

### INTERNATIONAL NOTES.

A summary of various international conferences, assemblies, congresses and summer schools held in Geneva during the past summer, was given in a recent number of the *Journal de Genève*.

Apart from the League itself and its various organizations there were some six international institutes and sixteen conferences or assemblies, not to mention the visits of groups of delegates from all parts of the world.

Thus it would seem that Geneva is indeed an international centre, and a few notes written there, on the development of international relations—particularly as they affect the study, practice and growth of law, international and domestic—may be timely.

\* \* \* The League of Nations naturally comes first to one living in Geneva, and it seems to merit this place, for no other organization offers the same facilities for maintaining world peace, and building up a real international jurisprudence.

In the League the Assembly is the most interesting to look at, and seems at least to be the most important.

But it is not intended to deal with either the organization or detailed working of the Assembly, but rather to select some interesting incidents that have occurred within the last year.

The Assembly of 1924 left as its *chef d'œuvre* the Protocol, unanimously adopted by all the delegates present.

Further examination, however, by the Governments concerned revealed, what some of them, and notably the newly-elected Conservative Government of Great Britain, felt to be impossible obstacles to ratification.

And so the Protocol has been laid away, or, as a famous Frenchman puts it, "interred by the British Dominions." It has been replaced by the Pact which grew out of a proposal of the German Foreign Minister and has been drafted by the legal experts of the various governments concerned. Signed recently at Locarno, by the time these notes are printed in the CANADIAN BAR REVIEW it will doubtless have been ratified by all the Powers concerned.

The Pact includes many of the features of the Protocol but it limits the liabilities and obligations to certain defined issues and areas. There seems little doubt that it is a great boon to Europe, and to the League of Nations, for it provides a basis of real peace and

understanding and brings Germany into the League. Its effect on the British Commonwealth is not so certain, for it does place tremendous liabilities upon Great Britain, and while the Dominions are, by Article 9, exempted from this liability (unless they consent to it by Parliamentary action) this exemption may some day give rise to grave constitutional difficulties.

The Assembly of 1925 is of particular interest to Canadian lawyers because it was presided over by Senator Dandurand, a member of the Canadian Bar; the Assembly itself, however, was business-like rather than spectacular, in comparison with that of 1924. This was largely due to the Pact negotiations being conducted outside the League proper. However, a great deal of valuable and interesting work was done and the expedition with which this 6th Assembly transacted its business was due, in no small measure, to the Senator and to his fluency in the two official League languages, French and English.

Another meeting of the Assembly will probably be held ere long to admit Germany, but this will be a formal ceremony and little if any other business will be transacted during this special session.

\* \* \* The Council of the League is much less imposing, but has a great deal of power nevertheless, and one has only to consider that it has almost invariably been the Council that has had to deal with crises like the Mosul question and the Graeco-Bulgar dispute to realize its importance.

Ordinarily it meets four times a year, in March, June, September, and December, and these meetings usually take place in Geneva. Other special meetings, however, may be called at any time and in any place, to deal with matters of great urgency.

Besides the grave international issues that arise both the Council and the Assembly deal with many other matters, such as the establishment of the "Institute for the Unification of Private Law" to be set up in Rome under the joint supervision of the League and the Italian Government; "The Committee for the Progressive Codification of International Law" established by the League; and the "Institute of Intellectual Co-Operation" now functioning at the Palais Royale in Paris.

The Permanent Court of Justice is of particular interest to lawyers—and is worthy of fuller treatment on another occasion. It is worth noting here, however, that it has been convened in two extraordinary sessions within the past year to deal with matters of urgency—namely the postal regulations in Danzig and the Mosul dispute. These were in addition to its regular annual session.

The International Labour Organisation, while for all practical purposes an autonomous body, is a part of the League of Nations, and does provide many interesting and important developments in international relations.

The Labour Conference, unlike the League Assembly, is made up of workers and employers as well as Government representatives, and the divisions shown by the votes taken are not along lines of nationality or even colour—but of “interests.”

The Draft Conventions adopted by this truly International Parliament are the nearest approach to international legislation at present existing—and the methods of giving effect to them and of ratification, provide many new instances of change and growth in international custom.

\* \* \* For the proper functioning of all these organisations a Secretariat of considerable size is necessary, and so there are some seven or eight hundred international employees—with their wives and families—assembled in Geneva, and, for the Permanent Court, at The Hague.

