

The preceding pages contain a general account of the more important proceedings of the Assembly during the seventeen plenary meetings held between the opening on the 21st September and the closing on the 10th October of its Seventeenth Ordinary Session. In its concluding stages the Assembly followed the machinery procedure for which its rules provide and with which you have been made familiar through the annual reports of my predecessors. At its last two meetings the reports and resolutions of the Committees, upon which more detailed comment is made under their respective headings in this report, were adopted and approved by the Assembly. Its proceedings were then closed after a speech of commanding eloquence delivered by its popular President (M. Saavedra Lamas).

FIRST COMMITTEE: CONSTITUTIONAL AND LEGAL QUESTIONS.

Delegate: SIR JAMES PARR. Substitute: MR. C. A. BERENDSEN.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

Two questions, both of some little difficulty and one of considerable importance, arose in connection with filling three vacancies on the Permanent Court of International Justice, for two of which nominations had, in accordance with the Statute of the Court, been called at one time and for one of which nominations had been called at a later date.

The first and most important question was as to the facilities to take part in the election which should be provided for those States which, though no longer Members of the League, were still parties to the Statute of the Permanent Court. Three States were concerned, Germany, Brazil and Japan, and the method by which these States should be invited to take part in the election of Judges to fill the three vacancies had been the subject of consideration by a Committee of Jurists and by the Council of the League. By the Statute of the Court the election of Judges has to be made by the Assembly and the Council, voting separately, and the main point at issue was whether these three States should be entitled to join in the election not only in the Assembly, but also in the Council.

Both the Committee of Jurists and the Council, while unable to make any permanent recommendation, considered that the States in such a position should be invited to take part in these elections both in the Assembly and in the Council, but in the discussions that developed on this matter in the First Committee it was pointed out with some force that the effect of this would be to place States which had resigned from the League in a more favourable position than many States which remained Members of the League but had not seats on the Council.

It was felt in certain quarters that to give the States which had resigned from the League the right to vote both in the Council and in the Assembly, while the majority of the States remaining in the League would be restricted to voting in the Assembly only, was inequitable; but after a lengthy debate the opinion prevailed that as a temporary solution it would be wiser to allow these States to vote in both bodies, and this conclusion was subsequently adopted by the Assembly.

The second point, which had also been considered by the Council, was a technical one as to the method by which the election should take place, in view of the fact that there had been two separate requests for nominations for the three vacant seats. The Committee of Jurists and the Council recommended that there should be two separate elections, one for two seats and the second for the remaining seat, and though some objection was raised to this proposal in the First Committee, largely for practical reasons in view of the time that might be involved on account of the method of election prescribed by the Statute, this view was finally adopted, particularly in view of the requirements of the Statute that in the election regard should be had to the fact that the whole body of Judges should represent the main forms of civilization and the principal legal systems of the world, and that the actual vacancy to be filled must have a bearing on this point.

The report of the Committee is contained in Document A. 42, 1936, V.

At its meeting on the 8th October the Assembly in conjunction with the Council proceeded to elect by ballot Judges to fill the three vacant seats referred to in the opening paragraph of this section of my report. Dr. Manley O. Hudson (United States of America) with 48 votes, M. Hammarskjöld (Sweden) with 38 votes, and Dr. Cheng Tien Hsi (China) with 30 votes were, as the result of this ballot, declared duly elected (Document A. 51, 1936, V).

RULES OF PROCEDURE OF THE ASSEMBLY.

Two points were at issue in this connection:—

- (1) The maintenance of the rule relating to the Convocation of the Finance (Fourth) Committee of the Assembly. This was an experimental rule, adopted at the last Assembly, enabling the Finance Committee, composed of representatives nominated by each Member of the League, to meet a week earlier than the Assembly should this be considered desirable. The rule had not been applied in practice, but the First Committee considered it desirable to retain this power and consequently recommended that the rule be extended for a further year.
- (2) Proposed amendments regarding the Composition of the General Committee; the insertion of a provision concerning the Agenda Committee, and the Creation of a Nominations Committee.