

[Communicated to the Assembly,
the Council and the Members
of the League.]

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Geneva, May 30th, 1933.

LEAGUE OF NATIONS

**REPORT OF THE COMMITTEE APPOINTED TO STUDY
THE EXISTING SYSTEM OF ELECTION TO THE COUNCIL**

(ADOPTED BY THE COMMITTEE ON MAY 19TH, 1933.)

The Committee was appointed by the Council (resolution of January 29th, 1932) in execution of the request made to the Council by the Assembly in its resolution of September 25th, 1931, that the Council " would appoint a special Committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable ".

The Committee was originally composed of representatives of the following Members of the League selected by the Council : Argentine, Belgium, United Kingdom of Great Britain and Northern Ireland, Bulgaria, Canada, Colombia, Czechoslovakia, France, Germany, Italy, Japan, Poland, Portugal, Spain, Sweden. The Government of the Argentine being, however, unable to be represented, the Council, in agreement with that Government, invited the Government of Uruguay to appoint a representative on the Committee at its last session. The following persons took part in the work of the Committee as representatives of their Governments : Belgium : at the first session, Count Carton de Wiart ; second session, M. Mélot ; and, subsequently, M. van Langenhove or M. Bourquin ; United Kingdom : at the first session, Mr. Carr, and, subsequently, Viscount Cecil of Chelwood ; Bulgaria : M. Mikoff ; Canada : Dr. Riddell, or, in his absence, Dr. Renaud ; Colombia : M. Restrepo, and, subsequently, M. Guizado ; Czechoslovakia : at the first session, M. Fierlinger, and, subsequently, M. Beneš, or, in his absence, M. Osuský ; France : M. Massigli or M. Fouques-Duparc ; Germany : at the first session, M. Göppert, and, subsequently, M. von Keller ; Italy : at the first session, M. Pilotti, and, subsequently, M. dei Conti Piola-Caselli ; Japan¹ : M. Sawada ; Poland : Count Raczyński, or, in his absence, M. Balinski ; Portugal : M. de Vasconcellos ; Spain, at the first session, M. Palacios ; at the second session, M. Salvador de Madariaga ; and, at the last session, M. Pedroso ; Sweden : M. Westman ; Uruguay : M. Guani.

The representative of Italy was appointed Chairman. The Chair was taken at the first session by M. Pilotti and at the second and third sessions by M. Piola-Caselli. Lord Cecil and the representative of Belgium acted as Rapporteurs.

At a session held in July 1932, the Committee invited the Members of the League to send it any observations which they might desire to present in regard to the problems which it had to consider. It received observations from the Governments of Colombia, Hungary, India, Norway and Siam.

As a result of two further sessions held from January 30th to February 4th, and from May 16th to 19th, 1933, the Committee has agreed upon the following report.

I. PROPOSED PROVISIONAL CREATION OF ONE NEW NON-PERMANENT SEAT ON THE COUNCIL.

Although the Committee has a general mandate to consider any reforms which might be desirable in the present system of electing the non-permanent Members of the Council, the principal purpose of its creation was to examine the possibility of providing a remedy for the situation to which attention had been called in the memorandum, dated January 5th, 1931, which was circulated by the Government of Portugal to the Members of the League at the beginning of 1931 and was communicated to the Assembly at its session of that year in document A.61.1931.V.

It was pointed out in that memorandum that, apart from the permanent members of the Council and the two States who have an expectation of being declared re-eligible for

¹ This Government was not represented at the third session.

election to the Council on the termination of a period of office on that body, representation on the Council is at present habitually limited to States belonging to certain groups — namely, the Latin-American States (three seats) the so-called ex-neutral States (one seat), the Little Entente (one seat), the British Dominions (one seat) and the Asiatic States (one seat). These groups, together with the two States mentioned, occupy in practice the existing nine non-permanent seats. The result of this situation, which constitutes not, indeed, a permanent representation on the Council of particular geographical areas, but a permanent representation on the Council of certain tendencies and points of view, is that there remain some ten to fifteen Members of the League which at present have no effective prospect of entering the Council.