Most of the employees ‘enjoy’ diplomatic immunities and privileges as does the League itself. Because of this many new and interesting cases of “international administrative law” arise, and a new conception of diplomatic immunities is growing up.

But apart from the League there are other organisations adding to international law. Among them the work of the various institutes—such as the “International Law Association,” the “Institut de droit International,” the “Société de législation comparée,” the “Institut ibérique de droit comparé,” the “American Institute of International Law,” the “Union juridique internationale,” the “American Society of International Law” and the “Comité maritime international”—is of great value and importance in international law. As a result of their meetings there are several new proposals for the codification of the rules of International Law.

Then at The Hague in addition to the Permanent Court of Justice and the Peace Palace with its collection of books and treatises on International Law, are situated the Academy of International Law, which meets each summer, and the Permanent Court of Arbitration. It has been considered that this latter had been replaced by the League and the Permanent Court of Justice, but it is interesting to note at least two occasions that have occurred recently in which its services have been invoked—one in a dispute between Holland and the United States of America, the other pro-

viding for its use in the event of the failure of negotiations between Great Britain and Mexico.

Many other 'law-making' bodies met during the past year in different parts of the world and dealt with various phases of Law. Of these the 12th Congress of the Red Cross that still considers the laws of war in connection with Red Cross work, particularly as they affect Red Cross aeroplanes; and the 7th Congress on the Laws of Aviation are of interest because of the comparatively new field of law that they had under discussion.

\* \* \* Those members of the Canadian Bar who had the privilege of attending the joint meetings of the American, Canadian and English Bars in London some eighteen months ago will perhaps be interested in a reference to one of the Inns of Court. The writer had the privilege two weeks ago of dining in Grays Inn—always a pleasure and an inspiration because of the atmosphere and traditions that attach to the Old Hall, not to mention the excellent ale in silver mugs of generous proportions. That used by the writer had been presented by Timothy Healy while Lord Birkenhead was Treasurer, and this was particularly interesting because Lord Birkenhead dined 'in Hall' that evening.

However, despite the atmosphere of the Inns, and the legal knowledge they imbibe, or perhaps because of it, the students of Grays Inn—like students of every generation—are at times 'beyond the law,' for, on the authority of the *Daily Mail*, Continental Edition, they issued forth one evening and painted a vivid green that 'lady in Hyde Park,' the Rima of Mr. Epstein, which has caused so much comment in English art circles. Whether the result was an improvement or not is a moot question and is hardly within the scope of a legal education. But the spirit that is responsible for such an escapade stirs a responsive cord in all who have been 'really students' no matter how much law they have subsequently absorbed.

#### CASES.

To follow all the interesting decisions that are handed down in the course of a year is next to impossible, but mention might be made of a few that seem of importance.

In Canada, the two decisions affecting Labour, one declaring the Industrial Disputes Investigation Act *ultra vires* handed down by the Privy Council; the other given as an advisory opinion by the Supreme Court of Canada on the ratification of the 8-hour day draft Convention of the International Labour Organisation, have both caused a great deal of comment. Other Canadian cases, such as the

Labrador Boundary dispute, and the ownership of the foreshore and river bed of the St. Lawrence, are interesting and will add to International Case Law.

In Great Britain, the case of "Mr. A." last spring, and more recently the procedure adopted in regard to the trial of Fascists and Communists respectively, have all attracted a great deal of attention.

Two cases handed down by the Egyptian Mixed Tribunal are important. One deals with the payment of dividends on Suez Canal Shares. The other, the Tribute Loan Case, was the subject of an editorial in the *Times* (June 6th), and will be reviewed before long in the *Law Quarterly Review*.

The decision is given in full in the *Journal des Tribunaux Mixtes*, No. 350, p. 4. It decides that the Mixed Tribunal has jurisdiction in a case in which the Egyptian Government is the defendant, and deals with a number of points turning on agreements and treaties with Turkey, including the Treaty of Lausanne.

These notes are in the main but bare references and the only excuse in giving them is that fuller treatment of any one would make this contribution of an impossible length. However, it is hoped that even so much as I have said of them may be of some interest.

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Geneva, Switzerland, Nov. 30th, 1925.

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