative Tribunal itself. It seems doubtful whether the decisions taken during the present emergency, under the direct pressure of exceptional circumstances, can be regarded as decisions subject to the rules and to the remedies governing the action of the Administration in normal circumstances.

“(3) The decision impugned by Madame Z. was the outcome of circumstances of *force majeure* and it has its origin not in any act of volition on the part of the Director of the International Labour Office himself, but in the Resolution adopted on December 14th, 1939, by the Assembly of the League of Nations. The Director merely carried out a decision which was not a decision that he had taken and the effects of which he could not set aside.”

¹ A fourteenth case is still pending; it concerns an official of the Secretariat who had put forward also two supplementary claims:

(a) An increase of the capital of the pension, the reduction of the period of notice having led to his quitting the Pensions Fund prematurely;

(b) The payment of the instalments of the compensation for termination of appointment in Swiss francs of the same value as at the date when he left the Secretariat.

"AS TO THE MERITS:

"Whereas the complainant, in virtue of the terms of her contract of appointment, had an acquired right according to which, upon the termination of her appointment in pursuance of the decision impugned, Articles 18 and 73 of the Staff Regulations of the Secretariat, as in force at the date of her contract of appointment, should be applied;

"Whereas the complainant was, by the decision impugned, wrongfully deprived of the benefit of this acquired right by the application of the Assembly Resolution of December 14th, 1939;

"Whereas, reasons of *force majeure* have been unavailingly invoked to justify such application;

"Whereas it is in fact impossible to entertain the idea that the League of Nations was not in a position to respect the acquired rights of its staff;

"Whereas the complainant is therefore entitled:

- * (1) To six months' notice, or the payment of six months' salary in lieu thereof;
- * (2) To compensation equal to one year's salary, payable immediately;

"Whereas the fact that the payment of salary in lieu of the months of notice will be effected only after a long interval and that the compensation was paid only over a period of time and by instalments on different dates gives the complainant a right to interest for the period that has elapsed since payment became due, which the Tribunal fixes *ex aequo et bono* at 4 per cent."

IV. A SUCCINCT ANALYSIS OF THE JUDGMENT

For a full knowledge of the question at issue, the position taken up by the parties and that adopted by the Tribunal, reference should be made to the following documents and records:¹

1. The written statement by the complainants (M^{lle} Mayras) instituting proceedings, dated February 19th, 1940;
2. The written statement in reply by Professor Basdevant, dated April 2nd, 1940;
3. The reply of the complainants (M^{lle} Mayras), dated June 17th, 1940;
4. The summary of the first speech by Professor Rousseau on February 21st, 1946;
5. Extracts from the oral observations of the President and of Judge Devèze during the hearing on February 21st, 1946;
6. The second speech by Professor Rousseau on February 22nd, 1946;
7. The judgment in the Mayras case, dated February 26th, 1946.

It is not for the Secretary-General to express an opinion on the judgment pronounced by the Administrative Tribunal. What follows is confined to certain statements of fact.

1. — *The Judgment on the Question of Competence.*

As reasons for its decision in regard to the question of competence, the Tribunal gave two arguments.

(a) The Tribunal took account, in the first place, of the general terms of Article II, paragraph 1, of its Statute, which determines the competence of the Tribunal.² This Article indeed makes no explicit distinction between an act by the Assembly or by the Administration.

The Tribunal did not fail to take account also of the opinion given by the Committee of Jurists appointed by the 1932 Assembly to give it an opinion on various questions relating to the rights of officials. This Committee, composed of M. Andersen, M. Basdevant, M. Huber, Sir William Malkin, M. Pedroso, concluded its opinion, dated October 8th, 1932, by saying: "The Assembly does not have the right to reduce the salaries of the officials unless such a right has been expressly recognised in the contracts of appointment"³, and "If the Assembly reduced the salaries of officials, the latter would have the right to have recourse to the Administrative Tribunal."

(b) The Administrative Tribunal then found that "the Secretary-General, by the decision impugned, wrongfully applied the Assembly Resolution of December 14th, 1939" to the complainants.

In the view of the Administrative Tribunal, the Assembly's decision applied only to officials appointed subsequently to October 15th, 1932, their appointments being, in virtue of Article 30 *bis* of the Staff Regulations (Article 16 *bis* of the Staff Regulations of the International Labour Office) subject to such changes as the Assembly might decide upon.

¹ These documents and records are not annexed to the present document; they can be obtained, if desired, in roneographed form (French only) on application to the Distribution Service at the Secretariat.

² Article II, paragraph 1, of the Statute of the Administrative Tribunal reads as follows:

"The Tribunal shall be competent to hear complaints alleging non-observance, in substance or in form, of the terms of appointment of officials of the Secretariat or of the International Labour Office, and of such provisions of the Staff Regulations as are applicable to the case."

³ In regard to the sovereign power of the Assembly, this question was examined by the Committee, which said: "The existence of such rights being recognised, does the Assembly nevertheless possess the right to derogate therefrom in *exercise of its budgetary authority*?"

"This question does not arise in the same manner as it arises for a parliament which, besides its budgetary authority, has power to legislate — that is to say, to make rules of law which can override other rules of law"

"The obligation which flows from the official's contract is an obligation resting upon the League of Nations. To state this is to state that all the organs of the League of Nations are bound to conform to it. Accordingly, in providing for expenditure, the Assembly is bound to take as a basis the contractual rights of officials."

The Secretary-General, through his representative, formally contested this assertion (Reply by Professor Rousseau, February 22nd, 1946). He showed that, if the amendments impugned had had to apply to officials appointed subsequently to October 15th, 1932, they would have affected only a limited number of officials. Further, it should be noted that officials of this category were all appointed in a temporary capacity and, in many cases, the Secretary-General could bring their services to an end either by not renewing their contracts or by giving them the short notice specified in their contracts. The amendments in question had no sense and served no purpose unless they were to apply to the whole of the officials discharged.

Such, in the opinion of the Secretary-General, was the will of the Assembly and he is convinced that he did what he was required to do when he applied Articles 18 and 73 to all the officials.

2. — *The Judgment on the Merits of the Case.*

As the Secretary-General confined himself to pleading that the Tribunal had no competence, he refrained from presenting any defence on the merits of the case.

(a) The Tribunal, after deciding that it was competent, asserted that the provisions of the Staff Regulations constituted, in principle, a contractual element of the situation of officials. The latter, according to the Tribunal, possessed, in virtue of Article 80, an acquired right to the application of the Staff Regulations in force at the moment of their appointment. The Tribunal's view in this matter had moreover already been asserted in earlier judgments.¹

(b) It will be noted that the Tribunal mentioned, only to reject it, the notion of *force majeure*. It said:

“Whereas, reasons of *force majeure* have been unavailingly invoked to justify such application (*i. e.*, the application of the amendments to all officials).”

It should be observed that, as the Secretary-General did not enter into the substance of the dispute, he had no occasion to invoke the juridical notion of *force majeure* which, whatever may be its validity, bore no relation to the question of competence.

If, in the course of his submission, Professor Rousseau quoted passages from speeches delivered in the Fourth Committee in which *force majeure* was invoked, this was because those passages demonstrated the Assembly's intention not to confine itself to the application of the contractual rules and to make the amendments to the Staff Regulations applicable to all officials.

V. QUESTION TO BE CONSIDERED BY THE ASSEMBLY

The Judgment of the Administrative Tribunal affects the scope of the Assembly Resolution of December 14th, 1939. The Supervisory Commission, consulted by the Acting Secretary-General, states in the report of its ninety-ninth session as follows:

“As an acceptance of the findings of the Administrative Tribunal would put its decision above the authority of the Assembly, the Supervisory Commission could not take the responsibility of advising the Acting Secretary-General and the Acting Director of the International Labour Office to apply the judgments of the Administrative Tribunal. It has accordingly instructed the two Administrations to take no action on them pending consideration of the whole question by the Assembly.”

¹ See Judgment No. 1 — *di Palma Castiglione versus International Labour Office*, January 15th, 1929.

This judgment contained the following passage:

“C. Whereas it would be unavailing for the Administration to claim to invoke the general provision which enables it to modify the Staff Regulations during the course of a contract (Article 117 of the Staff Regulations);

“And whereas the purport of an Article of this nature cannot have been to place the official in a position in which he would be exposed to the arbitrary action of the Administration, since, on the contrary, the existence of Staff Regulations arises out of the necessity for giving the members of the staff, both at present and in the future, legitimate guarantees concerning the stability and the conditions of their employment;

“And whereas the report by M. Noblemaire, leading up to the adoption of the Staff Regulations, brings out clearly the intention with which those Regulations were drawn up, by specifying that it was desired to provide a remedy for the insecurity in which the members of the staff found themselves before the establishment of these guarantees of stability;

“And whereas it is therefore impossible to conceive of the interpretation of Article 117 otherwise than *in regard to details of methods of application or to accessory points and not in regard to anything affecting the fundamental rights of the members of the staff.*”

Note. — Article 117 of the Staff Regulations of the International Labour Office corresponds to Article 80 of the Staff Regulations of the Secretariat, which reads as follows:

“The present Regulations and their Annexes may be amended by the Secretary-General, without prejudice always to the acquired rights of officials”

See also:

Judgment No. 2 — *Phelan versus International Labour Office* — January 15th, 1929,

Judgment No. 3 — *Maurette versus International Labour Office* — January 15th, 1929.

ANNEX 24

A.33.1946.

Geneva, April 17th, 1946.

GENERAL QUESTIONS :
REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY

Rapporteur: Professor K. H. BAILEY (Australia).

The First Committee met under the chairmanship of M. Maurice BOURQUIN, delegate of Belgium. As Vice-Chairman, it elected H.E. Professor CAEIRO DA MATTA, delegate of Portugal, and it invited Professor K. H. BAILEY, delegate of Australia, to undertake the duties of Rapporteur. The Committee held seven meetings.

The main business of the Assembly at its twenty-first session has been to make provision for bringing the League of Nations to an end in orderly fashion, so that as much as possible of its surviving work can be continued without interruption, and as much as possible of its property can be used to promote those high purposes of international peace and co-operation for which the League itself was founded. The Assembly entrusted to the First Committee the responsibility for preparing the necessary formal resolutions, save as regards the strictly financial and administrative matters which the Assembly assigned to the Second Committee.

Much careful planning for the work of the twenty-first session of the Assembly had been done in advance, particularly in the course of discussions between representatives of the United Nations on the one hand and of the League on the other. In addition, the Delegation of the United Kingdom to the Assembly had prepared draft resolutions covering all the main matters on the agenda of the Assembly. The First Committee recommends that the Assembly should record its appreciation of this valuable preliminary work, without which, indeed, the Assembly could not possibly have completed its labours in so short a time.

The First Committee has considered the following matters: the dissolution of the Permanent Court of International Justice; the assumption by the United Nations of certain functions, powers and activities of the League of Nations; the position of certain other activities of the League, such as international assistance to refugees and the execution of the system of Mandates; the future of certain international bureaux and other organisations placed under the direction of the League or brought into relation with it; and, finally, the dissolution of the League of Nations itself, and the final liquidation of its affairs.

DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The First Committee felt that it would be in accordance with the independent status of the Permanent Court of International Justice to place in a separate report the Committee's resolution regarding the dissolution of the Court. This report has been distributed to the Assembly as document A.35.1946.¹

ASSUMPTION BY THE UNITED NATIONS OF CERTAIN FUNCTIONS, POWERS AND ACTIVITIES
OF THE LEAGUE

Thanks to the vision, courage and energy of many, a great deal of the non-political work of the League has been maintained throughout the difficult years of World War II.

The First Committee recalls that the League of Nations has been intimately associated with the development of international co-operation; in fact, it has been the world centre of activities in this sphere. By various international agreements, Governments have entrusted it with a number of important functions. Further, the Assembly and the Council have themselves set up numerous technical organs which, with the assistance of the Secretariat, have carried out invaluable work in connection with economic and financial problems, communication and transit questions, health questions, intellectual co-operation problems, and various social problems such as slavery, child welfare, the traffic in women and the drug traffic. The League's reports and studies and periodical technical publications have gained for themselves a unique authority in every corner of the world; many have continued to appear through out the war.

As Mr. Cordell Hull wrote in February 1939: "The League of Nations has been responsible for the development of mutual exchange and discussion of ideas and methods to a greater extent and in more fields of humanitarian and scientific endeavour than any other organisation in history."²

¹ See Annex 25, pages 256-257.

² Letter from the United States Secretary of State to the Secretary-General dated February 2nd, 1939.

The General Assembly of the United Nations, in the first part of its first session, adopted in February 1946 certain resolutions concerning functions, powers and activities of a non-political character hitherto performed by the League of Nations. The General Assembly reserved the right to decide, after due examination, not to assume any particular function or activity in these categories. Subject to this reservation, however, it declared that the United Nations is willing to assume the exercise of certain of these functions and activities.

The ultimate decision thus resting with the United Nations, the task of the Assembly of the League at its twenty-first session has been to make the necessary provision for assisting in the assumption of those functions and activities which the United Nations decides to continue, and also for maintaining such functions and activities up till the time of transfer. The First Committee desires to emphasise the great importance it attaches to the uninterrupted exercise of those functions and activities of the League which the United Nations does decide to maintain.

The Acting Secretary-General of the League informed the First Committee that notice has been given to League officials terminating their employment on July 31st. The fact that this particular date has been fixed does not mean that certain activities cannot be assumed by the United Nations before the end of July. Where activities are assumed before that date, the Acting Secretary-General will place at the disposal of the United Nations any competent officials whom it may wish to engage immediately and who are prepared to accept appointment to the Secretariat of the new Organisation. It is also possible that the United Nations may not be ready to assume certain activities till after July 31st. In that case, officials asked to continue their work until the United Nations had made its decision could be re-engaged by the Secretariat of the League for a short period. In this way, any regrettable interruption of work would be avoided. This matter of the re-engagement of certain officials for the possible continuation of some particular activity is altogether independent of the question of the possible re-engagement of officials required after July 31st to help complete the work of liquidation proper.

The First Committee noted with satisfaction the statements of the Acting Secretary-General.

In connection with the assumption by the United Nations of functions and activities hitherto performed by the League, the delegate of Portugal recalled the contribution his country had made to the maintenance and development of international co-operation in the technical organs of the League. He expressed the hope that ways and means might be found whereby States in the position of his own could be associated with such technical activities as the United Nations might decide to continue. He emphasised that the success of activities such as the fight against the drug traffic depended on the maximum degree of international co-operation.

The delegation of Switzerland made the point that the Assembly of the League, which had paid the greatest attention to the resolutions of the General Assembly of the United Nations, could properly, on its part, give clear expression to its last wishes. The Swiss delegation recalled, in this regard, the active contribution which Switzerland had made to the work of the League's technical organisations of every kind. The delegation expressed the hope that the United Nations would approve of the continuation, on the widest possible basis and not within a closed circle, of the technical activities that have been inaugurated at Geneva.

The First Committee unanimously recommends the Assembly to adopt two resolutions in connection with the assumption by the United Nations of certain functions, powers and activities hitherto performed by the League. The first resolution relates specifically to certain functions and powers belonging to the League under various treaties and international agreements. This resolution is set out as Annex A to this Report¹. The second resolution relates to activities of a non-political character other than those which belong to the League under international agreements. This resolution is set out as Annex B to this Report.

THE SYSTEM OF MANDATES

Following upon a number of statements in plenary session of the Assembly with regard to the future of the territories now held under mandate, this subject was but briefly discussed by the First Committee. Attention was drawn by the delegate of China to the fact that, although the Charter of the United Nations—in particular by the establishment of an international trusteeship system—embodied principles corresponding to those of the mandate system, it made no provision for assumption by the United Nations of the League's functions under that system as such. The continued application to the mandated territories of the principles laid down in the Covenant of the League was a matter on which the Assembly would wish to be assured. The First Committee took note of the fact that all the members of the League now administering mandated territories had expressed their intention to continue, notwithstanding the dissolution of the League, to administer these territories for the well-being and development of the peoples concerned in accordance with their obligations under the respective Mandates, until other arrangements were agreed upon with the United Nations.

