

The Council approved the reorganization of the Committee on Intellectual Co-operation and decided to renew one-third of the members of the Committee at its next Session.

## THE FIRST COMMITTEE

### *The Amendment of the Statute of the Permanent Court*

It will be recalled that the 10th Assembly on September 14, 1929, approved the Protocol for the Revision of the Statute of the Permanent Court of International Justice embodying certain changes in the organization and composition of the Court that its ten years of experience had indicated as desirable. It was hoped that these changes which had been unanimously endorsed by the Assembly would receive the prompt ratification of the States signatories of the original Protocol of December 16, 1920. In order to facilitate the entry into force of these amendments a novel procedure was agreed upon. The Council of the League was empowered to declare the amendments in effect on September 1, 1930, provided that no objections to such a course had been received from States whose ratifications would otherwise have been necessary to bring the Protocol into force. However, on August 26, four days before the period for registering objections expired, the Government of Cuba exercised its liberum veto and informed the Secretary-General that it could not consent either to the summary procedure employed in lieu of the regular receipt of ratifications or to certain of the substantial changes incorporated in the Protocol of Amendment.

In view of the fact that the conditions necessary to bring the Protocol into force had not yet been fulfilled, the Council, at its meeting of September 12, requested a Committee of Jurists to study the complicated situation created by the action of Cuba and suggest what steps the Assembly could take before proceeding to the election of the new bench of the Permanent Court.

The proposals of the Committee of Jurists were approved by the Council and commended to the Assembly which referred them to the First Committee for examination and report. After an exhaustive examination of the ways and means by which the Assembly could extricate the Court from the impasse in which the Cuban action had placed it, it was decided to use the machinery of the Assembly to attain some of the objects sought in the Protocol of Amendment. As the Assembly had the power under Article 3 of the Court Statute to increase the number of judges constituting the Court but had no authority to abolish the post of deputy-judge, the First Committee recommended that the number of judges be increased from 11 to 15, as would have been the case if the Protocol of Amendment had entered into force, but was compelled to leave the deputy-judges in being—although their functions would disappear with the increase in the number of regular judges. Similarly the Committee advised the Assembly that it had the power to institute the revised schedules of salaries and pensions which had been incorporated in the Protocol of Amendment. The Committee expressed the hope that, pending the coming into force of the Protocol, the Court would consider the possibility of settling the question of its sessions and of the presence of judges, in the spirit of the Protocol, in accordance with Article 30 of the original Statute which gave it power to create its own internal regulations and rules of procedure. Although some of the more important objects of the 1929 Protocol were thus attained, it was not felt that the Protocol itself should be allowed to lapse. It was generally recognized that the Protocol for the Revision of the Statute of the Court was closely linked with the Protocol for the Accession of the United States of America to the Court and that it would be difficult for the United States to accept the jurisdiction of the Court until the Protocol which, *inter alia*, clarified the procedure