

C. 539. 1927. V

ANNEX 999.

LEGAL ASSISTANCE FOR THE POOR.
EXECUTION OF THE ASSEMBLY'S RESOLUTION OF SEPTEMBER 20TH, 1924.

Memorandum by the Secretary-General, submitted to the Council on December 5th, 1927.

The Assembly's resolution of September 20th, 1924, concerning Legal Assistance for the Poor contemplated:

1. The collection, by enquiries addressed to the Governments, and the publication of (a) information regarding the treaties, laws and other provisions regulating legal assistance to poor persons in the various countries and between the various countries; (b) a list of the agencies, both public and private, which afford legal assistance to poor persons; and (c) a list of authorities or persons nominated by Governments to answer enquiries regarding legal assistance to the poor from authorities or duly qualified persons in foreign countries.

2. An enquiry as to how far the various Governments "would be disposed to become parties to a convention dealing with free legal aid for the poor on the basis of the principles formulated in Articles 20-23 of the Hague Convention of July 17th, 1905, and whether possibly they would desire to propose any modification of such principles"

I. PROGRESS OF THE PUBLICATION CONTEMPLATED BY THE ASSEMBLY.

The nature of the information received and considerations of general convenience have made it desirable to include in a single volume the three kinds of information which the Assembly directed the Secretariat to collect. This volume is now in the press. Its preparation has been inevitably delayed owing to the length of time which has been found necessary in some countries for compiling the information required and the great amount of translation which is necessary. A considerable part of the material included did not reach the Secretariat until towards the end of last August. Every effort will be made to secure the appearance of the volume before the end of the year, in the hope that it may be of service in connection with the Conference mentioned below.

2. ENQUIRY AS TO THE VIEWS OF GOVERNMENTS UPON PARTICIPATION
IN A GENERAL CONVENTION.

In directing this enquiry to be held, the Assembly proceeded upon a report by the First Committee, which stated that the proposal placed before it as a result of the enquiry made by a committee of experts appointed under a resolution of the previous session of the Assembly was to be understood as follows:

"The proposal is not that all the States should accept the articles of the Hague Convention, but that a new Convention should be concluded having legal aid for the poor as its sole object, and based upon the principles which have already met with acceptance by the States which are signatories of the Hague Convention."

Rather more than twenty replies to the enquiry have been received. The majority are favourable to regulation, by general international agreement, of the position of foreigners in regard to legal assistance for the poor. A summary of the replies is annexed for the information of the Council.

Since the date of the Assembly's decision, action in the matter has been taken by the Government of the Netherlands, to whose initiative the Hague Convention was due. By a letter of August 16th, 1926, that Government informed the Secretariat that it proposed to place the subject on the agenda of the next Private International Law Conference, which would be held at The Hague, and that in its opinion it would be desirable to reach an international agreement in which all Governments desiring to do so could participate. It is understood that the contemplated Conference is now convened at The Hague for January 5th, 1928, and that the question of legal assistance to the poor is upon its agenda.

The Council will perhaps desire to decide what further action, if any is to be taken under paragraph 4 of the Assembly resolution of September 20th, 1924.

Appendix.

ANALYSIS OF REPLIES FROM VARIOUS GOVERNMENTS.

Argentine. — Is in favour of international action to enable foreigners and persons resident in foreign countries to take greater advantage of legal aid institutions.

Australia. — Legal assistance for the poor being a matter within the jurisdiction of the States, the Commonwealth Government referred the question to the State authorities and has communicated the following replies to the Secretariat:

Queensland. — It is not proposed to make any change at present in the principles concerning legal aid for the poor now obtaining in that State, so far as the citizens of other countries, resident in Queensland, are concerned.

South Australia. — Does not favour becoming a party to a Convention containing the provisions of Articles 20-23 of the Hague Convention of July 17th, 1905.

Tasmania. — Would be prepared to adhere to a Convention dealing with free legal aid to the poor on the basis of the principles formulated in Articles 20-23 of the Hague Convention.

Victoria. — In the absence of an actual draft of the proposed Convention, this Government is unable to define its attitude further than to say that it would favour such a modification of the above-mentioned principles as would limit the Convention to such matters only as are necessary for providing that persons of foreign nationalities, resident in Victoria, should be treated on a footing of equality with British subjects resident in Victoria.

Western Australia. — The procedure followed by this State is already practically in accordance with Articles 20-23 of the Hague Convention. Under the rules of the Supreme Court, all nationals have equal rights in the Law Courts of Western Australia, and no distinction whatever is made.