¹ The second part of this resolution does not refer to international loans issued under the auspices of the League of Nations. The Preparatory Commission of the United Nations considered that this question could be brought before the Economic and Social Council. In this connection, the Committee took note of a statement by the United Kingdom delegate. He recalled that the majority of the functions exercised by the Council of the League in connection with these loans had disappeared, but that there still remained one which might have to be exercised in future, and that was the appointment of fresh trustees. He added that it was the intention of the United Kingdom Government, "if the occasion arose, and after due consultation with other interested Governments, to raise the question at the next meeting of the Economic and Social Council, so that the necessary arrangements might be made."

The First Committee, on the motion of the delegate of China, unanimously recommends the Assembly to adopt on the subject of Mandates the resolution which is set out as Annex C to this Report. The delegate of Egypt reserved his Government's position, in view of its interest in the future of Palestine, and abstained from voting on the resolution.

INTERNATIONAL ASSISTANCE TO REFUGEES

The First Committee discussed fully the present position, and the future prospects, of the international assistance to refugees which has been carried on under the auspices of the League. In this discussion, it had the great advantage of assistance from the High Commissioner for Refugees, Sir Herbert Emerson. Many delegations paid warm tribute to the efforts of Sir Herbert Emerson and his staff during the immense difficulties of the past seven years. They emphasised the high humanitarian value of the work that Dr. Nansen had started at the very inception of the League. Indeed, it was largely owing to the League's work that the necessity for international organisation for the protection of refugees was now generally recognised.

The First Committee took note of the fact that there was sitting in London at the same time a Committee of Enquiry established by the Economic and Social Council of the United Nations, to examine in all its aspects the problem of refugees and displaced persons. There seemed good prospects that the eventual outcome of this Committee's work will be the establishment of a new international authority, under the United Nations, for the protection of refugees and displaced persons. Members of the First Committee expressed their strong hope that the categories of refugees with which the League had been particularly concerned would be included in the unified system of protection and assistance which would eventually emerge and that there would be no break in continuity in the system of international protection.

In order to prevent the premature termination of the League's work for the protection of refugees, the First Committee unanimously recommends the Assembly to adopt a resolution prolonging the term of office of the High Commissioner for Refugees until the end of the present year, if required. The text of this resolution is incorporated in the general resolution on the dissolution of the League, submitted to the Assembly by the Second Committee.

The delegates of Poland and Yugoslavia enquired whether the High Commissioner was in practice able to draw the distinction emphasised in a recent resolution of the General Assembly of the United Nations, between genuine refugees and displaced persons on the one hand and war criminals, "quislings" and traitors on the other. The High Commissioner for Refugees replied that, though not technically bound by this resolution, he had felt himself morally obliged to act in conformity with it, and was in fact doing so.

INTERNATIONAL BUREAUX AND OTHER ORGANISATIONS BROUGHT INTO RELATION WITH THE LEAGUE

The impending dissolution of the League has made it necessary to consider the position that will exist in connection with certain international bureaux and other organisations which have been placed under the direction of the League in accordance with Article 24 of the Covenant or which have been otherwise brought into relation with the League. The question was examined in a document prepared by the Acting Secretary-General: A.I/5. 1946. In most cases the relation between the League and the organisation concerned has been such that the breaking of the ties with the League will not in any way impair the future working of the organisation. The following organisations fall within this category:

- The International Bureau for Information and Enquiries regarding Relief to Foreigners (Paris);
- The International Hydrographic Bureau (Monaco);
- The Central International Office for the Control of the Liquor Traffic in Africa (Brussels);
- The International Commission for Air Navigation (Paris);
- The International Exhibitions Bureau (Paris);
- The International Relief Union (Geneva).

The First Committee unanimously recommends the Assembly to adopt a resolution with a view to notifying these organisations of the termination of the League's relation to them and thanking them for their collaboration with the League. The text of this resolution is set out as Annex D to this Report.

INTERNATIONAL INSTITUTE OF INTELLECTUAL CO-OPERATION

The International Institute of Intellectual Co-operation does not come within the same category as the bureaux and the other international organisations mentioned above. This Institute, which was placed at the disposal of the League of Nations by the French Government in December 1924, will, through the dissolution of the League of Nations, lose its Governing Body "composed of the members for the time being of the Committee on Intellectual Co-operation of the League of Nations". But intellectual co-operation, as developed by the Committee and the Institute, is being re-born in a new form. The United Nations Conference, which met in London in November 1945, set up the United Nations Educational, Scientific

and Cultural Organisation. The province of this new Organisation will extend to problems with which the League of Nations was not empowered to deal. " Means of mass communication " and " popular education " are included in its programme, in addition to the scientific, artistic and cultural matters with which the organs of the League of Nations were concerned. The seat of the Organisation will be in Paris.

Several delegations wished to express thanks to France for the generosity with which that country has, since 1925, borne almost alone the expenses of the International Institute which it founded. If intellectual co-operation is to-day a universally accepted reality, this is certainly due in large measure to the work of the Committee on Intellectual Co-operation and the International Institute in Paris.

In a resolution attached as Annex E to the present Report, the First Committee proposes that the Assembly should address its thanks to the International Institute in Paris. Further, in order to ensure the continuity of the work of intellectual co-operation, the First Committee recommends that the Assembly should transfer to the United Nations the contingent right possessed by the League of Nations over certain assets of the Institute.

DISSOLUTION OF THE LEAGUE OF NATIONS

The resolution required for the formal dissolution of the League and the necessary measures of liquidation included a large number of financial and administrative proposals which fell indubitably within the competence of the Second Committee. On the other hand, it would obviously be convenient that the whole matter should be dealt with, comprehensively and entirely, in a single resolution. Accordingly, the First Committee, after giving consideration to those articles of a draft resolution which seemed to raise questions of general policy, remitted the draft resolution as a whole to the Second Committee. It will therefore be that Committee which will propose the resolution, and report on it to the Assembly. The First Committee contents itself with observing that it fully supports the general plan of liquidation proposed in the resolution.

Annex A.

RESOLUTION ON THE ASSUMPTION BY THE UNITED NATIONS OF FUNCTIONS AND POWERS HITHERTO EXERCISED BY THE LEAGUE UNDER INTERNATIONAL AGREEMENTS

THE ASSEMBLY OF THE LEAGUE OF NATIONS,

Having considered the resolution on the assumption by the United Nations of functions and powers hitherto exercised by the League of Nations under international agreements, which was adopted by the General Assembly of the United Nations on February 16th, 1946 :

ADOPTS THE FOLLOWING RESOLUTIONS :

1. *Custody of the Original Texts of International Agreements.*

The Assembly directs that the Secretary-General of the League of Nations shall, on a date to be fixed in agreement with the Secretary-General of the United Nations, transfer to the Secretariat of the United Nations, for safe custody and performance of the functions hitherto performed by the Secretariat of the League, all the original signed texts of treaties and international conventions, agreements and other instruments, which are deposited with the Secretariat of the League of Nations, with the exception of the Conventions of the International Labour Organisation, the originals of which and other related documents shall be placed at the disposal of that Organisation.

2. *Functions and Powers arising out of International Agreements of a Technical and Non-political Character.*

The Assembly recommends the Governments of the Members of the League to facilitate in every way the assumption without interruption by the United Nations, or by specialised agencies brought into relationship with that Organisation, of functions and powers which have been entrusted to the League of Nations, under international agreements of a technical and non-political character, and which the United Nations is willing to maintain.

Annex B.

RESOLUTION ON THE ASSUMPTION BY THE UNITED NATIONS OF ACTIVITIES
HITHERTO PERFORMED BY THE LEAGUE

THE ASSEMBLY directs the Secretary-General of the League of Nations to afford every facility for the assumption by the United Nations of such non-political activities, hitherto performed by the League, as the United Nations may decide to assume.

* * *

Annex C.

MANDATES

THE ASSEMBLY,

Recalling that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilisation :

1. Expresses its satisfaction with the manner in which the organs of the League have performed the functions entrusted to them with respect to the mandates system and in particular pays tribute to the work accomplished by the Permanent Mandates Commission ;
2. Recalls the role of the League in assisting Iraq to progress from its status under an "A" Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, the Lebanon, and Transjordan, which have, since the last session of the Assembly, become independent members of the world community ;
3. Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League ;
4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers.

* * *

Annex D.

INTERNATIONAL BUREAUX AND OTHER ORGANISATIONS PLACED UNDER
THE DIRECTION OF THE LEAGUE OF NATIONS OR BROUGHT INTO RELATION
THEREWITH

1. THE ASSEMBLY directs the Secretary-General to thank the international bureaux and other organisations named in this resolution for their collaboration with the League of Nations in the past, and to inform them that the relation with the League which was established in accordance with Article 24 of the Covenant must be regarded as coming to an end on the dissolution of the League, with effect from the day following the close of the present session of the Assembly.

This resolution shall apply to the following organisations :

- The International Bureau for Information and Enquiries regarding Relief to Foreigners (Paris) ;
- The International Hydrographic Bureau (Monaco) ;
- The Central International Office for the Control of the Liquor Traffic in Africa (Brussels) ;
- The International Commission for Air Navigation (Paris) ;
- The International Exhibitions Bureau (Paris).

2. THE ASSEMBLY directs the Secretary-General to address a similar communication to the International Relief Union (Geneva), which, though it was not placed under the direction of the League, was brought into relation with the League under the Convention of July 12th, 1927, which created the Union.

* * *

Annex E.

INTERNATIONAL INSTITUTE OF INTELLECTUAL CO-OPERATION

I. THE ASSEMBLY thanks the International Institute of Intellectual Co-operation (Paris) for the valuable collaboration which, since 1925, it has given to the League of Nations as the organ for the execution of the decisions and recommendations of the International Committee on Intellectual Co-operation.

2. THE ASSEMBLY,

Being desirous of facilitating by all the means in its power the continuity of the work of intellectual co-operation ;

Considering that paragraph 7 of the letter of December 8th, 1924, from the French Government to the President of the Council of the League of Nations provides that, in the event of the abolition of the Institute, any articles and, in particular, the archives and collections of documents deposited in the premises by the Governing Body, as well as any property which has been acquired by the Institute during its period of operation, shall remain the property of the League of Nations :

Resolves to transfer the right of property mentioned above to the United Nations ; and

Instructs the Secretary-General of the League of Nations to take in due time, in conjunction with the Directorate of the Institute, the necessary measures for the execution of the present resolution.

ANNEX 25

A.35.1946.

Geneva, April 17th, 1946.

REPORT AND DRAFT RESOLUTION OF THE FIRST COMMITTEE ON THE
DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE*Rapporteur*: Professor K. H. BAILEY (Australia).

Just as the dissolution of the League of Nations follows upon the establishment of the United Nations, so the dissolution of the Permanent Court of International Justice follows upon the establishment by the United Nations of a new International Court of Justice. The new Court has already commenced to exercise its functions. Accordingly, the Assembly directed the First Committee to prepare the necessary resolution for formally terminating the existence of the Permanent Court.

The First Committee does not think it appropriate to review in detail the work accomplished by the Permanent Court during the past twenty-four years. The record of the judgments and opinions of the Court finds its place in all standard works on the law of nations and enriches the law libraries of the world. The First Committee does wish, however, to emphasise, first, the close continuity that will exist between the Permanent Court and the International Court of Justice and, secondly, the significance for the world community of what the Permanent Court has accomplished.

Men, conscious that they are, after all, mortal, may, when they hear the word "dissolution", think that the Permanent Court is dead. In substance, the contrary is the truth. The Statute of the new Court has been modelled closely upon the Statute of the Permanent Court. The Members of the International Court of Justice have symbolised the relation between the new Court and the old by electing as their first President the distinguished Judge Dr. J. GUSTAVO GUERRERO, who, since 1937, has held the office of President of the Permanent Court.

In the opinion of the First Committee, there can be no two views as to the success of the work done in the realm of International Law by the Permanent Court of International Justice. Its judgments have not only contributed to the development of the doctrines of International Law but—more fundamentally—to the extension of the rule of law in international affairs. The League may take pride in having inaugurated the first successful experiment, after many attempts in this field had failed in the past, to establish a regular world tribunal for determining disputes between States. The First Committee expresses the conviction that the International Court of Justice will maintain the high traditions of its predecessor.

On the present occasion, the First Committee recalls the distinguished judges and officers of the Permanent Court, whose work built up its traditions. The Committee pays tribute to the devotion to duty which enabled the Court to be maintained throughout the war, in the face of great difficulties.

The First Committee records its gratitude for the message sent to the Assembly by Dr. Guerrero, as the last President of the Permanent Court, in contemplation of this solemn occasion.¹

The First Committee unanimously recommends that the Assembly should adopt the following resolution:

"THE ASSEMBLY OF THE LEAGUE OF NATIONS,

"Considering that, by Article 92 of the Charter of the United Nations, provision is made for an International Court of Justice which is to be the principal judicial organ of the United Nations and which is to be open to States not members of the United Nations on terms to be determined by the United Nations;

"Considering that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice shall be taken;

¹ See Annex 19, II, pages 225-227.

“Considering that the Preparatory Commission of the United Nations, in a resolution of December 18th, 1945, declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that this resolution records the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether Members of the League of Nations or not ;

“Considering that all the Judges of the Permanent Court have resigned and that on the dissolution of the League no machinery will exist for the appointment of new Judges :

“RESOLVES :

“That the Permanent Court of International Justice is for all purposes to be regarded as dissolved with effect from the day following the close of the present session of the Assembly, but without prejudice to such subsequent measures of liquidation as may be necessary.”

Geneva, April 18th, 1946.

FINANCIAL AND ADMINISTRATIVE QUESTIONS: GENERAL REPORT
OF THE SECOND (FINANCE) COMMITTEE TO THE ASSEMBLY*Approved by the Assembly on April 18th, 1946.**Rapporteur: Madame C. A. KLUYVER (Netherlands).*

I. INTRODUCTION

Liquidation is, needless to say, the primary question dealt with in the general report of the Second Committee—which, this year, fulfils the rôle of the Finance Committee prescribed by the Financial Regulations. At this moment, when the first and fundamental point to be decided is the dissolution of the League—and on that subject the First Committee has already expressed itself in principle—and the second the adoption of the consequential administrative and financial measures, it may not be amiss that we should begin with a glance at the past record of the League in the sphere of administration and finance.

Since the inception of the League, States Members have contributed more than 561 million Swiss francs, some 50 millions of which have been transformed into tangible assets which will shortly be handed over to the United Nations and to the International Labour Organisation. The organisations and services that had been built up will disappear, but enduring principles have been established in this field which will guide the new international bodies which are replacing the League. It may not be inappropriate that we should, at the outset, clearly express our view that the expenditure the League has incurred has been usefully applied to essential purposes and that the experience which has been acquired in the last twenty-five years in matters of international financial administration will be invaluable to our successors.

Since it first met in 1920, the Finance Committee of the Assembly has been directly responsible for the establishment of the financial system which was later embodied in the Regulations for the Financial Administration of the League of Nations and in 1921 for the setting up of the Supervisory Commission. It subsequently recommended the adoption of such unprecedented schemes as a Pensions Fund designed to meet the varying circumstances of officials recruited in every country in the world, and much of the credit for the imposing buildings which house this Assembly and which, we hope, will continue in the future to accommodate international services may be attributed to its labours. Finally, it has taken all necessary measures in order to provide the funds for the many activities of the League, the gradual development of which it has encouraged with active interest.

The Finance Committee believes that, thanks to the unremitting work of the Supervisory Commission, the League succeeded in establishing a system of international financial administration solid enough to stand the test of a six-years world war which caused untold suffering and immeasurable material and moral losses and, so far as concerns the League of Nations in particular, greatly interrupted communications, rendered consultations almost impossible and disrupted the exchange of currencies. During this period, the wise decisions which, on the report of its Finance Committee, the Assembly had adopted in 1938 and 1939 enabled the Supervisory Commission to preserve intact the structure of the League of Nations and to provide for the continued existence of each of its different institutions, even if general circumstances as well as financial exigencies compelled a reduction in the scale of their operations.

