

approved of the experts' proposal that Governments should be asked to make a report in three years' time on the effect given to these recommendations.

Position of Aliens and Stateless Persons Released from Prison

The question of the position of aliens and stateless prisoners released from prisons came before the Fifth Committee, but, in view of the legal aspects of the question, it was decided to refer it to the First Committee. The Fifth Committee concurred in the opinion of the First Committee that it would be desirable to consult Governments and defer a decision to the next Assembly.

The Committee also had before it reports on the work for the past year of the following organizations: International Penal Law Association; International Bureau for the Unification of Penal Law; International Penal and Penitentiary Commission; International Criminal Police Commission; the Howard League for Penal Reform and the International Law Association. The Committee thanked them for their co-operation and congratulated them on their excellent work during the past year.

SIXTH COMMITTEE

(Political Questions)

Question of Re-interpreting the Covenant

The most important matter coming before the Sixth Committee this year was the question of revising, or rather, since no question of formal revision was involved, of re-interpreting the obligations of the Covenant. The Committee had before it the report of the Committee of Twenty-Eight set up by the Seventeenth Assembly in 1936 following the abandonment of the partial sanctions imposed upon Italy after the invasion of Ethiopia, to study "the question of the application of the principles of the Covenant and all problems connected therewith." The report, reflecting the diversity of the opinions held by the various members, did not put forward any proposals or recommendations for specific amendments but confined itself largely to setting forth the views expressed and the statements made by members of the Committee in the course of its discussions which had extended, with numerous intermissions, over a period of nearly two years. After a number of States not represented on the Committee of Twenty-Eight had expressed their views on the general question of revision of the Covenant it was decided, on the initiative of the United Kingdom delegation, that the Sixth Committee should consider four questions which had been among those most carefully studied by the Committee of Twenty-Eight, namely, the unanimity rule and its application to the first paragraph of Article XI; the so-called coercive provisions of Article XVI; the Separation of the Covenant from the Peace Treaties; and Collaboration with Non-Member States.

(a) *The unanimity rule and its application to paragraph 1 of Article XI*

Except where otherwise expressly provided in the Covenant, or by the terms of the Peace Treaties, decisions at any meeting of the Assembly or Council have always required, by the terms of the Covenant itself, the agreement of all Members of the League represented at the meeting. For some time past it has been evident that Article XI, one of the most useful and frequently resorted to Articles of the Covenant, was in danger of being stultified by the rigid application of this rule. Under Articles XV and XVI, which deal primarily with war and the question of sanctions, provision is made for setting aside the unanimity requirement. With respect to Article XI, however, the Council has been unable, without first securing the votes of the parties to a dispute, to express an opinion concerning the facts or to recommend measures of a precautionary character with a view to safeguarding peace or of minimizing the risk of war. The United Kingdom delegation, with a view to making it easier for the League to intervene in disputes and to settle them before the