

(条17・文化・社会)

右ノ如キ宣傳ガ其ノ自體ニ於テ猥穢ナリト認メハ
得ル限り第一條ノ用語ハ充分適當ナル旨或代表委員
ニ依リ指摘セラレタリ

六 佛蘭西國代表ハ佛蘭西國法令ガ印刷物ト書籍（書
籍ハ普通ノ印刷物以外ノ種類中ニ置カレ且良俗ニ反
スル犯行ニ關スル法令以外ノ法令ニ依リ規律セラ
ル）トノ間ニ區別ヲ設クルコトヲ指摘セリ右代表ヘ
之ガ爲條約第一條ニ掲ゲラル印刷物ニ關シテ留保
ヲ爲スノ餘儀ナキニ至レリ

右代表ハ又右代表ガ第一條第三號ニ掲ゲラル行爲
中ヨリ交換及貸借ノ如ク私人ノ間ニ行ハルモノヲ
除外ベルコトヲ要スベヤ此ニ陳ダタリ

白耳義國代表委員ハ出版物ニ依リテ爲サルル犯行ニ
關スル憲法ノ規定ニ依リ著作者ガ判明シ且白耳義國
内ニ居住スル場合ニ於テハ發行者、印刷者又ハ頒布
者ヘ何レモ訴追セラルルコトヲ得ザル此ニ指摘セリ
トヲ要スベキ旨ヲ指摘セリ

瑞典國及丁抹國ノ代表委員ハ書籍販賣ニ關スル白耳
ノ現行法令ヲ引用シテ同代表委員モ亦第一條ニ於テ
使用セラルル「印刷物」ナル語ニ關シ留保ヲ爲スノ
トヲ要スベキ旨ヲ指摘セリ

Certains délégués ont fait observer que, en tant que cette propagande peut être considérée comme obscene en soi, les termes de l'article 1 s'appliquent parfaitement.

6° La délégation française a exposé que, la législation française distinguant entre les imprimés ordinaires et le livre, qui est placé en dehors des imprimés ordinaires et régi par une autre loi que la loi sur les outrages aux bonnes mœurs, elle était en conséquence tenue de formuler une réserve en ce qui touche les imprimés visés dans l'article 1 de la Convention.

Elle a également déclaré qu'elle devait exclure des opérations visées à l'alinéa 3 de l'article 1 toutes celles qui, comme l'échange et le prêt, seraient effectuées entre particuliers.

Le délégué belge a fait observer qu'en vertu d'une règle constitutionnelle en matière de délit commis par la voie de la presse, lorsque auteur est connu et domicilié en Belgique, l'éditeur, l'imprimeur ou le distributeur ne peut être poursuivi.

De leur côté, les délégués de la Suède et du Danemark, invoquant les lois sur la librairie en vigueur dans leurs pays, ont fait connaître qu'ils devaient, eux aussi, faire une réserve au sujet du terme "imprimés" employé dans l'article

国内法変更に關す
る希望

改正會議

七 必要アル場合ニハ締約國ノ法令ハ猥褻ナル書籍ガ
條約第一條ニ掲ゲラル印刷物トシテ取扱ヘルル様
又本條約ハ掲グラレ且之ニ依リ處罰セラルル一切ノ
犯行ガ書籍以外ノ一切ノ印刷物ト同様猥褻ナル書籍
ニ付テモ成立スル様變更セラルグシテノ旨ノ希望表
明セラレタリ

八 會議ハ今後得ラルベキ經驗ガ何等力ノ改正ノ望マ
シキコトヲ示ス場合ニ於ケル本條約ノ改正ニ關スル
方法ヲ規定スル一條ヲ條約ノ末尾ニ挿入セリ之ガ爲
會議ハ條約改正ノ爲ノ會議招集ノ望マシキヤ否ヤア
毎五年ノ期間ノ終ニ於テ審議スルコトヲ國際聯盟理
事會ニ請求ス

質問書の定期發出

九 條約第十六條ヲ適用スルノ目的ヲ以テ會議ハ國際
聯盟事務局ガ千九百十年五月四日ノ協定ニ基キ指定
セラレタル一切ノ官憲ニ及右官憲ノ指定ナキ國ニ付
テハ該國政府ニ猥褻刊行物ノ取引ノ問題ニ關スル質
問書ヲ定期ニ發スルコトヲ委託セラルグシコトヲ勸
告ヘ

1.