The Committee was unanimously of the opinion that such a *de facto* exclusion from the Council of a large number of Members of the League was open to very grave objections.

Two alternative solutions obtained support in the Committee — namely :

(1) A modification of the present practice in regard to representation of groups which would make room for representation of a new group composed of the States not at present belonging to any group ; and

(2) The creation of one or two additional non-permanent seats on the Council.

The first solution, various forms of which were considered by the Committee, would avoid the necessity for an increase in the size of the Council, a course which, in the opinion of several members of the Committee, is open to considerable objection. It would involve that some or all of the existing groups should forgo some part of the representation on the Council which they at present enjoy in order to make room for representation of the non-grouped Members. On behalf of the latter States it was urged that the maximum number of seats which could be made free for them would be one seat, and that, in view of their number, this would mean that each of them would be able to enter the Council only at very long intervals. The discussion in the Committee, moreover, showed that, under present circumstances, it would be very difficult, if not impossible, to secure the necessary agreement for a modification of the existing practice in regard to the representation of groups on the Council.

The majority of the Committee, therefore, considered that the solution would have to be found in an increase in the number of the non-permanent seats. In its 1931 memorandum the Portuguese Government proposed an increase of one seat. During the discussion in the Committee, the Portuguese member urged that there should be an increase of two seats. In his opinion, this course was necessary, in view of the number of the States concerned, in order that the intervals at which these States could enter the Council might not be too long, and it would constitute a final solution of the whole problem.

Some members of the Committee were, however, strongly of opinion that the Council is already too large, and that any further increase in its size would almost inevitably result in a decline in its efficiency, or at least in undesirable modifications in its procedure. The view was also held that the increase of the non-permanent Members from six to nine which was made in 1926 was understood at that time to constitute the maximum increase which would be made.

These arguments were not accepted as conclusive by a large section of the Committee, but it was generally agreed that the present was not an opportune moment for the adoption of a decision making far-reaching constitutional changes in the composition of the Council.

In these circumstances, the Committee reached agreement upon a compromise solution which will have the effect of giving provisional recognition to the claim of the non-grouped States to be able to enter the Council, while postponing any final decision as to further constitutional changes.

The Committee decided to report that it is desirable that, for the period commencing with the election of the non-permanent Members of the Council at the Assembly's session of 1933 and ending with the election of the said non-permanent Members in the year 1936, the number of non-permanent seats on the Council should be provisionally increased from nine to ten, on the understanding that, towards the end of that period, the question of the number of the Members of the Council will be reconsidered and that all the Members of the League will remain entirely free to propose any final solution of this question which they consider desirable.

Before concluding this section of its report, the Committee should mention that, in the communication which it sent to the Committee, the Norwegian Government called its attention to the suggestion which it made in 1926 and 1927 that the elections to the Council should be conducted by proportional representation under the system of the single transferable vote. The Committee had before it the information with regard to this system which the Norwegian Government was good enough to supply and which was considered by the Sixth Committee of the Assembly in 1927 (see the Minutes of the Sixth Committee for that year). The Committee regrets that it did not feel that the adoption of the system in question would suffice to solve the problem with which it had to deal and, as stated in the next section of the report, it felt that, in view of the provisional solution which it was proposing, it would be premature to discuss any drastic change in the method of election to the Council.

II. OTHER QUESTIONS AS TO THE METHOD OF ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL.

In view of the decision of the Committee to make only a provisional recommendation as to the number of the Council, the Committee did not enter upon any discussion as to extensive

changes in the method of election. The majority of the Committee was, however, of opinion that one change in procedure might be suggested for the consideration of the Assembly — namely, that candidates for election to the Council should be publicly nominated in writing before the election. The following is the form of the suggested alteration, which would be an addition to the rules dealing with the election of non-permanent Members of the Council of September 15th, 1926 :

“ No Member of the League shall be eligible to be elected as a non-permanent Member of the Council unless it has proposed itself for election, or been nominated by another Member of the League at least forty-eight hours before the election, which shall not be held before the seventh day of the Assembly’s session.

