

destroy the life of a human being or to cause serious bodily injury," provided the *judicial* authorities of the required state determine that extradition should be granted notwithstanding the political character of the act (Art. 8).

A model convention relating to maritime neutrality adopted by the conference is an extension of the rules of the Hague Convention of 1907, with the addition of certain clauses developed from principles approved by the Washington Conference of 1922 and the Sixth Pan American Conference at Habana in 1928.

A tentative draft of international rules, regulating "c.i.f." contracts was prepared and will be submitted to the International Chamber of Commerce and other trade groups. An increasing amount of seaborne commerce is now carried under invoices of sales which include cost, insurance and freight. The many problems of risk and the relative duties of buyer and seller under the conflicting systems of law have made international regulation imperative. The "Warsaw Rules, 1928," when finally revised, will doubtless form the basis for more certain practices. No new legislation or conventions are contemplated or required, the draft being intended for adoption by trade associations and maritime bodies, much in the manner in which the York-Antwerp-Stockholm rules have gained widespread acceptance in regulating general average.

Among other subjects discussed at the conference which were advanced a step toward emergence from committee were the effect of war on private contracts, the conflict of laws in regard to contracts of sale, unfair competition in international commerce, international commercial arbitration, trade marks and international cartels.

The generous coöperation and hospitality on the part of the government and people of Poland served to make the conference an occasion of international good will. The large representation of German members was most significant. The conference presented an unusual opportunity to the jurists of twenty-six nations to observe the notable progress which the young republic has made under tremendous difficulties in a single decade.

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THE INTERNATIONAL STATUS OF TANGIER

A striking characteristic of the relation of guardian and ward in international relations until of recent years was that as a general rule the status was created for the benefit of the guardian rather than of the ward. The convention or treaty in the case might and often did pay public deference to the legal rights of the ward, but with this formality as a stage-setting, the guardians performed their semblance of fiduciary obligations with as much or as little concern for the interests of the ward as the claims of rival Powers or general public opinion might allow, and until of recent years there was little interference from the latter source. Even in cases where the conventional

agreement created definite obligations of trusteeship, the guardian state remained the sole interpreter of its duties, and there was no suggestion of an obligation to render a report, annual or otherwise, of the performance of its duties, as in the case of mandates under the Covenant of the League of Nations.

At times two or more states established a sort of coöperative guardianship over the subservient ward. If no one of them could be allowed to manage the affairs of the ward independently, then both or all three or four might work out a plan to be carried out in common. In such instances the ward stood, as a rule, a better chance of holding its nominal sovereignty intact, inasmuch as the guardians in their determination to check one another's ambitions were forced to keep their own claims within reasonable bounds. At the same time the ward in such cases was apt to lose the incidental advantages of control by a more highly civilized Power, for the division of responsibility among the guardians naturally resulted in an inefficient political administration.

The story of Tangier fits well into this picture, although the latest phase of its internationalized status gives better promise for the future. On July 25, 1928, Great Britain, France, Spain and Italy signed a new agreement intended to remedy certain defects of the earlier agreement of December 18, 1923, to which Italy had not been a party. The new joint guardianship of the four leading Powers with interests in the Mediterranean widens the international outlook of the administration of the protectorate, but it is very different from any such formal international government as is to be observed in the administration of Danzig. It is rather a condominium of select states, a limited board of trustees acknowledging no political responsibility to the nations of the world at large.

The problem of Tangier came upon the political horizon with the conclusion of the agreement between Great Britain and France, April 8, 1904, which recognized the predominant interest of France in Morocco, provided only that action taken by France should leave intact British rights enjoyed by treaties and custom, and leaving it to France to come to an agreement with Spain upon their respective interests. This agreement was followed on October 3 by the treaty between France and Spain in which it was agreed that Tangier should retain the special diplomatic character conferred upon it by the presence of the diplomatic corps and its municipal and sanitary institutions. The Act of Algeciras of 1906 assigned to the diplomatic body at Tangier special duties in regard to the government of Morocco in general, but its functions as a local administrative body within the city itself remained unchanged. Six years later, following the agreement between France and Germany of November 4, 1911, France and Morocco signed the treaty of Fez of March 30, 1912, which, in laying down the conditions of the French protectorate in Morocco, provided that Tangier should retain its distinctive character which would determine its municipal organization. In the Franco-

Spanish Convention of November 27, 1912, it was agreed that the city of Tangier and its outskirts should be provided with a special government which was to be determined by separate negotiations. The World War intervened to delay the adoption of the form of government contemplated, and it was not until December 18, 1923, that Great Britain, France and Spain finally signed the Convention regarding the Organization of the Statute of the Tangier Zone.