7° Des vœux ont été exprimés tendant à ce que les législations des divers Etats contractants soient, s'il y a lieu, modifiées de telle façon que le livre obscène rentre dans les imprimés visés par l'article 1 de la Convention et que tous les faits visés et réprimés par cette Convention s'appliquent au livre obscène comme aux autres imprimés.

8° La Conférence a inséré à la fin de la Convention un article prévoyant le dispositif nécessaire pour procéder à la revision de la Convention actuelle, au cas où l'expérience démontrerait que cette revision est souhaitable. A cet effet, la Conférence prie le Conseil de la Société des Nations d'examiner, à la fin de chaque période de cinq ans, s'il est désirable de convoquer une Conférence chargée de réviser la Convention.

9° En vue de l'application de l'article 16 de la Convention, la Conférence recommande que le Secrétariat de la Société des Nations soit périodiquement chargé d'établir un questionnaire sur le commerce des publications obscènes et de l'envoyer à toutes les autorités désignées par l'Arrangement du 4 mai 1910. En ce qui concerne les Etats qui n'ont pas désigné eux-mêmes des autorités, le questionnaire sera envoyé directement à leurs gouvernements.

(第17・文化・社会)

質問書ニ於テ要求セラルベキ情報ヘ起訴セラントタル事件ノ數、犯行ノ明細及訴訟手續ノ結果、他ノ諸國ニ於ケル指定セラレタル官憲ニ報告セラントタル犯行ノ明細竝ニ取引ノ範圍及性質ニ關スル一般的所見ヲ包含スベシ

条約の形
式

十 新條約ハ國際聯盟ノ主導ノ下ニ開催セラントタル會議ニ依リ作成セラントアル一般的國際條約ニ關スル最近ノ前例ニ準據スル形式ニテ起草セラントリ

署名及び
加入
の作成通
び寄託

十一 千九百二十四年三月三十一日迄ノ條約ノ署名ニ關シ及爾後ニ於ケル該條約ノ加入ニ關シ規定ヲ設ケタリ國際聯盟事務總長ハ右目的ニ必要ナル手段ヲ執ルコトヲ請求セラル

十二 千九百二十四年三月三十一日迄ノ條約及本最終議定書ノ本體ノ通作成スベキコト及其ノ一通ハ國際聯盟ノ記録ニ又他ノ一通ハ千九百十年五月四日ノ協定ノ本書ガ亦寄託セラル佛蘭西共和國ノ記錄ニ寄託セラルベキコトヲ決定セリ然レバ便宜上會議ハ條約ニ關スル他ノ一切ノ外交文書ガ國際聯盟ノ記録ニ寄託セラルベキコトヲ承認セリ

Les renseignements prévus par le questionnaire comprendront le nombre des délits poursuivis, leur nature et le résultat des poursuites, la nature des délits signalés aux autorités d'autres Etats, ainsi que des observations générales sur l'intensité et la nature du commerce visé.

10° La rédaction de la nouvelle Convention se conforme aux précédents les plus récents en matière de Conventions internationales élaborées par des Conférences tenues sous les auspices de la Société des Nations.

11° Les dispositions prises prévoient la possibilité de signer la Convention jusqu'au 31 mars 1924 et d'y adhérer après cette date. Le Secrétaire général de la Société des Nations est prié de prendre les mesures nécessaires à cet effet.

12° La Conférence a décidé que la nouvelle Convention et le présent Acte final seraient établis en deux originaux, dont l'un serait déposé aux archives de la Société des Nations et l'autre aux archives du Gouvernement de la République française, déjà dépositaire de l'original de l'Arrangement du 4 mai 1910. Mais, pour des raisons de commodité, elle a admis que tous les autres instruments diplomatiques relatifs à la Convention seraient déposés aux archives de la Société des Nations.