The Finance Committee feels that these efforts have not been in vain. During the long period of suspense which has just come to a close, there was no infringement of principles and material assets were not allowed to deteriorate, with the result that, if circumstances had been different, the League would now be in a position to make a new start. But it has been decreed otherwise, and before passing to specific recommendations for the winding-up of the League, the Finance Committee would draw the attention of the States Members to the admirable statement in which, in 1944, the Supervisory Commission summarised, for the benefit of future international organisations, the results of its peace-time and war-time experiences in the realm of international administration and particularly the benefits to be derived from a centralised well-knit financial structure (see First Report of the Supervisory Commission for the Year 1944: document C.27.M.27.1944.X—Introductory Remarks). The Finance Committee associates itself with the views expressed in this fundamental document and ventures to hope that they may be of practical value to those who are now entrusted with the organisation of institutions, stronger and endowed with far greater material resources than was the League of Nations at any time during its brief career.

II. ACTIVITIES AND GENERAL RECOMMENDATIONS OF THE SUPERVISORY COMMISSION

A. WORK OF THE SUPERVISORY COMMISSION DURING THE WAR

The Committee heard with great interest the comprehensive statements in which the Chairman of the Supervisory Commission, M. Hambro, and the Secretary-General set out the work accomplished by the Supervisory Commission since the 1939 Assembly. During that period, if we except the competent bodies of the International Labour Organisation, the Supervisory Commission was the sole executive organ of the League and, in addition to the discharge of its ordinary functions, it had, in pursuance of resolutions adopted by the Assembly in 1938 and 1939, to assume very extensive duties. Thanks to the sagacity it displayed and with the full co-operation of the Secretary-General, the Acting Director of the International Labour Office, the Registrar of the Permanent Court of International Justice and the Treasurer of the League, it succeeded in keeping the League in being—reduced though its scope was by force of circumstances—during a war which devastated the world during a period of six years. In accordance with the emergency powers conferred upon it, it voted six annual Budgets, approved the audited accounts for six financial years, ensured the continuance of the Staff Pensions and Staff Provident Funds, watched over the collection of contributions both current and in arrears, supervised the carrying-out of the necessary measures of retrenchment, and, finally, within the limits of its competence, made possible the continuance of essential technical work and the study and the preparation of work in connection with post-war reconstruction.

The appreciation of the Finance Committee for the work so successfully accomplished is expressed in the following resolution, which the Committee submits to the Assembly for approval:

“ THE ASSEMBLY,

“ Calling to mind

“ (a) The resolution adopted at its nineteenth ordinary session on September 30th, 1938, and confirmed by the resolution adopted at its twentieth ordinary session on December 14th, 1939, whereby power was conferred, until the next ordinary session of the Assembly, upon the Secretary-General and the Director of the International Labour Office, acting with the approval of the Supervisory Commission, to take any exceptional administrative or financial measures which might appear necessary (including the amendment of administrative or financial regulations), such measures to have the same force and effect as if they had been taken by the Assembly, and

“ (b) The resolution adopted at its twentieth ordinary session on December 14th, 1939, whereby the Supervisory Commission was invested, during the year 1940, with authority to exercise all the powers and functions conferred on the Council of the League of Nations by the Regulations for the Financial Administration of the League or by the Regulations of the Staff Provident Fund with the same force and effect as if they had been exercised by the Council itself:

“ Takes note of the Reports of the Supervisory Commission for the years 1940, 1941, 1942, 1943, 1944 and 1945 and of the Commission's General Summarised Report on its Work during the Period of Emergency, 1940-1946 (document A.5.1946.X)¹;

“ Approves and confirms the decisions taken during these years in pursuance of the above-mentioned resolutions of the Assembly;

“ Expresses its warm appreciation of the efforts made by the Commission, in association with the Secretary-General, the Acting Director of the International Labour Office, the Registrar of the Permanent Court of International Justice and the Treasurer of the League, to safeguard the interests of the League and its Members and to maintain and develop the work of the Secretariat and of the International Labour Office at the highest possible level during the emergency period.”

Before passing on to the present and to the future, a further well-deserved tribute should be paid to the American institutions which have so greatly facilitated the work of the League of Nations during the war.

The Finance Committee therefore proposes that the following resolution be adopted:

“ THE ASSEMBLY:

“ 1. Expresses its warmest appreciation of the offer of hospitality which was extended in June 1940 to the technical services of the League on behalf of Princeton University by its President, Dr. Harold W. Dodds, on behalf of the Institute for Advanced Study by its Director, Dr. Frank Aydelotte, and on behalf of the Rockefeller Institute for Medical Research by Dr. Carl Ten Broeck, Director of the Institute's Department of Animal and Plant Pathology, an offer which was accepted by the Secretary-General in respect of a mission of the Economic, Financial and Transit Department;

“ 2. Expresses its warmest thanks:

“ To the Institute for Advanced Study for the accommodation and working facilities it has accorded to the mission of the Economic, Financial and Transit Department during its stay in Princeton;

¹ See Annex 4, pages 149-159.

“ To Princeton University for the faculty privileges, including the use of the University Library, extended by it to the members of the mission, and for the valuable work carried out for the League of Nations by its Office of Population Research;

“ And to the Rockefeller Foundation for the generous financial aid which it has granted to the Economic, Financial and Transit Department for many years past.”

B. REPORTS ON THE SUPERVISORY COMMISSION'S RECENT WORK

The Finance Committee examined a series of reports of a general character submitted by the Supervisory Commission to the Assembly (documents A.14, A.19, A.25 and A.28.1946.X).

Most of the recommendations contained therein will be found under other headings of the present Report of the Finance Committee. It will therefore suffice to mention here the following two points:

1. *Audited Accounts for 1945.*

Adopting a proposal of the Supervisory Commission, the Finance Committee recommends that the Audited Accounts for the twenty-seventh financial period (1945) for the Secretariat and the Permanent Court of International Justice should be finally approved. It has not yet been possible to have the accounts of the International Labour Organisation—whose headquarters are at present at Montreal—audited by the Auditor, and these will form the subject of a subsequent report by the authority which will then be competent.

2. *Occupancy by the Permanent Court of International Justice of Premises in the Peace Palace at The Hague during the War.*

The Committee took note of the observations made by the Supervisory Commission concerning the claim of the Carnegie Foundation in respect of annual payments for the occupancy by the Permanent Court of International Justice of the Peace Palace at The Hague during the war.

Since the efforts which had been made by the Supervisory Commission to secure, by agreement, a reduction in the claim owing to the relatively limited use possible during the war years had proved unsuccessful, the Committee agreed to recommend the payment of the sum involved, which, over the six years, amounts to 240,000 florins and which, as it was informed, could, by appropriate arrangement, be met out of the Budget of the Court for 1946.

The Finance Committee therefore recommends the adoption of the following resolution:

“ THE ASSEMBLY:

“ I. Finally approves, as regards the Secretariat and the Permanent Court of International Justice, the accounts of the twenty-seventh financial period of the League of Nations closed on December 31st, 1945 (document C.15.M.15.1946.X);

“ II. Approves, in so far as they have not been modified by decisions contained in the present Report of the Finance Committee, the conclusions of the Reports on the Supervisory Commission's recent work submitted to the Assembly (documents A.14, A.19, A.25 and A.28.1946.X).”¹

III. FINANCIAL POSITION OF THE LEAGUE AND CONTRIBUTIONS IN ARREARS

The Finance Committee wishes to point out that during the six war years—*i.e.*, from January 1st, 1940, to December 31st, 1945—the excess of expenditure over receipts of the League of Nations, including the International Labour Organisation and the Permanent Court of International Justice, amounted to no more than 3,215,000 Swiss francs, of which 2,729,000 Swiss francs were for account of the Pensions Fund, and that the whole of this deficit had been met by drawing on existing funds. This excellent result does great credit to the Supervisory Commission and the Special Committee on Contributions. More detailed information on the financial position will be found in documents A.5.1946.X (Appendix) and A.20.1946.X.²

The Finance Committee considered the report, dated March 27th, 1946, of the Special Committee on Contributions (document C.10.M.10.1946.X) and recommends that the Assembly should ratify the arrangements made with the Governments of Bolivia, China, Finland, Luxemburg, Poland and Uruguay for the settlement of their arrears of contributions.

The Committee expressed its warmest thanks to the Committee and particularly to its Chairman, M. Hambro, to whom personally so much credit is due for the Committee's notable achievements, for their unrelenting efforts in view of the collection of the contributions due to the League, a matter which has lost none of its importance now that the League is coming to an end and that, in order to clear up its debts and meet its commitments, it naturally requires the prompt payment of contributions.

The Committee was informed and noted with satisfaction that Honduras and Turkey had just settled their indebtedness in full, and that the Governments of the Argentine Republic, China, Cuba, the Dominican Republic, Egypt, Finland, Greece, Poland, Uruguay and Yugo-

¹ See Annexes 5-8, pages 160-180.

² See Annexes 4, page 159, and 12, pages 209-211.

slavia had taken steps to discharge their obligations to the League Treasury. The statement shown in the footnote shows all the contributions actually received since January 1st, 1946.¹

It is worth recording that, over the full period of the League's activity from its inception in 1919 to December 31st, 1945, a little over 90% of the annual income Budgets has been received, upwards of 4½% cancelled, and about 1½% consolidated for payment over periods of years. Therefore, only 4% of the contributions are still outstanding. Contrary to impressions prevailing in ill-informed circles, the situation may be regarded as very satisfactory.

IV. STAFF QUESTIONS

A. JUDGMENTS PRONOUNCED BY THE ADMINISTRATIVE TRIBUNAL ON FEBRUARY 26TH, 1946, CONCERNING CERTAIN OFFICIALS DISCHARGED IN APPLICATION OF THE EMERGENCY MEASURES ADOPTED BY THE ASSEMBLY IN 1939.

In a series of thirteen judgments pronounced on February 26th, 1946, the Administrative Tribunal found that the Administrations of the Secretariat and the International Labour Office were not entitled to apply to the thirteen ex-officials who had appealed to it the amendments to Articles 18 and 73 of the Staff Regulations of the Secretariat of the League of Nations and to Articles 19 and 83 of the Staff Regulations of the International Labour Office provided for by the Assembly resolution of December 14th, 1939, by which amendments the period of notice of termination of appointment in the case of permanent officials was reduced from six months to one month and the payment of the compensation for termination of appointment due to such officials was spread over four years.

The Committee took note of a document (A.16.1946)² in which the Secretary-General retraced the history of the question and set out and gave a succinct analysis of one of the thirteen judgments—the terms of all of which were practically identical.

The Committee also had before it a Report of the Supervisory Commission (document A.14.1946.X—Chapter C)³ which contains the following conclusion:

“As an acceptance of the findings of the Administrative Tribunal would put its decision above the authority of the Assembly, the Supervisory Commission could not take the responsibility of advising the Acting Secretary-General and the Acting Director of the International Labour Office to apply the judgments of the Administrative Tribunal. It has accordingly advised the two Administrations to take no action on them pending consideration of the whole question by the Assembly.”

In order to elucidate this question, the Finance Committee appointed a Sub-Committee, whose report reads as follows:

“The Sub-Committee appointed by the Finance Committee of the Assembly has taken under consideration the claims to compensation made by certain officials who were discharged from their appointments as a result of the emergency measures taken by the Assembly of the League in December 1939 and in whose favour awards have been made by the Administrative Tribunal. The relevant facts and the history of the matter are set out in document A.16.1946 and it is not proposed to recapitulate them in detail. It is sufficient to say that, in consequence of the grave position which faced the League in 1939, the manifest impracticability of continuing to discharge all the functions in connection with which a large staff had hitherto been engaged and the imperative necessity for making drastic reductions in expenditure, the Assembly, on December 14th, 1939, passed a resolution the effect of which was to amend the Staff Regulations so as to permit the discharge of officials of the League subject to a shorter period of notice than had previously been prescribed. The great majority of the officials, either because they believed that the Assembly had the legal power so to alter the terms of their employment or because they loyally and patriotically accepted the decision taken as being in the interest of the League in the special circumstances existing at the time, did not question the validity of the action taken. Thirteen officials, however, claimed before the Administrative Tribunal that they had been discharged with less than the proper notice and these claims the Tribunal has now upheld, awarding sums represent-

¹ Statement of contributions received in 1946 (as at April 18th, 1946).

States	Swiss francs	States	Swiss francs
Australia (1945)	536,426.72	Nicaragua (consolidated contributions)	465.30
Belgium (1946)	27,593.66	Netherlands (1945)	70,633.80
Bolivia (1940-1944)	212,292.75	New Zealand (1946)	307,018.87
Czechoslovakia (1946)	38,377.36	Norway (1946)	76,754.72
Denmark (1940-1945)	357,816.97	Portugal (1945)	282,535.10
Finland (1941-1946)	150,000.—	Sweden (1940-1945)	2,136,747.03
Greece (1945)	35,316.90	Switzerland (1946)	652,415.09
Honduras (consolidated contributions)	108,564.05	Turkey (1940-1946)	2,179,116.35
Iraq (1945)	105,950.65	Uruguay (1939-1946)	608,125.38
Luxemburg (1945)	35,316.90		
		Total	7,921,467.60

Note. — The Chairman of the Supervisory Commission has received a communication from the Chinese Foreign Minister stating that the sum of U.S.A. \$631,916 has been remitted to the Imperial Bank of Canada, Toronto, for the account of the League of Nations, in full settlement of the contributions due from China. He has also been informed that France will pay her full contribution in a few days.

² See Annex 23, pages 245-249.

³ See Annex 5, page 162.

ing what the officials would have earned had the longer period of notice been given, apparently regardless of the question whether the dismissed officials had mitigated their damages by obtaining other employment in the meantime, as no doubt some did. The Administrative Tribunal based itself on the view (a) that the Assembly could not have intended its resolution to apply to all officials irrespective of the question whether a power existed in their individual contracts of service to alter the terms of their employment and (b) that the Assembly had no legal power to alter a contract into which it had entered with a servant.

" The Sub-Committee disagrees with these conclusions. The delegate for Australia wishes, however, to reserve his Government's position on the whole matter.

" 1. The Sub-Committee does not question the competence of the Administrative Tribunal to consider the application and interpretation of the decisions of the Assembly or other Staff Regulations in the circumstances of any particular case. Indeed, the primary object of the Tribunal's establishment was no doubt to ensure that such decisions and regulations were applied properly and impartially to all members of the staff according to the circumstances of each particular case. It is, however, one thing to say that the Tribunal could apply the decisions of the Assembly to particular cases; it is quite a different thing to say that it could question the validity of those decisions themselves and that it was subject to no overriding powers by the very body which had created it. We do not think that this was the case.

" 2. Little useful analogy can be drawn between an organisation of States such as the League of Nations and the municipal or private corporations familiar in private law. It is perhaps to be observed that, in the case of private corporations, there is always a superior legislative body which in circumstances of necessity can introduce changes in the law, as, for instance, by providing that certain forms of contract shall no longer be enforceable, that a moratorium shall be instituted and the like. No superior power exists to release the League from its contractual obligations, if such obligations exist, however grave the emergency, unless it be the League itself. But the League is not to be compared with a private company; its status and powers are *sui generis*, although they fall to be considered in the light of those general principles of public law and administration which to a greater or lesser degree are to be found in the legislation of all States. Thus all State contracts are governed by the exigencies of the public interest, to which private and personal rights must give way, and although the manner in which it may be exercised, whether by legislative or executive action, varies greatly between different countries, all States retain the power in the last resort to alter the terms on which their officials are employed. Indeed, the supreme authority in the State must retain discretionary powers of the kind, since without them it could not ensure the supremacy of the public interest. The safeguard against their arbitrary abuse is a political rather than a legal one.

