

INTERNATIONAL NOTES.

THE "SPIRIT OF LOCARNO" AND THE LEAGUE OF NATIONS—MOSUL
AND IRAK—CODIFICATION OF INTERNATIONAL LAW—
IRISH BOUNDARY.

Many things have happened within the last two months of varying importance in international affairs. To select therefrom those that will eventually have the most lasting effect on the future of international relations is not easy, for at most one can but hazard an opinion that is by way of being either guesswork or prophecy.

However, there seems to be no doubt that for the time at least "Locarno" comes first. This "Pact," the outcome of eight years of continual struggle between Germany and the former "Allies" was eventually signed in London on December 1st, 1925, with due solemnity. But it has not all been plain sailing since—despite even the much-talked of "Spirit of Locarno" — for nations and individuals cannot and do not forget in a day four years of bitter warfare and seven years of thinly veiled struggle. Then, too, the governments in both Germany and France have been reconstituted, after very serious crises that at times bid fair to render fruitless the efforts of their predecessors. Added to this—on the eve of Germany's entry into the League—there has come the demand of Poland, Spain and Brazil for permanent seats in the Council, not to mention the heated controversies between Mussolini and Stressmann over German minorities in the Tyrol, that have stirred Europe.

The Council of the League, though less imposing than the Assembly, has a great deal of power and influence, the effective power of an executive in fact, and permanent seats thereon—because its decisions (except where special treaty conditions otherwise provide) must be unanimous—are of great importance and eagerly sought after. The present permanent members are Great Britain, France, Italy and Japan. To add to these three more European powers, Germany, Poland and Spain, would in the eyes of a non-European at least, seem a very unequal distribution of power. Germany, it is true, must have a permanent seat in the Council, and eventually Russia and the United States of America, when and if they join the League. But before more European powers are accorded permanent seats, due regard must be given to the western hemisphere, to Asia, and to Africa if the League is to continue to

be a world league and not merely the basis for a "United States of Europe."

But despite all this, or perhaps because of it, Locarno is important, for it definitely marks the end of the first of the post-war periods and the re-entrance of Germany into the "Concert of Europe" and the comity of nations.

Closely allied with Locarno, and now a part and parcel of it, has been the work of the Council and of the Secretariat of the League, with all their allied organizations.

The regular meeting of the Council was held at Geneva in December, and among other things it dealt with the report of the Commission appointed to enquire into the Greco-Bulgar affair and give a decision as to the ultimate disposal of Mosul.

The report of the commission was unfavourable to Greece and she was asked to compensate Bulgaria for the damage done. Both nations accepted this finding and Greece has already paid a large part of the required amount.

Mosul has proved a harder nut to crack. After referring the matter to the Permanent Court of Justice at the Hague, and having received the opinion that the Council was competent to deal with the matter and give a unanimous decision in which the vote of the parties interested—Great Britain and Turkey—should not be considered, the Council held that Mosul should be awarded to Irak (over which Great Britain has a mandate) on condition that the mandatory régime be continued for 20 years, or until Irak, before the expiration of that period, becomes a member of the League. But Turkey is not a member of the League, and to date has refused to accept the Council decision. That war will be the outcome of this situation seems unlikely, for the time being at least. But unless Great Britain and Turkey can arrive at some private understanding regarding the matter, it may well prove a "thorn in the flesh" of British statesmen, particularly in their dealings with problems arising in the East, the Moslem world, or even Soviet Russia.

More technical in character but none the less important, have been the arrangements made for the early convocation of two committees or conferences.

That on disarmament has been postponed, due in part to the refusal of the Russian Soviet Government and Switzerland to compromise on the Vorowsky affair, but also to a fundamental difference of opinion between various groups as to what phases of disarmament this conference would deal with.

However, it cannot be long delayed and the fact that the United States and possibly Russia will participate, gives it a special interest and is well worth the delay that has been occasioned.

The plans for the economic conference are well in hand and this may well prove to be the beginning of a new era in industrial internationalism.

The settlement of a number of the inter-allied debts has added to the prospects for a more stable and prosperous future in international trade relations. Comment is not wanting as to the reasons behind the apparent ease with which Italy has arrived at a settlement, and the difficulties of France. That is as it may be; but two things at least seem clear, one that France is by no means "out of the woods" of her financial troubles. The other, that Great Britain is paying far more to her creditor than she is ever likely to get from her debtors. Perhaps financial stability and a good name are worthy of such efforts as she is at present putting forth, but at times her tax-burdened people must wonder as to the why and the wherefore of it all.

Of more direct interest to lawyers have been the recent meetings of "The Committee of Jurists for the Progressive Codification of International Law," held in Geneva from January 12th-29th of this year.

Set up by the League in December, 1924, this Committee has already been twice convened and has done a great deal of valuable investigation in the field of international law.

Unfortunately, its meetings are all strictly private and it is almost impossible to get more than a rough general outline of the results of their work.

About the middle of January, too, the Institute of Intellectual Co-operation was formally opened by the President of the French Republic at the Palais Royal in Paris. This Institute, though supported in the main by money donated by the French Government is under the direction of the League. The probable trend and nature of its work is difficult to determine in advance, for while there is no field in which there is greater scope for useful co-operation than in the intellectual, yet on the other hand nobody can be so individualistic or so convinced of the value of variation and distinctiveness as those who explore the unknown realms of mind and matter.