最終議定書認證本の送付
最終議定書の送付

十三 會議ハ又本最終議定書ノ認證謄本ガ會議『代表者』出セル一切ノ國、國際聯盟ノ一切ノ聯盟國及國際聯盟理事會が決定スルコトアルベキ他ノ國ニ送付セラルベキコトヲ決定セリ

条約謄本及び招請状の送付

末文

十四 會議ハ條約ノ謄本ヲ該條約ニ署名シ又ハ加入ベキ事ノ招請ト共ニ會議『代表者』出サザリシ國際聯盟ノ一切ノ聯盟國及理事會が決定スルコトアルベキ他ノ國ニ送付スルコトヲ國際聯盟理事會ニ請求ス

13° La Conférence a décidé également que des copies authentiques du présent Acte final seraient communiquées à tous les Etats représentés à la Conférence, à tous les Membres de la Société des Nations et à tous les autres Etats que pourrait désigner le Conseil de la Société des Nations.

14° La Conférence prie le Conseil de la Société des Nations de communiquer, en même temps qu'une invitation à signer la Convention ou à y adhérer, des exemplaires de la Convention à tous les Membres de la Société des Nations qui ne sont pas représentés à la Conférence et à tous autres Etats que le Conseil pourrait désigner.

En foi de quoi les délégués à la Conférence ont signé le présent Acte.

FAIT à Genève, le douze septembre mil neuf cent vingt-trois, en deux exemplaires originaux, dont l'un devra être déposé aux archives de la Société des Nations et l'autre aux archives du Gouvernement de la République française.

附屬書

ANNEX.

参加国及猥褻刊行物ノ流布及取引ノ禁止ハ爲ノ國際會議ニ出席

NOMS DES DÉLÉGUÉS, DÉLÉGUÉS SUPPLÉANTS
(株)ヤマ・ナシ社(公)

シタル代表委員、補助委員及技術顧問ノ名

(株) 日・韓・社(社)

ET CONSEILLERS TECHNIQUES PRÉSENTS À LA
CONFÉRENCE INTERNATIONALE POUR LA RÉ-
PRESSION DE LA CIRCULATION ET DU TRAFIC
DES PUBLICATIONS OBSCÈNES.

ALBANIE

M. B. BLINTSHTI

Délégué.

AUSTRALIE

M. M. L. SHEPHERD

Délégué.

M. le colonel D. C.

CAMERON

Délégué suppléant.

AUTRICHE

M. E. PFLÜGL

Délégué.

BELGIQUE

M. MAURICE DULLAERT

Délégué.

CHINE

M. TCHENG LOH

Délégué.

M. WANG TSENG-SZE

Délégué suppléant.

COLOMBIE

M. URRUTIA

Délégué.

COSTA-RICA

M. DE PERALTA

Délégué.

CUBA

M. DE LA TORRIENTE Y

Délégué.

(條一七・文化、社会)

「ペイティ」國 代表委員 「ボナミ」	M. F. FIGUEROA Délégué.
印度 代表委員 「サム・プラベシアンカー、 ティー、パッタリ」	HONGRIE M. ZOLTAN BARANYAI Délégué.
伊太利國 代表委員 「カヴァツォニ」	HAITI M. BONAMY Délégué.
大日本帝國 代表委員 松田道一 専門委員 井野英一 専門委員 笠井英一	INDE SIR PRABHASHANKAR D. PATTANI ITALIE M. CAVAZZONI JAPON M. MATSUDA M. INO M. KASAI LETTONIE M. JULIJS FELDMANS LITHUANIE M. IGNACE JONYNAS LUXEMBOURG M. CHARLES VERMAIRE MONACO M. BUTAVAND PAYS-BAS
「ラトヴィア」國 代表委員 「ユリイース、フュルドランス」	Délégué. Expert.
「リスアニア」國 代表委員 「イニアース、ヨニナス」	Délégué. Expert.
「ルクセンブルグ」國 代表委員 「シャルル、ヴュルメール」	Délégué.
「モナコ」國 代表委員 「デュタヴァン」	Délégué.
和蘭國 代表委員 「アード、グラーハ」	Délégué.
「ベルシア」國 代表委員 「アルファ・ヌード・ドゥラン」殿	Délégué.