" 3. We find nothing startling in the view that, whilst the relations of the League with its Member States depend upon the treaty obligations expressed in the Covenant, the League does possess, in regard to the officials with whom it contracts, what are in effect sovereign powers. No other legislative body can assist the League in this regard and it seems to us impossible to suppose that, in no circumstances, however pressing the necessity in the interests of the peoples of the world, could the League derogate from some contract to a private individual employed by it. On the contrary, we think it necessary for the proper discharge of the functions of a world organisation of States that it should possess a power if necessary to set aside the vested rights of private individuals employed in its administration. Only an excessively static legal view would justify the conclusion that the League was fettered in its own administrative organisation by the rules of the private law of contract applicable to the employees of a trading or commercial undertaking. Relations connected with public employment in the service of the League necessarily presuppose the acceptance of these principles. They are their *naturalia negotii*. These considerations were indeed cogently expressed in the Report of a Committee of Jurists presented to the Council in 1925 on the case of an official who claimed to have been wrongfully dismissed (*Official Journal*, Sixth Year, No. 10, page 1441; see page 1443).

" 4. But, whilst we consider that the matter ought essentially to be approached from the point of view of what is politic and necessary as a matter of public administration, we do not think that our conclusions lack a firm basis in the first principles of law. In saying this, we have by no means ignored the opinion expressed by certain eminent jurists in 1932 and referred to on page 3 of document A.16.1946.¹ Contrary to what happened in 1939, the Assembly at that time was not seeking to set aside contractual rights which its officials possessed. It is sufficient to say of the opinion then given that it proceeded largely upon an examination of the question whether the League could derogate from existing contracts in the exercise of a budgetary authority rather than in that of a legislative power. In our view, the opinion was not intended to express a final conclusion upon the question whether the League could, by a proper legislative act, derogate from private contractual rights. If it was, we are unable to agree with it.

" 5. The Statute of the Administrative Tribunal expressly reserves the Assembly's power to abolish the Tribunal, but in the absence of this express provision, those who contend that the League has no power to alter contracts by unilateral action would, we think, be led to argue that

¹ See Annex 23, page 247.

the League, having once established the Tribunal, could not abolish it with effect on existing contracts. We entertain no doubt that, just as in 1927 the Assembly did abolish, apparently without question, the right of appeal to the Council of the League which employees previously possessed, so in 1939 the Assembly could have abolished the Tribunal. Had this course been taken, the dismissed officials would have had no court or tribunal before which they could have questioned the legality of their dismissal. Nor does the fact that the Tribunal remains significantly alter the position. No outside body exists which can enforce the decision of the Tribunal against the Assembly, and this is a not irrelevant consideration in deciding whether the Assembly is sovereign in this matter and whether the dismissed officials have any right against it. By statutory provision and diplomatic usage, no remedy is available against the League; where, then, is the officials' right against it? *Ubi jus ibi remedium*, and the absence of any remedy in the circumstances of this case here leads to the conclusion that there is no legal right. If only an ethical right is claimed, the protection against its abuse is not a legal but a political one lying in the hands of the States Members of the League. Sovereignty is a question of fact from which a conclusion of law is drawn: it arises from the presence or absence of overriding and controlling powers. In the absence of such powers, the legal conclusion is that sovereignty exists; and, although the use of the term sovereignty in connection with the present matter is not entirely apt, we think it would be an act of juristic purism to doubt that the supremacy of the League is an inherent incident implicit in its contractual relationships with its staff. We therefore conclude that it was not open to the Administrative Tribunal to question the validity of the Assembly's Resolution of December 14th, 1939. Its only duty was to give effect to it.

"6. We are entirely unable to accept the Tribunal's interpretation that the Assembly's Resolution was intended to apply to a limited class of officials only. This view seems to be manifestly contrary to the facts. Although there is no ordinary appeal from the Tribunal's decision, we think that it is within the power of the Assembly, which can best interpret its own decisions, by a legislative resolution, to declare that the awards made by the Tribunal are invalid and are of no effect both because they sought to set aside the Assembly's legislative act and because of their mistaken conclusion as to the intention of that act.

"7. We think it right to add that, if effect was given to the awards of the Tribunal, the other officials who accepted their dismissal in loyalty to the League and, no doubt, in the belief that all officials would be treated alike, are entitled to consideration. It is true that the time within which they could prosecute a legal claim (assuming such a claim exists) has long since passed. Moreover, the assessment of compensation in individual cases might be difficult, for in a number of them the earlier termination of their employment suited the convenience of the officials concerned. But, from an ethical point of view, it is difficult to think that their right to consideration is diminished by the fact that they showed themselves willing to acquiesce, if not to co-operate, in the decision which the Assembly took.

"8. In our view, however, all the claims should be rejected, and the Assembly may be fortified in taking this course not only by the fact that—to their credit—the great body of its officials concurred in the propriety of what was done at the time, but also in the knowledge that, in the grave emergency with which the world was faced in 1939, vast multitudes of people voluntarily made or willingly submitted to drastic infringements of their rights and interests. The League of Nations was entitled to expect from all, and in fact received from the vast majority of its officials, the same devotion and self-sacrifice in the interests of the world community.

"9. We should add that we have not allowed ourselves to be influenced in the conclusion at which we have arrived by the serious effect on the League's budgetary position which the application of the Tribunal's decision and its extension to other officials would inevitably involve.

* * *

"10. In view, however, of the fact that we do not doubt that the claims were made in good faith and involved a difficult and important matter, we think it would be proper to make an *ex gratia* payment in respect of the claimants' legal costs."

Several delegates were unable to accept the conclusions of the Sub-Committee or to agree with various arguments and conceptions set forth in its report. They pointed out, in particular, that it appeared to them to be absolutely contrary to the notion of law and the sovereignty of law that the Assembly, the organ of one of the parties to the dispute, should have the right to oppose the execution of a judgment of which it did not approve. They considered that the question was not whether the Assembly was competent to render operative a judgment of the Administrative Tribunal, but whether the Assembly was competent to prevent the execution of a judgment of the Administrative Tribunal, when the said judgment had been rendered in a matter in respect of which the competence of the Tribunal was not contested. The fact that, had it so wished, the Assembly could, as the report points out, have abolished the Administrative Tribunal did not permit them to draw the conclusion that because this did not happen the Assembly could oppose the execution of a decision given by the Tribunal. Had that been the case, there would have been no point in setting up an Administrative Tribunal. The only reason this Tribunal was set up and endowed with powers previously exercised by the Council of the League was that it was desired

to replace a political organ by a judicial organ, and decisions of a political order by judicial decisions. They were of opinion that it was inaccurate to compare the Assembly of the League with the legislative authority of a State, because, in the case of the international organisation, the organs of the League were dealing with non-subject individuals with whom they concluded a contract which gave rise to a legal relation. League officials were therefore not subjects but co-contracting parties. Furthermore, even in States possessing sovereignty which the Assembly did not possess, if contracts were amended by the legislative authority, no tribunal had the right to give retrospective effect to such amendments unless express provision were made therefor by the terms of the new law. To admit that, because the Administrative Tribunal declined to give retrospective effect to amendments of contract, the Assembly was entitled to refuse to execute its decision would be to admit a thesis which denied all right. Contrary to the assertion in the Sub-Committee's report that there was no law governing the case, the contract entered into between the League and its officials constituted a legal relation and the Assembly had set up a judicial body to interpret that contract—namely, the Administrative Tribunal. The contractual nature of the legal relation binding the League and its officials had, moreover, been clearly recognised in 1932 by the Committee of Jurists. Finally, they did not think the argument of necessity could be invoked to-day, though, at the time the Assembly made its decision, it may have been extremely important to effect economies. Admittedly there was no right of appeal or remedy against the League of Nations, but that did not justify the inference that it was governed by no law. In exactly the same way, international law provided no remedy against States, but it was to the honour of the international community that, almost without exception, States had accepted judicial or arbitral decisions, and very few had declined to accept a judgment though in certain cases they might have thought it ill-founded.

By sixteen votes for and eight against, with four abstentions, the Finance Committee adopted the report of its Sub-Committee; consequently, effect will not be given to the judgment of the Administrative Tribunal.

B. COMPLAINT OF CERTAIN FORMER OFFICIALS OF THE GOVERNING COMMISSION OF THE SAAR TERRITORY

The Committee examined also a document (A.15.1946.V)¹ in which the Supervisory Commission referred to the appeals of five former officials of the Governing Commission of the Saar Territory, who contended that the League of Nations was under an obligation towards them in that they had not received the pension to which they claimed they were entitled, a pension which would have been paid by the Government of the Reich.

The Council awarded a gratuity to the persons concerned in 1936, on humanitarian grounds, but the latter regarded the amount of this gratuity as inadequate. On a further study being made, the Council offered them in 1938 a higher gratuity based on the compensation which would have been granted to Secretariat officials placed in a similar situation. The Council stipulated, moreover, that this would be a final award and should be regarded as finally disposing of the matter and the beneficiaries were asked to sign a receipt to that effect. Finally, on December 14th, 1939, the Council decided to ask the Permanent Court of International Justice for an advisory opinion on various questions arising out of these claims. The Court having been prevented from meeting in consequence of the war, the Supervisory Commission considered that no further action by the League of Nations was required and it advised the Acting Secretary-General to do nothing further in respect of the Council's resolution.

At the request of several delegates, the Finance Committee referred the question to a Sub-Committee whose report was as follows:

"The members of the Sub-Committee—namely, M. Leif Egeland (*Chairman*), M. François and M. Erim—who had been appointed by the Second Committee to give an opinion in the matter of the complaint by former officials of the Governing Commission of the Saar Territory, after considering the documents submitted for their examination, reached the following conclusions:

"1. Like the members of the Committee of Jurists who gave an opinion on September 12th, 1936,² the members of the Sub-Committee consider that the League of Nations could not have incurred any juridical obligations towards complainants who were in no contractual relationship with the League of Nations and who were in no sense officials of the League of Nations.

"2. The Sub-Committee is of opinion that there could be no grounds for granting any further *ex gratia* compensation to the complainants.

"3. Having regard to the fact that the Council of the League of Nations, although under no obligation to do so, decided, by its resolution of December 14th, 1939, to request the Permanent Court of International Justice to give an advisory opinion on the legal value of the claims of the complainants, the Sub-Committee considered whether it might be advisable to put to an arbitral body the legal question previously put to the Court.

"The Sub-Committee confines itself to raising this question, without recommending any solution."

The Finance Committee therefore recommends that the Assembly should take no further action in the matter.

¹ See Annex 22, pages 241-244.

² See *Official Journal of the League of Nations*, November 1936, Seventeenth Year, No. 11, page 1240.

V. DISSOLUTION OF THE LEAGUE OF NATIONS

The Finance Committee devoted the greater part of its time to the main item on the Assembly Agenda—namely, the examination of the financial and administrative aspects of the dissolution of the League of Nations.

Starting with points of secondary importance with a view to leading up to a final resolution, a study of this question can be subdivided under the following heads:

- A. Payment of indemnities to the staff;
- B. Staff Pensions Fund and Judges' Pensions Fund;
- C. Liquidation of the Nansen Office;
- D. Disposal of League assets and scheme of distribution;
- E. Appointment of a Board of Liquidation and other measures with a view to liquidation.

A. PAYMENT OF INDEMNITIES TO THE STAFF

The Finance Committee shares the views expressed by the Supervisory Commission in the Report on the Work of its Ninety-ninth Session (document A.14.1946.X)¹ concerning the indemnities which should be paid to officials of the Secretariat whose careers will be interrupted by the dissolution of the League and many of whom will inevitably encounter difficulties in adjusting their lives and careers to their new circumstances.

These recommendations may be briefly summarised as follows:

(a) That the officials who have been in continuous service since a date preceding the outbreak of the war should, on the final termination of their employment, receive an indemnity equivalent to one year's salary;

(b) That temporary officials appointed since the outbreak of the war, including those re-engaged after the termination of their employment in 1939-1940, should on discharge receive one month's salary for each completed year of their present period of service up to a maximum of six months' salary;

(c) That employees in Geneva (workmen and household staff) should receive an indemnity at the rate of one month's salary for each completed year of service up to one year's salary.

The Committee was informed that these indemnities would be met out of the relevant items of the Budget of the Secretariat for 1946.

B. STAFF PENSIONS FUND AND JUDGES' PENSIONS FUND

The Finance Committee considered the various reports which had been submitted to it by the Administrative Board of the Staff Pensions Fund, by the Consulting Actuary and by the Supervisory Commission, and particularly the report of the Supervisory Commission on the Work of its Hundred-and-first Session (document A.25.1946.X).² Although the competent body of the International Labour Organisation has not yet taken a decision, there is every reason to hope that, after the dissolution of the League, the International Labour Organisation will agree to accept responsibility for the administration and financing of the Staff Pensions Fund, it being understood that the States Members of the League which are also Members of the International Labour Organisation will maintain their existing guarantee of that Fund. The Supervisory Commission trusted that a similar solution might be agreed to by the International Labour Organisation for the future administration of the Judges' Pensions Fund; it was proposed that any balance in this fund after liquidation should be transferred to the International Labour Organisation. Arrangements would be made for both Pensions Funds to be examined by the Consulting Actuary before being handed over to the International Labour Organisation, so that such financial provisions as circumstances indicated could be made from League funds before the transfers were effected.

The Chairman of the Administrative Board of the Staff Pensions Fund, Mr. F. T. Cremins, summarised for the information of the Committee the main conclusions of the Tenth and Eleventh Reports of the Board. He pointed out that, after the dissolution of the League, the active membership of the Fund will be reduced to 108 members, while, on December 31st, 1945, the number of pensioners was 160 in all. Should the officials of the Secretariat and of the Permanent Court of International Justice then retiring elect for payment of the capital sum, the amount payable out of the Fund would be a little over 4 million Swiss francs for the Secretariat and a little under 1 million Swiss francs for the Court. The present solvency of the Fund was unquestionable, but certain long-range factors affecting its ultimate financial situation had arisen, particularly the present trend towards lower interest rates. It had accordingly been decided that, as from November 20th, 1945, increased payments should be made out of the Budget of the Organisation concerned in respect of the admission to the Fund of any new officials. In conclusion, Mr. Cremins stated that the present members of the Board would doubtless agree to remain in office until such time as the Fund was taken over by the International Labour Organisation.

¹ See Annex 5, page 161.

² See Annex 7, page 174.

During the discussion, a delegate suggested that, before definitely accepting the Supervisory Commission's recommendations, which might involve heavy financial consequences, it might be advisable that certain additional figures should be supplied concerning the possible deleterious effect of various factors referred to in the Actuary's report. Would it not perhaps be worth while considering the immediate liquidation of the Fund, since, in this event, as mentioned by the Actuary, the accumulated funds would suffice to pay all retiring members the lump sums due to them?

It was also suggested that officials whose services were now compulsorily terminated might perhaps be allowed to continue in the Fund until they reached the retiring age.

The Rapporteur of the Supervisory Commission pointed out that, after the transfer of the sum of 11 million francs from the Reserve Fund effected in 1940, the Staff Pensions Fund was in a highly satisfactory position according to the rules on which it had been drawn up. The solution proposed by the Supervisory Commission appeared in present circumstances to be the only practical one: nothing would happen as a result of the proposed transfer which would not have occurred if the League had continued in charge and remaining officials and pensioners would continue to enjoy the benefits which had been guaranteed to them. If necessary, the present Fund might be closed and replaced by a new one for new entrants. He further indicated that members of the Fund had the right to opt for a lump sum or an annuity and it was not possible to ignore that right. Continuance in the Fund of those members who would now be retired before reaching the pensionable age would require an amendment of the Staff Pensions Regulations and a reconsideration of the calculations on which the benefits of the Fund were based. The Supervisory Commission was unable to recommend any such changes.

The Finance Committee, being of opinion that the officials' acquired rights should not be encroached upon, thereupon unanimously accepted the recommendations which had been made to it by the Administrative Board and the Supervisory Commission, as well as the amendments to the Regulations of the Fund, which are incorporated in a special section of the general resolution on the dissolution of the League.

As regards the Staff Provident Fund, it will be liquidated this year, so that no further action is required.