Of a more purely local interest but still tremendously important, has been the removal of the International Labour Office to their new building on the shores of Lake Geneva. In the fact itself there

is little for comment save in the passing delay and discomforts of removal and the early prospects of increased efficiency and comfort on the part of the members of the staff.

But its significance is this—that here in Geneva there is a permanent headquarters for economic and social research and a common meeting ground for labour, capital and governments to get together and discuss and try to solve in conference their difficulties. Its importance as “the instrument” in the solution of the social and economic problems of all peoples may well overshadow in the future the machinery for dealing with political disputes.

At the present moment the popular interest is centred in the approaching extraordinary session of the Assembly, at which Germany will be admitted to the League. It is unlikely that much business will be transacted at this session, but in itself this session creates new possibilities. For if the Assembly—the first Parliament of Nations—can be called together a second time within six months to admit a new member, it certainly can be called together to express its opinion in the event of war impending.

Outside Europe and the League, China has probably been the chief subject of discussion in international circles. But while, at the moment, there is a conference sitting in Peking of the Treaty Powers and China, trying to settle a number of outstanding disputes, nothing permanent can be hoped for until China herself settles her own domestic troubles and presents a united front to the world.

Within the British Commonwealth the unexpected settlement of the Irish Boundary question, by an agreement on the basis of the *status quo* rather than on the impending report of the Boundary Commission, probably deserves the premier place.

Allied with it, in being Irish, the subject of appeals from the Irish Free State to the Privy Council is of interest to all the Dominions.

The exact position of Ireland in this regard has not been defined in the “Treaty” with England, setting up the Free State and the question has been and still is a matter for debate.

In 1923 three requests for leave to appeal to the Privy Council from the Free State were dismissed after Lord Haldane stated that appeals would only be granted when a matter involving an important legal principle or public interest was in issue.

However, in 1925 leave to appeal was granted in two cases—one of which had to do with the holding of land in Ireland—and

in this case the decision given was very unpopular (*Hyman v. Butler*), so the "Land Bill" has been introduced in the Dail, not with the intention of changing the Irish Land Law, but of limiting the jurisdiction of the Privy Council in Ireland.

In England the introduction of the "Law of Property Act" at the beginning of the year provides for the legal profession at least a subject of great importance and interest. It will involve a re-study of the Law of Property by all practising members of the profession, and while it may bring some of them new business, it will also mean a great deal of careful work.

One or two rather unusual decisions have been recently handed down by the English Courts. *Buckle v. Holmes* (the Cat among the Pigeons) has already been reviewed in the January number of the CANADIAN BAR REVIEW and nothing more need be said about it here. In *Re A. du P. Yates*,¹ the theory of the presumption of death received rather a shock. The Court, after issuing an order of "presumption of death" was given evidence two days later that the party "presumed dead" was alive, and the order was rescinded. The Judge in commenting upon it said the case was almost unprecedented, but that in view of what had occurred he had under consideration whether orders presuming death should not be made to approximate to the rule nisi in common law.

The "Times" of December 11th, 1925, reports, in the field of international law, that a Foreign Consul was not considered by the Foreign Office, which had been asked for an opinion, as entitled to diplomatic privileges and immunities. As a result of this opinion the Consul was tried by an English Court and fined for driving a motor car without a license. This decision is in accordance with the English practice but differs from certain decisions given by some American Courts. It will be interesting to see the conclusion arrived at by the Committee of Jurists for the Progressive Codification of International Law in their treatment of the subject "The Legal Status and Functions of Consuls."

In Canada the unusual parliamentary situation has attracted a great deal of attention, particularly in England, but another event of perhaps more permanent importance seems to have gone almost unnoticed—Canada's participation in the recent Pan-American Congress in New York.

This is the first time that Canada has been represented at one of these conferences and her representatives there pledged her assistance to Pan-American ideals, while one of them stated that "Canada is

¹ *Times*, November 17th, 19th, and December 15th, 1925.

the oldest daughter in a great Commonwealth of Nations, but her immediate destiny lies on the North American Continent in co-operation with her neighbours."

For the moment all this may mean much or little, but if Pan-Americanism becomes the great force in world politics that it may well do, Canada, Newfoundland and the British West Indies as participants therein may have a great contribution to make to it, as well as a great deal to receive in return, because of their unique position in the British Commonwealth and the League.

Outside Canada the "Colour Bar" Bill in South Africa and the attempt to abolish the second Chamber in New South Wales are both causing comment. The "Colour Bar" question is far reaching in its possible consequences, for in South Africa, far more even than in the Southern United States, the race question is very acute and some solution must be arrived at.

Two other topics of international importance should be noted in passing—and perhaps dealt with more fully at another time.

One, the participation of the United States of America in the Permanent Court of International Justice at the Hague (with reservations, it is true, but still participation). The other, the meeting of the Court itself during February in an extraordinary session to deal with the question of certain German interests in Polish Upper Silesia.

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