The "Statute" came into effect on June 1, 1925; but Spain, in spite of her ratification of the convention, was not satisfied with the share assigned to her in the administration of Tangier, and Italy, not being a party to the convention, refused to abandon her rights under the treaty of Algeciras. Interesting negotiations followed. Spain endeavored in the spring of 1926 to trade off her claims to a permanent seat on the League Council at Geneva for a concession to her demands for a larger influence at Tangier, and she suggested that either Tangier should be incorporated into the Spanish zone in northern Morocco or she be given a mandate to govern the zone. The mandate, however, as it turned out was to be not from the League but from the other signatories of the treaty of 1923. Thereupon the British Government, unwilling to concede the full measure of the Spanish demands, recommended that France and Spain come to an agreement over their respective interests at Tangier, on the basis of which a new conference could be assembled and Italy be made a party to the revised convention. Not until March 3, 1928, was it possible for France and Spain to reach an adjustment of their claims, but when that was once done it proved to be less difficult to meet the Italian demands, and by July 17 it was possible to initial the final protocol.

The chief document embodied in the protocol is the agreement revising the convention of December 18, 1923. As now reorganized, the outstanding features of the government of Tangier are as follows: legislative authority is vested primarily in an International Legislative Assembly consisting of twenty-seven members, Italy being given three members as against two in the Assembly of 1925. As France had previously controlled thirteen of the twenty-six members through her control of the nine members, six Moslems and three Jews, nominated by the "Mendoub," the representative of the Sultan, the slight increase in the membership of the Assembly is significant. The Committee of Control, consisting of the consular representatives of the signatory states of the Act of Algeciras, with its veto power upon legislation, remains unchanged, as does the position of the Mendoub as President of the Assembly. In the administration of the zone the French administrator, appointed for a term of six years, is to have as assistant administrators a Britisher in charge of finances, a Spaniard in charge of public health, and an Italian in charge of judicial business. The native police force put at the disposal of the administrator is to be in command of a Spanish officer and is to be supported by contributions from the Spanish and French Governments in equal proportions. A special Franco-Spanish bureau of information is to

be created, whose duty it will be to study facts bearing upon the security of Tangier in relation to the neighboring territory. The supervision of contraband arms and ammunition in the territorial waters of the zone is to be carried out jointly by Spain and France, but if need be the British and Italian naval forces may be called upon for service. The Italian Government, as well as the British, French and Spanish Governments, may attach to its consulate at Tangier an officer whose duty it will be to supervise the observance of the military clauses of the treaty. These clauses (Article 3 of the treaty of 1923) specify in detail the neutral and demilitarized character of the zone, which was earlier contemplated in Article 7 of the Franco-British agreement of 1904. Finally, the Mixed Court of Tangier, composed of British, French and Spanish magistrates, is to be enlarged by the addition of an Italian judge, while a Belgian judge is to succeed later to the position of one of the two British judges. Apart from these provisions relating to the organization of the government of Tangier, a letter annexed to the treaty specifically confirms the right of Italy, as provided for all nations under Article 7 of the Convention of 1923, to share equally in economic enterprises carried out in the Tangier zone.

There is reason to hope that the limited international government of Tangier may not be handicapped, as other similar governments have been, by dissensions among the several members of the condominium, each seeking to protect the particular interests that it has in view. Coöperation among the nations seems to be better understood in 1928 than it was before the World War, and the greater publicity now attending such undertakings is of itself a check upon undue pretensions and an influence in favor of the orderly adjustment of conflicting claims. We may, indeed, look with interest upon the competition in practicability and efficiency between such forms of international guardianship and the operation of mandates under the provisions of the Covenant of the League of Nations.

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THE PAN AMERICAN CONFERENCE ON CONCILIATION AND ARBITRATION

In the closing days of the Sixth International Conference of the American States, which assembled in Habana on January 16, 1928, and adjourned on February 20th of that year, a resolution was adopted for a meeting in the City of Washington, of two plenipotentiaries from each of the participating Republics in order to give conventional form and effect to a resolution adopting obligatory arbitration and providing for the submission of disputes to agencies of conciliation.¹

The initiative in this movement was taken by the Mexican delegation, and on its behalf by Mr. Gonzalez-Roa, who skillfully availed himself of an extract

¹ Report of the Delegates of the United States of America to the Sixth International Conference of American States, Appendix 76, p. 320; this JOURNAL, April, 1928, p. 357.