The Finance Committee unanimously associated itself with the tributes paid to the memory of Madame G. Rohde-Juncker, who died recently as the result of an accident. As Secretary of the Administrative Board of the Staff Pensions Fund and as Secretary of the Supervisory Commission during the difficult and dangerous war years in London, Madame Rohde-Juncker rendered inestimable services to the League and on many occasions, particularly on the transfer to Great Britain of the essential archives of the Fund, she gave proof of remarkable courage and devotion to duty.

C. LIQUIDATION OF THE NANSEN OFFICE

The Finance Committee adopted the recommendations made by the Supervisory Commission in its Report on the Work of its One-hundred-and-second Session (document A.28.1946.X—Chapter B).¹

It will therefore be for the authority charged with the liquidation of the League to take all necessary steps for the winding-up of the former International Nansen Office.

D. DISPOSAL OF LEAGUE ASSETS AND SCHEME OF DISTRIBUTION

The Supervisory Commission, in certain of its Reports to the Assembly (see documents A.8² and A.9.1946.X), stated that, in view of the general acceptance of the programme outlined in the Secretary-General's telegram to the Members of the League dated September 20th, 1945, it had been authorised to discuss and, so far as feasible, to formulate provisional terms for the transfer of the material assets of the League with representatives of the United Nations "subject to the final decision of the League Assembly".

The discussions between the Supervisory Commission and the Committee set up by the Preparatory Commission of the United Nations resulted in the establishment of a "Common Plan" which was approved by the General Assembly of the United Nations on February 12th, 1946 (Appendix).

The matter was further considered by the Supervisory Commission during the present session of the Assembly and, in its Report on the Work of its One-hundred-and-first Session (document A.25.1946.X—Chapter F),³ the Commission had submitted a "Scheme of Distribution" for the apportionment of the assets of the League.

The Rapporteur of the Commission pointed out that, since contributions would continue to be received in 1946, no precise schedule of percentages could at the present stage be established, and it had therefore been necessary for the moment to state the nature of the scheme only in general terms.

¹ See Annex 8, page 180.

² See Annex 17, pages 217-220.

³ See Annex 7, page 176.

In full agreement with the representatives of the United Nations, it was proposed that the material assets of the League should be transferred to that organisation and it had been arranged that, in that case, credits should be given to States Members of the United Nations which, at the dissolution of the League, were also Members of the League, for their share of such assets in proportion to the contributions paid during the whole period of the League's existence. For this purpose, the material assets would be valued on a cost-price basis—that is, for the United Nations, on highly favourable terms if compared with present prices.

In addition, the extremely valuable gifts which had been presented to the League of Nations would be handed over without cost to the United Nations in the hope that, in accordance with the wishes of the donors, these treasures would remain in the building for which they had been presented.

Liquid assets would be distributed in cash when the final calculations had been established. Finally, the disposition of the material and liquid assets would not become fully effective until the Liquidation Board was in a position to present final audited accounts.

No support being forthcoming for an alternative proposal submitted by the Delegation of the Dominican Republic, the Finance Committee recommends the adoption of the following Scheme of Distribution drawn up by the Supervisory Commission:

" Scheme of Distribution.

" (1) That the Members of the League should pay their contributions to the League, both arrears and current, before December 31st, 1946;

" (2) That participation in the assets of the League should be limited to States at present Members of the League;

" (3) That, subject to the conditions prescribed below, the shares of the States Members of the League in the assets of the League, material and liquid taken together, as at December 31st, 1946, should be based upon a table showing the proportion that the contributions paid by each State Member bear to the total contributions received by the League since its inception;

" (4) That, in the case of any State whose contributions to the League are in arrear at the date when the final calculations are established, the amount of such indebtedness should be deducted from the claim of such State in respect of material and liquid assets, such amount then being redistributed among Members entitled to share according to the proportions laid down in the table referred to in paragraph (3);

" (5) That the shares in the material assets of the League of those Members of the League which are Members of the United Nations on December 31st, 1946, should be calculated and credited to them in the books of the United Nations as provided in the 'Common Plan';

" (6) (a) That the shares in the material assets of the League of those Members of the League which, on December 31st, 1946, are not Members of the United Nations should be held in suspense or otherwise dealt with under arrangements to be made by the authorities charged with the liquidation in agreement with the States concerned;

" (b) That, in the event of any State entitled to a share in the material assets receiving cash in lieu of such assets under paragraph 6 (a), the proportion of the material assets to be credited to States Members of the United Nations should be adjusted upwards and the proportion of the liquid assets payable to such States should be adjusted downwards in both cases according to the table referred to in paragraph (3), so as to ensure that the distribution conforms to the scheme herein established;

" (c) That, in the event of insufficient funds being available on final liquidation to pay under paragraph 6 (b) above the share in the material assets of any League Member which has not become a Member of the United Nations, a proportionate distribution of the available funds should be made;

" (7) That the unappropriated balance of the liquid assets of the League should be distributed in cash as soon as the final calculations are established according to the principles laid down above to all Members of the League, whether or not they have become Members of the United Nations;

" (8) That no credits in respect of material assets or distribution of cash should take effect until the authorities charged with carrying through the liquidation are in a position to present the final audited accounts;

" (9) That any matters arising out of the liquidation and not covered by the above clauses should be dealt with by the authorities charged with the liquidation as they judge most expedient on the understanding that the scheme of distribution set forth above shall be adhered to."

In addition, the Finance Committee, having before it a draft resolution presented by the delegations of Poland and Czechoslovakia, which incorporated an idea expressed in a proposal by the French delegation, appointed a Sub-Committee for the purpose of studying whether the Union of Soviet Socialist Republics might be included amongst the Powers participating in the liquidation of the assets of the League of Nations.

The Sub-Committee's report was in the following terms:

"The Sub-Committee examined the problems which would be raised by altering the scheme already approved by the Finance Committee for the distribution of the assets of the League. It found that any change in the scheme so as to provide for the inclusion of the Soviet Union in this distribution would create technical difficulties of so serious a character as to be practically insurmountable.

"The Sub-Committee, however, feels that the Finance Committee might well show its approbation of the essential purpose of the proposal made by the French delegation and of the draft resolution submitted by the Polish and Czechoslovak delegations and that the Assembly would wish to place on record its recognition of the fundamental contribution of the Soviet Union to the overthrow of the fascist enemies of civilisation and to the triumph of freedom, and to welcome the collaboration of the Soviet Union in building, on the foundations so successfully laid, the new edifice of international solidarity."

In these circumstances, the Finance Committee recommends that the Assembly should adopt the following resolution:

"THE ASSEMBLY desires to place on record its recognition of the fundamental contribution of the Union of Soviet Socialist Republics to the overthrow of the Fascist enemies of civilisation and to the triumph of freedom, and to welcome the collaboration of the Soviet Union in building, on the foundations so successfully laid, the new edifice of international solidarity."

E. APPOINTMENT OF A BOARD OF LIQUIDATION AND OTHER MEASURES WITH A VIEW TO LIQUIDATION

In the final part of its Report, the Finance Committee submits to the Assembly a draft resolution concerning the dissolution of the League of Nations.

After this resolution, which is based upon a text presented by the United Kingdom delegation, had been closely examined by the First Committee, its financial and administrative aspects were studied by the Supervisory Commission and the Finance Committee. Except as regards the International Labour Organisation, it provides for the dissolution of the League of Nations as from the day following the close of the present session of the Assembly and sets out in detail the various methods of effecting this, and the consequences thereof. It makes provision for the appointment of a Board of Liquidation, whose terms of reference it defines. It provides also for the approval of the "Common Plan for the Transfer of League of Nations Assets" already adopted by the General Assembly of the United Nations. It likewise includes the text of amendments to various statutes and fundamental regulations of the League of Nations, the provisions of which will continue to apply in the future to the International Labour Organisation.

As regards the Administrative Tribunal, the Assembly will not have to elect new judges, since the resolution provides that the terms of office of the present judges will be prolonged until April 1st, 1947. It has, moreover, been agreed that this provision shall not in any way limit the right of a member of the Tribunal to refuse to accept the prolongation of his term of office if he so desires.

As regards the membership of the Board of Liquidation, the Finance Committee received a report from the Chairman of the Joint Sub-Committee appointed for the purpose by the First and Second Committees. In this report, the Chairman explained that the Joint Sub-Committee had been guided by the following considerations:

- (1) First and foremost, continuity in the financial work of the League;
- (2) Personal qualifications of the members of the Board;
- (3) Financial standing as regards the payment of contributions to the League of the countries of the members of the Board, due regard being given to the special position of certain countries owing to war circumstances;
- (4) Geographical representation.

Having taken these various factors into consideration, the Joint Sub-Committee proposed that the Board of Liquidation should be composed of the following members:

M. Emile CHARVERIAT (France),
 Sir Atul CHATTERJEE (India),
 M. F. T. CHENG (China),
 M. Adolfo COSTA DU RELS (Bolivia),
 M. Carl Joachim HAMBRO (Norway),
 Mr. Seymour JACKLIN (Union of South Africa) — from August 1st, 1946,
 Sir Cecil H. KISCH (United Kingdom),
 Dr. Jaromir KOPECKÝ (Czechoslovakia),
 M. Daniel SECRETAN (Switzerland).

The Finance Committee unanimously approved the report of the Joint Sub-Committee.

Before the resolution concerning the dissolution of the League of Nations is formally laid before the Assembly for adoption, it would seem to be desirable that, in accordance with established usage, the Report of the Finance Committee should receive the approval of the Assembly by the adoption of the following resolution:

"THE ASSEMBLY approves the Report of the Finance Committee and adopts the resolutions and decisions proposed therein."

In conclusion, the Finance Committee, recalling with satisfaction the positive results accomplished in the international financial and administrative sphere by its predecessors, proposes for adoption by the Assembly at its twenty-first session (1946) the following resolution for effecting the dissolution of the League of Nations:

RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS

THE ASSEMBLY OF THE LEAGUE OF NATIONS,

Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong;

Desiring to promote, so far as lies in its power, the continuation, development and success of international co-operation in the new form adopted by the United Nations;

Considering that, since the new organisation has now commenced to exercise its functions, the League of Nations may be dissolved; and

Considering that, under Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter within the sphere of action of the League:

ADOPTS THE FOLLOWING RESOLUTION:

Dissolution of the League of Nations.

1. (1) With effect from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

(2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2.

2. (1) The Assembly appoints the persons named in the Annex to form a "Board of Liquidation", hereinafter called the Board, which shall represent the League for the purpose of effecting its liquidation. Subject to the provisions of this resolution and other relevant decisions taken by the Assembly at the present session, the Board shall have full power to give such directions, make such agreements and take all such measures as in its discretion it considers appropriate for this purpose.

(2) Vacancies on the Board shall be filled by co-option. Provided that the number of members be not reduced below five, the Board may refrain from filling particular vacancies.

(3) The Board shall elect a chairman and vice-chairman and adopt rules of procedure. Five members shall form a quorum and all decisions shall be taken by a majority.

(4) The members of the Board shall be entitled to travelling and subsistence allowances on the scale at present in force for members of the Committees of the League and shall draw fees for their services at the rate of 3,000 Swiss francs per month for the Chairman and 2,000 Swiss francs per month for the other members of the Board.

(5) The members of the Board, in the exercise of their functions, and the staff referred to in paragraph 4 (1) below shall be deemed to be officials of the League within the meaning of Article 7 of the Covenant.

(6) The expenditure incurred by the Board for the year 1946 shall be met from the Budget of the Secretariat for that year and, if the Board continues to function subsequently, it shall adopt a Budget and make appropriations to meet the expenditure involved from the Guarantee Fund or other funds of the League.

3. The Secretary-General shall be responsible to the Board. He shall retire from office on the completion of the liquidation. If for any reason he should cease to act, the Board shall appoint another person to carry out his duties.

4. (1) The officials of the Secretariat having received notice of the termination of their engagements as from July 31st next, such staff shall be employed as may be required for the purpose of carrying out the liquidation and for maintaining in operation the departments and services of the Secretariat to whatever extent is necessary in order that the United Nations may, under the best possible conditions, assume those activities hitherto performed by the League which it decides to assume and take over the material assets which are to be transferred to it.

(2) The Board may employ such professional assistance as it may deem expedient.

5. The Assembly approves and directs that effect shall be given in the manner set out in the Report of the Finance Committee to the "Common Plan for the Transfer of League of Nations Assets", which was drawn up jointly by a United Nations Committee and the Supervisory Commission, acting respectively on behalf of the United Nations and the League of Nations, and was approved by the General Assembly of the United Nations on February 12th, 1946.

6. Nothing in this resolution shall relieve any Member or former Member of the League of Nations from any pecuniary liability incurred by it towards the League of Nations, whether under the Budget for 1946 or under previous Budgets or in virtue of agreements with the League of Nations or in any other manner whatsoever; but the Board may, where in its discretion it considers this course to be justifiable, make a composition with any debtor Government for a lesser sum than is due, on condition that such a sum or the agreed instalments thereof shall be paid as promptly as possible. The report provided for in paragraph 21 shall give particulars of the debts which have been collected in full, those in regard to which a composition or only a partial payment has been made and those, if any, towards which no payment has been made. If any amounts due in respect of the International Labour Organisation remain unpaid at the date of the completion of the liquidation, a report on the collection of such contributions shall be communicated by the Board to the International Labour Organisation and such amounts shall be recoverable by that Organisation.

7. (1) Subject to the provisions of sub-paragraph (2) below and of any relevant decisions embodied in the Report of the Finance Committee, any cash balances resulting from the liquidation shall be divided among the Members of the League in the manner set out in the Report of the Finance Committee.

(2) Balances to the credit of the Reserve Fund and of the Fund to cover exchange losses shall be paid to the Staff Pensions Fund, and the balances in respect of the various funds, extra-budgetary and suspense accounts, enumerated in the Report of the Supervisory Commission on the Work of its One-hundredth Session (document A.19.1946.X)¹ shall be dealt with as recommended in the Commission's report.

8. The Auditor of the League shall remain in office until he has audited the final closed accounts of the League of Nations and of the Board of Liquidation and drawn up a report thereon for communication to the Members of the League. If for any reason he should be unable to act, the Board shall appoint another Auditor.

9. The Board shall, as soon as possible after the transfer of the material assets, and every three months thereafter, make interim reports on the progress of its work and shall take into consideration any observations thereon made by Members of the League.

10. The present High Commissioner for Refugees shall remain in office until the end of the year 1946, or such earlier date as may appear to the Board desirable, and his expenses shall be met out of the provision made for this purpose in the Budget of the Secretariat.

INTERNATIONAL LABOUR ORGANISATION

11. The present resolution shall not in any way prejudice the continued existence of the International Labour Office or the measures taken or to be taken by the International Labour Organisation to make in its Constitution such changes as may be required as the result of the dissolution of the League, or the enjoyment by the International Labour Organisation of the privileges and immunities provided by Article 7 of the Covenant pending elaboration of and acceptance by the Members of the Organisation of other provisions dealing with this matter.

12. The amount collected for the expenses of the International Labour Organisation in the Budget of 1946 shall remain available for that purpose down to and after the end of the year.

13. (1) The Board shall in due course transfer to the International Labour Organisation its appropriate share in the Renovation Fund and any other fund in which it may have an interest.

(2) The balances of the International Labour Organisation for the financial years 1941, 1943 and 1944 shall be transferred from the suspense account in which they are at present placed to a special reserve fund for the International Labour Organisation.

14. An agreement to cause the full ownership of the land and buildings at present occupied by the International Labour Organisation to vest in that Organisation shall be concluded between the Secretary-General of the League and the Acting Director of the International Labour Office and all the steps which, under the law of the Republic and Canton of Geneva or of the Swiss Confederation, are necessary to give effect to the agreement shall be taken as soon as possible.

¹ See Annex 6, pages 169-173.

ADMINISTRATIVE TRIBUNAL

15. The following amendments are hereby made in the Statute of the League of Nations Administrative Tribunal:

(1) Wherever the words " League of Nations Administrative Tribunal " occur in the Regulations, they shall be replaced by the words " International Labour Organisation Administrative Tribunal ".

(2) Paragraph 1 of Article 3 shall read as follows:

" (i) The Tribunal shall consist of three judges and three deputy judges who shall all be of different nationalities.