“ The notice of the candidature shall be given in writing to the Secretary-General, who shall forthwith bring it to the attention of the Assembly. The Secretary-General shall at the time of the election place before the Assembly a list of the Members which have been duly put forward as candidates.”

III. COMMUNICATION OF THE COMMITTEE’S REPORT TO THE COUNCIL AS WELL AS TO THE ASSEMBLY.

The Committee’s terms of reference provide that it is to report to the Assembly. Since, however, it is putting forward a proposal for a provisional increase of the non-permanent Members of the Council, the execution of which involves action by the Council with the approval of the majority of the Assembly, the Committee feels that it should communicate its report to the Council as well as to the Assembly.

Appendix.

EXISTING PROVISIONS REGARDING THE ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL.

I. ARTICLE 4 OF THE COVENANT (PARAGRAPHS 1 TO 2 *bis*).

1. The Council shall consist of representatives of the principal allied and associated Powers, together with representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the representatives of the four Members of the League first selected by the Assembly, representatives of Belgium, Brazil, Spain and Greece shall be Members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose representatives shall always be Members of the Council ; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

[Note. — *In virtue of this provision, Germany has become a permanent Member of the Council and the number of non-permanent Members has been increased to nine.*]

2 *bis*. The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

II. RULES DEALING WITH THE ELECTION OF THE NINE NON-PERMANENT MEMBERS OF THE COUNCIL.

Resolution adopted by the Assembly on September 15th, 1927.

Article I. — The Assembly shall each year, in the course of its ordinary session, elect three non-permanent Members of the Council. They shall be elected for a term commencing immediately on their election and ending on the day of the elections held three years later by the Assembly.

Should a non-permanent Member cease to belong to the Council before its term of office expires, its seat shall be filled by a by-election held separately at the session following the occurrence of the vacancy. The term of office of the Member so elected shall end at the date at which the term of office of the Member whose place it takes would have expired.

Article II. — A retiring Member may not be re-elected during the period between the expiration of its term of office and the third election in ordinary session held thereafter unless the Assembly, either on the expiration of the Member’s term of office or in the course of the said period of three years, shall, by a majority of two-thirds of the votes cast, previously have decided that such Member is re-eligible.

The Assembly shall pronounce separately, by secret ballot, upon each request for re-eligibility. The number of votes cast shall be determined by the total number of voting tickets deposited, deducting blank or spoilt votes.

The Assembly may not decide upon the re-eligibility of a Member except upon a request in writing made by the Member itself. The request must be handed to the President of the Assembly not later than the day before the date fixed for the election ; it shall be submitted to the Assembly, which shall pronounce upon it without referring it to a Committee and without debate.

The number of Members re-elected in consequence of having been previously declared re-eligible shall be restricted so as to prevent the Council from containing at the same time more than three Members thus elected. If the result of the ballot infringes this restriction to three Members, those of the Members affected which have received the smallest number of votes shall not be considered to have been elected.

Article III. — Notwithstanding the above provisions, the Assembly may at any time by a two-thirds majority decide to proceed, in application of Article 4 of the Covenant, to a new election of all the non-permanent Members of the Council. In this case the Assembly shall determine the rules applicable to the new election.

Article IV. — Temporary provisions (omitted).

III. RULES OF PROCEDURE OF THE ASSEMBLY.

Article 22a adopted by the Assembly on September 29th, 1922.

1. The Members whose representatives are to sit on the Council as non-permanent Members of that body shall be selected by the Assembly by secret ballot.

2. Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot-paper containing more names than there are seats to be filled shall be null and void.

3. No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those Members shall be elected which obtain the greatest number of votes.

4. If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them ; if they again obtain an equal number of votes, the President shall decide between them by drawing lots.