「ボーラハニ」國

M. A. DE GRAAF
PERSE

Délégué.

代表委員 「ソカル」
「セルブ、クロアート、スロヴェニア」H國
DOWLEH

S. A. le prince ARFA-ED-
POLOGNE

Délégué.

代表委員 「ミルティン、モヴァノヴィチ」
暹羅國
M. SOKAL

ROYAUME DES SERBES,
M. MILUTIN JOVANOVITCH

Délégué.

西班牙國

SIAM

代表委員 「ホ、パラシオス」

CROATES ET SLOVÈNES
M. A. le prince DAMRAS

Délégué.

瑞典國

DAMRONG

代表委員(顧問ノ資格ニ於ケル)「ヤヨベテハ、ウ
ヌゲン」

SUÈDE
M. OESTEN UNDEN

Délégué (à titre consult.)

瑞典國

M. ERIK BOHEMAN
SUISSE

Délégué suppléant.

代表委員 「ガラン」
補助委員 「フランツ、ステンプフ」

M. BÉGUIN
M. FRANZ STÄMPFLI

Délégué.
Délégué suppléant.

「アメリカ」合衆國

TCHÉCOSLOVAQUIE

Délégué.

代表委員(顧問ノ資格ニ於ケル)「アレグザンダー、
アル、マグルーダ」

M. ROBERT FLEDER

Délégué.

「カルグアイ」國

URUGUAY

Délégué.

代表委員 「フョルナンデス、イ、メディナ」

M. FERNANDEZ Y MEDINA

Délégué.

(第1回・第2回 証明)

「アメリカ合衆国」

代表者
「ルイ・ズメタ」

「アーヴィング・ハーバー タンブル」
會議事務總理

VENEZUELA

M. C. ZUMETA

Délégué.

Secrétaire générale de la Conférence:

Dame RACHEL CROWDY.

INTERNATIONAL CONFERENCE
FOR THE SUPPRESSION OF THE
CIRCULATION OF AND TRAFFIC
IN OBSCENE PUBLICATIONS.

FINAL ACT.

The Conference was held in pursuance of the following Resolutions passed by the Third Assembly of the League of Nations, on September 28th, 1922:—
“The Assembly decides:
“(1) To ask the Council of the League, in accordance with Article 24 of the Covenant, to authorise the Secretariat to assist Members of the League, and any other States which are parties to the international movement for the suppression of obscene publications, in all measures which may be necessary for this purpose.

Done at Geneva September 12, 1923
Promulgated May 15, 1926

The International Conference for the Suppression of the Circulation of and Traffic in Obscene Publications met, by the invitation of the Government of the French Republic, at Geneva, under the auspices of the League of Nations, on August 31st, 1923.
“(2) To ask the Council to draw the attention of all States to the International Agreement of 1910; those States which have signed or acceded to it should be asked to give full effect to its provisions, and those States which are not yet parties to it should be urged to accede to it at an early date.
“(3) To invite the Council to communicate the

draft Convention of 1910 with a questionnaire to every State with the request that it should forward its comments thereon to the Secretariat of the League of Nations. The Secretariat will co-ordinate the replies received and submit them as a whole to the French Government, requesting it, on behalf of the Council, in view of the initiative taken by that Government in 1910, to convene a new conference under the auspices of the League, to be held at Geneva about the time of the Fourth Assembly, and to be composed of plenipotentiaries empowered to draw up the text of a new convention and to sign such a convention."

The names of the plenipotentiary delegates, substitute delegates, technical advisers or experts, and those of the countries represented by the plenipotentiaries, will be found in an annex at the conclusion of the present Final Act.

M. Gaston Deschamps, delegate of France, was elected President of the Conference by acclamation.
Sir Prabhashankar PATTANI, delegate of India, was elected Vice-President.

In conformity with the Resolutions of the Assembly

of the League of Nations quoted above, the draft Convention established by the International Conference held in Paris in 1910, together with a questionnaire, was communicated on November 1st, 1922, to all the States. The replies to this questionnaire were also transmitted by the Secretariat of the League of Nations to all the States and submitted to the Conference.