" (ii) Subject to the provisions set out at (iii) below, the judges and deputy judges shall be appointed by the appropriate organ of the International Labour Organisation.

" (iii) The terms of office of the judges and deputy judges who were in office on January 1st, 1940, are prolonged until April 1st, 1947, and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ."

(3) As from October 31st, 1946,¹ but subject always to sub-paragraph (4) below, the Administrative Tribunal shall have no jurisdiction in regard to (a) complaints of non-observance of the terms of appointment of officials of the Secretariat or of the Secretariat's Staff Regulations, (b) disputes concerning the compensation provided for by Articles 45 or 70 of the Secretariat Staff Regulations or (c) complaints of non-observance of the provisions of Article 1 of the Staff Pensions Regulations, in so far as that Article provides for persons who have been appointed as officials of the Secretariat or the Registry of the Permanent Court becoming subject to those Regulations, but the Tribunal shall otherwise retain its existing jurisdiction under its Statute and under Article 26 of the Staff Pensions Regulations.

(4) Complaints already transmitted to the Registrar of the Tribunal shall be heard and determined notwithstanding the provisions of sub-paragraph (3).

(5) In order to enable the International Labour Organisation to make by action of its appropriate organ the changes in the Statute necessitated by sub-paragraphs (1) and (2) above and such other amendments as it may from time to time consider desirable, the third paragraph of Article 12 of the Statute is amended to read as follows:

" The present Statute shall remain in force during the pleasure of the General Conference of the International Labour Organisation. It may be amended by the Conference or such other organ of the Organisation as the Conference may determine."

STAFF PENSIONS FUND

16. (1) Subject to the agreement of the International Labour Organisation, the following measures shall be taken in regard to the Staff Pensions Fund:

(a) Liability for making the contributions due from the League under Article 7 of the Staff Pensions Regulations and, subject to (c) below, the guarantee given by the League under Article 13 of the Regulations shall be assumed by the International Labour Organisation.

(b) The accumulated assets of the Fund (including any amount added by the Assembly at its present session or by the Board of Liquidation) shall be transferred to the International Labour Organisation for application in accordance with the Regulations.

(c) Retired officials of the Secretariat and the Registry of the Permanent Court and their widows and children shall continue to receive the benefits due to them from the Fund, but, if the payment of these benefits involves a deficit for the Fund which has to be met by additional contributions from the International Labour Organisation, the amounts involved shall be divided among and form part of the contributions of those Members of the Organisation which were Members of the League at the date of the present resolution in the proportions in which those Members contribute to the other expenses of the International Labour Organisation.

(d) In order to enable the International Labour Organisation to amend the Regulations of the Fund and, in particular, to make the changes rendered necessary by the dissolution of the League and the Permanent Court, the last sentence of Article 31 of the Regulations is amended to read as follows:

" The Regulations may be amended by the appropriate financial authority of the International Labour Organisation, with due regard to the rights of the beneficiaries."

¹ Note. — This date is selected as giving sufficient time for adjudication of any disputes which may arise out of the notices of dismissal which have been given to the officials of the Secretariat and which take effect on July 31st, 1946. In the unlikely event of a dispute between the Administration and those officials who remain in service after July 31st, who will be on a purely temporary basis, the Board of Liquidation may be trusted to find a just and equitable solution.

This amendment shall not take effect until the agreement of the International Labour Organisation to the provisions of the present sub-paragraph has been secured.

(2) If the International Labour Organisation's agreement is not secured to the provisions of sub-paragraph (1) above, the Board of Liquidation shall make the best provision that it can for giving effect to the rights of the beneficiaries of the Fund and shall have power for that purpose to amend or annul all or any part of the Regulations.

17. Any surplus remaining after the discharge of all claims upon the Staff Pensions Fund shall belong to the International Labour Organisation, if it has accepted the task of administering the Fund.

PENSIONS FUND FOR THE MEMBERS OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

18. (1) The Regulations for the Administration of the Pensions Fund for the Members of the Permanent Court of International Justice are hereby abrogated.

(2) If the International Labour Organisation consents, responsibility for the administration of the Fund, as augmented by the Assembly during the present session or by the Board of Liquidation, and the responsibility for paying the pensions shall be transferred to the Organisation on the understanding that, (a) if the Fund is inadequate for its purpose, those Members of the Organisation which are at present League Members shall contribute to make good the deficiency, which shall be divided among them and form part of their contributions in the proportions in which those Members contribute to the other expenses of the International Labour Organisation, and (b) any surplus remaining after pensions to the judges have ceased to be payable shall belong to the International Labour Organisation.

(3) Failing such agreement, the Board shall make such other provision for the administration of the Fund and payment of the pensions or for the purchase of annuities for the judges as it may find it possible to arrange.

REGULATIONS FOR THE FINANCIAL ADMINISTRATION OF THE LEAGUE OF NATIONS

19. (1) As from the entry into force of the present resolution, the Regulations for the Financial Administration of the League of Nations shall apply only in so far as they concern the International Labour Organisation or are considered by the Board to be relevant to the liquidation.

(2) Article 51 of the Regulations is hereby amended to read as follows:

“These Regulations may be amended by the appropriate financial authority of the International Labour Organisation.”

WORKING CAPITAL FUND

20. Subject to maintenance of the existing rights to repayment of the States which own shares therein, the whole balance of the Working Capital Fund shall be transferred to the International Labour Organisation for use as working capital.

FINAL ARTICLE

21. On the completion of its task, the Board shall make and publish a report to the Governments of the Members of the League giving a full account of the measures which it has taken, and shall declare itself to be dissolved. On the dissolution of the Board, the liquidation shall be deemed to be complete and no further claims against the League shall be recognised.

Annex. — MEMBERS OF THE BOARD OF LIQUIDATION

M. Emile CHARVERIAT (France),
 Sir Atul CHATTERJEE (India),
 Mr. F. T. CHENG (China),
 M. Adolfo COSTA DU RELS (Bolivia),
 M. Carl Joachim HAMBRO (Norway),
 Mr. Seymour JACKLIN (Union of South Africa) — from August 1st, 1946,
 Sir Cecil H. KISCH (United Kingdom),
 Dr. Jaromír KOPECKÝ (Czechoslovakia),
 M. Daniel SECRETAN (Switzerland).

* * *

Appendix.

COMMON PLAN FOR THE TRANSFER OF LEAGUE OF NATIONS ASSETS
ESTABLISHED BY THE UNITED NATIONS COMMITTEE
AND THE SUPERVISORY COMMISSION OF THE LEAGUE OF NATIONS

1. The League of Nations agrees to transfer to the United Nations, and the United Nations agrees to receive on or about August 1st, 1946, the precise date to be determined by the administrative authorities of the two Organisations, all material assets of the League of Nations shown in column I of the attached Schedule at the valuation shown in column II.

The League of Nations agrees that the shares in the total credit thus established shall be distributed between States entitled to participate, in accordance with percentages to be laid down by the League at its next Assembly.

The United Nations agrees:

(a) That the shares, thus established, of such of these States as are Members of the United Nations shall be credited¹ to them respectively in the books of the United Nations; and

(b) That the General Assembly shall decide on the purposes to which these credits shall be applied and on the dates on which they shall be so applied; and further that these credits shall in any event begin to be available not later than December 31st, 1948.

The United Nations further agrees:

(a) That the International Labour Organisation may use the Assembly Hall, together with the necessary committee rooms, office accommodation and other facilities connected therewith at times and on financial terms to be agreed from time to time between the United Nations and the International Labour Organisation;

(b) That the International Labour Organisation may use the Library under the same conditions as other official users thereof.

2. The League of Nations shall take steps to discharge all its obligations as soon as practicable.

3. The League of Nations shall take steps to settle the question of contributions of Member States in arrears.

4. The League of Nations shall take steps to separate the interests of the International Labour Organisation in the assets of the League, before transfer to the United Nations. It is understood that the International Labour Organisation building at Geneva will be transferred to that Organisation.

5. Any ex-officials of the League of Nations subsequently engaged by the United Nations shall enter service under conditions of employment established by the United Nations, and it will be for the League of Nations to take the necessary steps to make this possible.

6. It is understood that the League of Nations shall make arrangements, independently of the United Nations, with regard to the continued administration of the Staff Pensions Fund and with regard to the pensions of the Judges of the Permanent Court of International Justice.

7. When the League has discharged all its obligations and made the necessary dispositions concerning the Working Capital Fund and regarding outstanding contributions, the remaining liquid assets shall be credited or distributed to Members of the League under a scheme to be determined by it.

8. Both the United Nations and the League of Nations shall authorise competent authorities to make any necessary agreements with the Swiss Authorities on all matters connected with the transfer of assets of the League of Nations to the United Nations.

¹ These credits shall be translated into dollar currency at the rate effective on the day of transfer of the material assets referred to in paragraph 1.

SCHEDULE AMENDED BY THE SUPERVISORY COMMISSION (document A.5.1946.X)

Property: ¹	Swiss francs
Secretariat building and Assembly Hall	38,576,958.78 ²
Library building	— ³
Real estate belonging to the League of Nations having an area of 203,446 sq. metres and comprising four villas and other buildings	2,889,453.45
Furniture, fittings, typewriters, etc., for the use of the Secretariat, including the branch offices, and for the other buildings in Geneva:	
	Swiss francs
Total according to the inventories	3,345,364.50
To be deducted:	
(a) Amounts included under Secretariat building, Assembly Hall and Library building	1,433,058.70
(b) Accounts in respect of extra-budgetary accounts	25,782.99
	1,886,522.81 ⁴
Furniture, fittings, typewriters, etc., for the use of the Court of Justice in The Hague (florins 121,097.30)	199,810.55
in Geneva	89.65
	199,900.20 ⁵
Stocks of stationery, printing paper, office supplies and equipment, in Geneva and branch offices	132,831.17 ⁵
Publications: Stocks at Headquarters and in hands of agents (estimated market value)	50,000.00 ⁵
Books, stocks of stationery, printing paper and publications, office supplies and equipment for the Court in The Hague (florins 33,674.17)	55,562.35 ⁵
Gifts	— ⁶
Library:	
Books, etc., in Geneva according to the inventory	1,913,404.10 ⁵
Archives of the League of Nations and of the Permanent Court of International Justice	—
Total	<u>45,704,632.86</u>

¹ The building in the occupation of the International Labour Organisation, although registered in the name of the League of Nations, has been excluded: the value (less depreciation) shown in the balance-sheet is 3,114,161.13 Swiss francs.

² Cost of building and equipment of the Secretariat and the Assembly Hall. The League has a transferable right to use the land on which the buildings stand, the land 100 metres around it and the two roads leading to the buildings. The League further has a non-transferable right to use the remainder of the plot of land in Ariana Park in which the buildings stand. No value is placed on these rights in the schedule.

³ The cost of this building given by Mr. Rockefeller was 5,564,206.22 Swiss francs.

⁴ The figures shown on page 9 of the Audited Accounts as at December 31st, 1945 (document C.15.M.15.1946.X), are 3,345,364.50 Swiss francs; the difference of 1,458,841.69 Swiss francs is included under the items Secretariat building, Assembly Hall, Library building and extra-budgetary accounts. Owing to possible changes before the date of transfer, these figures are provisional and subject to revision.

⁵ Owing to possible changes before the date of transfer, these figures are provisional and subject to revision.

⁶ The nominal value of the gifts should be put at 1,234,640 Swiss francs.

ANNEX 27

RESOLUTIONS ADOPTED BY THE ASSEMBLY

during its Twenty-first Ordinary Session, from April 8th to 18th, 1946.

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I. APPOINTMENT OF (a) CREDENTIALS COMMITTEE, (b) NOMINATIONS COMMITTEE, (c) GENERAL COMMITTEE

I. APPOINTMENT OF A CREDENTIALS COMMITTEE

The Assembly appointed a Credentials Committee, which was constituted as follows :

- M. Adolfo COSTA DU RELS (Bolivia), *Chairman* ;
- M. Jaromír KOPECKÝ (Czechoslovakia), *Vice-Chairman* ;
- M. Georges KAECKENBEECK (Belgium) ;
- The Rt. Hon. Sir Hartley SHAWCROSS (United Kingdom) ;
- Mr. Hume WRONG (Canada) ;
- Professor Georges SCELLE (France) ;
- M. Jerzy PUTRAMENT (Poland) ;
- M. Axel SJÖBORG (Sweden) ;
- M. Julián NOGUEIRA (Uruguay).

The Committee made reports to the Assembly, which approved them.

[*Meetings of April 8th (morning) and 18th (morning), 1946.*]

2. APPOINTMENT OF A NOMINATIONS COMMITTEE

The Assembly appointed a Nominations Committee, which was constituted as follows :

- M. BEELAERTS VAN BLOKLAND (Netherlands), *Chairman* ;
- Mr. Leif EGELAND (Union of South Africa) ;
- M. MORENO QUINTANA (Argentine Republic) ;
- Professor K. H. BAILEY (Australia) ;
- The Rt. Hon. Sir Hartley SHAWCROSS (United Kingdom) ;
- Mahmoud Mahomed EL DARWICHE Bey (Egypt) ;
- M. Emile CHARVERIAT (France) ;
- M. AGHNIDES (Greece) ;
- Mr. F. T. CREMINS (Ireland) ;
- M. FUNCK (Luxemburg) ;
- M. José CAEIRO DA MATTA (Portugal).

[*Meeting of April 8th, 1946 (morning).*]

3. APPOINTMENT OF THE GENERAL COMMITTEE¹

The General Committee of the Assembly for its twenty-first ordinary session was constituted as follows :

(a) *President of the Assembly.*

His Excellency M. Carl J. HAMBRO (Norway).

(b) *Vice-Presidents of the Assembly.*

The first delegates of the United Kingdom, Canada, China, France, Mexico, Poland, Switzerland and Turkey.

(c) *Chairmen of the Two Main Committees.*

Professor BOURQUIN (Belgium) and Sir Atul CHATTERJEE (India).

(d) *Chairman of the Nominations Committee.*

M. F. BEELAERTS VAN BLOKLAND (Netherlands).

(e) *Chairman of the Credentials Committee.*

M. Adolfo COSTA DU RELS (Bolivia).

(f) *Secretary-General of the League of Nations.*

Mr. Sean LESTER.

[*Meeting of April 8th, 1946 (morning).*]

II. APPOINTMENT OF MAIN COMMITTEES AND DISTRIBUTION OF WORK

The Assembly appointed two main Committees.

[*Meeting of April 8th, 1946 (morning).*]

The following questions were referred by the Assembly to these Committees for consideration and report :

First Committee (General Questions).

1. Dissolution of the Permanent Court of International Justice.
2. Assumption by the United Nations of Certain Functions, Powers and Activities of the League.
3. International Assistance to Refugees.
4. Dissolution of the League.

¹ On the proposal of the President of the Assembly, it was decided not to appoint an Agenda Committee, but to invite the General Committee to perform the duties normally allotted to the Agenda Committee.

Second Committee (Financial and Administrative Questions).

1. Dissolution of the Permanent Court of International Justice (administrative and financial problems).
2. Financial and Administrative Questions.

In addition, the following questions were referred by the Assembly to the General Committee :

1. Attribution to the Assembly of the Responsibilities of the Council.
2. Communication from the Italian Government.
3. Communication from the Austrian Federal Government.
4. Mandate of the Acting Secretary-General.

III. RESOLUTIONS ADOPTED ON THE PROPOSALS OF THE GENERAL COMMITTEE

1. ATTRIBUTION TO THE ASSEMBLY OF THE RESPONSIBILITIES OF THE COUNCIL

The Assembly, with the concurrence of all the Members of the Council which are represented at its present session :

Decides that, so far as required, it will, during the present session, assume the functions falling within the competence of the Council.

[Resolution adopted on April 12th, 1946 (morning).]

