

University; International Education, Professor Randolph of the University of Washington; and Public Opinion and International Relations, Professor Pitkin of Columbia University.

Among the more significant public addresses were those by Mr. Howard Huston, Chief of Personnel and Internal Services of the League of Nations, upon The League of Nations as a functioning body, and by the Honorable Silas H. Strawn, President of the American Bar Association, on China and the Powers. The present crisis in the relations between China and Japan gave additional significance to the address by the Honorable Motosada Zumoto, editor of the *Herald of Asia*, on Japan and Manchuria, as well as to the answer to it made by Dr. C. C. Wu, formerly Minister of Foreign Affairs of China, who spoke on the Foreign Policies of the Chinese Government.

The duration of the Institute, being for a week only, resulted in what appeared to be a heavily loaded program. The membership, however, was in attendance with seriousness of purpose, and considerable concentration of effort was possible without much inconvenience. The membership of the Institute was nearly four hundred. Naturally the State of Washington and particularly the city of Seattle furnished the majority of the members, but the geographical distribution embraced the entire Pacific Coast as well as other States, even those of the Atlantic seaboard, and several foreign countries. The proximity of British Columbia brought a considerable delegation. The various institutions of higher education of the Pacific Coast were well represented. The group from the University of British Columbia permitted an interesting and enlightening discussion of the problems of the British Commonwealth of Nations. While the membership to a large extent was recruited from those in academic life, there were members from other professions as well as from commerce and affairs. To an observer from another part of the country there were apparent at all times serious interest in and sympathy with the problems of the Pacific and the Far East, with a breadth of vision greatly to be admired and cultivated.

It is understood that the proceedings of the Institute, including at least the public addresses and the results of the afternoon conferences, will be published in a volume, which it is believed will be an important contribution to the literature of international relations, especially with reference to Japan and China. The Northwest Session of the Institute of International Relations may be regarded as a distinct success, not only in stimulating the interest of the Pacific Coast in foreign affairs but in vindicating itself, if vindication were necessary, as an important institution of international education.

JESSE S. REEVES.

THE REGISTRATION OF TREATIES OF THE UNITED STATES

In a recent statement concerning the foreign relations of the United States, Secretary Kellogg announced the "willingness of the United States

to cooperate freely, fully and helpfully with the League of Nations in matters of genuine international concern.”¹ It would seem to be of interest to those who follow the development of international law that the Government of the United States should act upon this “willingness” and devise some method for a fuller cooperation in the execution of Article 18 of the Covenant. This article represents an effort to do two things: (1) to establish a principle of public law that secret international engagements are not binding; and (2) to secure the convenient publication, by cooperative international action, of the reliable texts of all instruments which form part of the volume of the world’s treaty law. To achieve these ends, Article 18 provides that:

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.*

The extent to which the members of the League have performed their obligation is indicated by the number of treaties registered since the treaty registry was opened by the Secretary-General of the League of Nations on June 9, 1920. The figures, month by month, are as follows:³

1920 July	2	April	5
August	7	May	7
September	16	June	8
October	27	July	26
November	12	August	20
December	6	September	13
	<u>70</u>	October	15
1921 January	12	November	8
February	8	December	<u>8</u> 165
March	9		
April	9	1923 January	19
May	6	February	6
June	17	March	10
July	16	April	15
August	12	May	16
September	10	June	19
October	8	July	13
November	12	August	8
December	9	September	32
	<u>128</u>	October	13
1922 January	41	November	13
February	3	December	<u>16</u> 180
March	11		

¹ In a pamphlet published by the Republican National Committee, 1928.

² For a general comment on the article, see Manley O. Hudson, “The Registration and Publication of Treaties,” this JOURNAL, Vol. XIX, p. 273; Jean Lambiris, “L’Enregistrement des Traités d’après l’Article 18 du Pacte de la Société des Nations,” 7 *Revue de Droit International et de Législation Comparée*, (3d ser.), p. 697; E. Sevens, *Le Régime Nouveau des Traités Internationaux, l’Article 18 du Pacte de la Société des Nations* (Ghent, 1925).

³ From information furnished by the Secretariat of the League of Nations.

