

and he suggested a resolution to the effect that the right, under the article, of any State to bring before the Assembly any particular treaty which it considered no longer applicable should be affirmed, but that in each case the Assembly should decide whether or not it was a case in which Article 19 was properly applicable.

The Chinese motion was supported by Germany and Hungary, who said that they considered the article a necessary complement to Article 10, which forbids the alteration of the existing situation by force.

A sub-committee was appointed to prepare a text which might be generally acceptable. It was only after numerous meetings of this sub-committee that the text contained in Document A. 91 was agreed upon. When the resolution embodied in this document was being discussed by the First Committee it was emphasized that the powers of the Assembly, even in a case where it might consider that the country raising the matter had established that a treaty was no longer applicable, were limited to advising the States concerned to that effect, and that it must rest with the parties what action, if any, they should take as a result of such advice. That is to say, that the most a nation invoking Article 19 could hope to obtain would be the moral support of a decision of the Assembly that it had made out a good case for revision. Even so, the representatives of each of the countries comprising the Little Entente, and also the representatives of several South American countries, considered it necessary to make declarations in the committee that in agreeing to the resolution they did so only because it did not go beyond the scope of Article 19.

The Chairman of the sub-committee explained that the statement in the resolution that a State may "on its own responsibility" bring a case before the Assembly was intended to emphasize that a grave responsibility would be incurred by any State in doing so. The statement that an application must be drawn up in terms "which are in conformity with Article 19" he explained as meaning that the country making the application must furnish its reasons for considering that the case came within the scope of Article 19.

The Chilean delegate emphasized that, in the opinion of his country, only a complete alteration of the circumstances since a treaty was entered into could be regarded as sufficient ground for an application to the Assembly under Article 19.

A remark by the delegate of Peru that the refusal of a State to accept the advice of the Council would constitute a threat of war, and that therefore Articles 12, 13, and 15 of the Covenant would apply, led the Belgian delegate to declare that it was obvious that there could be no question of a country being compelled to submit the question of revision of a treaty to arbitration.

PROPOSAL TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS COURT OF REVIEW.

The motion on this subject, moved by the Finnish delegate, led to a very prolonged debate. The explanatory remarks (see Document A. 21) made by the Finnish delegate indicated that the only circumstances envisaged by his Government in which the Permanent Court should be established as a Court of review in respect of arbitral awards on matters in dispute between States were where the tribunal making the award was alleged to have exceeded its powers or to have been without competence in the matter. The motion was, however, couched in very general terms, and a memorandum submitted by M. Rundstein, a member of the Committee of Jurists on the Statute of the Permanent Court (see Document A. 1/4), indicates that, in the case of some delegates at least, there was an idea of going much further and establishing the Permanent Court of International Justice as a Court of appeal on quite a variety of grounds. As pointed out in the minute of the Finnish delegate himself (Document A. 21), it is already possible, by prior arrangement between the parties at the time a case is submitted to an arbitral tribunal, or by agreement even after an award has been given, to submit any points in dispute to the Permanent Court. The proposal really amounted to this: that at the request of either party recourse might be had to the Court in all cases of questions regarding competence, except where a prior agreement to the contrary existed, instead of only in cases where both parties were agreeable to the matter being reviewed by the Court. It was eventually decided not to recommend the setting-up of a special committee, as proposed by the Finnish delegation, but merely to request the Council to submit the question to examination (Document A. 77) with a view to consideration at a later Assembly after the opinions of Governments upon the matter have been obtained.

CONTINUATION OF THE WORK OF CODIFICATION OF INTERNATIONAL LAW.

The resolution on this subject (Document A. 48) was moved by the delegate of Colombia, who, in one form or another, brings up the subject each year. There is to be an International Conference held during the early part of 1930 to deal with the question of codification of international law on the following three subjects: (a) Nationality; (b) territorial waters; (c) responsibility of States for damage done in their territory to the persons or property of foreigners.

The work of this Conference will be based upon the preparatory work done by a Committee of Experts who have been considering these points and collecting information upon them for some time past. The Colombian delegate eventually agreed to amend the form of his resolution to coincide with that contained in Document A. 78, on the understanding that the work of the Committee of Experts shall be continued as soon as convenient after the termination of the Conference, and on the same lines, and that it was recognized that the work already accomplished was only a beginning. In this connection I would invite your attention to the report by the Committee of Three Jurists (A. 12), and to the resolutions regarding this question of codification contained in Document A. 78, adopted by the Assembly on the 24th September.