BIBLIOTHÈQUE * GENEVA * PARAGRAY

III

LEAGUE OF NATIONS.

SIXTY-EIGHTH SESSION OF THE COUNCIL.

LEAGUE OF NATIONS * REGISTERED * SOCIÉTÉ DES NATIONS *

M I N U T E S

of the

FIRST SECRET MEETING

held on Tuesday, September 27th, 1932, at 11 a.m.

President: M. de VALERA.

Present: All the representatives of the Members of the Council and the Secretary-General.

DISPUTE BETWEEN BOLIVIA AND PARAGUAY.

The PRESIDENT reminded the Council that at the first meeting of the session it had decided, on the motion of M. de Madariaga, to set up a small committee to keep the position between Bolivia and Paraguay under close observation and to take such action as might be deemed wise to bring hostilities to an end.

The SECRETARY-GENERAL was doubtful whether it would be constitutional for the Council to set up a formal committee without the consent of the parties concerned. Constitutionally, indeed, the Council was going pretty far in discussing the matter in the absence of the representatives of the parties; but there was the precedent of the Lugano session for ~~that action~~ doing so. He thought, therefore,

that if the Council wished to set up a formal committee, it should not do so without placing the matter officially on its agenda and inviting the parties to be represented. If, however, they accepted that invitation, the result might be a violent altercation which would ~~only~~ probably lead to an exacerbation of the dispute and not to its pacification. The constitutional difficulty might be overcome by entrusting the President of the Council with the duty of following the dispute in consultation with certain of his colleagues nominated by the Council, instead of setting up a formal committee. He had received from a private source certain information which he imparted to the Council, but which he requested members to treat as strictly confidential. The information in question would appear to show that a telegram from the Council to the Governments of Bolivia and Paraguay might have a useful effect, and if the members agreed that that was so, the Secretary-General would submit a draft.

M. de MADARIAGA pointed out that, according to the information furnished by the Secretary-General, the most recent intervention on the part of the neutral countries had taken place on September 26th. It was difficult to resist the conclusion that that action was a result of the public discussion in the Council, which had concluded with ~~a~~ the decision to set up a committee. No such decisive step had been taken before.

In reply to the Secretary-General's observations concerning the constitutional position, he would point out that the difficulty was that the Council had taken in public a decision to set up a committee, ~~but~~ and the only remaining step was the nomination of the members. Must, then, the

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Council go back and inform the public that it had exceeded its rights and must reverse its decision?

M. de Madariaga thought that this minor constitutional difficulty could be solved by the Secretary-General's suggestion, namely that the decision to set up the committee merely meant that the President, assisted by certain of his colleagues, had been entrusted by the Council with the duty of following events. In that way there would be no need to reverse the decision, and the Council would continue to follow the dispute between Bolivia and Paraguay as it would follow any other conflict in any other part of the world.

M. MATOS said that, as President of the Council between its two last sessions, he had taken all the action that it was open to him to take in order to settle the dispute. With regard to the date of the recent intervention on the part of the Committee of Neutrals, he might inform M. de Madariaga that as early as Saturday, September 24th, he had seen the announcement of that intervention in both the American and the French Press published in Paris.

M. de MADARIAGA replied that he had not said that he thought that the intervention was a consequence of his proposal to set up a committee, but that it might have been due to the public discussion in the Council and, in particular, to M. Matos's statement during that discussion.

The SECRETARY-GENERAL observed that the Committee of Neutrals had made their representations to the two Governments on Sunday, September 25th. They might, therefore, have been discussing the question on the 22nd and

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23rd. In any case, there could be no doubt that they had been making every effort to find a solution.

The PRESIDENT, summing up the discussion, understood that the decision of the Council was that no formal action should be taken to set up a committee, but that the President should ask certain members of the Council to help him in following the matter.

Agreed.

The SECRETARY-GENERAL submitted the following draft telegram to the Governments of Bolivia and Paraguay:

> "The Council has noted with full approval the action taken by M. Matos in its name during the period when it was not in session. It now addresses to the two Governments a solemn reminder that they are legally and honourably bound by their obligations to the League not to have recourse to armed force to settle the unhappy dispute which has arisen between them, but to refer it either to arbitration, judicial settlement, or to the Council. The Council observes that certain American Republics are doing their best to assist the Parties in reaching an amicable settlement. It welcomes and supports these endeavours and earnestly requests the two Governments to accept them, and to put an immediate stop to military action and preparation. Such action by the two Governments will constitute the honourable and effective fulfilment of the engagements which they have undertaken towards all the other Members of the League. The Council feels convinced that both Governments, as original Members of the League, will duly fulfil those engagements."

Mr. EDEN proposed to substitute "decision" for "action" in the passage reading: "Such action by the two Governments will constitute ....".

Agreed.

M. MATOS having suggested that a sentence should be added at the end to indicate that the Council expected a reply at an early date, the SECRETARY-GENERAL proposed

the addition of the words: "and anxiously earnestly awaits assurances to this effect".

Agreed.

The telegram was adopted with the above amendments: the telegram to be sent by the President of the Council.