2. COMMUNICATION FROM THE AUSTRIAN FEDERAL GOVERNMENT

The Assembly :

Takes note of the communication addressed to the Secretary-General on April 1st, 1946, by the Foreign Minister of Austria ;

Recalls that Austria, which for many years gave her loyal co-operation to the League of Nations, was the first victim of Nazi aggression ;

Heartily welcomes the liberation of Austria, and notes with satisfaction the desire she expresses to collaborate with the free peoples of the world ;

Invites the representatives of the Austrian Government to be present as observers at the present Assembly of the League.

[Resolution adopted on April 12th, 1946 (morning).]

3. MANDATE OF THE ACTING SECRETARY-GENERAL

The Assembly, in accordance with paragraph 2 of Article 6 of the Covenant, appoints Mr. Sean Lester Secretary-General of the League of Nations as from September 1st, 1940.

The Assembly also approves the appointment of Mr. Seymour Jacklin as Under-Secretary-General as from January 1st, 1944.

[Resolution adopted on April 18th, 1946 (morning).]

IV. RESOLUTIONS ADOPTED ON THE REPORTS OF THE FIRST COMMITTEE

1. DISSOLUTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The Assembly of the League of Nations,

Considering that, by Article 92 of the Charter of the United Nations, provision is made for an International Court of Justice which is to be the principal judicial organ of the United Nations and which is to be open to States not members of the United Nations on terms to be determined by the United Nations ;

Considering that the establishment of this Court and the impending dissolution of the League of Nations render it desirable that measures for the formal dissolution of the Permanent Court of International Justice shall be taken ;

Considering that the Preparatory Commission of the United Nations, in a resolution of December 18th, 1945, declared that it would welcome the taking of appropriate steps by the League of Nations for the purpose of dissolving the Permanent Court, and that this resolution records the assent to the dissolution of the Permanent Court of all the Members of the United Nations which are parties to the Protocol of Signature of the Statute of the Permanent Court, whether Members of the League of Nations or not ;

Considering that all the Judges of the Permanent Court have resigned and that on the dissolution of the League no machinery will exist for the appointment of new Judges :

Resolves :

That the Permanent Court of International Justice is for all purposes to be regarded as dissolved with effect from the day following the close of the present session of the Assembly, but without prejudice to such subsequent measures of liquidation as may be necessary.

[*Resolution adopted on April 18th, 1946 (morning).*]

2. THE ASSUMPTION BY THE UNITED NATIONS OF FUNCTIONS AND POWERS HITHERTO EXERCISED BY THE LEAGUE UNDER INTERNATIONAL AGREEMENTS

The Assembly of the League of Nations,

Having considered the resolution on the assumption by the United Nations of functions and powers hitherto exercised by the League of Nations under international agreements, which was adopted by the General Assembly of the United Nations on February 16th, 1946,

Adopts the following resolutions :

1. *Custody of the Original Texts of International Agreements.*

The Assembly directs that the Secretary-General of the League of Nations shall, on a date to be fixed in agreement with the Secretary-General of the United Nations, transfer to the Secretariat of the United Nations, for safe custody and performance of the functions hitherto performed by the Secretariat of the League, all the original signed texts of treaties and international conventions, agreements and other instruments, which are deposited with the Secretariat of the League of Nations, with the exception of the Conventions of the International Labour Organisation, the originals of which and other related documents shall be placed at the disposal of that Organisation.

2. *Functions and Powers arising out of International Agreements of a Technical and Non-political Character.*

The Assembly recommends the Governments of the Members of the League to facilitate in every way the assumption without interruption by the United Nations, or by specialised agencies brought into relationship with that organisation, of functions and powers which have been entrusted to the League of Nations, under international agreements of a technical and non-political character, and which the United Nations is willing to maintain.

[*Resolution adopted on April 18th, 1946 (afternoon).*]

3. THE ASSUMPTION BY THE UNITED NATIONS OF ACTIVITIES HITHERTO PERFORMED BY THE LEAGUE

The Assembly directs the Secretary-General of the League of Nations to afford every facility for the assumption by the United Nations of such non-political activities, hitherto performed by the League, as the United Nations may decide to assume.

[*Resolution adopted on April 18th, 1946 (afternoon).*]

4. MANDATES

The Assembly,

Recalling that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilisation :

1. Expresses its satisfaction with the manner in which the organs of the League have performed the functions entrusted to them with respect to the mandates system and in particular pays tribute to the work accomplished by the Mandates Commission ;

2. Recalls the role of the League in assisting Iraq to progress from its status under an "A" Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, the Lebanon, and Transjordan, which have, since the last session of the Assembly, become independent members of the world community ;

3. Recognises that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League ;

4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and

development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers.

[Resolution adopted on April 18th, 1946 (afternoon).]

5. INTERNATIONAL BUREAUX AND OTHER ORGANISATIONS PLACED UNDER THE DIRECTION OF THE LEAGUE OF NATIONS OR BROUGHT INTO RELATION THEREWITH

1. The Assembly directs the Secretary-General to thank the international bureaux and other organisations named in this resolution for their collaboration with the League of Nations in the past, and to inform them that the relation with the League which was established in accordance with Article 24 of the Covenant must be regarded as coming to an end on the dissolution of the League, with effect from the day following the close of the present session of the Assembly.

This resolution shall apply to the following organisations :

The International Bureau for Information and Enquiries regarding Relief to Foreigners (Paris) ;

The International Hydrographic Bureau (Monaco) ;

The Central International Office for the Control of the Liquor Traffic in Africa (Brussels) ;

The International Commission for Air Navigation (Paris) ;

The International Exhibitions Bureau (Paris).

2. The Assembly directs the Secretary-General to address a similar communication to the International Relief Union (Geneva), which, though it was not placed under the direction of the League, was brought into relation with the League under the Convention of July 12th, 1927, which created the Union.

[Resolution adopted on April 18th, 1946 (afternoon).]

6. INTERNATIONAL INSTITUTE OF INTELLECTUAL CO-OPERATION

1. The Assembly thanks the International Institute of Intellectual Co-operation (Paris) for the valuable collaboration which, since 1925, it has given to the League of Nations as the organ for the execution of the decisions and recommendations of the International Committee on Intellectual Co-operation.

2. The Assembly,

Being desirous of facilitating by all the means in its power the continuity of the work of intellectual co-operation ;

Considering that paragraph 7 of the letter of December 8th, 1924, from the French Government to the President of the Council of the League of Nations provides that, in the event of the abolition of the Institute, any articles and, in particular, the archives and collections of documents deposited in the premises by the Governing Body, as well as any property which has been acquired by the Institute during its period of operation, shall remain the property of the League of Nations :

Resolves to transfer the right of property mentioned above to the United Nations ;

Instructs the Secretary-General of the League of Nations to take in due time, in conjunction with the Directorate of the Institute, the necessary measures for the execution of the present resolution.

[Resolution adopted on April 18th, 1946 (afternoon).]

V. RESOLUTIONS ADOPTED ON THE REPORT OF THE SECOND (FINANCE) COMMITTEE

I. WORK OF THE SUPERVISORY COMMISSION DURING THE WAR

The Assembly,

Calling to mind :

(a) The resolution adopted at its nineteenth ordinary session on September 30th, 1938, and confirmed by the resolution adopted at its twentieth ordinary session on December 14th, 1939, whereby power was conferred, until the next ordinary session of the Assembly, upon the Secretary-General and the Director of the International Labour Office, acting with the approval of the Supervisory Commission, to take any exceptional administrative or financial

measures which might appear necessary (including the amendment of administrative or financial regulations), such measures to have the same force and effect as if they had been taken by the Assembly, and

(b) The resolution adopted at its twentieth ordinary session on December 14th, 1939, whereby the Supervisory Commission was invested, during the year 1940, with authority to exercise all the powers and functions conferred on the Council of the League of Nations by the Regulations for the Financial Administration of the League or by the Regulations of the Staff Provident Fund with the same force and effect as if they had been exercised by the Council itself :

Takes note of the Reports of the Supervisory Commission for the years 1940, 1941, 1942, 1943, 1944 and 1945 and of the Commission's General Summarised Report on its Work during the Period of Emergency, 1940-1946 (document A.5.1946.X)¹;

Approves and confirms the decisions taken during these years in pursuance of the above-mentioned resolutions of the Assembly ;

Expresses its warm appreciation of the efforts made by the Commission, in association with the Secretary-General, the Acting Director of the International Labour Office, the Registrar of the Permanent Court of International Justice and the Treasurer of the League, to safeguard the interests of the League and its Members and to maintain and develop the work of the Secretariat and of the International Labour Office at the highest possible level during the emergency period.

[Resolution adopted on April 18th, 1946 (afternoon).]

2. TRIBUTE TO AMERICAN INSTITUTIONS

The Assembly :

I. Expresses its warmest appreciation of the offer of hospitality which was extended in June 1940 to the technical services of the League on behalf of Princeton University by its President, Dr. Harold W. Dodds, on behalf of the Institute for Advanced Study by its Director, Dr. Frank Aydelotte, and on behalf of the Rockefeller Institute for Medical Research by Dr. Carl Ten Broeck, Director of the Institute's Department of Animal and Plant Pathology, an offer which was accepted by the Secretary-General in respect of a mission of the Economic, Financial and Transit Department ;

2. Expresses its warmest thanks :

To the Institute for Advanced Study for the accommodation and working facilities it has accorded to the mission of the Economic, Financial and Transit Department during its stay in Princeton ;

To Princeton University for the faculty privileges, including the use of the University Library, extended by it to the members of the mission, and for the valuable work carried out for the League of Nations by its Office of Population Research ;

And to the Rockefeller Foundation for the generous financial aid which it has granted to the Economic, Financial and Transit Department for many years past.

[Resolution adopted on April 18th, 1946 (afternoon).]

3. THE SUPERVISORY COMMISSION'S RECENT WORK

The Assembly :

I. Finally approves, as regards the Secretariat and the Permanent Court of International Justice, the accounts of the twenty-seventh financial period of the League of Nations closed on December 31st, 1945 (document C.15.M.15.1946.X) ;

II. Approves, in so far as they have not been modified by decisions contained in the present Report of the Finance Committee, the conclusions of the Reports on the Supervisory Commission's recent work submitted to the Assembly (documents A.14, A.19, A.25 and A.28.1946.X)².

[Resolution adopted on April 18th, 1946 (afternoon).]

4. APPROVAL OF THE FINANCE COMMITTEE'S REPORT

The Assembly approves the Report of the Finance Committee and adopts the resolutions and decisions proposed therein.

[Resolution adopted on April 18th, 1946 (afternoon).]

5. TRIBUTE TO THE UNION OF SOVIET SOCIALIST REPUBLICS

The Assembly desires to place on record its recognition of the fundamental contribution of the Union of Soviet Socialist Republics to the overthrow of the Fascist enemies of civilisation and to the triumph of freedom, and to welcome the collaboration of the Soviet Union in building, on the foundations so successfully laid, the new edifice of international solidarity,

[Resolution adopted on April 18th, 1946 (afternoon).]

¹ See Annex 4, pages 149-159.

² See Annexes 5-8, pages 160-178.

6. RESOLUTION FOR THE DISSOLUTION OF THE LEAGUE OF NATIONS

The Assembly of the League of Nations,

Considering that the Charter of the United Nations has created, for purposes of the same nature as those for which the League of Nations was established, an international organisation known as the United Nations to which all States may be admitted as Members on the conditions prescribed by the Charter and to which the great majority of the Members of the League already belong;

Desiring to promote, so far as lies in its power, the continuation, development and success of international co-operation in the new form adopted by the United Nations;

Considering that, since the new organisation has now commenced to exercise its functions, the League of Nations may be dissolved; and

Considering that, under Article 3, paragraph 3, of the Covenant, the Assembly may deal at its meetings with any matter within the sphere of action of the League:

Adopts the following resolution:

Dissolution of the League of Nations.

1. (1) With effect from the day following the close of the present session of the Assembly, the League of Nations shall cease to exist except for the sole purpose of the liquidation of its affairs as provided in the present resolution.

(2) The liquidation shall be effected as rapidly as possible and the date of its completion shall be notified to all the Members by the Board of Liquidation provided for in paragraph 2.

2. (1) The Assembly appoints the persons named in the Annex to form a "Board of Liquidation", hereinafter called the Board, which shall represent the League for the purpose of effecting its liquidation. Subject to the provisions of this resolution and other relevant decisions taken by the Assembly at the present session, the Board shall have full power to give such directions, make such agreements and take all such measures as in its discretion it considers appropriate for this purpose.

(2) Vacancies on the Board shall be filled by co-option. Provided that the number of members be not reduced below five, the Board may refrain from filling particular vacancies.

(3) The Board shall elect a chairman and vice-chairman and adopt rules of procedure. Five members shall form a quorum and all decisions shall be taken by a majority.

(4) The members of the Board shall be entitled to travelling and subsistence allowances on the scale at present in force for members of the Committees of the League and shall draw fees for their services at the rate of 3,000 Swiss francs per month for the Chairman and 2,000 Swiss francs per month for the other members of the Board.

(5) The members of the Board, in the exercise of their functions, and the staff referred to in paragraph 4 (1) below shall be deemed to be officials of the League within the meaning of Article 7 of the Covenant.

(6) The expenditure incurred by the Board for the year 1946 shall be met from the Budget of the Secretariat for that year and, if the Board continues to function subsequently, it shall adopt a Budget and make appropriations to meet the expenditure involved from the Guarantee Fund or other funds of the League.

3. The Secretary-General shall be responsible to the Board. He shall retire from office on the completion of the liquidation. If for any reason he should cease to act, the Board shall appoint another person to carry out his duties.

4. (1) The officials of the Secretariat having received notice of the termination of their engagements as from July 31st next, such staff shall be employed as may be required for the purpose of carrying out the liquidation and for maintaining in operation the departments and services of the Secretariat to whatever extent is necessary in order that the United Nations may, under the best possible conditions, assume those activities hitherto performed by the League which it decides to assume and take over the material assets which are to be transferred to it.

(2) The Board may employ such professional assistance as it may deem expedient.

5. The Assembly approves and directs that effect shall be given in the manner set out in the Report of the Finance Committee to the "Common Plan for the Transfer of League of Nations Assets",¹ which was drawn up jointly by a United Nations Committee and the Supervisory Commission, acting respectively on behalf of the United Nations and the League of Nations, and was approved by the General Assembly of the United Nations on February 12th, 1946.

¹ See pages 273 and 274.

6. Nothing in this resolution shall relieve any Member or former Member of the League of Nations from any pecuniary liability incurred by it towards the League of Nations, whether under the Budget for 1946 or under previous Budgets or in virtue of agreements with the League of Nations or in any other manner whatsoever; but the Board may, where in its discretion it considers this course to be justifiable, make a composition with any debtor Government for a lesser sum than is due, on condition that such a sum or the agreed instalments thereof shall be paid as promptly as possible. The report provided for in paragraph 21 shall give particulars of the debts which have been collected in full, those in regard to which a composition or only a partial payment has been made and those, if any, towards which no payment has been made. If any amounts due in respect of the International Labour Organisation remain unpaid at the date of the completion of the liquidation, a report on the collection of such contributions shall be communicated by the Board to the International Labour Organisation and such amounts shall be recoverable by that Organisation.

7. (1) Subject to the provisions of sub-paragraph (2) below and of any relevant decisions embodied in the Report of the Finance Committee, any cash balances resulting from the liquidation shall be divided among the Members of the League in the manner set out in the Report of the Finance Committee.

(2) Balances to the credit of the Reserve Fund and of the Fund to cover exchange losses shall be paid to the Staff Pensions Fund, and the balances in respect of the various funds, extra-budgetary and suspense accounts, enumerated in the Report of the Supervisory Commission on the Work of its One-hundredth Session (document A.19.1946.X)¹ shall be dealt with as recommended in the Commission's report.

8. The Auditor of the League shall remain in office until he has audited the final closed accounts of the League of Nations and of the Board of Liquidation and drawn up a report thereon for communication to the Members of the League. If for any reason he should be unable to act, the Board shall appoint another Auditor.

9. The Board shall, as soon as possible after the transfer of the material assets, and every three months thereafter, make interim reports on the progress of its work and shall take into consideration any observations thereon made by Members of the League.

