

So far as New Zealand was concerned, I felt that we might very well offer no objection to the British Delegation's proposal.

The Committee agreed to the motion and the Assembly passed it on the 25th September (Document A. 56).

As the sum of 5,000 francs only was required for the purpose, and the appointment of the special committee was likely to give satisfaction to a number of countries, no movement was made in the Fourth Committee to criticize the expenditure, so the amount was voted.

PROPOSAL TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS A TRIBUNAL OF APPEAL IN RESPECT OF ARBITRAL TRIBUNALS ESTABLISHED BY STATES.

Under a resolution of the 1929 Assembly this question was examined by a small committee of Government legal advisers, but consideration of this special committee's report was postponed by last year's Assembly owing to lack of time. This document, which was laid before the First Committee, is numbered C. 338, M. 138.

It was not the intention of the Finnish Government, which raised the question, that there should be a general right of appeal, but only a right of appeal against an arbitral sentence on the ground that a tribunal had been incompetent to deal with the matter or had exceeded its powers. When considering these points the special committee added a third—the right of appeal in the case of an essential flaw in procedure. Owing to the diversified nature of arbitral tribunals, the special committee found some difficulty in suggesting a procedure which would be acceptable to States willing to permit appeals from arbitrators to the Permanent Court of International Justice, and it will be seen that it put forward three alternatives:—

- (1) A recommendation from the Assembly to members of the League to recognize the competence of the Permanent Court of International Justice and to insert the necessary provision in arbitration treaties. This may be called the bi-lateral method.
- (2) A resolution of the Assembly with protocol annexed. This may be called the method by general agreement.
- (3) A resolution declaring it to be the duty of a member of the League to propose to the other party the conclusion of a special agreement for reference of the arbitral award to the Permanent Court. This may be called the method devised to meet a particular case.

The debates in the First Committee disclosed that the third method was not popular; but the first and second had their advocates. After the Committee had heard the views of various delegates, the proposal was made that the matter should be referred to a sub-committee for consideration and report, and this proposal was accepted.

In due course the sub-committee, consisting mostly of representatives of small States, produced a report which was subjected to somewhat severe criticism in the full committee. The solution proposed by the committee of five, and those suggested by the sub-committee of the First Committee, show how closely related the question is to the Covenant and the Statute of the Permanent Court. The possession by the Permanent Court of jurisdiction as a tribunal of appeal in such cases might be an incentive to a dissatisfied party to dispute the validity of an award and lead to useless and expensive litigation and considerable waste of time. As it was apparent that no progress would be made, the committee decided to recommend the Assembly to adjourn the question for examination at a later session, and the Assembly passed a resolution to this effect at its meeting on the 25th September (Document A. 82).

CODIFICATION OF INTERNATIONAL LAW.

As you know, the Conference on the Codification of International Law, held at The Hague in 1930, produced meagre results. The question of continuing the preparatory work with a view of a second Conference was before the Assembly last year, but consideration was adjourned. The First Committee had before it this year Documents A. 12, A. 12 (a), and A. 12 (b). These contain observations of various Governments in response to an invitation by last year's Assembly to comment on certain suggestions made by the Codification Conference. Either because of the poor results attained by the Conference, or in the interests of economy, no one ventured to propose a programme of definite work, and although most speakers affirmed their belief in the value of the Codification of International Law, their remarks were directed rather to matters of procedure.

PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE.

The document considered by the First Committee is numbered A. 28. This contains a resolution on procedure passed by the Assembly last year and communicated to Governments for their observations. Some Governments have replied approving the procedure; some have stated that they have no comments to make; others have suggested changes; but the majority have not replied at all. Consideration of the matter did not long occupy the First Committee, and the document was referred to a small drafting committee. This committee drafted a motion which follows in the main the resolution passed by the Assembly in 1930, but varies the procedure (see the changes in paragraphs 3, 4, 5, and 7). The motion was accepted by the Assembly and passed as a resolution on the 25th September (Document A. 80).