M. de MADARIAGA would be glad to be clear as to the action which the Council intended to take for the settlement of the dispute. Was it proposed that the active agents in this matter should be the Committee of Neutral American countries and that the Council should follow their action from afar, giving them its sympathy and support? or did the Council intend to take more positive action, that is to say, call the representatives of the two countries before it and ask them their intentions? He merely put the question ~~for~~ before his colleagues, without wishing to prejudice either their or his own opinion.

M. GARAY thought it essential for the League to make its authority felt in this dispute. If it failed to take some positive action, it might be thought in Latin America that it took no interest in the ~~dispute~~ affair. He would remind the Council that in the conflict between Panama and Costa Rica in 1921 those two countries had not made an appeal to the Council, and therefore had not expected it to act in the same manner as in the Sino-Japanese dispute. Nevertheless, public opinion had been deeply disappointed at the passive attitude adopted by the Council. He thought that the solution just adopted would fulfil the aim he had described, and that action by the President on the lines

indicated in the Council's decision would make public opinion in Latin America feel that the Council had not abandoned all interest in the external affairs of the countries in that Continent.

In conclusion, he would suggest that M. de Madariaga should be one of the members, whom the President should be invited to assist him.

M. MATOS entirely associated himself with what M. Garay had said.

M. PAUL-BONCOUR entirely agreed with the observations of his Latin American colleagues. From the League point of view, there was no other possible attitude that the Council could adopt. The latter must show that no conflict could break out in any part of the world without the pacific action of the League being felt.

M. de Madariaga would be a particularly suitable adviser to the President, not only for his personal qualifications, but also on account of the position occupied by the country he represented.

The PRESIDENT said that he would be very glad to have M. de Madariaga's help.

M. HAMBRO hoped that it was clear that M. Garay's suggestion was that the decision to entrust the President, assisted by two or three other members of the Council, with the duty of following the question should be published at once.

M. de MADARIAGA understood that the decision implied that the Council would follow the dispute with all

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the attention necessary for a successful settlement, but without hampering the efforts of the Committee of Neutrals. Any further action on the Council's part would depend on the reply received from the two Governments.

The PRESIDENT noted that the Council decided to publish immediately its decision and the telegram which had been approved.

E. 2 Extract from Secret section of Council of 27th Sept. 1932.

Other part of minutes of 27.9.32 about Bolivia & Paraguay sent to M. Valery Pastot 14-10-32.

RESIGNATION OF THE SECRETARY-GENERAL.

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The SECRETARY-GENERAL requested the Council formally to accept his resignation, which he had put forward at its last session, and intimation of which had been sent to the Members of the League in accordance with the Council's decision. If agreeable to the Council, he would ask that his resignation should take effect on June 30th, 1933. That would enable him to be present during, he hoped, the last stages of the Disarmament Conference, and also to complete certain other work to which he attached particular importance.

The PRESIDENT was sure that all members shared his feeling that it was disastrous for the League that Sir Eric Drummond should tender his resignation at the present moment. He would however leave it to those of his colleagues who had been members of the Council longer than himself to press Sir Eric Drummond to reconsider his decision.

The SECRETARY-GENERAL replied that he had thought the matter over very carefully and had considered that if he suggested June 30th as the date for his resignation to take effect, that would give time within which the present difficulties might be overcome. He would therefore ask the members of the Council not to press him to reconsider his decision. At the same time he expressed his gratitude for the remarks made by the President in his opening speech to the Assembly, by which he had been greatly touched.

M. HAMBRO wondered whether the present was the best moment for the Secretary-General to take a final decision. It must be remembered that the present Assembly would be asked

to take decisions for the future concerning the principal officers of the Secretariat. If the effect of those decisions were to change certain principles of organisation which had obtained hitherto, he would press Sir Eric Drummond to stay on another two months over the 1933 Assembly, so that he could see the whole new organisation in working order by the next session of the Assembly. He would therefore ask the Secretary-General to think over this point until the present Assembly had taken a decision concerning the reorganisation of the Secretariat.

M. MATOS urged the Secretary-General to consider M. Hambro's point which he regarded as common-sense itself.

The SECRETARY-GENERAL was of course perfectly willing to consider Mr. Hambro's suggestion, but did not think that the question of the organisation of the higher direction of the Secretariat ought to have any particular link with the question of the resignation of the Secretary-General and the appointment of his successor. Those were two separate ~~questions~~ matters which should be treated separately. If it were decided to reorganise the higher direction, that change would, owing to circumstances, come into effect at a fairly early date. If, therefore, he were to leave on June 30th, the new organisation would already be a going concern, and the difference would be only one of a few weeks. There were, however, other reasons why it might be wise for his successor to be nominated at the present Assembly, or at the extraordinary session of the Assembly. It might do more harm than good if the appointment ~~of his successor~~ was postponed to September next year.