1924	January	19	June	23	
	February	15	July	25	
	March	18	August	44	
	April	16	September	25	
	May	13	October	34	
	June	10	November	32	
	July	46	December	16 350	
	August	19			
	September	36	1927	January	5
	October	29		February	11
	November	11		March	24
	December	19 251		April	17
				May	25
1925	January	14		June	20
	February	21		July	18
	March	23		August	11
	April	7		September	14
	May	27		October	19
	June	20		November	30
	July	26		December	27 221
	August	15			
	September	5	1928	January	18
	October	39		February	21
	November	41		March	23
	December	11 249		April	16
				May	42
1926	January	25		June	31
	February	47		July	37
	March	16		August	34 188
	April	22			
	May	38			1836

It would be impossible to assert a negative and to say that there were no instances in which a member of the League has failed to register a treaty or engagement. During the early years of such an innovation it is more important that a general practice should become established than that there might be some exceptional instances of a departure from it. The figures show quite clearly that a practice of registration is growing up, and there is no danger that the general system of publicity envisaged in Article 18 is to be allowed to fail from neglect. Once thoroughly established, such a system is not likely to be abandoned. The Treaty Series itself, of which some seventy volumes have been published, is proving so useful as a compendium of the world's treaty law that its discontinuance can hardly be anticipated. Not only does it serve to acquaint the whole world with current changes in treaty law, but it furnishes the most convenient source of reference for the reliable texts of treaties in universal languages.

Participation in this registry is not restricted to the members of the League of Nations. They are bound to register their treaties, whether among themselves or with non-members. But states which are not members of the League may also cooperate in this effort to end the secrecy of international

engagements. On May 19, 1920, the Council of the League of Nations approved a memorandum of the Secretary-General, envisaging the acceptance of "applications for the registration of treaties, etc., even if none of the Parties is at the time a Member of the League of Nations."⁴ On July 16, 1920, an invitation was sent to various governments, not represented in the League, to register their treaties. On August 11, 1920, the German Government accepted this invitation by agreeing to register its treaties and engagements, without being bound to do so by Article 18, and before Germany's admission to membership in the League many treaties were registered at the request of the German Government. The invitation was likewise accepted by Ecuador, which has not become a member of the League but which has requested the registration of one of its treaties.

The Government of the United States seems not to have replied to the invitation of July 16, 1920, and no request for the registration of any treaty has been made by the Government of the United States. Many treaties between the United States and other Powers have been registered at the request of the latter, however. It is only when the other party is not a member of the League, or when, being a member, it fails to carry out its obligation under Article 18, that a treaty between the United States and another Power will fail to be registered; and if a treaty is not registered, it will not, in the ordinary course, be published in the League Treaty Series. In view of this situation, an effort was made in 1925 to secure the communication of the texts of the Treaties of the United States, for the purpose of publishing them in the Treaty Series. This effort led to a communication in which the Government of the United States "informed the Secretariat that henceforth it will send regularly to the Secretariat treaties contracted by the American Government and included in the United States Treaty Series."⁵ On February 3, 1926, it was announced by the Secretary-General that "such treaties, if not otherwise previously published by the Secretariat, will be included in the League Treaty Series with the above explanation, and with the understanding that as the United States is not a Member of the League, it does not register them with the Secretariat." Since that time, copies of the United States Treaty Series have been sent to the Secretariat as each number appeared. This has had two results. If the other party to the treaty is a member of the League, it is informed by the Secretariat of the "communication" of the text by the United States, and in every instance to date the other party so informed has proceeded to request the registration. If the other party is not a member of the League, the treaty is not registered, but the text is published in the Treaty Series, with a special serial numbering; three such instances have occurred, all being treaties between the United States and Mexico.⁶

⁴ League of Nations Treaty Series, p. 13.

⁵ League of Nations Document C. L. 7. 1926 (Legal).

⁶ Published as No. 1 B, in 48 League of Nations Treaty Series, p. 443, No. 2 B, in 54 *ibid.*, p. 441, and No. 3 B in 68 *ibid.*, p. 459.

The present situation is not particularly unsatisfactory so far as the inclusion of United States treaties in the League of Nations Treaty Series is concerned, though it does involve the inconvenience of a special serial numbering. Nor is it without some result in encouraging prompt requests for registration by members of the League which may enter into treaties with the United States. But does the action taken by the United States represent the "free, full and helpful coöperation" which Secretary Kellogg has announced as a policy? A practice of requesting registration of United States treaties might be inaugurated by the Secretary of State without involving any commitment or inconvenience for the United States. Such a practice would create no legal obligation for the United States; nor would it constitute any recognition of the principle which Article 18 was designed to establish, that no treaty entered into by a member of the League is binding without registration. But it would be an acknowledgment of the desirability of publicity for international engagements, and it would remove the inconvenience of a special numbering for the texts of unregistered treaties published in the League of Nations Treaty Series. The world has now made great progress towards realizing what the diplomatic conference of 1894 failed to accomplish,⁷ and the extent of this progress should not be limited by the failure of the United States to coöperate in achieving it.

MANLEY O. HUDSON.

⁷ See *Actes de la Conférence diplomatique concernant la Création d'une Union internationale pour la Publication des Traités*, Berne, 1894.