At the outset of its investigations, the Conference decided to take the draft Convention of 1910 as the basis of its discussions, and after a thorough examination of this draft and of the replies to the questionnaire, and also of the changes which have occurred since 1910 in the international situation, the Conference unanimously came to the conclusion that a new Convention should be drafted. This Convention bears the date of September 12th, 1923, and is followed by the present Final Act.

The Conference decided to incorporate the following statements, indications and wishes in this Act:

1. It desires, in the first place, to pay a tribute to the Government of the French Republic and to thank it for its initiative in convening an International Conference in 1910 for the purpose of investigating the methods of combating the circulation of and traffic in

obscene publications. It highly appreciates the value and importance of its happy initiative, without which the question could not have reached its present stage of development, and which has allowed an agreement to be reached between a very large number of States with much greater facility than would otherwise have been the case.

2. After careful examination of the question as to

whether it was possible to insert in the Convention a definition of the word "obscene" which would be acceptable to all the States, the Conference came to a negative conclusion and recognised, like the Conference of 1910, that each State must be allowed to attach to this word the signification which it might consider suitable.

3. The Conference deemed it advisable to indicate that the legal principle *non bis in idem* alluded to in the second paragraph of Article 2 of the Convention should be taken to mean that, save in exceptional cases, a person who shall prove that he has been finally judged in one contracting country, and, in the event of condemnation, that he has undergone his sentence or that it has been commuted or that he has obtained a reprieve,

should not be prosecuted for the same offence in another contracting country.

4. The Conference generally was of opinion that the offences of offering, delivering, selling or distributing obscene objects must be held to be aggravated when committed in respect of minors. But there did not appear to be any need for the Convention to contain a provision in this connection.

The Conference expresses the wish that the legislation of each country may prescribe an aggravation of the penalty if the offer, delivery, sale or distribution of obscene matters or things is made to young people. To define the exact age beneath which young people should be protected is a matter for the several legislations.

5. The majority of the delegates present at the Conference did not consider that it would be possible to incorporate in the Convention the provisions proposed by the French Government concerning incitement to abortion and anti-conception propaganda. The arguments invoked in favour of this opinion were based on the fact that in default of instruction on a subject of so delicate a nature, which did not seem to be sufficiently closely connected with the objects of the Conference, the Dele-

gations were not entitled to formulate an opinion; and that, moreover, the examinations of the question, by reason of its complexity and the divergence of views to which it might give rise, would lead to a very long discussion for which there was no time.

Nevertheless, all the Delegations declared that they recognised the great importance of this question and its gravity from a social and moral point of view. The desire was expressed that the day would arrive when circumstances would permit the consideration of an international accord for the defence of all States against a social menace which had drawn from the Conference of 1910 the following declaration: "The delegates of all the countries represented at the Conference have unanimously agreed to call attention to the danger with which, by drying up their very sources of life, this vile propaganda threatens all nations." The Delegates of Great Britain and Australia, however, did not associate themselves with the desire for an international accord.

It was pointed out by some of the delegates that, so far as any such propaganda may be considered to be in itself obscene, the terms of Article 1 are fully adequate.

6. The French Delegation pointed out that French legislation distinguishes between printed matter and books, which are placed in a category apart from ordinary printed matter and are regulated by a law other than the law concerning offences against public decency. It was, consequently, bound to formulate a reserve concerning the printed matter referred to in Article 1 of the Convention.

It also stated that it would have to exclude from the operations referred to in paragraph 3 of Article 1 those which, like exchange and loan, were carried on between private individuals.

The Belgian delegate pointed out that, in virtue of a provision of the constitution relating to offences committed through the Press, when the author is known and domiciled in Belgium, neither the publisher nor the printer nor the distributor can be prosecuted.

The delegates of Sweden and Denmark, referring to the laws relating to the sale of books in force in their countries, pointed out that they also would have to make a reserve concerning the term "printed matter" employed in Article 1.