10. The present High Commissioner for Refugees shall remain in office until the end of the year 1946, or such earlier date as may appear to the Board desirable, and his expenses shall be met out of the provision made for this purpose in the Budget of the Secretariat.

International Labour Organisation.

11. The present resolution shall not in any way prejudice the continued existence of the International Labour Office or the measures taken or to be taken by the International Labour Organisation to make in its Constitution such changes as may be required as the result of the dissolution of the League, or the enjoyment by the International Labour Organisation of the privileges and immunities provided by Article 7 of the Covenant pending elaboration of and acceptance by the Members of the Organisation of other provisions dealing with this matter.

12. The amount collected for the expenses of the International Labour Organisation in the Budget of 1946 shall remain available for that purpose down to and after the end of the year.

13. (1) The Board shall in due course transfer to the International Labour Organisation its appropriate share in the Renovation Fund and any other fund in which it may have an interest.

(2) The balances of the International Labour Organisation for the financial years 1941, 1943 and 1944 shall be transferred from the suspense account in which they are at present placed to a special reserve fund for the International Labour Organisation.

14. An agreement to cause the full ownership of the land and buildings at present occupied by the International Labour Organisation to vest in that Organisation shall be concluded between the Secretary-General of the League and the Acting Director of the International Labour Office and all the steps which, under the law of the Republic and Canton of Geneva or of the Swiss Confederation, are necessary to give effect to the agreement shall be taken as soon as possible.

Administrative Tribunal.

15. The following amendments are hereby made in the Statute of the League of Nations Administrative Tribunal:

(1) Wherever the words " League of Nations Administrative Tribunal " occur in the Regulations, they shall be replaced by the words " International Labour Organisation Administrative Tribunal ".

¹ See Annex 6, pages 169-173.

(2) Paragraph 1 of Article 3 shall read as follows:

“ (i) The Tribunal shall consist of three judges and three deputy judges who shall all be of different nationalities.

“ (ii) Subject to the provisions set out at (iii) below, the judges and deputy judges shall be appointed by the appropriate organ of the International Labour Organisation.

“ (iii) The terms of office of the judges and deputy judges who were in office on January 1st, 1940, are prolonged until April 1st, 1947, and thereafter until otherwise decided by the appropriate organ of the International Labour Organisation. Any vacancy which occurs during the period in question shall be filled by the said organ.”

(3) As from October 31st, 1946,¹ but subject always to sub-paragraph (4) below, the Administrative Tribunal shall have no jurisdiction in regard to (a) complaints of non-observance of the terms of appointment of officials of the Secretariat or of the Secretariat's Staff Regulations, (b) disputes concerning the compensation provided for by Articles 45 or 70 of the Secretariat Staff Regulations or (c) complaints of non-observance of the provisions of Article 1 of the Staff Pensions Regulations, in so far as that Article provides for persons who have been appointed as officials of the Secretariat or the Registry of the Permanent Court becoming subject to those Regulations, but the Tribunal shall otherwise retain its existing jurisdiction under its Statute and under Article 26 of the Staff Pensions Regulations.

(4) Complaints already transmitted to the Registrar of the Tribunal shall be heard and determined notwithstanding the provisions of sub-paragraph (3).

(5) In order to enable the International Labour Organisation to make by action of its appropriate organ the changes in the Statute necessitated by sub-paragraphs (1) and (2) above and such other amendments as it may from time to time consider desirable, the third paragraph of Article 12 of the Statute is amended to read as follows:

“ The present Statute shall remain in force during the pleasure of the General Conference of the International Labour Organisation. It may be amended by the Conference or such other organ of the Organisation as the Conference may determine.”

Staff Pensions Fund.

16. (1) Subject to the agreement of the International Labour Organisation, the following measures shall be taken in regard to the Staff Pensions Fund:

(a) Liability for making the contributions due from the League under Article 7 of the Staff Pensions Regulations and, subject to (c) below, the guarantee given by the League under Article 13 of the Regulations shall be assumed by the International Labour Organisation.

(b) The accumulated assets of the Fund (including any amount added by the Assembly at its present session or by the Board of Liquidation) shall be transferred to the International Labour Organisation for application in accordance with the Regulations.

(c) Retired officials of the Secretariat and the Registry of the Permanent Court and their widows and children shall continue to receive the benefits due to them from the Fund, but, if the payment of these benefits involves a deficit for the Fund which has to be met by additional contributions from the International Labour Organisation, the amounts involved shall be divided among and form part of the contributions of those Members of the Organisation which were Members of the League at the date of the present resolution in the proportions in which those Members contribute to the other expenses of the International Labour Organisation.

(d) In order to enable the International Labour Organisation to amend the Regulations of the Fund and, in particular, to make the changes rendered necessary by the dissolution of the League and the Permanent Court, the last sentence of Article 31 of the Regulations is amended to read as follows:

“ The Regulations may be amended by the appropriate financial authority of the International Labour Organisation, with due regard to the rights of the beneficiaries.”

This amendment shall not take effect until the agreement of the International Labour Organisation to the provisions of the present sub-paragraph has been secured.

(2) If the International Labour Organisation's agreement is not secured to the provisions of sub-paragraph (1) above, the Board of Liquidation shall make the best provision that it can for giving effect to the rights of the beneficiaries of the Fund and shall have power for that purpose to amend or annul all or any part of the Regulations.

¹ *Note.* — This date is selected as giving sufficient time for adjudication of any disputes which may arise out of the notices of dismissal which have been given to the officials of the Secretariat and which take effect on July 31st, 1946. In the unlikely event of a dispute between the Administration and those officials who remain in service after July 31st, who will be on a purely temporary basis, the Board of Liquidation may be trusted to find a just and equitable solution.

17. Any surplus remaining after the discharge of all claims upon the Staff Pensions Fund shall belong to the International Labour Organisation, if it has accepted the task of administering the Fund.

Pensions Fund for the Members of the Permanent Court of International Justice.

18. (1) The Regulations for the Administration of the Pensions Fund for the Members of the Permanent Court of International Justice are hereby abrogated.

(2) If the International Labour Organisation consents, responsibility for the administration of the Fund, as augmented by the Assembly during the present session or by the Board of Liquidation, and the responsibility for paying the pensions shall be transferred to the Organisation on the understanding that, (a) if the Fund is inadequate for its purpose, those Members of the Organisation which are at present League Members shall contribute to make good the deficiency, which shall be divided among them and form part of their contributions in the proportions in which those Members contribute to the other expenses of the International Labour Organisation, and (b) any surplus remaining after pensions to the judges have ceased to be payable shall belong to the International Labour Organisation.

(3) Failing such agreement, the Board shall make such other provision for the administration of the Fund and payment of the pensions or for the purchase of annuities for the judges as it may find it possible to arrange.

Regulations for the Financial Administration of the League of Nations.

19. (1) As from the entry into force of the present resolution, the Regulations for the Financial Administration of the League of Nations shall apply only in so far as they concern the International Labour Organisation or are considered by the Board to be relevant to the liquidation.

(2) Article 51 of the Regulations is hereby amended to read as follows:

“These Regulations may be amended by the appropriate financial authority of the International Labour Organisation.”

Working Capital Fund.

20. Subject to maintenance of the existing rights to repayment of the States which own shares therein, the whole balance of the Working Capital Fund shall be transferred to the International Labour Organisation for use as working capital.

Final Article.

21. On the completion of its task, the Board shall make and publish a report to the Governments of the Members of the League giving a full account of the measures which it has taken, and shall declare itself to be dissolved. On the dissolution of the Board, the liquidation shall be deemed to be complete and no further claims against the League shall be recognised.

Annex. — Members of the Board of Liquidation.

M. Emile CHARVERIAT (France),
 Sir Atul CHATTERJEE (India),
 Mr. F. T. CHENG (China),
 M. Adolfo COSTA DU RELS (Bolivia),
 M. Carl Joachim HAMBRO (Norway),
 Mr. Seymour JACKLIN (Union of South Africa) — from August 1st, 1946,
 Sir Cecil H. KISCH (United Kingdom),
 Dr. Jaromír KOPECKÝ (Czechoslovakia),
 M. Daniel SECRETAN (Switzerland).

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ABBREVIATIONS

Admin. = Administration	Int. = International
Art. = Article	I.L.O. = International Labour Office
Comm. = Commission	Org. = Organisation
Cttee. = Committee	Perm. = Permanent
Conf. = Conference	Ref. = Reference
Cl. = Council	Resol. = Resolution
Govt. = Government	Sec.-Gen. = Secretary-General
Inst. = Institute	Suppl. = Supplementary

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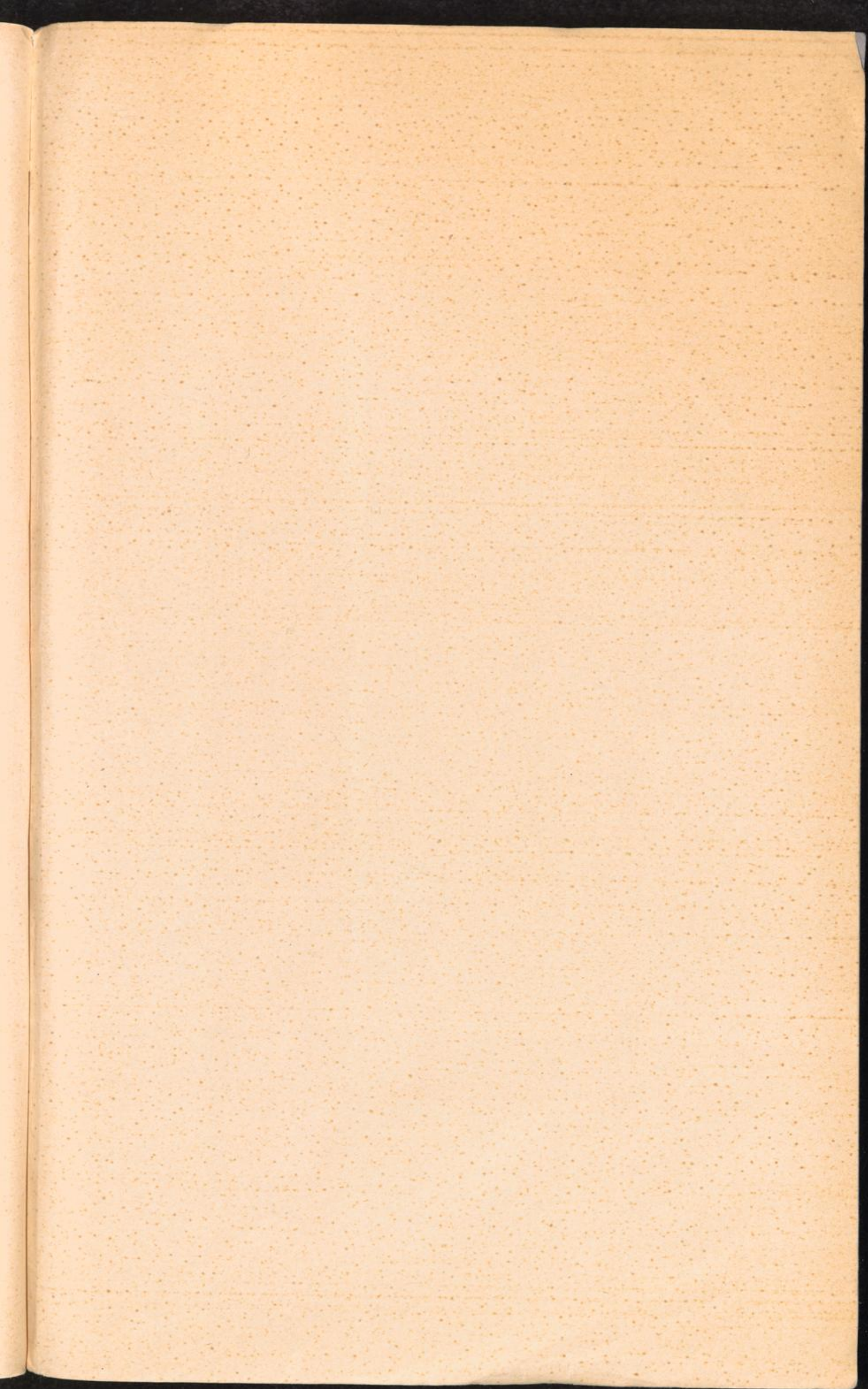
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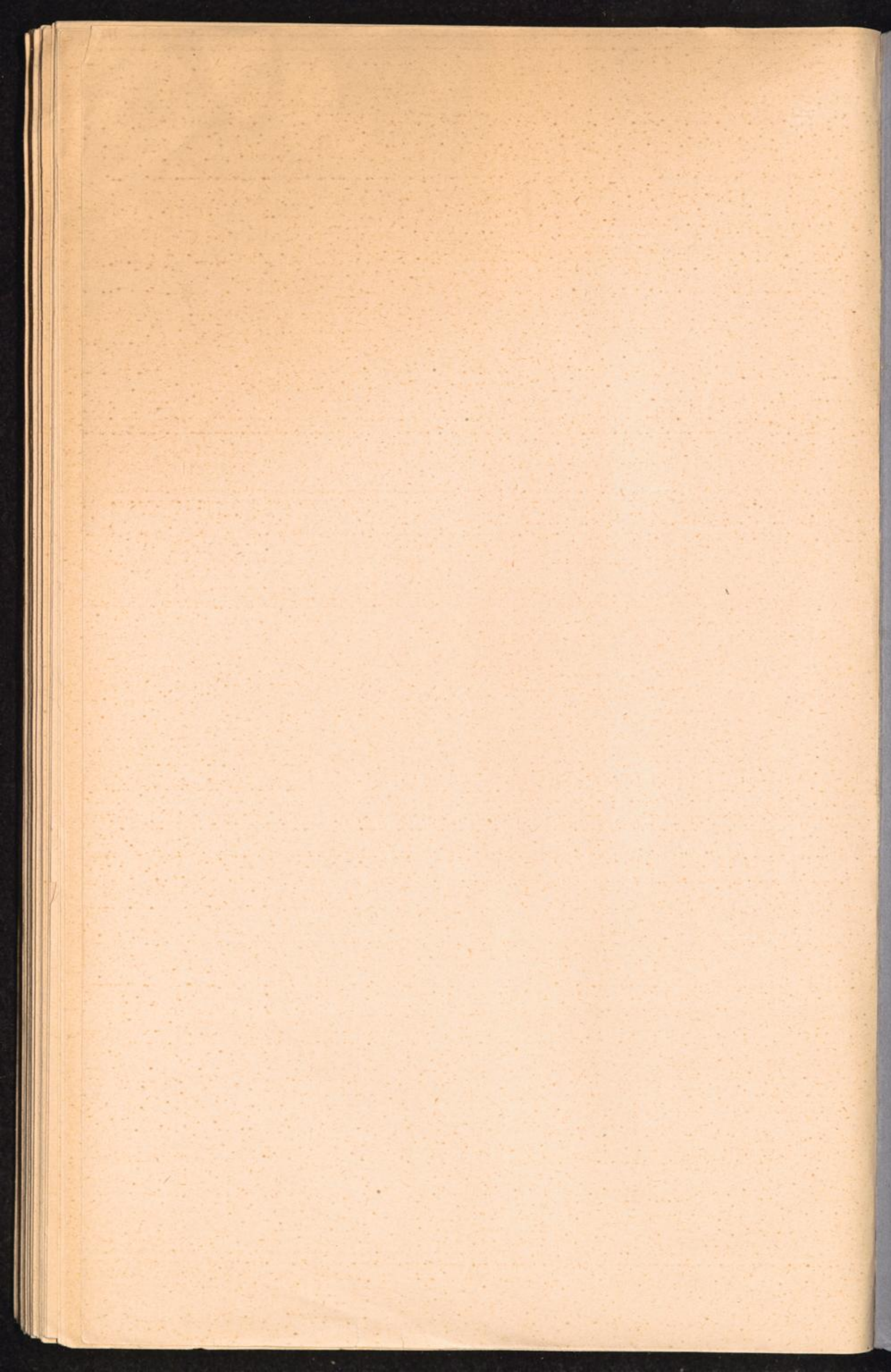
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