M. HAMBRO appreciated the Secretary-General's remarks,

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but he had not intended to suggest that the appointment of his successor should be deferred until the 1933 Assembly. Nevertheless, if the present Assembly were to change the whole structure of the higher direction, that would have its effect on the voting by members for Sir Eric Drummond's successor. He might remind the Council of the proposal which he had made in the Committee of Thirteen - a proposal which had been supported by the German and Italian representatives - that the Under-Secretaries General should be suppressed, subject to the proviso that if the Secretary-General belonged to one of the permanent members of the Council, the deputy Secretary-General should belong to one of the other group of States, and vice versa. The adoption or otherwise of that proposal would naturally make all the difference to the way in which States voted for the new Secretary-General. Hence the question of Sir Eric Drummond's successor should be postponed to at least the extraordinary Assembly. Further, it would be important that the reorganisation of the higher direction should be carried out by the present Secretary-General and that the new Secretary-General should have a chance of working with Sir Eric Drummond before the latter finally left Geneva.

The SECRETARY-GENERAL was of course perfectly willing to accept M. Hambro's proposal, but only on the understanding that it did not mean the postponement of the appointment of the new Secretary-General until 1933. He would therefore suggest that the Council should decide to accept his resignation, to take effect from June 30th, 1933, on the understanding that he would not leave before that date, that the final date of his departure could be decided after the appointment of his successor and that he would stay an extra month or two if necessary.

M. PAUL-BONCOUR observed that there were two perfectly distinct questions. The first was the acceptance of the Secretary-General's resignation. He had unfortunately been President of the Council at the session at which the Secretary-General had acquainted the members with his decision, and had put forward every possible argument to induce him to reverse it, but without success. It would therefore be unfair to insist now. The other question was that of the appointment of his successor. This matter was entirely distinct from the reorganisation of the Secretariat and its internal working. ~~If~~ Therefore, although the Council was bound to accept Sir Eric Drummond's resignation and to appoint his successor, he did not see why it should wait for the Extraordinary Session of the Assembly to do so, especially as the Ordinary Assembly was the best qualified to take the final decision. Unfortunately the news of Sir Eric Drummond's resignation had already leaked out to the public and the disturbance which it had caused might to some extent be repaired by an announcement as to his successor.

In reply to a question by the President, the SECRETARY-GENERAL said that under the Constitution the Secretary-General must be appointed by a unanimous decision of the Council. Such decision was communicated to the Assembly, which approved it by a majority. The Council therefore could appoint the new Secretary-General at ~~such a~~ any date ~~as~~ it considered best and the Assembly

could pronounce either at the present session or at the Extraordinary Session. He would point out, however, that the matter was not on the Agenda of the Extraordinary Session.

M. HAMBRO urged the need for strict compliance with formality in such an important matter. The Members of the League had not yet received official notice of Sir Eric Drummond's resignation. The question of his successor was not on the Agenda of the present Assembly. If it were placed on next year's agenda, the Members would have time for reflection, but, if it were rushed on-to the present Agenda, that would have a very unfortunate effect in certain countries where a keen interest was taken in all League matters. The fact that it had not been placed on this year's Agenda had been taken as perhaps justifying the hope that the Secretary-General would stay on a little longer. There was no provision as to the period between the resignation of the Secretary-General and the appointment of his successor, but it would be somewhat remarkable for the Council to appoint a successor without the question having been placed on the Agenda. He could assure his colleagues that a number of States would protest most solemnly against any such procedure.

The PRESIDENT, summing up the discussion, understood that the Council's decision was to the following effect:

> The Council accepts with regret the resignation of Sir Eric Drummond as Secretary-General, to take effect not earlier than June 30th, 1933, and decides that this

decision be published and that the question of the nomination of his successor will be placed on the agenda of the next Assembly, which will be the Extraordinary Assmbly.

Agreed.

M. de MADARIAGA suggested that it should be left to the President to draft the announcement of the Council's decision in terms which would express the importance of the occasion and the feelings of the members of the Council.

Agreed.

MLB.

COUNCIL RULES OF PROCEDURE.

M. HAMBRO asked whether there were any Rules of Procedure for the Council. He had not been able to procure a copy, although he believed some had been published in 1920 but never circulated. It was highly desirable that all members of the Council, and in particular Sir Eric Drummond's successor, should be acquainted with the Rules of Procedure.

The SECRETARY-GENERAL replied that Rules of Procedure for the Council did exist but, as drafted by the jurists, they had been found inapplicable. The Council had invariably proceeded by case law. He agreed, however, that it was desirable that there should be some Rules of Procedure ~~and that~~ but those in existence ~~should~~ would have to be altered ~~be amended~~. He would obtain a copy and communicate it to M. Hambro.

M. HAMBRO suggested that the Rules should be revised by practical men with some political experience, and not by jurists.

APPOINTMENT OF SUCCESSOR TO COUNT GRAVINA, LATE LEAGUE OF NATIONS HIGH COMMISSIONER AT DANZIG.

After a short discussion, the Council agreed, on the proposal of M. de Madariaga, that the Rapporteur for Danzig questions should act as Rapporteur for this matter and should inform the members of the Council with regard to his negotiations as to the appointment of a successor to Count Gravina.

The Council rose.