

to its obligations as a Member of the League. In theory, there might perhaps be an extension of intervention; in practice the likelihood of intervention would be reduced. The Council had means for achieving unanimity by adopting provisional measures and avoiding in public defections which, obviously, were more likely to occur at secret meetings. In the hypothetical case of the League failing in its mission so completely that no common action was possible, the whole social edifice would naturally collapse and individual undertakings would undergo the same fate. Just as no constitution provided for revolution, so the Covenant could not be expected to provide for the contingency of defections outweighing allegiance.

The resolution adopted by the Assembly on this question reaffirmed the intention of inserting in the Covenant a general prohibition of recourse to war thus endorsing the resolutions approved by the 10th and 11th Assemblies.

System of Election to the Council

At the suggestion of the British delegation the Council was invited to appoint a Committee to inquire into the method of electing non-permanent Members to the Council. It was generally recognized that the existing allocation of non-permanent seats among more or less organized groups of powers had produced an unsatisfactory situation in which certain States were, for all practical purposes, excluded from election to the Council.

Jurisdiction of Permanent Court as Tribunal of Appeal

All the delegates who took part in the discussion approved in principle the Finnish proposal to confer on the Permanent Court of International Justice jurisdiction as a court of appeal in respect of alleged excess of jurisdiction by arbitral tribunals established by States. The Finnish Government had specified two possible grounds of appeal—when the tribunal had been incompetent to deal with the matter and when the tribunal had exceeded its powers. The Committee of Five Jurists which had examined the original proposal at the request of the Council had added a third ground—an essential flaw in procedure. Several delegations expressed their readiness in the First Committee to admit a fourth reason—a false application of the law. A great number, however, were against enumerating the causes which may render an award invalid. They thought it prudent to leave determination of the causes to be effected by successive judicial decisions. In so doing, of course, they exposed themselves to the criticism that the door would be left open to an indeterminate number of causes of invalidity.

The whole matter was referred to a Sub-Committee, which prepared a draft recommendation and a draft Protocol. These new texts formed the subject of an important discussion in the full Committee. The discussion showed that there was still uncertainty on many points, and it was therefore decided to adjourn the question for examination to a later assembly.

Revision of the Statute of the Permanent Court

Although the Protocol of September 14, 1929, concerning the Revision of the Statute of the Permanent Court, did not enter into force on the date originally contemplated, the Assembly last year accepted the view that it could subsequently come into force if the necessary ratifications were received.

At the time of the Twelfth Assembly thirty-eight Members of the League had ratified the Protocol. The ratification of Cuba was subject to reservations respecting the condition governing the entry into force of the Protocol and the establishment of the Court on a basis of permanent session. The other Governments concerned, having been invited to state whether they could accept these reservations, replied for the most part that they were unable to accept the reservation relative to the new text of Article 23 of the Court Statute.