Austria. — Is in favour of the revision of the Hague Convention, adding provisions for uniform legal aid privileges in various countries and enabling applicants to communicate in their own language with the authorities of the State in which aid is sought.

Belgium. — Considers that the best method of internationalisation is by bilateral agreement allowing for differences in national legislation.

Brazil. — Is willing to participate in negotiations for an international convention regulating legal aid.

China. — Does not wish to suggest any modification of the principles laid down in Articles 20-23 of the Hague Convention.

Cuba. — Sees no objection to being represented at a Conference to regulate legal aid in accordance with the principles of the Hague Convention.

Denmark. — Is willing to participate in negotiations for a new legal aid Convention.

Danzig. — Ditto.

Egypt. — Ditto. The principles enunciated in Articles 20-23 of the Hague Convention should serve as basis for negotiation.

Finland. — Ditto.

France. — Ditto.

Germany. — Would welcome an increase in the number of States adhering to Hague Convention of July 17th, 1905.

Great Britain. — Not prepared to express an opinion pending the establishment of a new system of legal aid for England and Wales (which came into effect in April 1926).

Greece. — Is ready to participate in an international conference or to adhere to a Convention drawn up by such a conference.

Hungary. — In view of the financial situation, the assumption of any new obligations in connection with the matter of legal aid is a question falling under the competence of the Royal Minister of Finance.

Latvia. — Will participate in a Convention based on the principles of the Hague Convention.

Monaco. — Article 20 of the Hague Convention is already common law in Monaco, and the Principality would be willing to adhere to a Convention on the same principles.

Netherlands. — Is awaiting the results of the Conference on Private Law at The Hague, which is to consider the possibility of extending the Convention of 1905.

Norway. — Would be ready to adhere to the type of Convention contemplated.

Poland. — Has no objection to the plan of drawing up a general Convention on legal aid.

Roumania. — Ditto. The Convention should be based on the principles laid down in Articles 20-23 of the Hague Convention.

San Marino. — Is willing to participate in an international convention regulating legal aid in conformity with the principles laid down in the Hague Convention, Articles 17, 20, 21, 22 and 23, of which articles it would not at present propose any modification.

Switzerland. — Articles 20-23 of the Hague Convention have proved effective, and Switzerland has no objection to the conclusion of a similar treaty with a large number of States.

Union of South Africa. — Does not consider it expedient in view of the situation of the Union to become party to an official Convention.

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ANNEX 1000.

REPORT ON THE WORK OF THE MIXED COMMITTEE FOR THE SUPPRESSION
OF COUNTERFEITING CURRENCY.

I.

LETTER FROM THE CHAIRMAN OF THE MIXED COMMITTEE TO THE PRESIDENT OF THE
COUNCIL OF THE LEAGUE.

Geneva, October 13th, 1927.

By a resolution dated December 9th, 1926, the Council decided to create a Mixed Committee to consider the subject of the counterfeiting of currency and to prepare the draft of an international convention.

In execution of this reference, the Mixed Committee for the Suppression of Counterfeiting Currency which was created in pursuance of that resolution, has considered the problem submitted to it. The conclusions of the Committee are contained in the attached report, which also includes the draft Convention which it has prepared.

On behalf of the Mixed Committee, I have the honour to submit these documents to the Council of the League of Nations, and I am happy to be able to say that they were approved unanimously by all the members who took part in the discussions.

The Committee is fully aware of the many difficulties which will have to be overcome, but it is convinced that the adoption and putting into force of the proposed Convention by a large number of States would mark an important step forward in the campaign against counterfeiting currency.

As to the action to be taken, the Committee would suggest to the Council that its report and the draft Convention should be forwarded to all Governments with a request for their observations, and that, at a later but not too distant date, a general Conference should be convened for the final adoption of a Convention by as many States as possible.

If, on the receipt of the replies from Governments, the Council thought it desirable, the Mixed Committee would be happy to examine any amendments to the draft suggested in these replies.

(Signed) Dr. Vilém POSPÍŠIL,

*Chairman of the Mixed Committee for the Suppression
of Counterfeiting Currency.*

II.

REPORT OF THE MIXED COMMITTEE FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY
SUBMITTED TO THE COUNCIL OF THE LEAGUE ON DECEMBER 6TH, 1927.

*Organisation and Terms of Reference of
the Mixed Committee.*

In its resolution of December 9th, 1926, the Council decided to set up a "Mixed Committee to consider the problem of counterfeiting currency and to prepare an international draft Convention on the subject" This Committee was to consist of specialists in international criminal law representatives of the authorities responsible for prosecutions, delegates of banks of issue and a representative of the Financial Committee. The Council also decided what