7. A wish was expressed to the effect that the

legislation of the High Contracting Parties should be altered, if necessary, in such a way that obscene books should count as printed matter falling under Article 1 of the Convention, and that all offences falling under this Convention and punished by it should apply to obscene books as well as to all other printed matter.

8. The Conference has included an article at the end of the Convention providing machinery for revision of the present Convention should the experience to be gained henceforward indicate that any revision is desirable. To this end, the Conference requests the Council of the League of Nations to consider at the end of each period of five years the desirability of calling a conference for a revision of the Convention.

9. With a view to the application of Article 16 of the Convention, the Conference recommends that the Secretariat of the League of Nations be charged with issuing periodically a questionnaire on the subject of the traffic in obscene publications to all authorities designated under the Agreement of May 4th, 1910, and in the case of any country where no such authority has been designated, to the Government of such country.

The information to be asked for in the questionnaire

should include the number of cases where proceedings have been instituted, particulars of the offences and the results of the proceedings, particulars of offences reported to designated authorities in other countries, and observations generally as to the extent and nature of the traffic.

10. The new Convention has been drafted in such form as to follow the more recent precedents with reference to general international conventions drawn up by conferences held under the auspices of the League of Nations.

11. Provision has been made for the signing of the Convention until March 31st, 1924, and for adhesion to it thereafter. The Secretary-General of the League of Nations is requested to take the necessary steps to this end.

12. The majority of the Conference decided that the new Convention and the present Final Act should be drawn up in two originals, of which one should be deposited in the archives of the League of Nations and the other in the archives of the French Republic, where the original of the Agreement of May 4th, 1910, is also deposited. But, for the sake of convenience, the Con-

ference admitted that all other diplomatic instruments concerning the Convention should be deposited in the archives of the League of Nations.

13. The Conference also decided that authenticated copies of the present Final Act should be communicated, to all the States represented at the Conference, to all the Members of the League of Nations, and to such other States as the Council of the League of Nations might determine.

14. The Conference requests the Council of the League of Nations to communicate copies of the Convention to all the Members of the League of Nations not represented at the Conference, and to such other States as the Council may determine, together with an invitation to sign or adhere to the Convention.

IN FAITH WHEREOF the Delegates of the Conference have signed the present Act.

Done at Geneva, the twelfth day of September one thousand nine hundred and twenty-three, in two originals, of which one shall remain deposited in the archives of the League of Nations and other shall remain deposited in the archives of the Government of the French Republic.

ANNEX.

NAMES OF DELEGATES, SUBSTITUTE DELEGATES AND TECHNICAL ADVISERS PRESENT AT THE INTERNATIONAL CONFERENCE FOR THE SUPPRESSION OF THE CIRCULATION OF OBSCENE AND TRAFFIC IN OBSCENE PUBLICATIONS.

ALBANIA

M. B. BULNISHI

Delegate.

AUSTRALIA

Mr. M. L. SHEPHERD

Delegate.

AUSTRIA

Colonel D. C. CAMERON

Substitute Delegate.

BELGIUM

M. E. PERÜGI

Delegate.

CHINA

M. MAURICE DULLAERT

Delegate.

CHINA

M. TCHENG LOH

Delegate.

COLOMBIA

M. WANG TSENG-SZE

Substitute Delegate.

COSTA RICA

M. URRUTIA

Delegate.

(第十七・文化、社会)

M. DE PERALTA	Delegate.	M. F. FIGUEROA	Delegate.
CZECHOSLOVAKIA		HUNGARY	
M. ROBERT FLIEDER	Delegate.	M. ZOLTAN BARANYAI	Delegate.
CUBA		HAITI	
M. DE LE TORRENTE Y PERAZA	Delegate.	M. BONAMY	Delegate.
M. LUIS SANTAMARIA	Substitute Delegate.	Sir PRABHASHANKAR D. PATTANI	Delegate.
DENMARK		INDIA	
M. A. OLDENBURG	Delegate.		
FINLAND		ITALY	
M. CARL ENCKELL	Delegate.	M. CAVAZZONI	Delegate.
M. URHO TOIVOLA	Substitute Delegate.	JAPAN	
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